

1 A bill to be entitled

2 An act relating to mandatory minimum sentences;
3 amending s. 775.087, F.S.; deleting aggravated assault
4 from lists of convictions that carry a minimum term of
5 imprisonment if the convicted person possessed a
6 firearm, destructive device, semiautomatic firearm and
7 its high-capacity detachable box magazine, or machine
8 gun during the commission of the offense; deleting a
9 provision prohibiting a sentencing court from imposing
10 the mandatory minimum sentence for a conviction for
11 aggravated assault if the court makes specified
12 written findings; conforming cross-references;
13 amending s. 985.557, F.S.; conforming a cross-
14 reference; reenacting ss. 27.366, 921.0022(2),
15 921.0024(1)(b), and 947.146(3)(b), F.S., relating to
16 legislative intent and policy in cases meeting the
17 criteria of s. 775.087(2) and (3), F.S., the Criminal
18 Punishment Code, the Criminal Punishment Code
19 worksheet, and the Control Release Authority,
20 respectively, to incorporate the amendment made by the
21 act to s. 775.087, F.S., in references thereto;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (2), (3), and (6) of section

27 | 775.087, Florida Statutes, are amended to read:

28 | 775.087 Possession or use of weapon; aggravated battery;
29 | felony reclassification; minimum sentence.—

30 | (2)(a)1. Any person who is convicted of a felony or an
31 | attempt to commit a felony, regardless of whether the use of a
32 | weapon is an element of the felony, and the conviction was for:

33 | a. Murder;

34 | b. Sexual battery;

35 | c. Robbery;

36 | d. Burglary;

37 | e. Arson;

38 | ~~f. Aggravated assault;~~

39 | f.g. Aggravated battery;

40 | g.h. Kidnapping;

41 | h.i. Escape;

42 | i.j. Aircraft piracy;

43 | j.k. Aggravated child abuse;

44 | k.l. Aggravated abuse of an elderly person or disabled
45 | adult;

46 | l.m. Unlawful throwing, placing, or discharging of a
47 | destructive device or bomb;

48 | m.n. Carjacking;

49 | n.o. Home-invasion robbery;

50 | o.p. Aggravated stalking;

51 | p.q. Trafficking in cannabis, trafficking in cocaine,
52 | capital importation of cocaine, trafficking in illegal drugs,

53 capital importation of illegal drugs, trafficking in
54 phencyclidine, capital importation of phencyclidine, trafficking
55 in methaqualone, capital importation of methaqualone,
56 trafficking in amphetamine, capital importation of amphetamine,
57 trafficking in flunitrazepam, trafficking in gamma-
58 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
59 trafficking in Phenethylamines, or other violation of s.
60 893.135(1); or

61 q.r. Possession of a firearm by a felon

62
63 and during the commission of the offense, such person actually
64 possessed a "firearm" or "destructive device" as those terms are
65 defined in s. 790.001, shall be sentenced to a minimum term of
66 imprisonment of 10 years, except that a person who is convicted
67 for ~~aggravated assault~~, possession of a firearm by a felon, or
68 burglary of a conveyance shall be sentenced to a minimum term of
69 imprisonment of 3 years if such person possessed a "firearm" or
70 "destructive device" during the commission of the offense.

71 However, if an offender who is convicted of the offense of
72 possession of a firearm by a felon has a previous conviction of
73 committing or attempting to commit a felony listed in s.
74 775.084(1)(b)1. and actually possessed a firearm or destructive
75 device during the commission of the prior felony, the offender
76 shall be sentenced to a minimum term of imprisonment of 10
77 years.

78 2. Any person who is convicted of a felony or an attempt

79 to commit a felony listed in sub-subparagraphs (a)1.a.-p.
80 ~~(a)1.a.-q.~~, regardless of whether the use of a weapon is an
81 element of the felony, and during the course of the commission
82 of the felony such person discharged a "firearm" or "destructive
83 device" as defined in s. 790.001 shall be sentenced to a minimum
84 term of imprisonment of 20 years.

