

By the Committee on Criminal Justice; and Senator Brandes

591-02322-19

2019346c1

1 A bill to be entitled  
2 An act relating to conditional medical release;  
3 amending s. 947.005, F.S.; defining the terms  
4 "conditional medical release"; amending s. 947.149,  
5 F.S.; expanding eligibility for conditional medical  
6 release to include inmates with debilitating  
7 illnesses; defining the term "inmate with a  
8 debilitating illness"; redefining the term "terminally  
9 ill inmate"; reenacting ss. 316.1935(6),  
10 775.084(4)(k), 775.087(2)(b) and (3)(b), 784.07(3),  
11 790.235(1), 794.0115(7), 893.135(1)(b), (c), and (g),  
12 and (3), 921.0024(2), 944.605(7)(b), 944.70(1)(b),  
13 947.13(1)(h), and 947.141(1), (2), and (7), F.S., all  
14 relating to authorized conditional medical release  
15 granted under s. 947.149, F.S., to incorporate the  
16 amendment made to s. 947.149, F.S., in references  
17 thereto; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Present subsections (4) through (15) of section  
22 947.005, Florida Statutes, are redesignated as subsections (5)  
23 through (16), respectively, and a new subsection (4) is added to  
24 that section, to read:

25 947.005 Definitions.—As used in this chapter, unless the  
26 context clearly indicates otherwise:

27 (4) "Conditional medical release" means the release from a  
28 state correctional institution or facility as provided in this  
29 chapter for a medical or physical condition pursuant to s.

591-02322-19

2019346c1

30 947.149.

31 Section 2. Subsection (1) of section 947.149, Florida  
32 Statutes, is amended to read:

33 947.149 Conditional medical release.—

34 (1) The commission shall, in conjunction with the  
35 department, establish the conditional medical release program.  
36 An inmate is eligible for consideration for release under the  
37 conditional medical release program when the inmate, because of  
38 an existing medical or physical condition, is determined by the  
39 department to be within one of the following designations:

40 (a) "Inmate with a debilitating illness," which means an  
41 inmate who is determined to be suffering from a significant  
42 terminal or nonterminal condition, disease, or syndrome that has  
43 rendered the inmate so physically or cognitively impaired,  
44 debilitated, or incapacitated as to create a reasonable  
45 probability that the inmate does not constitute a danger to  
46 herself or himself or to others.

47 (b)-(a) "Permanently incapacitated inmate," which means an  
48 inmate who has a condition caused by injury, disease, or illness  
49 which, to a reasonable degree of medical certainty, renders the  
50 inmate permanently and irreversibly physically incapacitated to  
51 the extent that the inmate does not constitute a danger to  
52 herself or himself or to others.

53 (c)-(b) "Terminally ill inmate," which means an inmate who  
54 has a condition caused by injury, disease, or illness that  
55 ~~which~~, to a reasonable degree of medical certainty, renders the  
56 inmate terminally ill to the extent that there can be no  
57 recovery, ~~and~~ death is expected within 12 months is imminent,  
58 and so that the inmate does not constitute a danger to herself

591-02322-19

2019346c1

59 or himself or to others.

60 Section 3. For the purpose of incorporating the amendment  
61 made by this act to section 947.149, Florida Statutes, in a  
62 reference thereto, subsection (6) of section 316.1935, Florida  
63 Statutes, is reenacted to read:

64 316.1935 Fleeing or attempting to elude a law enforcement  
65 officer; aggravated fleeing or eluding.—

66 (6) Notwithstanding s. 948.01, no court may suspend, defer,  
67 or withhold adjudication of guilt or imposition of sentence for  
68 any violation of this section. A person convicted and sentenced  
69 to a mandatory minimum term of incarceration under paragraph  
70 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-  
71 time under s. 944.275 or any form of discretionary early  
72 release, other than pardon or executive clemency or conditional  
73 medical release under s. 947.149, prior to serving the mandatory  
74 minimum sentence.

75 Section 4. For the purpose of incorporating the amendment  
76 made by this act to section 947.149, Florida Statutes, in a  
77 reference thereto, paragraph (k) of subsection (4) of section  
78 775.084, Florida Statutes, is reenacted to read:

79 775.084 Violent career criminals; habitual felony offenders  
80 and habitual violent felony offenders; three-time violent felony  
81 offenders; definitions; procedure; enhanced penalties or  
82 mandatory minimum prison terms.—

83 (4)

84 (k)1. A defendant sentenced under this section as a  
85 habitual felony offender, a habitual violent felony offender, or  
86 a violent career criminal is eligible for gain-time granted by  
87 the Department of Corrections as provided in s. 944.275(4) (b).

