

By Senator Clemens

31-00393-17

2017606__

1 A bill to be entitled
2 An act relating to aged prison inmates; amending s.
3 921.002, F.S.; authorizing defendants 65 years of age
4 or older who receive favorable determinations from the
5 commission under discretionary and revocable release
6 programs to serve less than 85 percentage of their
7 sentences; authorizing the reduction in sentence up to
8 a specified percentage based on such determination;
9 amending s. 945.6034, F.S.; requiring the Department
10 of Corrections to consider the needs of inmates older
11 than 50 years of age and adopt health care standards
12 for that population; creating s. 947.148, F.S.;
13 requiring the Florida Commission on Offender Review,
14 in conjunction with the department, to establish a
15 supervised conditional elderly release program;
16 providing criteria for program eligibility; requiring
17 that the petition to participate in the program
18 include certain documents; prohibiting inmates from
19 filing new petitions under certain circumstances;
20 requiring specified matters to be decided in meetings
21 that are open to the public; authorizing certain
22 persons to make a statement regarding an inmate's
23 supervised release under the program; requiring that
24 the commission notify certain persons within a
25 specified period regarding specified matters;
26 authorizing the commission to approve an inmate's
27 participation in the program under certain
28 circumstances; requiring the commission to review
29 certain information in considering an inmate's
30 eligibility for the program; requiring an examiner to
31 interview an inmate who has filed a petition for
32 supervised release under the program within a

31-00393-17

2017606__

33 specified time; requiring the examiner to explain the
34 program and review certain criteria; requiring that
35 the examiner deny the petition or recommend a release
36 date for the inmate; prohibiting use of the program
37 under certain circumstances; requiring a panel of
38 commissioners to establish terms and conditions of the
39 supervised release under certain circumstances;
40 specifying required conditions for participating in
41 the program; providing exceptions; authorizing the
42 commission to impose special conditions of supervised
43 release; authorizing the inmate to request a review of
44 the terms and conditions of supervised release;
45 specifying the length of the supervised release;
46 providing that participation in the program is
47 voluntary; requiring the commission to specify in
48 writing the terms and conditions of release and
49 provide a certified copy to the inmate; authorizing
50 the trial court judge to enter an order to retain
51 jurisdiction over the offender; providing a limitation
52 of the trial court's jurisdiction; providing for
53 accrual of gain-time; providing procedures if the
54 trial court retains jurisdiction of the inmate;
55 requiring a correctional probation officer to
56 supervise an inmate who is released under the program;
57 requiring rulemaking; amending s. 947.141, F.S.;

58 conforming provisions to changes made by the act;
59 authorizing the arrest of a releasee under certain
60 circumstances; requiring that the proceedings take
61 place under certain circumstances; amending s.

31-00393-17

2017606__

62 947.149, F.S.; defining the term "elderly and infirm
63 inmate"; expanding eligibility for conditional medical
64 release to include elderly and infirm inmates;
65 reenacting ss. 947.1405(1) and 947.146(12) and (14),
66 F.S., relating to a short title and the Control
67 Release Authority, respectively, to incorporate the
68 amendment made to s. 947.141, F.S., in references
69 thereto; providing an effective date.
70

71 Be It Enacted by the Legislature of the State of Florida:
72

73 Section 1. Paragraph (e) of subsection (1) of section
74 921.002, Florida Statutes, is amended to read:

75 921.002 The Criminal Punishment Code.—The Criminal
76 Punishment Code shall apply to all felony offenses, except
77 capital felonies, committed on or after October 1, 1998.

