

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

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

21
22 Section 1. Present subsections (4), (5), and (6) through
23 (15) of section 947.005, Florida Statutes, are redesignated as
24 subsection (5), (6), and (8) through (17), respectively, and
25 new subsections (4) and (7) are added to that section, to read:

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

28 (4) "Conditional medical release" means the release from a
 29 state correctional institution or facility as provided in this
 30 chapter for a medical or physical condition pursuant to s.
 31 947.149.

32 (7) "Electronic monitoring device" means an active
 33 electronic or telecommunications device that is used to track
 34 and monitor the location of a person. Such devices include, but
 35 are not limited to, voice tracking systems, position tracking
 36 systems, position location systems, and biometric tracking
 37 systems.

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

40 947.149 Conditional medical release.—

41 (1) The commission shall, in conjunction with the
 42 department, establish the conditional medical release program.
 43 An inmate is eligible for consideration for release under the
 44 conditional medical release program when the inmate, because of
 45 an existing medical or physical condition, is determined by the
 46 department to be within one of the following designations:

47 (a) "Inmate with a debilitating illness," which means an
 48 inmate who is determined to be suffering from a significant and
 49 permanent terminal or nonterminal condition, disease, or
 50 syndrome that has rendered the inmate so physically or

51 cognitively debilitated or incapacitated as to create a
52 reasonable probability that the inmate does not constitute a
53 danger to herself or himself or to others.

54 (b)-(a) "Permanently incapacitated inmate," which means an
55 inmate who has a condition caused by injury, disease, or illness
56 which, to a reasonable degree of medical certainty, renders the
57 inmate permanently and irreversibly physically incapacitated to
58 the extent that the inmate does not constitute a danger to
59 herself or himself or to others.

60 (c)-(b) "Terminally ill inmate," which means an inmate who
61 has a condition caused by injury, disease, or illness that
62 ~~which~~, to a reasonable degree of medical certainty, renders the
63 inmate terminally ill to the extent that there can be no
64 recovery, ~~and~~ death is expected within 12 months is imminent,
65 and so that the inmate does not constitute a danger to herself
66 or himself or to others.

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

71 316.1935 Fleeing or attempting to elude a law enforcement
72 officer; aggravated fleeing or eluding.—

73 (6) Notwithstanding s. 948.01, no court may suspend,
74 defer, or withhold adjudication of guilt or imposition of
75 sentence for any violation of this section. A person convicted

76 | and sentenced to a mandatory minimum term of incarceration under
77 | paragraph (3)(b) or paragraph (4)(b) is not eligible for
78 | statutory gain-time under s. 944.275 or any form of
79 | discretionary early release, other than pardon or executive
80 | clemency or conditional medical release under s. 947.149, prior
81 | to serving the mandatory minimum sentence.

82 | Section 4. For the purpose of incorporating the amendment
83 | made by this act to section 947.149, Florida Statutes, in a
84 | reference thereto, paragraph (k) of subsection (4) of section
85 | 775.084, Florida Statutes, is reenacted to read:

86 | 775.084 Violent career criminals; habitual felony
87 | offenders and habitual violent felony offenders; three-time
88 | violent felony offenders; definitions; procedure; enhanced
89 | penalties or mandatory minimum prison terms.—

90 | (4)

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

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

100 | 3. For an offense committed on or after July 1, 1999, a

101 defendant sentenced under this section as a three-time violent
102 felony offender shall be released only by expiration of sentence
103 and shall not be eligible for parole, control release, or any
104 form of early release.

105 Section 5. For the purpose of incorporating the amendment
106 made by this act to section 947.149, Florida Statutes, in a
107 reference thereto, paragraph (b) of subsection (2) and paragraph
108 (b) of subsection (3) of section 775.087, Florida Statutes, are
109 reenacted to read:

110 775.087 Possession or use of weapon; aggravated battery;
111 felony reclassification; minimum sentence.—

112 (2)

113 (b) Subparagraph (a)1., subparagraph (a)2., or
114 subparagraph (a)3. does not prevent a court from imposing a
115 longer sentence of incarceration as authorized by law in
116 addition to the minimum mandatory sentence, or from imposing a
117 sentence of death pursuant to other applicable law. Subparagraph
118 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
119 authorize a court to impose a lesser sentence than otherwise
120 required by law.