591-02322-19

2019346c1

88           2. For an offense committed on or after October 1, 1995, a  
89 defendant sentenced under this section as a violent career  
90 criminal is not eligible for any form of discretionary early  
91 release, other than pardon or executive clemency, or conditional  
92 medical release granted pursuant to s. 947.149.

93           3. For an offense committed on or after July 1, 1999, a  
94 defendant sentenced under this section as a three-time violent  
95 felony offender shall be released only by expiration of sentence  
96 and shall not be eligible for parole, control release, or any  
97 form of early release.

98           Section 5. For the purpose of incorporating the amendment  
99 made by this act to section 947.149, Florida Statutes, in a  
100 reference thereto, paragraph (b) of subsection (2) and paragraph  
101 (b) of subsection (3) of section 775.087, Florida Statutes, are  
102 reenacted to read:

103           775.087 Possession or use of weapon; aggravated battery;  
104 felony reclassification; minimum sentence.-

105           (2)

106           (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
107 (a)3. does not prevent a court from imposing a longer sentence  
108 of incarceration as authorized by law in addition to the minimum  
109 mandatory sentence, or from imposing a sentence of death  
110 pursuant to other applicable law. Subparagraph (a)1.,  
111 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
112 court to impose a lesser sentence than otherwise required by  
113 law.

114

115 Notwithstanding s. 948.01, adjudication of guilt or imposition  
116 of sentence shall not be suspended, deferred, or withheld, and

591-02322-19

2019346c1

117 the defendant is not eligible for statutory gain-time under s.  
118 944.275 or any form of discretionary early release, other than  
119 pardon or executive clemency, or conditional medical release  
120 under s. 947.149, prior to serving the minimum sentence.

121 (3)

122 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
123 (a)3. does not prevent a court from imposing a longer sentence  
124 of incarceration as authorized by law in addition to the minimum  
125 mandatory sentence, or from imposing a sentence of death  
126 pursuant to other applicable law. Subparagraph (a)1.,  
127 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
128 court to impose a lesser sentence than otherwise required by  
129 law.

130  
131 Notwithstanding s. 948.01, adjudication of guilt or imposition  
132 of sentence shall not be suspended, deferred, or withheld, and  
133 the defendant is not eligible for statutory gain-time under s.  
134 944.275 or any form of discretionary early release, other than  
135 pardon or executive clemency, or conditional medical release  
136 under s. 947.149, prior to serving the minimum sentence.

137 Section 6. For the purpose of incorporating the amendment  
138 made by this act to section 947.149, Florida Statutes, in a  
139 reference thereto, subsection (3) of section 784.07, Florida  
140 Statutes, is reenacted to read:

141 784.07 Assault or battery of law enforcement officers,  
142 firefighters, emergency medical care providers, public transit  
143 employees or agents, or other specified officers;  
144 reclassification of offenses; minimum sentences.—

145 (3) Any person who is convicted of a battery under

591-02322-19

2019346c1

146 paragraph (2)(b) and, during the commission of the offense, such  
147 person possessed:

148 (a) A "firearm" or "destructive device" as those terms are  
149 defined in s. 790.001, shall be sentenced to a minimum term of  
150 imprisonment of 3 years.

151 (b) A semiautomatic firearm and its high-capacity  
152 detachable box magazine, as defined in s. 775.087(3), or a  
153 machine gun as defined in s. 790.001, shall be sentenced to a  
154 minimum term of imprisonment of 8 years.

155

156 Notwithstanding s. 948.01, adjudication of guilt or imposition  
157 of sentence shall not be suspended, deferred, or withheld, and  
158 the defendant is not eligible for statutory gain-time under s.  
159 944.275 or any form of discretionary early release, other than  
160 pardon or executive clemency, or conditional medical release  
161 under s. 947.149, prior to serving the minimum sentence.