85 3. Any person who is convicted of a felony or an attempt
86 to commit a felony listed in sub-subparagraphs (a)1.a.-p.
87 ~~(a)1.a.-q.~~, regardless of whether the use of a weapon is an
88 element of the felony, and during the course of the commission
89 of the felony such person discharged a "firearm" or "destructive
90 device" as defined in s. 790.001 and, as the result of the
91 discharge, death or great bodily harm was inflicted upon any
92 person, the convicted person shall be sentenced to a minimum
93 term of imprisonment of not less than 25 years and not more than
94 a term of imprisonment of life in prison.

95 (b) Subparagraph (a)1., subparagraph (a)2., or
96 subparagraph (a)3. does not prevent a court from imposing a
97 longer sentence of incarceration as authorized by law in
98 addition to the minimum mandatory sentence, or from imposing a
99 sentence of death pursuant to other applicable law. Subparagraph
100 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
101 authorize a court to impose a lesser sentence than otherwise
102 required by law.

103

104 Notwithstanding s. 948.01, adjudication of guilt or imposition

105 of sentence shall not be suspended, deferred, or withheld, and
106 the defendant is not eligible for statutory gain-time under s.
107 944.275 or any form of discretionary early release, other than
108 pardon or executive clemency, or conditional medical release
109 under s. 947.149, prior to serving the minimum sentence.

110 (c) If the minimum mandatory terms of imprisonment imposed
111 pursuant to this section exceed the maximum sentences authorized
112 by s. 775.082, s. 775.084, or the Criminal Punishment Code under
113 chapter 921, then the mandatory minimum sentence must be
114 imposed. If the mandatory minimum terms of imprisonment pursuant
115 to this section are less than the sentences that could be
116 imposed as authorized by s. 775.082, s. 775.084, or the Criminal
117 Punishment Code under chapter 921, then the sentence imposed by
118 the court must include the mandatory minimum term of
119 imprisonment as required in this section.

120 (d) It is the intent of the Legislature that offenders who
121 actually possess, carry, display, use, threaten to use, or
122 attempt to use firearms or destructive devices be punished to
123 the fullest extent of the law, and the minimum terms of
124 imprisonment imposed pursuant to this subsection shall be
125 imposed for each qualifying felony count for which the person is
126 convicted. The court shall impose any term of imprisonment
127 provided for in this subsection consecutively to any other term
128 of imprisonment imposed for any other felony offense.

129 (3)(a)1. Any person who is convicted of a felony or an
130 attempt to commit a felony, regardless of whether the use of a

131 | firearm is an element of the felony, and the conviction was for:

132 | a. Murder;

133 | b. Sexual battery;

134 | c. Robbery;

135 | d. Burglary;

136 | e. Arson;

137 | ~~f. Aggravated assault;~~

138 | f.g. Aggravated battery;

139 | g.h. Kidnapping;

140 | h.i. Escape;

141 | i.j. Sale, manufacture, delivery, or intent to sell,

142 | manufacture, or deliver any controlled substance;

143 | j.k. Aircraft piracy;

144 | k.l. Aggravated child abuse;

145 | l.m. Aggravated abuse of an elderly person or disabled

146 | adult;

147 | m.n. Unlawful throwing, placing, or discharging of a

148 | destructive device or bomb;

149 | n.o. Carjacking;

150 | o.p. Home-invasion robbery;

151 | p.q. Aggravated stalking; or

152 | q.r. Trafficking in cannabis, trafficking in cocaine,

153 | capital importation of cocaine, trafficking in illegal drugs,

154 | capital importation of illegal drugs, trafficking in

155 | phencyclidine, capital importation of phencyclidine, trafficking

156 | in methaqualone, capital importation of methaqualone,

157 trafficking in amphetamine, capital importation of amphetamine,
158 trafficking in flunitrazepam, trafficking in gamma-
159 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
160 trafficking in Phenethylamines, or other violation of s.
161 893.135(1);

162
163 and during the commission of the offense, such person possessed
164 a semiautomatic firearm and its high-capacity detachable box
165 magazine or a machine gun as defined in s. 790.001, shall be
166 sentenced to a minimum term of imprisonment of 15 years.

167 2. Any person who is convicted of a felony or an attempt
168 to commit a felony listed in subparagraph (a)1., regardless of
169 whether the use of a weapon is an element of the felony, and
170 during the course of the commission of the felony such person
171 discharged a semiautomatic firearm and its high-capacity box
172 magazine or a "machine gun" as defined in s. 790.001 shall be
173 sentenced to a minimum term of imprisonment of 20 years.