121

122 Notwithstanding s. 948.01, adjudication of guilt or imposition
123 of sentence shall not be suspended, deferred, or withheld, and
124 the defendant is not eligible for statutory gain-time under s.
125 944.275 or any form of discretionary early release, other than

126 | pardon or executive clemency, or conditional medical release
127 | under s. 947.149, prior to serving the minimum sentence.

128 | (3)

129 | (b) Subparagraph (a)1., subparagraph (a)2., or
130 | subparagraph (a)3. does not prevent a court from imposing a
131 | longer sentence of incarceration as authorized by law in
132 | addition to the minimum mandatory sentence, or from imposing a
133 | sentence of death pursuant to other applicable law. Subparagraph
134 | (a)1., subparagraph (a)2., or subparagraph (a)3. does not
135 | authorize a court to impose a lesser sentence than otherwise
136 | required by law.

137 |

138 | Notwithstanding s. 948.01, adjudication of guilt or imposition
139 | of sentence shall not be suspended, deferred, or withheld, and
140 | the defendant is not eligible for statutory gain-time under s.
141 | 944.275 or any form of discretionary early release, other than
142 | pardon or executive clemency, or conditional medical release
143 | under s. 947.149, prior to serving the minimum sentence.

144 | Section 6. For the purpose of incorporating the amendment
145 | made by this act to section 947.149, Florida Statutes, in a
146 | reference thereto, subsection (3) of section 784.07, Florida
147 | Statutes, is reenacted to read:

148 | 784.07 Assault or battery of law enforcement officers,
149 | firefighters, emergency medical care providers, public transit
150 | employees or agents, or other specified officers;

151 reclassification of offenses; minimum sentences.—

152 (3) Any person who is convicted of a battery under
153 paragraph (2)(b) and, during the commission of the offense, such
154 person possessed:

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

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

162

163 Notwithstanding s. 948.01, adjudication of guilt or imposition
164 of sentence shall not be suspended, deferred, or withheld, and
165 the defendant is not eligible for statutory gain-time under s.
166 944.275 or any form of discretionary early release, other than
167 pardon or executive clemency, or conditional medical release
168 under s. 947.149, prior to serving the minimum sentence.

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

173 790.235 Possession of firearm or ammunition by violent
174 career criminal unlawful; penalty.—

175 (1) Any person who meets the violent career criminal

176 criteria under s. 775.084(1)(d), regardless of whether such
177 person is or has previously been sentenced as a violent career
178 criminal, who owns or has in his or her care, custody,
179 possession, or control any firearm, ammunition, or electric
180 weapon or device, or carries a concealed weapon, including a
181 tear gas gun or chemical weapon or device, commits a felony of
182 the first degree, punishable as provided in s. 775.082, s.
183 775.083, or s. 775.084. A person convicted of a violation of
184 this section shall be sentenced to a mandatory minimum of 15
185 years' imprisonment; however, if the person would be sentenced
186 to a longer term of imprisonment under s. 775.084(4)(d), the
187 person must be sentenced under that provision. A person
188 convicted of a violation of this section is not eligible for any
189 form of discretionary early release, other than pardon,
190 executive clemency, or conditional medical release under s.
191 947.149.

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

196 794.0115 Dangerous sexual felony offender; mandatory
197 sentencing.—

198 (7) A defendant sentenced to a mandatory minimum term of
199 imprisonment under this section is not eligible for statutory
200 gain-time under s. 944.275 or any form of discretionary early

201 release, other than pardon or executive clemency, or conditional
202 medical release under s. 947.149, before serving the minimum
203 sentence.