162 Section 7. For the purpose of incorporating the amendment  
163 made by this act to section 947.149, Florida Statutes, in a  
164 reference thereto, subsection (1) of section 790.235, Florida  
165 Statutes, is reenacted to read:

166 790.235 Possession of firearm or ammunition by violent  
167 career criminal unlawful; penalty.—

168 (1) Any person who meets the violent career criminal  
169 criteria under s. 775.084(1)(d), regardless of whether such  
170 person is or has previously been sentenced as a violent career  
171 criminal, who owns or has in his or her care, custody,  
172 possession, or control any firearm, ammunition, or electric  
173 weapon or device, or carries a concealed weapon, including a  
174 tear gas gun or chemical weapon or device, commits a felony of

591-02322-19

2019346c1

175 the first degree, punishable as provided in s. 775.082, s.  
176 775.083, or s. 775.084. A person convicted of a violation of  
177 this section shall be sentenced to a mandatory minimum of 15  
178 years' imprisonment; however, if the person would be sentenced  
179 to a longer term of imprisonment under s. 775.084(4)(d), the  
180 person must be sentenced under that provision. A person  
181 convicted of a violation of this section is not eligible for any  
182 form of discretionary early release, other than pardon,  
183 executive clemency, or conditional medical release under s.  
184 947.149.

185 Section 8. For the purpose of incorporating the amendment  
186 made by this act to section 947.149, Florida Statutes, in a  
187 reference thereto, subsection (7) of section 794.0115, Florida  
188 Statutes, is reenacted to read:

189 794.0115 Dangerous sexual felony offender; mandatory  
190 sentencing.—

191 (7) A defendant sentenced to a mandatory minimum term of  
192 imprisonment under this section is not eligible for statutory  
193 gain-time under s. 944.275 or any form of discretionary early  
194 release, other than pardon or executive clemency, or conditional  
195 medical release under s. 947.149, before serving the minimum  
196 sentence.

197 Section 9. For the purpose of incorporating the amendment  
198 made by this act to section 947.149, Florida Statutes, in a  
199 reference thereto, paragraphs (b), (c), and (g) of subsection  
200 (1) and subsection (3) of section 893.135, Florida Statutes, are  
201 reenacted to read:

202 893.135 Trafficking; mandatory sentences; suspension or  
203 reduction of sentences; conspiracy to engage in trafficking.—

591-02322-19

2019346c1

204 (1) Except as authorized in this chapter or in chapter 499  
205 and notwithstanding the provisions of s. 893.13:

206 (b)1. Any person who knowingly sells, purchases,  
207 manufactures, delivers, or brings into this state, or who is  
208 knowingly in actual or constructive possession of, 28 grams or  
209 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
210 mixture containing cocaine, but less than 150 kilograms of  
211 cocaine or any such mixture, commits a felony of the first  
212 degree, which felony shall be known as "trafficking in cocaine,"  
213 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
214 If the quantity involved:

215 a. Is 28 grams or more, but less than 200 grams, such  
216 person shall be sentenced to a mandatory minimum term of  
217 imprisonment of 3 years, and the defendant shall be ordered to  
218 pay a fine of \$50,000.

219 b. Is 200 grams or more, but less than 400 grams, such  
220 person shall be sentenced to a mandatory minimum term of  
221 imprisonment of 7 years, and the defendant shall be ordered to  
222 pay a fine of \$100,000.

223 c. Is 400 grams or more, but less than 150 kilograms, such  
224 person shall be sentenced to a mandatory minimum term of  
225 imprisonment of 15 calendar years and pay a fine of \$250,000.

226 2. Any person who knowingly sells, purchases, manufactures,  
227 delivers, or brings into this state, or who is knowingly in  
228 actual or constructive possession of, 150 kilograms or more of  
229 cocaine, as described in s. 893.03(2)(a)4., commits the first  
230 degree felony of trafficking in cocaine. A person who has been  
231 convicted of the first degree felony of trafficking in cocaine  
232 under this subparagraph shall be punished by life imprisonment



591-02322-19

2019346c1

233 and is ineligible for any form of discretionary early release  
234 except pardon or executive clemency or conditional medical  
235 release under s. 947.149. However, if the court determines that,  
236 in addition to committing any act specified in this paragraph:

237 a. The person intentionally killed an individual or  
238 counseled, commanded, induced, procured, or caused the  
239 intentional killing of an individual and such killing was the  
240 result; or

241 b. The person's conduct in committing that act led to a  
242 natural, though not inevitable, lethal result,

243  
244 such person commits the capital felony of trafficking in  
245 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
246 person sentenced for a capital felony under this paragraph shall  
247 also be sentenced to pay the maximum fine provided under  
248 subparagraph 1.