174 3. Any person who is convicted of a felony or an attempt
175 to commit a felony listed in subparagraph (a)1., regardless of
176 whether the use of a weapon is an element of the felony, and
177 during the course of the commission of the felony such person
178 discharged a semiautomatic firearm and its high-capacity box
179 magazine or a "machine gun" as defined in s. 790.001 and, as the
180 result of the discharge, death or great bodily harm was
181 inflicted upon any person, the convicted person shall be
182 sentenced to a minimum term of imprisonment of not less than 25

183 | years and not more than a term of imprisonment of life in
184 | prison.

185 | (b) Subparagraph (a)1., subparagraph (a)2., or
186 | subparagraph (a)3. does not prevent a court from imposing a
187 | longer sentence of incarceration as authorized by law in
188 | addition to the minimum mandatory sentence, or from imposing a
189 | sentence of death pursuant to other applicable law. Subparagraph
190 | (a)1., subparagraph (a)2., or subparagraph (a)3. does not
191 | authorize a court to impose a lesser sentence than otherwise
192 | required by law.

193 |
194 | Notwithstanding s. 948.01, adjudication of guilt or imposition
195 | of sentence shall not be suspended, deferred, or withheld, and
196 | the defendant is not eligible for statutory gain-time under s.
197 | 944.275 or any form of discretionary early release, other than
198 | pardon or executive clemency, or conditional medical release
199 | under s. 947.149, prior to serving the minimum sentence.

200 | (c) If the minimum mandatory terms of imprisonment imposed
201 | pursuant to this section exceed the maximum sentences authorized
202 | by s. 775.082, s. 775.084, or the Criminal Punishment Code under
203 | chapter 921, then the mandatory minimum sentence must be
204 | imposed. If the mandatory minimum terms of imprisonment pursuant
205 | to this section are less than the sentences that could be
206 | imposed as authorized by s. 775.082, s. 775.084, or the Criminal
207 | Punishment Code under chapter 921, then the sentence imposed by
208 | the court must include the mandatory minimum term of

209 imprisonment as required in this section.

210 (d) It is the intent of the Legislature that offenders who
 211 possess, carry, display, use, threaten to use, or attempt to use
 212 a semiautomatic firearm and its high-capacity detachable box
 213 magazine or a machine gun as defined in s. 790.001 be punished
 214 to the fullest extent of the law, and the minimum terms of
 215 imprisonment imposed pursuant to this subsection shall be
 216 imposed for each qualifying felony count for which the person is
 217 convicted. The court shall impose any term of imprisonment
 218 provided for in this subsection consecutively to any other term
 219 of imprisonment imposed for any other felony offense.

220 (e) As used in this subsection, the term:

221 1. "High-capacity detachable box magazine" means any
 222 detachable box magazine, for use in a semiautomatic firearm,
 223 which is capable of being loaded with more than 20 centerfire
 224 cartridges.

225 2. "Semiautomatic firearm" means a firearm which is
 226 capable of firing a series of rounds by separate successive
 227 depressions of the trigger and which uses the energy of
 228 discharge to perform a portion of the operating cycle.

229 ~~(6) Notwithstanding s. 27.366, the sentencing court shall~~
 230 ~~not impose the mandatory minimum sentence required by subsection~~
 231 ~~(2) or subsection (3) for a conviction for aggravated assault if~~
 232 ~~the court makes written findings that:~~

233 ~~(a) The defendant had a good faith belief that the~~
 234 ~~aggravated assault was justifiable pursuant to chapter 776.~~

235 ~~(b) The aggravated assault was not committed in the course~~
236 ~~of committing another criminal offense.~~

237 ~~(c) The defendant does not pose a threat to public safety.~~

238 ~~(d) The totality of the circumstances involved in the~~
239 ~~offense do not justify the imposition of such sentence.~~

240 Section 2. Paragraph (d) of subsection (2) of section
241 985.557, Florida Statutes, is amended to read:

242 985.557 Direct filing of an information; discretionary and
243 mandatory criteria.—

244 (2) MANDATORY DIRECT FILE.—

245 (d)1. With respect to any child who was 16 or 17 years of
246 age at the time the alleged offense was committed, the state
247 attorney shall file an information if the child has been charged
248 with committing or attempting to commit an offense listed in s.
249 775.087(2)(a)1.a.-p. ~~775.087(2)(a)1.a.-q.~~, and, during the
250 commission of or attempt to commit the offense, the child:

251 a. Actually possessed a firearm or destructive device, as
252 those terms are defined in s. 790.001.