204 Section 9. For the purpose of incorporating the amendment
205 made by this act to section 947.149, Florida Statutes, in a
206 reference thereto, paragraphs (b), (c), and (g) of subsection
207 (1) and subsection (3) of section 893.135, Florida Statutes, are
208 reenacted to read:

209 893.135 Trafficking; mandatory sentences; suspension or
210 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

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

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

233 2. Any person who knowingly sells, purchases,
 234 manufactures, delivers, or brings into this state, or who is
 235 knowingly in actual or constructive possession of, 150 kilograms
 236 or more of cocaine, as described in s. 893.03(2)(a)4., commits
 237 the first degree felony of trafficking in cocaine. A person who
 238 has been convicted of the first degree felony of trafficking in
 239 cocaine under this subparagraph shall be punished by life
 240 imprisonment and is ineligible for any form of discretionary
 241 early release except pardon or executive clemency or conditional
 242 medical release under s. 947.149. However, if the court
 243 determines that, in addition to committing any act specified in
 244 this paragraph:

245 a. The person intentionally killed an individual or
 246 counseled, commanded, induced, procured, or caused the
 247 intentional killing of an individual and such killing was the
 248 result; or

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

251
252 such person commits the capital felony of trafficking in
253 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
254 person sentenced for a capital felony under this paragraph shall
255 also be sentenced to pay the maximum fine provided under
256 subparagraph 1.

257 3. Any person who knowingly brings into this state 300
258 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
259 and who knows that the probable result of such importation would
260 be the death of any person, commits capital importation of
261 cocaine, a capital felony punishable as provided in ss. 775.082
262 and 921.142. Any person sentenced for a capital felony under
263 this paragraph shall also be sentenced to pay the maximum fine
264 provided under subparagraph 1.

265 (c)1. A person who knowingly sells, purchases,
266 manufactures, delivers, or brings into this state, or who is
267 knowingly in actual or constructive possession of, 4 grams or
268 more of any morphine, opium, hydromorphone, or any salt,
269 derivative, isomer, or salt of an isomer thereof, including
270 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
271 (3)(c)4., or 4 grams or more of any mixture containing any such
272 substance, but less than 30 kilograms of such substance or
273 mixture, commits a felony of the first degree, which felony
274 shall be known as "trafficking in illegal drugs," punishable as
275 provided in s. 775.082, s. 775.083, or s. 775.084. If the

276 quantity involved:

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

280 b. Is 14 grams or more, but less than 28 grams, such
281 person shall be sentenced to a mandatory minimum term of
282 imprisonment of 15 years and shall be ordered to pay a fine of
283 \$100,000.

284 c. Is 28 grams or more, but less than 30 kilograms, such
285 person shall be sentenced to a mandatory minimum term of
286 imprisonment of 25 years and shall be ordered to pay a fine of
287 \$500,000.

288 2. A person who knowingly sells, purchases, manufactures,
289 delivers, or brings into this state, or who is knowingly in
290 actual or constructive possession of, 14 grams or more of
291 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
292 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14
293 grams or more of any mixture containing any such substance,
294 commits a felony of the first degree, which felony shall be
295 known as "trafficking in hydrocodone," punishable as provided in
296 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

297 a. Is 14 grams or more, but less than 28 grams, such
298 person shall be sentenced to a mandatory minimum term of
299 imprisonment of 3 years and shall be ordered to pay a fine of
300 \$50,000.

301 b. Is 28 grams or more, but less than 50 grams, such
 302 person shall be sentenced to a mandatory minimum term of
 303 imprisonment of 7 years and shall be ordered to pay a fine of
 304 \$100,000.

305 c. Is 50 grams or more, but less than 200 grams, such
 306 person shall be sentenced to a mandatory minimum term of
 307 imprisonment of 15 years and shall be ordered to pay a fine of
 308 \$500,000.

309 d. Is 200 grams or more, but less than 30 kilograms, such
 310 person shall be sentenced to a mandatory minimum term of
 311 imprisonment of 25 years and shall be ordered to pay a fine of
 312 \$750,000.