78 (1) The provision of criminal penalties and of limitations
79 upon the application of such penalties is a matter of
80 predominantly substantive law and, as such, is a matter properly
81 addressed by the Legislature. The Legislature, in the exercise
82 of its authority and responsibility to establish sentencing
83 criteria, to provide for the imposition of criminal penalties,
84 and to make the best use of state prisons so that violent
85 criminal offenders are appropriately incarcerated, has
86 determined that it is in the best interest of the state to
87 develop, implement, and revise a sentencing policy. The Criminal
88 Punishment Code embodies the principles that:

89 (e) The sentence imposed by the sentencing judge reflects
90 the length of actual time to be served, shortened only by the

31-00393-17

2017606__

91 application of incentive and meritorious gain-time as provided
92 by law, and may not be shortened if the defendant would
93 consequently serve less than 85 percent of his or her term of
94 imprisonment as provided in s. 944.275(4)(b)3.; however, a
95 defendant who is 65 years of age or older may have his or her
96 sentence reduced by up to 50 percent as a result of a favorable
97 determination made by the Florida Commission on Offender Review
98 under a discretionary and revocable release program provided in
99 s. 947.148 or s. 947.149. The provisions of chapter 947,
100 relating to parole, shall not apply to persons sentenced under
101 the Criminal Punishment Code.

102 Section 2. Subsection (1) of section 945.6034, Florida
103 Statutes, is amended to read:

104 945.6034 Minimum health care standards.—

105 (1) The Assistant Secretary for Health Services is
106 responsible for developing a comprehensive health care delivery
107 system and promulgating all department health care standards.
108 Such health care standards shall include, but are not limited
109 to, rules relating to the management structure of the health
110 care system and the provision of health care services to
111 inmates, health care policies, health care plans, quality
112 management systems and procedures, health service bulletins, and
113 treatment protocols. In establishing standards of care, the
114 department shall examine and consider the needs of inmates older
115 than 50 years of age and adopt health care standards unique to
116 this population.

117 Section 3. Section 947.148, Florida Statutes, is created to
118 read:

119 947.148 Supervised conditional elderly release.—

31-00393-17

2017606__

120 (1) The commission shall, in conjunction with the
121 department, establish a supervised conditional elderly release
122 program.

123 (2) An inmate is eligible for the commission's
124 consideration for release under the program when the inmate is
125 determined by the department to meet all of the following
126 criteria:

127 (a) Is 65 years of age or older.

128 (b) Has been convicted of a felony and has served at least
129 50 percent of his or her sentence.

130 (c) Is not eligible for parole or conditional medical
131 release.

132 (d) Has no more than two prior felony convictions, neither
133 of which is:

134 1. A capital offense;

135 2. A violent felony of the first degree;

136 3. A sexual offense; or

137 4. An offense involving a child.

138 (e) Is not currently sentenced for:

139 1. A capital offense;

140 2. A sexual offense; or

141 3. An offense involving a child.

142 (f) Has not received a disciplinary report within the
143 previous 6 months.

144 (3) A petition filed on behalf of an inmate to participate
145 in the program must contain the inmate's:

146 (a) Proposed release plan.

147 (b) Any relevant medical history, including current medical
148 prognosis.

31-00393-17

2017606__

149 (c) Prison experience and criminal history. The criminal
150 history must include all of the following:

151 1. A claim of innocence, if any.

152 2. The degree to which the inmate accepts responsibility
153 for his or her acts leading to the conviction of the crime.

154 3. How any claim of responsibility has affected the
155 inmate's feelings of remorse.

156 (d) Any history of substance abuse and mental health
157 issues.

158 (e) Any disciplinary action taken against the inmate while
159 in prison.

160 (f) Any participation in prison work and other prison
161 programs.

162 (g) Any renunciation of gang affiliation.

163 (4) An inmate may not file a new petition within 1 year
164 after receiving notification of denial of his or her petition to
165 participate in the supervised conditional elderly release
166 program. A petition that is filed before the 1-year period ends
167 shall be returned to the inmate, along with a notation
168 indicating the date that the petition may be refiled.