249 3. Any person who knowingly brings into this state 300  
250 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
251 and who knows that the probable result of such importation would  
252 be the death of any person, commits capital importation of  
253 cocaine, a capital felony punishable as provided in ss. 775.082  
254 and 921.142. Any person sentenced for a capital felony under  
255 this paragraph shall also be sentenced to pay the maximum fine  
256 provided under subparagraph 1.

257 (c)1. A person who knowingly sells, purchases,  
258 manufactures, delivers, or brings into this state, or who is  
259 knowingly in actual or constructive possession of, 4 grams or  
260 more of any morphine, opium, hydromorphone, or any salt,  
261 derivative, isomer, or salt of an isomer thereof, including

591-02322-19

2019346c1

262 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
263 (3)(c)4., or 4 grams or more of any mixture containing any such  
264 substance, but less than 30 kilograms of such substance or  
265 mixture, commits a felony of the first degree, which felony  
266 shall be known as "trafficking in illegal drugs," punishable as  
267 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
268 quantity involved:

269 a. Is 4 grams or more, but less than 14 grams, such person  
270 shall be sentenced to a mandatory minimum term of imprisonment  
271 of 3 years and shall be ordered to pay a fine of \$50,000.

272 b. Is 14 grams or more, but less than 28 grams, such person  
273 shall be sentenced to a mandatory minimum term of imprisonment  
274 of 15 years and shall be ordered to pay a fine of \$100,000.

275 c. Is 28 grams or more, but less than 30 kilograms, such  
276 person shall be sentenced to a mandatory minimum term of  
277 imprisonment of 25 years and shall be ordered to pay a fine of  
278 \$500,000.

279 2. A person who knowingly sells, purchases, manufactures,  
280 delivers, or brings into this state, or who is knowingly in  
281 actual or constructive possession of, 14 grams or more of  
282 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
283 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14  
284 grams or more of any mixture containing any such substance,  
285 commits a felony of the first degree, which felony shall be  
286 known as "trafficking in hydrocodone," punishable as provided in  
287 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

288 a. Is 14 grams or more, but less than 28 grams, such person  
289 shall be sentenced to a mandatory minimum term of imprisonment  
290 of 3 years and shall be ordered to pay a fine of \$50,000.

591-02322-19

2019346c1

291           b. Is 28 grams or more, but less than 50 grams, such person  
292 shall be sentenced to a mandatory minimum term of imprisonment  
293 of 7 years and shall be ordered to pay a fine of \$100,000.

294           c. Is 50 grams or more, but less than 200 grams, such  
295 person shall be sentenced to a mandatory minimum term of  
296 imprisonment of 15 years and shall be ordered to pay a fine of  
297 \$500,000.

298           d. Is 200 grams or more, but less than 30 kilograms, such  
299 person shall be sentenced to a mandatory minimum term of  
300 imprisonment of 25 years and shall be ordered to pay a fine of  
301 \$750,000.

302           3. A person who knowingly sells, purchases, manufactures,  
303 delivers, or brings into this state, or who is knowingly in  
304 actual or constructive possession of, 7 grams or more of  
305 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
306 thereof, or 7 grams or more of any mixture containing any such  
307 substance, commits a felony of the first degree, which felony  
308 shall be known as "trafficking in oxycodone," punishable as  
309 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
310 quantity involved:

311           a. Is 7 grams or more, but less than 14 grams, such person  
312 shall be sentenced to a mandatory minimum term of imprisonment  
313 of 3 years and shall be ordered to pay a fine of \$50,000.

314           b. Is 14 grams or more, but less than 25 grams, such person  
315 shall be sentenced to a mandatory minimum term of imprisonment  
316 of 7 years and shall be ordered to pay a fine of \$100,000.

317           c. Is 25 grams or more, but less than 100 grams, such  
318 person shall be sentenced to a mandatory minimum term of  
319 imprisonment of 15 years and shall be ordered to pay a fine of

591-02322-19

2019346c1

320 \$500,000.

321 d. Is 100 grams or more, but less than 30 kilograms, such  
322 person shall be sentenced to a mandatory minimum term of  
323 imprisonment of 25 years and shall be ordered to pay a fine of  
324 \$750,000.