253 b. Discharged a firearm or destructive device, as
254 described in s. 775.087(2)(a)2.

255 c. Discharged a firearm or destructive device, as
256 described in s. 775.087(2)(a)3., and, as a result of the
257 discharge, death or great bodily harm was inflicted upon any
258 person.

259 2. Upon transfer, any child who is:

260 a. Charged under sub-subparagraph 1.a. and who has been

261 | previously adjudicated or had adjudication withheld for a
262 | forcible felony offense or any offense involving a firearm, or
263 | who has been previously placed in a residential commitment
264 | program, shall be subject to sentencing under s. 775.087(2)(a),
265 | notwithstanding s. 985.565.

266 | b. Charged under sub-subparagraph 1.b. or sub-subparagraph
267 | 1.c., shall be subject to sentencing under s. 775.087(2)(a),
268 | notwithstanding s. 985.565.

269 | 3. Upon transfer, any child who is charged under this
270 | paragraph, but who does not meet the requirements specified in
271 | subparagraph 2., shall be sentenced under s. 985.565; however,
272 | if the court imposes a juvenile sanction, the court must commit
273 | the child to a high-risk or maximum-risk juvenile facility.

274 | 4. This paragraph shall not apply if the state attorney
275 | has good cause to believe that exceptional circumstances exist
276 | that preclude the just prosecution of the child in adult court.

277 | 5. The Department of Corrections shall make every
278 | reasonable effort to ensure that any child 16 or 17 years of age
279 | who is convicted and sentenced under this paragraph be
280 | completely separated such that there is no physical contact with
281 | adult offenders in the facility, to the extent that it is
282 | consistent with chapter 958.

283 | Section 3. For the purpose of incorporating the amendment
284 | made by this act to section 775.087, Florida Statutes, in
285 | references thereto, section 27.366, Florida Statutes, is
286 | reenacted to read:

287 27.366 Legislative intent and policy in cases meeting
288 criteria of s. 775.087(2) and (3).—It is the intent of the
289 Legislature that convicted criminal offenders who meet the
290 criteria in s. 775.087(2) and (3) be sentenced to the minimum
291 mandatory prison terms provided therein. It is the intent of the
292 Legislature to establish zero tolerance of criminals who use,
293 threaten to use, or avail themselves of firearms in order to
294 commit crimes and thereby demonstrate their lack of value for
295 human life. It is also the intent of the Legislature that
296 prosecutors should appropriately exercise their discretion in
297 those cases in which the offenders' possession of the firearm is
298 incidental to the commission of a crime and not used in
299 furtherance of the crime, used in order to commit the crime, or
300 used in preparation to commit the crime. For every case in which
301 the offender meets the criteria in this act and does not receive
302 the mandatory minimum prison sentence, the state attorney must
303 explain the sentencing deviation in writing and place such
304 explanation in the case file maintained by the state attorney.

305 Section 4. For the purpose of incorporating the amendment
306 made by this act to section 775.087, Florida Statutes, in a
307 reference thereto, subsection (2) of section 921.0022, Florida
308 Statutes, is reenacted to read:

309 921.0022 Criminal Punishment Code; offense severity
310 ranking chart.—

311 (2) The offense severity ranking chart has 10 offense
312 levels, ranked from least severe, which are level 1 offenses, to

313 most severe, which are level 10 offenses, and each felony
 314 offense is assigned to a level according to the severity of the
 315 offense. For purposes of determining which felony offenses are
 316 specifically listed in the offense severity ranking chart and
 317 which severity level has been assigned to each of these
 318 offenses, the numerical statutory references in the left column
 319 of the chart and the felony degree designations in the middle
 320 column of the chart are controlling; the language in the right
 321 column of the chart is provided solely for descriptive purposes.
 322 Reclassification of the degree of the felony through the
 323 application of s. 775.0845, s. 775.0861, s. 775.0862, s.
 324 775.087, s. 775.0875, s. 794.023, or any other law that provides
 325 an enhanced penalty for a felony offense, to any offense listed
 326 in the offense severity ranking chart in this section shall not
 327 cause the offense to become unlisted and is not subject to the
 328 provisions of s. 921.0023.