313 3. A person who knowingly sells, purchases, manufactures,
 314 delivers, or brings into this state, or who is knowingly in
 315 actual or constructive possession of, 7 grams or more of
 316 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
 317 thereof, or 7 grams or more of any mixture containing any such
 318 substance, commits a felony of the first degree, which felony
 319 shall be known as "trafficking in oxycodone," punishable as
 320 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 321 quantity involved:

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

325 b. Is 14 grams or more, but less than 25 grams, such

326 person shall be sentenced to a mandatory minimum term of
 327 imprisonment of 7 years and shall be ordered to pay a fine of
 328 \$100,000.

329 c. Is 25 grams or more, but less than 100 grams, such
 330 person shall be sentenced to a mandatory minimum term of
 331 imprisonment of 15 years and shall be ordered to pay a fine of
 332 \$500,000.

333 d. Is 100 grams or more, but less than 30 kilograms, such
 334 person shall be sentenced to a mandatory minimum term of
 335 imprisonment of 25 years and shall be ordered to pay a fine of
 336 \$750,000.

337 4.a. A person who knowingly sells, purchases,
 338 manufactures, delivers, or brings into this state, or who is
 339 knowingly in actual or constructive possession of, 4 grams or
 340 more of:

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

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

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

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

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

346 893.03(1)(a)62.;

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

348 893.0356, of any substance described in sub-sub-subparagraphs

349 (I)-(V); or

350 (VII) A mixture containing any substance described in sub-

351 sub-subparagraphs (I)-(VI),
352
353 commits a felony of the first degree, which felony shall be
354 known as "trafficking in fentanyl," punishable as provided in s.
355 775.082, s. 775.083, or s. 775.084.

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

357 (I) Is 4 grams or more, but less than 14 grams, such
358 person shall be sentenced to a mandatory minimum term of
359 imprisonment of 3 years, and shall be ordered to pay a fine of
360 \$50,000.

361 (II) Is 14 grams or more, but less than 28 grams, such
362 person shall be sentenced to a mandatory minimum term of
363 imprisonment of 15 years, and shall be ordered to pay a fine of
364 \$100,000.

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

368 5. A person who knowingly sells, purchases, manufactures,
369 delivers, or brings into this state, or who is knowingly in
370 actual or constructive possession of, 30 kilograms or more of
371 any morphine, opium, oxycodone, hydrocodone, codeine,
372 hydromorphone, or any salt, derivative, isomer, or salt of an
373 isomer thereof, including heroin, as described in s.
374 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
375 more of any mixture containing any such substance, commits the

376 first degree felony of trafficking in illegal drugs. A person
377 who has been convicted of the first degree felony of trafficking
378 in illegal drugs under this subparagraph shall be punished by
379 life imprisonment and is ineligible for any form of
380 discretionary early release except pardon or executive clemency
381 or conditional medical release under s. 947.149. However, if the
382 court determines that, in addition to committing any act
383 specified in this paragraph:

384 a. The person intentionally killed an individual or
385 counseled, commanded, induced, procured, or caused the
386 intentional killing of an individual and such killing was the
387 result; or

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

390
391 such person commits the capital felony of trafficking in illegal
392 drugs, punishable as provided in ss. 775.082 and 921.142. A
393 person sentenced for a capital felony under this paragraph shall
394 also be sentenced to pay the maximum fine provided under
395 subparagraph 1.

396 6. A person who knowingly brings into this state 60
397 kilograms or more of any morphine, opium, oxycodone,
398 hydrocodone, codeine, hydromorphone, or any salt, derivative,
399 isomer, or salt of an isomer thereof, including heroin, as
400 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or

401 60 kilograms or more of any mixture containing any such
402 substance, and who knows that the probable result of such
403 importation would be the death of a person, commits capital
404 importation of illegal drugs, a capital felony punishable as
405 provided in ss. 775.082 and 921.142. A person sentenced for a
406 capital felony under this paragraph shall also be sentenced to
407 pay the maximum fine provided under subparagraph 1.