169 (5) All matters relating to the granting, denying, or
170 revoking of an inmate's supervised conditional release shall be
171 decided in a meeting that is open to the public. A victim of the
172 crime committed by the inmate, the victim's parent or guardian
173 if the victim is a minor, or the lawful representative of the
174 victim or of the victim's parent or guardian if the victim is a
175 minor may make an oral statement or submit a written statement
176 regarding his or her views as to the granting, denying, or
177 revoking of the inmate's supervised conditional release. A

31-00393-17

2017606__

178 person who is not a member or employee of the commission, the
179 victim of the crime committed by the inmate, the victim's parent
180 or guardian if the victim is a minor, or the lawful
181 representative of the victim or of the victim's parent or
182 guardian if the victim is a minor may participate in
183 deliberations concerning the granting, denying, or revoking of
184 an inmate's supervised conditional release only upon the prior
185 written approval of the chair of the commission. The commission
186 shall notify a victim of the crime committed by the inmate, the
187 victim's parent or guardian if the victim is a minor, or the
188 lawful representative of the victim or of the victim's parent or
189 guardian if the victim is a minor:

190 (a) Of the inmate's petition for supervised conditional
191 release within 30 days after the petition is received by the
192 commission;

193 (b) Of the commission's meeting within 30 days before the
194 meeting; and

195 (c) Of the commission's decision within 30 days after the
196 decision.

197 (6) The commission may approve an inmate for participation
198 in the supervised conditional elderly release program if the
199 inmate demonstrates all of the following:

200 (a) Successful participation in programs designed to
201 restore the inmate as a useful and productive person in the
202 community upon release.

203 (b) Genuine reform and changed behavior over a period of
204 years.

205 (c) Remorse for actions that have caused pain and suffering
206 to the victims of his or her offenses.

31-00393-17

2017606__

207 (d) A renunciation of criminal activity and gang
208 affiliation if the inmate was a member of a gang.

209 (7) In considering an inmate's eligibility for
210 participation in the program, the commission shall review the
211 inmate's:

212 (a) Entire criminal history and record;

213 (b) Complete medical history, including history of
214 substance abuse, mental health issues, and current medical
215 prognosis;

216 (c) Prison disciplinary record;

217 (d) Work record;

218 (e) Participation in prison programs; and

219 (f) Gang affiliation, if any.

220
221 The commission shall consider the inmate's responsibility for
222 the acts leading to the conviction, including prior and
223 continued statements of innocence and the inmate's feelings of
224 remorse.

225 (8) (a) An examiner shall interview an inmate within 90 days
226 after a petition is filed on behalf of the inmate. An interview
227 may be postponed for a period not to exceed 90 days. Such
228 postponement must be for good cause, which includes, but is not
229 limited to, the need for the commission to obtain a presentence
230 or postsentence investigation report or a violation report. The
231 reason for postponement shall be noted in writing and included
232 in the official record. A postponement for good cause may not
233 result in an interview being conducted later than 90 days after
234 the inmate's initial scheduled interview.

235 (b) During the interview, the examiner shall explain the

31-00393-17

2017606__

236 program to the inmate and review the inmate's information
237 described in subsection (7).

238 (c) Within 10 days after the interview, the examiner shall
239 deny the petition or recommend in writing to a panel of at least
240 two commissioners appointed by the chair a release date for the
241 inmate. The commissioners are not bound by the examiner's
242 recommended release date.

243 (9) An inmate may not be placed in the program merely as a
244 reward for good conduct or efficient performance of duties
245 assigned in prison. An inmate may not be placed in the program
246 unless the commission finds that there is reasonable probability
247 that, if the inmate is placed in the program, he or she will
248 live and conduct himself or herself as a respectable and law-
249 abiding person and that the inmate's release will be compatible
250 with his or her own welfare and the welfare of society.

251 (10) If the commission accepts the petition, approves the
252 proposed release plan, and determines that the inmate is
253 eligible for the program, a panel of at least two commissioners
254 shall establish the terms and conditions of the supervised
255 release. When granting supervised release under the program, the
256 commission shall require the inmate to participate in 10 hours
257 of community service for each year served in prison, require the
258 inmate to be subject to electronic monitoring for at least 1
259 year, and require the inmate to pay reparation or restitution to
260 the victim for the damage or loss caused by the offense for
261 which the inmate was imprisoned. The commission may elect not to
262 impose any or all of the conditions if it finds reason that it
263 should not do so. If the commission does not order restitution
264 or orders only partial restitution, the commission must state on

31-00393-17

2017606__

265 the record the reasons for its decision. The amount of such
266 reparation or restitution shall be determined by the commission.