329 Section 5. For the purpose of incorporating the amendment
 330 made by this act to section 775.087, Florida Statutes, in
 331 references thereto, paragraph (b) of subsection (1) of section
 332 921.0024, Florida Statutes, is reenacted to read:

333 921.0024 Criminal Punishment Code; worksheet computations;
 334 scoresheets.-

335 (1)

336 (b) WORKSHEET KEY:

337 Legal status points are assessed when any form of legal status
 338 existed at the time the offender committed an offense before the

339 court for sentencing. Four (4) sentence points are assessed for
340 an offender's legal status.

341 Community sanction violation points are assessed when a
342 community sanction violation is before the court for sentencing.
343 Six (6) sentence points are assessed for each community sanction
344 violation and each successive community sanction violation,
345 unless any of the following apply:

346 1. If the community sanction violation includes a new
347 felony conviction before the sentencing court, twelve (12)
348 community sanction violation points are assessed for the
349 violation, and for each successive community sanction violation
350 involving a new felony conviction.

351 2. If the community sanction violation is committed by a
352 violent felony offender of special concern as defined in s.
353 948.06:

354 a. Twelve (12) community sanction violation points are
355 assessed for the violation and for each successive violation of
356 felony probation or community control where:

357 I. The violation does not include a new felony conviction;
358 and

359 II. The community sanction violation is not based solely
360 on the probationer or offender's failure to pay costs or fines
361 or make restitution payments.

362 b. Twenty-four (24) community sanction violation points
363 are assessed for the violation and for each successive violation
364 of felony probation or community control where the violation

365 includes a new felony conviction.

366 Multiple counts of community sanction violations before the
367 sentencing court shall not be a basis for multiplying the
368 assessment of community sanction violation points.

369 Prior serious felony points: If the offender has a primary
370 offense or any additional offense ranked in level 8, level 9, or
371 level 10, and one or more prior serious felonies, a single
372 assessment of thirty (30) points shall be added. For purposes of
373 this section, a prior serious felony is an offense in the
374 offender's prior record that is ranked in level 8, level 9, or
375 level 10 under s. 921.0022 or s. 921.0023 and for which the
376 offender is serving a sentence of confinement, supervision, or
377 other sanction or for which the offender's date of release from
378 confinement, supervision, or other sanction, whichever is later,
379 is within 3 years before the date the primary offense or any
380 additional offense was committed.

381 Prior capital felony points: If the offender has one or more
382 prior capital felonies in the offender's criminal record, points
383 shall be added to the subtotal sentence points of the offender
384 equal to twice the number of points the offender receives for
385 the primary offense and any additional offense. A prior capital
386 felony in the offender's criminal record is a previous capital
387 felony offense for which the offender has entered a plea of nolo
388 contendere or guilty or has been found guilty; or a felony in

389 another jurisdiction which is a capital felony in that
390 jurisdiction, or would be a capital felony if the offense were
391 committed in this state.

392 Possession of a firearm, semiautomatic firearm, or machine gun:
393 If the offender is convicted of committing or attempting to
394 commit any felony other than those enumerated in s. 775.087(2)
395 while having in his or her possession: a firearm as defined in
396 s. 790.001(6), an additional eighteen (18) sentence points are
397 assessed; or if the offender is convicted of committing or
398 attempting to commit any felony other than those enumerated in
399 s. 775.087(3) while having in his or her possession a
400 semiautomatic firearm as defined in s. 775.087(3) or a machine
401 gun as defined in s. 790.001(9), an additional twenty-five (25)
402 sentence points are assessed.

403 Sentencing multipliers:

404 Drug trafficking: If the primary offense is drug trafficking
405 under s. 893.135, the subtotal sentence points are multiplied,
406 at the discretion of the court, for a level 7 or level 8
407 offense, by 1.5. The state attorney may move the sentencing
408 court to reduce or suspend the sentence of a person convicted of
409 a level 7 or level 8 offense, if the offender provides
410 substantial assistance as described in s. 893.135(4).