408 (g)1. Any person who knowingly sells, purchases,
409 manufactures, delivers, or brings into this state, or who is
410 knowingly in actual or constructive possession of, 4 grams or
411 more of flunitrazepam or any mixture containing flunitrazepam as
412 described in s. 893.03(1)(a) commits a felony of the first
413 degree, which felony shall be known as "trafficking in
414 flunitrazepam," punishable as provided in s. 775.082, s.
415 775.083, or s. 775.084. If the quantity involved:

416 a. Is 4 grams or more but less than 14 grams, such person
417 shall be sentenced to a mandatory minimum term of imprisonment
418 of 3 years, and the defendant shall be ordered to pay a fine of
419 \$50,000.

420 b. Is 14 grams or more but less than 28 grams, such person
421 shall be sentenced to a mandatory minimum term of imprisonment
422 of 7 years, and the defendant shall be ordered to pay a fine of
423 \$100,000.

424 c. Is 28 grams or more but less than 30 kilograms, such
425 person shall be sentenced to a mandatory minimum term of

426 imprisonment of 25 calendar years and pay a fine of \$500,000.

427 2. Any person who knowingly sells, purchases,
428 manufactures, delivers, or brings into this state or who is
429 knowingly in actual or constructive possession of 30 kilograms
430 or more of flunitrazepam or any mixture containing flunitrazepam
431 as described in s. 893.03(1)(a) commits the first degree felony
432 of trafficking in flunitrazepam. A person who has been convicted
433 of the first degree felony of trafficking in flunitrazepam under
434 this subparagraph shall be punished by life imprisonment and is
435 ineligible for any form of discretionary early release except
436 pardon or executive clemency or conditional medical release
437 under s. 947.149. However, if the court determines that, in
438 addition to committing any act specified in this paragraph:

439 a. The person intentionally killed an individual or
440 counseled, commanded, induced, procured, or caused the
441 intentional killing of an individual and such killing was the
442 result; or

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

445
446 such person commits the capital felony of trafficking in
447 flunitrazepam, punishable as provided in ss. 775.082 and
448 921.142. Any person sentenced for a capital felony under this
449 paragraph shall also be sentenced to pay the maximum fine
450 provided under subparagraph 1.

451 (3) Notwithstanding the provisions of s. 948.01, with
452 respect to any person who is found to have violated this
453 section, adjudication of guilt or imposition of sentence shall
454 not be suspended, deferred, or withheld, nor shall such person
455 be eligible for parole prior to serving the mandatory minimum
456 term of imprisonment prescribed by this section. A person
457 sentenced to a mandatory minimum term of imprisonment under this
458 section is not eligible for any form of discretionary early
459 release, except pardon or executive clemency or conditional
460 medical release under s. 947.149, prior to serving the mandatory
461 minimum term of imprisonment.

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

466 921.0024 Criminal Punishment Code; worksheet computations;
467 scoresheets.—

468 (2) The lowest permissible sentence is the minimum
469 sentence that may be imposed by the trial court, absent a valid
470 reason for departure. The lowest permissible sentence is any
471 nonstate prison sanction in which the total sentence points
472 equals or is less than 44 points, unless the court determines
473 within its discretion that a prison sentence, which may be up to
474 the statutory maximums for the offenses committed, is
475 appropriate. When the total sentence points exceeds 44 points,

476 the lowest permissible sentence in prison months shall be
477 calculated by subtracting 28 points from the total sentence
478 points and decreasing the remaining total by 25 percent. The
479 total sentence points shall be calculated only as a means of
480 determining the lowest permissible sentence. The permissible
481 range for sentencing shall be the lowest permissible sentence up
482 to and including the statutory maximum, as defined in s.
483 775.082, for the primary offense and any additional offenses
484 before the court for sentencing. The sentencing court may impose
485 such sentences concurrently or consecutively. However, any
486 sentence to state prison must exceed 1 year. If the lowest
487 permissible sentence under the code exceeds the statutory
488 maximum sentence as provided in s. 775.082, the sentence
489 required by the code must be imposed. If the total sentence
490 points are greater than or equal to 363, the court may sentence
491 the offender to life imprisonment. An offender sentenced to life
492 imprisonment under this section is not eligible for any form of
493 discretionary early release, except executive clemency or
494 conditional medical release under s. 947.149.

