



598206

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Governmental Oversight and Accountability  
(Bracy) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 551 and 552

insert:

Section 10. Section 947.149, Florida Statutes, is amended  
to read:

947.149 Conditional medical release.-

(1) The commission shall, in conjunction with the  
department, establish the conditional medical release program.  
An inmate is eligible for supervised ~~consideration for~~ release



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11 under the conditional medical release program when the inmate,  
12 because of an existing medical or physical condition, is  
13 determined by the department to be within one of the following  
14 designations:

15 (a) "Inmate with a debilitating illness," which means an  
16 inmate who is determined to be suffering from a significant and  
17 permanent non-terminal condition, disease, or syndrome that has  
18 rendered the inmate so physically or cognitively debilitated or  
19 incapacitated as to create a reasonable probability that he or  
20 she does not present any danger to society.

21 (b) ~~(a)~~ "Permanently incapacitated inmate," which means an  
22 inmate who has a condition caused by injury, disease, or illness  
23 which, to a reasonable degree of medical certainty, renders the  
24 inmate permanently and irreversibly physically incapacitated to  
25 the extent that the inmate does not constitute a danger to  
26 herself or himself or others.

27 (c) ~~(b)~~ "Terminally ill inmate," which means an inmate who  
28 has a condition caused by injury, disease, or illness which, to  
29 a reasonable degree of medical certainty, renders the inmate  
30 terminally ill to the extent that there can be no recovery and  
31 death is imminent, so that the inmate does not constitute a  
32 danger to herself or himself or others.

33 (2) To be eligible, an inmate must also be determined by  
34 the department to meet all of the following criteria:

35 (a) Has been convicted of a felony and has served at least  
36 50 percent of his or her sentence.

37 (b) Has no current or prior conviction for a capital or  
38 first degree felony, for a sexual offense, or for an offense  
39 involving a child.



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40           (c) Has not received a disciplinary report within the  
41 previous 6 months.

42           (d) Has never received a disciplinary report for a violent  
43 act.

44           (e) Has renounced any gang affiliation.

45           (2) Notwithstanding any provision to the contrary, any  
46 person determined eligible under this section and sentenced to  
47 the custody of the department shall ~~may~~, upon referral by the  
48 department and verification of eligibility by commission, be  
49 placed on ~~considered for~~ conditional medical release by the  
50 commission, ~~in addition to any parole consideration for which~~  
51 ~~the inmate may be considered, except that conditional medical~~  
52 ~~release is not authorized for an inmate who is under sentence of~~  
53 ~~death.~~

54           (3) No inmate has a right to conditional medical release or  
55 to a medical evaluation to determine eligibility for such  
56 release.

57           (4) (a) (3) The commission has the authority and whether or  
58 not to grant conditional medical release and establish  
59 additional conditions of conditional medical release rests  
60 solely within the discretion of the commission, in accordance  
61 with the provisions of this section, together with the authority  
62 to approve the release plan proposed by the department to  
63 include necessary medical care and attention.

64           (b) The department shall identify inmates who may be  
65 eligible for conditional medical release based upon available  
66 medical information and shall refer them to the commission if  
67 they are eligible under this section for consideration. In  
68 considering an inmate for conditional medical release, the



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69 ~~commission may require that additional medical evidence be~~  
70 ~~produced or that additional medical examinations be conducted,~~  
71 ~~and may require such other investigations to be made as may be~~  
72 ~~warranted.~~

73 (d) The referral by the department to the commission must  
74 include the following information:

75 1. Proposed conditional medical release plan.

76 2. Any relevant medical history, including current medical  
77 prognosis.

78 3. Prison experience and criminal history. The criminal  
79 history must include all of the following:

80 a. A claim of innocence, if any.

81 b. The degree to which the inmate accepts responsibility  
82 for his or her acts leading to the conviction of the crime.

83 c. How any claim of responsibility has affected the  
84 inmate's feelings of remorse.

85 4. Any history of substance abuse and mental health issues.

86 5. Any disciplinary action taken against the inmate while  
87 in prison.

88 6. Any participation in prison work and other prison  
89 programs.

90 7. Any other information deemed necessary by the  
91 department.

92 (e) In verifying eligibility of an inmate for conditional  
93 medical release, the commission shall review the information  
94 provided by the department.

95 (f) The commission must finish its verification of the  
96 eligibility of an inmate within 60 days after the department  
97 refers the inmate for conditional medical release.



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98            (5)~~(4)~~ The conditional medical release term of an inmate  
99 released on conditional medical release is for the remainder of  
100 the inmate's sentence, without diminution of sentence for good  
101 behavior. Supervision of the medical releasee must include  
102 periodic medical evaluations at intervals included in the  
103 recommended release plan and approved ~~determined~~ by the  
104 commission at the time of release. Supervision may also include  
105 electronic monitoring.

106            (6) (a)~~(5) (a)~~ If it is discovered during the conditional  
107 medical release that the medical or physical condition of the  
108 medical releasee has improved to the extent that she or he would  
109 no longer be eligible for conditional medical release under this  
110 section, the commission may order that the releasee be returned  
111 to the custody of the department for a conditional medical  
112 release revocation hearing, in accordance with s. 947.141. If  
113 conditional medical release is revoked due to improvement in the  
114 medical or physical condition of the releasee, she or he shall  
115 serve the balance of her or his sentence with credit for the  
116 time served on conditional medical release and without  
117 forfeiture of any gain-time accrued prior to conditional medical  
118 release. If the person whose conditional medical release is  
119 revoked due to an improvement in medical or physical condition  
120 would otherwise be eligible for parole or any other release  
121 program, the person may be considered for such release program  
122 pursuant to law.

123            (b) In addition to revocation of conditional medical  
124 release pursuant to paragraph (a), conditional medical release  
125 may also be revoked for violation of any condition of the  
126 release established by the commission, in accordance with s.



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127 947.141, and the releasee's gain-time may be forfeited pursuant  
128 to s. 944.28(1).

129 (7)~~(6)~~ The department and the commission shall adopt rules  
130 as necessary to implement the conditional medical release  
131 program.

132  
133 ===== T I T L E A M E N D M E N T =====

134 And the title is amended as follows:

135 Delete line 55

136 and insert:

137 reference; amending s. 947.149, F.S.; defining the  
138 term "inmate with a debilitating illness"; expanding  
139 eligibility for conditional medical release to include  
140 inmates with debilitating illnesses; providing  
141 criteria for eligibility; requiring the Department of  
142 Corrections to refer an eligible inmate for release;  
143 requiring the Commission on Offender Review to verify  
144 the referral; requiring that the Department of  
145 Corrections's referral for release include certain  
146 documents; providing an effective date.