325 4.a. A person who knowingly sells, purchases, manufactures,  
326 delivers, or brings into this state, or who is knowingly in  
327 actual or constructive possession of, 4 grams or more of:

328 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

329 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

330 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

331 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

332 (V) A fentanyl derivative, as described in s.

333 893.03(1)(a)62.;

334 (VI) A controlled substance analog, as described in s.

335 893.0356, of any substance described in sub-sub-subparagraphs

336 (I)-(V); or

337 (VII) A mixture containing any substance described in sub-  
338 sub-subparagraphs (I)-(VI),

339

340 commits a felony of the first degree, which felony shall be  
341 known as "trafficking in fentanyl," punishable as provided in s.  
342 775.082, s. 775.083, or s. 775.084.

343 b. If the quantity involved under sub-subparagraph a.:

344 (I) Is 4 grams or more, but less than 14 grams, such person  
345 shall be sentenced to a mandatory minimum term of imprisonment  
346 of 3 years, and shall be ordered to pay a fine of \$50,000.

347 (II) Is 14 grams or more, but less than 28 grams, such  
348 person shall be sentenced to a mandatory minimum term of

591-02322-19

2019346c1

349 imprisonment of 15 years, and shall be ordered to pay a fine of  
350 \$100,000.

351 (III) Is 28 grams or more, such person shall be sentenced  
352 to a mandatory minimum term of imprisonment of 25 years, and  
353 shall be ordered to pay a fine of \$500,000.

354 5. A person who knowingly sells, purchases, manufactures,  
355 delivers, or brings into this state, or who is knowingly in  
356 actual or constructive possession of, 30 kilograms or more of  
357 any morphine, opium, oxycodone, hydrocodone, codeine,  
358 hydromorphone, or any salt, derivative, isomer, or salt of an  
359 isomer thereof, including heroin, as described in s.  
360 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
361 more of any mixture containing any such substance, commits the  
362 first degree felony of trafficking in illegal drugs. A person  
363 who has been convicted of the first degree felony of trafficking  
364 in illegal drugs under this subparagraph shall be punished by  
365 life imprisonment and is ineligible for any form of  
366 discretionary early release except pardon or executive clemency  
367 or conditional medical release under s. 947.149. However, if the  
368 court determines that, in addition to committing any act  
369 specified in this paragraph:

370 a. The person intentionally killed an individual or  
371 counseled, commanded, induced, procured, or caused the  
372 intentional killing of an individual and such killing was the  
373 result; or

374 b. The person's conduct in committing that act led to a  
375 natural, though not inevitable, lethal result,

376  
377 such person commits the capital felony of trafficking in illegal

591-02322-19

2019346c1

378 drugs, punishable as provided in ss. 775.082 and 921.142. A  
379 person sentenced for a capital felony under this paragraph shall  
380 also be sentenced to pay the maximum fine provided under  
381 subparagraph 1.

382         6. A person who knowingly brings into this state 60  
383 kilograms or more of any morphine, opium, oxycodone,  
384 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
385 isomer, or salt of an isomer thereof, including heroin, as  
386 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
387 60 kilograms or more of any mixture containing any such  
388 substance, and who knows that the probable result of such  
389 importation would be the death of a person, commits capital  
390 importation of illegal drugs, a capital felony punishable as  
391 provided in ss. 775.082 and 921.142. A person sentenced for a  
392 capital felony under this paragraph shall also be sentenced to  
393 pay the maximum fine provided under subparagraph 1.

394         (g)1. Any person who knowingly sells, purchases,  
395 manufactures, delivers, or brings into this state, or who is  
396 knowingly in actual or constructive possession of, 4 grams or  
397 more of flunitrazepam or any mixture containing flunitrazepam as  
398 described in s. 893.03(1)(a) commits a felony of the first  
399 degree, which felony shall be known as "trafficking in  
400 flunitrazepam," punishable as provided in s. 775.082, s.  
401 775.083, or s. 775.084. If the quantity involved:

402             a. Is 4 grams or more but less than 14 grams, such person  
403 shall be sentenced to a mandatory minimum term of imprisonment  
404 of 3 years, and the defendant shall be ordered to pay a fine of  
405 \$50,000.

406             b. Is 14 grams or more but less than 28 grams, such person

591-02322-19

2019346c1

407 shall be sentenced to a mandatory minimum term of imprisonment  
408 of 7 years, and the defendant shall be ordered to pay a fine of  
409 \$100,000.