267 (11) The commission may impose special conditions it
268 considers warranted from its review of the release plan and the
269 inmate's record, including, but not limited to, a requirement
270 that an inmate:

271 (a) Pay any debt due and owing to the state under s. 960.17
272 or pay attorney fees and costs that are owed to the state under
273 s. 938.29.

274 (b) Not leave the state or a specified area within the
275 state without the consent of the commission.

276 (c) Not associate with persons engaged in criminal
277 activity.

278 (d) Carry out the instructions of his or her supervising
279 correctional probation officer.

280 (12) (a) An inmate may request a review of the terms and
281 conditions of his or her release under the program. A panel of
282 at least two commissioners appointed by the chair shall consider
283 the inmate's request, render a written decision and the reasons
284 for the decision to continue or to modify the terms and
285 conditions of the supervised release, and inform the inmate of
286 the decision in writing within 30 days after the date of receipt
287 of the request for review. During the period of review of the
288 terms and conditions of the supervised release, the inmate is
289 subject to the authorized terms and conditions of the supervised
290 release until such time that a decision is made to continue or
291 modify the terms and conditions of the supervised release.

292 (b) The length of supervision shall be the remaining amount
293 of time the inmate has yet to serve, including calculations for

31-00393-17

2017606__

294 gain-time credit, as determined by the department.

295 (c) An inmate's participation in the program is voluntary,
296 and the inmate must agree to abide by all terms and conditions
297 of the supervised release. The commission, upon authorizing a
298 supervised release date, shall specify in writing the terms and
299 conditions of the program supervision and provide a certified
300 copy of these terms and conditions to the inmate.

301 (13) (a) At the time of sentencing, a trial court judge may
302 enter an order retaining jurisdiction over an offender for
303 review of a release order by the commission under this section.
304 Such jurisdiction of the trial court judge is limited to the
305 first one-third of the maximum sentence imposed. When an
306 offender is convicted of two or more felonies and concurrent
307 sentences are imposed, the jurisdiction of the trial court
308 applies to the first one-third of the maximum sentence imposed
309 for the most severe felony for which the offender was convicted.
310 When an offender is convicted of two or more felonies and
311 consecutive sentences are imposed, the jurisdiction of the trial
312 court judge applies to the first one-third of the total
313 consecutive sentences imposed.

314 (b) In retaining jurisdiction for purposes of this
315 subsection, a trial court must state the justification with
316 individual particularity, and such justification shall be made a
317 part of the court record. A copy of the justification and the
318 uniform commitment form issued by the court pursuant to s.
319 944.17 shall be delivered to the department.

320 (c) Gain-time as provided for by law shall accrue, except
321 that an offender over whom the trial court has retained
322 jurisdiction as provided in this subsection may not be released

31-00393-17

2017606__

323 during the first one-third of his or her sentence by reason of
324 gain-time.

325 (d) In such a case of retained jurisdiction, the
326 commission, within 30 days after the entry of its release order,
327 shall send notice of its release order to the original
328 sentencing judge and to the appropriate state attorney. The
329 release order is contingent upon entry of an order by the
330 appropriate circuit judge relinquishing jurisdiction as provided
331 for in paragraph (e). If the original sentencing judge is no
332 longer serving, notice shall be sent to the chief judge of the
333 circuit in which the offender was sentenced. The chief judge may
334 designate a circuit judge within the circuit to act in the place
335 of the original sentencing judge.