411 Law enforcement protection: If the primary offense is a
412 violation of the Law Enforcement Protection Act under s.

413 775.0823(2), (3), or (4), the subtotal sentence points are
414 multiplied by 2.5. If the primary offense is a violation of s.
415 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
416 are multiplied by 2.0. If the primary offense is a violation of
417 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
418 Protection Act under s. 775.0823(10) or (11), the subtotal
419 sentence points are multiplied by 1.5.

420 Grand theft of a motor vehicle: If the primary offense is grand
421 theft of the third degree involving a motor vehicle and in the
422 offender's prior record, there are three or more grand thefts of
423 the third degree involving a motor vehicle, the subtotal
424 sentence points are multiplied by 1.5.

425 Offense related to a criminal gang: If the offender is convicted
426 of the primary offense and committed that offense for the
427 purpose of benefiting, promoting, or furthering the interests of
428 a criminal gang as defined in s. 874.03, the subtotal sentence
429 points are multiplied by 1.5. If applying the multiplier results
430 in the lowest permissible sentence exceeding the statutory
431 maximum sentence for the primary offense under chapter 775, the
432 court may not apply the multiplier and must sentence the
433 defendant to the statutory maximum sentence.

434 Domestic violence in the presence of a child: If the offender is
435 convicted of the primary offense and the primary offense is a
436 crime of domestic violence, as defined in s. 741.28, which was

437 committed in the presence of a child under 16 years of age who
438 is a family or household member as defined in s. 741.28(3) with
439 the victim or perpetrator, the subtotal sentence points are
440 multiplied by 1.5.

441 Adult-on-minor sex offense: If the offender was 18 years of age
442 or older and the victim was younger than 18 years of age at the
443 time the offender committed the primary offense, and if the
444 primary offense was an offense committed on or after October 1,
445 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
446 violation involved a victim who was a minor and, in the course
447 of committing that violation, the defendant committed a sexual
448 battery under chapter 794 or a lewd act under s. 800.04 or s.
449 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
450 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
451 800.04; or s. 847.0135(5), the subtotal sentence points are
452 multiplied by 2.0. If applying the multiplier results in the
453 lowest permissible sentence exceeding the statutory maximum
454 sentence for the primary offense under chapter 775, the court
455 may not apply the multiplier and must sentence the defendant to
456 the statutory maximum sentence.

457 Section 6. For the purpose of incorporating the amendment
458 made by this act to section 775.087, Florida Statutes, in a
459 reference thereto, paragraph (b) of subsection (3) of section
460 947.146, Florida Statutes, is reenacted to read:

461 947.146 Control Release Authority.—

462 (3) Within 120 days prior to the date the state

463 correctional system is projected pursuant to s. 216.136 to
464 exceed 99 percent of total capacity, the authority shall
465 determine eligibility for and establish a control release date
466 for an appropriate number of parole ineligible inmates committed
467 to the department and incarcerated within the state who have
468 been determined by the authority to be eligible for
469 discretionary early release pursuant to this section. In
470 establishing control release dates, it is the intent of the
471 Legislature that the authority prioritize consideration of
472 eligible inmates closest to their tentative release date. The
473 authority shall rely upon commitment data on the offender
474 information system maintained by the department to initially
475 identify inmates who are to be reviewed for control release
476 consideration. The authority may use a method of objective risk
477 assessment in determining if an eligible inmate should be
478 released. Such assessment shall be a part of the department's
479 management information system. However, the authority shall have
480 sole responsibility for determining control release eligibility,
481 establishing a control release date, and effectuating the
482 release of a sufficient number of inmates to maintain the inmate
483 population between 99 percent and 100 percent of total capacity.
484 Inmates who are ineligible for control release are inmates who
485 are parole eligible or inmates who:

486 (b) Are serving the mandatory minimum portion of a
487 sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);
488

489 | In making control release eligibility determinations under this
490 | subsection, the authority may rely on any document leading to or
491 | generated during the course of the criminal proceedings,
492 | including, but not limited to, any presentence or postsentence
493 | investigation or any information contained in arrest reports
494 | relating to circumstances of the offense.

495 | Section 7. This act shall take effect July 1, 2016.