410 c. Is 28 grams or more but less than 30 kilograms, such  
411 person shall be sentenced to a mandatory minimum term of  
412 imprisonment of 25 calendar years and pay a fine of \$500,000.

413 2. Any person who knowingly sells, purchases, manufactures,  
414 delivers, or brings into this state or who is knowingly in  
415 actual or constructive possession of 30 kilograms or more of  
416 flunitrazepam or any mixture containing flunitrazepam as  
417 described in s. 893.03(1)(a) commits the first degree felony of  
418 trafficking in flunitrazepam. A person who has been convicted of  
419 the first degree felony of trafficking in flunitrazepam under  
420 this subparagraph shall be punished by life imprisonment and is  
421 ineligible for any form of discretionary early release except  
422 pardon or executive clemency or conditional medical release  
423 under s. 947.149. However, if the court determines that, in  
424 addition to committing any act specified in this paragraph:

425 a. The person intentionally killed an individual or  
426 counseled, commanded, induced, procured, or caused the  
427 intentional killing of an individual and such killing was the  
428 result; or

429 b. The person's conduct in committing that act led to a  
430 natural, though not inevitable, lethal result,

431  
432 such person commits the capital felony of trafficking in  
433 flunitrazepam, punishable as provided in ss. 775.082 and  
434 921.142. Any person sentenced for a capital felony under this  
435 paragraph shall also be sentenced to pay the maximum fine

591-02322-19

2019346c1

436 provided under subparagraph 1.

437 (3) Notwithstanding the provisions of s. 948.01, with  
438 respect to any person who is found to have violated this  
439 section, adjudication of guilt or imposition of sentence shall  
440 not be suspended, deferred, or withheld, nor shall such person  
441 be eligible for parole prior to serving the mandatory minimum  
442 term of imprisonment prescribed by this section. A person  
443 sentenced to a mandatory minimum term of imprisonment under this  
444 section is not eligible for any form of discretionary early  
445 release, except pardon or executive clemency or conditional  
446 medical release under s. 947.149, prior to serving the mandatory  
447 minimum term of imprisonment.

448 Section 10. For the purpose of incorporating the amendment  
449 made by this act to section 947.149, Florida Statutes, in a  
450 reference thereto, subsection (2) of section 921.0024, Florida  
451 Statutes, is reenacted to read:

452 921.0024 Criminal Punishment Code; worksheet computations;  
453 scoresheets.—

454 (2) The lowest permissible sentence is the minimum sentence  
455 that may be imposed by the trial court, absent a valid reason  
456 for departure. The lowest permissible sentence is any nonstate  
457 prison sanction in which the total sentence points equals or is  
458 less than 44 points, unless the court determines within its  
459 discretion that a prison sentence, which may be up to the  
460 statutory maximums for the offenses committed, is appropriate.  
461 When the total sentence points exceeds 44 points, the lowest  
462 permissible sentence in prison months shall be calculated by  
463 subtracting 28 points from the total sentence points and  
464 decreasing the remaining total by 25 percent. The total sentence



591-02322-19

2019346c1

465 points shall be calculated only as a means of determining the  
466 lowest permissible sentence. The permissible range for  
467 sentencing shall be the lowest permissible sentence up to and  
468 including the statutory maximum, as defined in s. 775.082, for  
469 the primary offense and any additional offenses before the court  
470 for sentencing. The sentencing court may impose such sentences  
471 concurrently or consecutively. However, any sentence to state  
472 prison must exceed 1 year. If the lowest permissible sentence  
473 under the code exceeds the statutory maximum sentence as  
474 provided in s. 775.082, the sentence required by the code must  
475 be imposed. If the total sentence points are greater than or  
476 equal to 363, the court may sentence the offender to life  
477 imprisonment. An offender sentenced to life imprisonment under  
478 this section is not eligible for any form of discretionary early  
479 release, except executive clemency or conditional medical  
480 release under s. 947.149.

481 Section 11. For the purpose of incorporating the amendment  
482 made by this act to section 947.149, Florida Statutes, in a  
483 reference thereto, paragraph (b) of subsection (7) of section  
484 944.605, Florida Statutes, is reenacted to read:

485 944.605 Inmate release; notification; identification card.-  
486 (7)

487 (b) Paragraph (a) does not apply to inmates who:

488 1. The department determines have a valid driver license or  
489 state identification card, except that the department shall  
490 provide these inmates with a replacement state identification  
491 card or replacement driver license, if necessary.