336 (e) The original sentencing judge or his or her replacement
337 shall notify the commission within 10 days after receipt of the
338 notice required under paragraph (d) as to whether the court
339 desires to retain jurisdiction. If the original sentencing judge
340 or his or her replacement does not so notify the commission
341 within the 10-day period or notifies the commission that the
342 court does not desire to retain jurisdiction, the commission may
343 dispose of the matter as it sees fit.

344 (f) Upon receipt of notice of intent to retain jurisdiction
345 from the original sentencing judge or his or her replacement,
346 the commission shall, within 10 days, forward to the court its
347 release order, the examiner's report and recommendation, and all
348 supporting information upon which its release order was based.

349 (g) Within 30 days after receipt of the items listed in
350 paragraph (f), the original sentencing judge or his or her
351 replacement shall review the order, findings, and evidence. If

31-00393-17

2017606__

352 the judge finds that the order of the commission is not based on
353 competent, substantial evidence or that participation in the
354 program is not in the best interest of the community or the
355 inmate, the court may vacate the release order. The judge or his
356 or her replacement shall notify the commission of the decision
357 of the court, and, if the release order is vacated, such
358 notification must contain the evidence relied on and the reasons
359 for denial. A copy of the notice shall be sent to the inmate.

360 (14) A correctional probation officer as defined in s.
361 943.10 shall supervise the inmate released under this program.

362 (15) The department and the commission shall adopt rules to
363 administer this section.

364 Section 4. Section 947.141, Florida Statutes, is amended,
365 to read:

366 947.141 Violations of conditional release, control release,
367 supervised conditional elderly release, ~~or~~ conditional medical
368 release, or addiction-recovery supervision.-

369 (1) If a member of the commission or a duly authorized
370 representative of the commission has reasonable grounds to
371 believe that an offender who is on release supervision under s.
372 947.1405, s. 947.146, s. 947.148, s. 947.149, or s. 944.4731 has
373 violated the terms and conditions of the release in a material
374 respect, such member or representative may cause a warrant to be
375 issued for the arrest of the releasee; if the offender was found
376 to be a sexual predator, the warrant must be issued.

377 (2) Upon the arrest on a felony charge of an offender who
378 is on release supervision under s. 947.1405, s. 947.146, s.
379 947.148, s. 947.149, or s. 944.4731, the offender must be
380 detained without bond until the initial appearance of the

31-00393-17

2017606__

381 offender at which a judicial determination of probable cause is
382 made. If the trial court judge determines that there was no
383 probable cause for the arrest, the offender may be released. If
384 the trial court judge determines that there was probable cause
385 for the arrest, such determination also constitutes reasonable
386 grounds to believe that the offender violated the conditions of
387 the release. Within 24 hours after the trial court judge's
388 finding of probable cause, the detention facility administrator
389 or designee shall notify the commission and the department of
390 the finding and transmit to each a facsimile copy of the
391 probable cause affidavit or the sworn offense report upon which
392 the trial court judge's probable cause determination is based.
393 The offender must continue to be detained without bond for a
394 period not exceeding 72 hours excluding weekends and holidays
395 after the date of the probable cause determination, pending a
396 decision by the commission whether to issue a warrant charging
397 the offender with violation of the conditions of release. Upon
398 the issuance of the commission's warrant, the offender must
399 continue to be held in custody pending a revocation hearing held
400 in accordance with this section.

401 (3) Within 45 days after notice to the Florida Commission
402 on Offender Review of the arrest of a releasee charged with a
403 violation of the terms and conditions of conditional release,
404 control release, supervised conditional elderly release,
405 conditional medical release, or addiction-recovery supervision,
406 the releasee must be afforded a hearing conducted by a
407 commissioner or a duly authorized representative thereof. If the
408 releasee elects to proceed with a hearing, the releasee must be
409 informed orally and in writing of the following:

31-00393-17

2017606__

- 410 (a) The alleged violation with which the releasee is
411 charged.
- 412 (b) The releasee's right to be represented by counsel.
- 413 (c) The releasee's right to be heard in person.
- 414 (d) The releasee's right to secure, present, and compel the
415 attendance of witnesses relevant to the proceeding.
- 416 (e) The releasee's right to produce documents on the
417 releasee's own behalf.
- 418 (f) The releasee's right of access to all evidence used
419 against the releasee and to confront and cross-examine adverse
420 witnesses.
- 421 (g) The releasee's right to waive the hearing.
- 422 (4) Within a reasonable time following the hearing, the
423 commissioner or the commissioner's duly authorized
424 representative who conducted the hearing shall make findings of
425 fact in regard to the alleged violation. A panel of no fewer
426 than two commissioners shall enter an order determining whether
427 the charge of violation of conditional release, control release,
428 supervised conditional elderly release, conditional medical
429 release, or addiction-recovery supervision has been sustained
430 based upon the findings of fact presented by the hearing
431 commissioner or authorized representative. By such order, the
432 panel may revoke conditional release, control release,
433 supervised conditional elderly release, conditional medical
434 release, or addiction-recovery supervision and thereby return
435 the releasee to prison to serve the sentence imposed, reinstate
436 the original order granting the release, or enter such other
437 order as it considers proper. Effective for inmates whose
438 offenses were committed on or after July 1, 1995, the panel may

31-00393-17

2017606__

439 order the placement of a releasee, upon a finding of violation
440 pursuant to this subsection, into a local detention facility as
441 a condition of supervision.

442 (5) Effective for inmates whose offenses were committed on
443 or after July 1, 1995, notwithstanding the provisions of ss.
444 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
445 951.23, or any other law to the contrary, by such order as
446 provided in subsection (4), the panel, upon a finding of guilt,
447 may, as a condition of continued supervision, place the releasee
448 in a local detention facility for a period of incarceration not
449 to exceed 22 months. Prior to the expiration of the term of
450 incarceration, or upon recommendation of the chief correctional
451 officer of that county, the commission shall cause inquiry into
452 the inmate's release plan and custody status in the detention
453 facility and consider whether to restore the inmate to
454 supervision, modify the conditions of supervision, or enter an
455 order of revocation, thereby causing the return of the inmate to
456 prison to serve the sentence imposed. The provisions of this
457 section do not prohibit the panel from entering such other order
458 or conducting any investigation that it deems proper. The
459 commission may only place a person in a local detention facility
460 pursuant to this section if there is a contractual agreement
461 between the chief correctional officer of that county and the
462 Department of Corrections. The agreement must provide for a per
463 diem reimbursement for each person placed under this section,
464 which is payable by the Department of Corrections for the
465 duration of the offender's placement in the facility. This
466 section does not limit the commission's ability to place a
467 person in a local detention facility for less than 1 year.

31-00393-17

2017606__

468 (6) Whenever a conditional release, control release,
469 supervised conditional elderly release, conditional medical
470 release, or addiction-recovery supervision is revoked by a panel
471 of no fewer than two commissioners and the releasee is ordered
472 to be returned to prison, the releasee, by reason of the
473 misconduct, shall be deemed to have forfeited all gain-time or
474 commutation of time for good conduct, as provided for by law,
475 earned up to the date of release. However, if a conditional
476 medical release is revoked due to the improved medical or
477 physical condition of the releasee, the releasee shall not
478 forfeit gain-time accrued before the date of conditional medical
479 release. This subsection does not deprive the prisoner of the
480 right to gain-time or commutation of time for good conduct, as
481 provided by law, from the date of return to prison.

482 (7) If a law enforcement officer has probable cause to
483 believe that an offender who is on release supervision under s.
484 947.1405, s. 947.146, s. 947.148, s. 947.149, or s. 944.4731 has
485 violated the terms and conditions of his or her release by
486 committing a felony offense, the officer shall arrest the
487 offender without a warrant, and a warrant need not be issued in
488 the case.