492 2. Have an active detainer, unless the department  
493 determines that cancellation of the detainer is likely or that

591-02322-19

2019346c1

494 the incarceration for which the detainer was issued will be less  
495 than 12 months in duration.

496 3. Are released due to an emergency release or a  
497 conditional medical release under s. 947.149.

498 4. Are not in the physical custody of the department at or  
499 within 180 days before release.

500 5. Are subject to sex offender residency restrictions, and  
501 who, upon release under such restrictions, do not have a  
502 qualifying address.

503 Section 12. For the purpose of incorporating the amendment  
504 made by this act to section 947.149, Florida Statutes, in a  
505 reference thereto, paragraph (b) of subsection (1) of section  
506 944.70, Florida Statutes, is reenacted to read:

507 944.70 Conditions for release from incarceration.—

508 (1)

509 (b) A person who is convicted of a crime committed on or  
510 after January 1, 1994, may be released from incarceration only:

511 1. Upon expiration of the person's sentence;

512 2. Upon expiration of the person's sentence as reduced by  
513 accumulated meritorious or incentive gain-time;

514 3. As directed by an executive order granting clemency;

515 4. Upon placement in a conditional release program pursuant  
516 to s. 947.1405 or a conditional medical release program pursuant  
517 to s. 947.149; or

518 5. Upon the granting of control release, including  
519 emergency control release, pursuant to s. 947.146.

520 Section 13. For the purpose of incorporating the amendment  
521 made by this act to section 947.149, Florida Statutes, in a  
522 reference thereto, paragraph (h) of subsection (1) of section

591-02322-19

2019346c1

523 947.13, Florida Statutes, is reenacted to read:

524 947.13 Powers and duties of commission.—

525 (1) The commission shall have the powers and perform the  
526 duties of:

527 (h) Determining what persons will be released on  
528 conditional medical release under s. 947.149, establishing the  
529 conditions of conditional medical release, and determining  
530 whether a person has violated the conditions of conditional  
531 medical release and taking action with respect to such a  
532 violation.

533 Section 14. For the purpose of incorporating the amendment  
534 made by this act to section 947.149, Florida Statutes, in a  
535 reference thereto, subsections (1), (2), and (7) of section  
536 947.141, Florida Statutes, are reenacted to read:

537 947.141 Violations of conditional release, control release,  
538 or conditional medical release or addiction-recovery  
539 supervision.—

540 (1) If a member of the commission or a duly authorized  
541 representative of the commission has reasonable grounds to  
542 believe that an offender who is on release supervision under s.  
543 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
544 the terms and conditions of the release in a material respect,  
545 such member or representative may cause a warrant to be issued  
546 for the arrest of the releasee; if the offender was found to be  
547 a sexual predator, the warrant must be issued.

548 (2) Upon the arrest on a felony charge of an offender who  
549 is on release supervision under s. 947.1405, s. 947.146, s.  
550 947.149, or s. 944.4731, the offender must be detained without  
551 bond until the initial appearance of the offender at which a

591-02322-19

2019346c1

552 judicial determination of probable cause is made. If the trial  
553 court judge determines that there was no probable cause for the  
554 arrest, the offender may be released. If the trial court judge  
555 determines that there was probable cause for the arrest, such  
556 determination also constitutes reasonable grounds to believe  
557 that the offender violated the conditions of the release. Within  
558 24 hours after the trial court judge's finding of probable  
559 cause, the detention facility administrator or designee shall  
560 notify the commission and the department of the finding and  
561 transmit to each a facsimile copy of the probable cause  
562 affidavit or the sworn offense report upon which the trial court  
563 judge's probable cause determination is based. The offender must  
564 continue to be detained without bond for a period not exceeding  
565 72 hours excluding weekends and holidays after the date of the  
566 probable cause determination, pending a decision by the  
567 commission whether to issue a warrant charging the offender with  
568 violation of the conditions of release. Upon the issuance of the  
569 commission's warrant, the offender must continue to be held in  
570 custody pending a revocation hearing held in accordance with  
571 this section.

572 (7) If a law enforcement officer has probable cause to  
573 believe that an offender who is on release supervision under s.  
574 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
575 the terms and conditions of his or her release by committing a  
576 felony offense, the officer shall arrest the offender without a  
577 warrant, and a warrant need not be issued in the case.

578 Section 15. This act shall take effect October 1, 2019.