489 (8) If a law enforcement officer or a correctional
490 probation officer has probable cause to believe that an offender
491 who is supervised under the supervised conditional elderly
492 release program has violated the terms and conditions of his or
493 her supervision in a material respect, the officer may arrest
494 the offender without warrant and bring him or her before one or
495 more commissioners or a duly authorized representative of the
496 commission. Proceedings must take place after a warrant has been

31-00393-17

2017606__

497 issued by a member of the commission or a duly authorized
498 representative of the commission.

499 Section 5. Present paragraphs (a) and (b) of subsection (1)
500 of section 947.149, Florida Statutes, are redesignated as
501 paragraphs (b) and (c), respectively, a new paragraph (a) is
502 added to that subsection, and subsection (5) of that section is
503 republished, to read:

504 947.149 Conditional medical release.—

505 (1) The commission shall, in conjunction with the
506 department, establish the conditional medical release program.
507 An inmate is eligible for consideration for release under the
508 conditional medical release program when the inmate, because of
509 an existing medical or physical condition, is determined by the
510 department to be within one of the following designations:

511 (a) "Elderly and infirm inmate," which means an inmate who
512 has no current or prior conviction for a capital or first degree
513 felony, who has no current or prior conviction for a sexual
514 offense or an offense against a child, who is 65 years of age or
515 older, and who has a condition caused by injury, disease, or
516 illness which, to a reasonable degree of medical certainty,
517 renders the inmate infirm or physically impaired to the extent
518 that the inmate does not constitute a danger to himself or
519 herself or others.

520 (5) (a) If it is discovered during the conditional medical
521 release that the medical or physical condition of the medical
522 releasee has improved to the extent that she or he would no
523 longer be eligible for conditional medical release under this
524 section, the commission may order that the releasee be returned
525 to the custody of the department for a conditional medical

31-00393-17

2017606__

526 release revocation hearing, in accordance with s. 947.141. If
527 conditional medical release is revoked due to improvement in the
528 medical or physical condition of the releasee, she or he shall
529 serve the balance of her or his sentence with credit for the
530 time served on conditional medical release and without
531 forfeiture of any gain-time accrued prior to conditional medical
532 release. If the person whose conditional medical release is
533 revoked due to an improvement in medical or physical condition
534 would otherwise be eligible for parole or any other release
535 program, the person may be considered for such release program
536 pursuant to law.

537 (b) In addition to revocation of conditional medical
538 release pursuant to paragraph (a), conditional medical release
539 may also be revoked for violation of any condition of the
540 release established by the commission, in accordance with s.
541 947.141, and the releasee's gain-time may be forfeited pursuant
542 to s. 944.28(1).

543 Section 6. For the purpose of incorporating the amendment
544 made by this act to section 947.141, Florida Statutes, in a
545 reference thereto, subsection (1) of section 947.1405, Florida
546 Statutes, is reenacted to read:

547 947.1405 Conditional release program.—

548 (1) This section and s. 947.141 may be cited as the
549 "Conditional Release Program Act."

550 Section 7. For the purpose of incorporating the amendment
551 made by this act to section 947.141, Florida Statutes, in
552 references thereto, subsections (12) and (14) of section
553 947.146, Florida Statutes, are reenacted to read:

554 947.146 Control Release Authority.—

31-00393-17

2017606__

555 (12) When the authority has reasonable grounds to believe
556 that an offender released under this section has violated the
557 terms and conditions of control release, such offender shall be
558 subject to the provisions of s. 947.141 and shall be subject to
559 forfeiture of gain-time pursuant to s. 944.28(1).

560 (14) Effective July 1, 1996, all control release dates
561 established prior to such date become void and no inmate shall
562 be eligible for release under any previously established control
563 release date. Offenders who are under control release
564 supervision as of July 1, 1996, shall be subject to the
565 conditions established by the authority until such offenders
566 have been discharged from supervision. Offenders who have
567 warrants outstanding based on violation of supervision as of
568 July 1, 1996, or who violate the terms of their supervision
569 subsequent to July 1, 1996, shall be subject to the provisions
570 of s. 947.141.

571 Section 8. This act shall take effect July 1, 2017.