495 Section 11. For the purpose of incorporating the amendment
496 made by this act to section 947.149, Florida Statutes, in a
497 reference thereto, paragraph (b) of subsection (7) of section
498 944.605, Florida Statutes, is reenacted to read:

499 944.605 Inmate release; notification; identification
500 card.—

501 (7)

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

503 1. The department determines have a valid driver license

504 or state identification card, except that the department shall

505 provide these inmates with a replacement state identification

506 card or replacement driver license, if necessary.

507 2. Have an active detainer, unless the department

508 determines that cancellation of the detainer is likely or that

509 the incarceration for which the detainer was issued will be less

510 than 12 months in duration.

511 3. Are released due to an emergency release or a

512 conditional medical release under s. 947.149.

513 4. Are not in the physical custody of the department at or

514 within 180 days before release.

515 5. Are subject to sex offender residency restrictions, and

516 who, upon release under such restrictions, do not have a

517 qualifying address.

518 Section 12. For the purpose of incorporating the amendment

519 made by this act to section 947.149, Florida Statutes, in a

520 reference thereto, paragraph (b) of subsection (1) of section

521 944.70, Florida Statutes, is reenacted to read:

522 944.70 Conditions for release from incarceration.—

523 (1)

524 (b) A person who is convicted of a crime committed on or

525 after January 1, 1994, may be released from incarceration only:

- 526 | 1. Upon expiration of the person's sentence;
- 527 | 2. Upon expiration of the person's sentence as reduced by
- 528 | accumulated meritorious or incentive gain-time;
- 529 | 3. As directed by an executive order granting clemency;
- 530 | 4. Upon placement in a conditional release program
- 531 | pursuant to s. 947.1405 or a conditional medical release program
- 532 | pursuant to s. 947.149; or
- 533 | 5. Upon the granting of control release, including
- 534 | emergency control release, pursuant to s. 947.146.

535 | Section 13. For the purpose of incorporating the amendment
 536 | made by this act to section 947.149, Florida Statutes, in a
 537 | reference thereto, paragraph (h) of subsection (1) of section
 538 | 947.13, Florida Statutes, is reenacted to read:

539 | 947.13 Powers and duties of commission.—

540 | (1) The commission shall have the powers and perform the
 541 | duties of:

542 | (h) Determining what persons will be released on
 543 | conditional medical release under s. 947.149, establishing the
 544 | conditions of conditional medical release, and determining
 545 | whether a person has violated the conditions of conditional
 546 | medical release and taking action with respect to such a
 547 | violation.

548 | Section 14. For the purpose of incorporating the amendment
 549 | made by this act to section 947.149, Florida Statutes, in a
 550 | reference thereto, subsections (1), (2), and (7) of section

551 947.141, Florida Statutes, are reenacted to read:

552 947.141 Violations of conditional release, control
553 release, or conditional medical release or addiction-recovery
554 supervision.—

555 (1) If a member of the commission or a duly authorized
556 representative of the commission has reasonable grounds to
557 believe that an offender who is on release supervision under s.
558 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
559 the terms and conditions of the release in a material respect,
560 such member or representative may cause a warrant to be issued
561 for the arrest of the releasee; if the offender was found to be
562 a sexual predator, the warrant must be issued.

563 (2) Upon the arrest on a felony charge of an offender who
564 is on release supervision under s. 947.1405, s. 947.146, s.
565 947.149, or s. 944.4731, the offender must be detained without
566 bond until the initial appearance of the offender at which a
567 judicial determination of probable cause is made. If the trial
568 court judge determines that there was no probable cause for the
569 arrest, the offender may be released. If the trial court judge
570 determines that there was probable cause for the arrest, such
571 determination also constitutes reasonable grounds to believe
572 that the offender violated the conditions of the release. Within
573 24 hours after the trial court judge's finding of probable
574 cause, the detention facility administrator or designee shall
575 notify the commission and the department of the finding and

576 transmit to each a facsimile copy of the probable cause
577 affidavit or the sworn offense report upon which the trial court
578 judge's probable cause determination is based. The offender must
579 continue to be detained without bond for a period not exceeding
580 72 hours excluding weekends and holidays after the date of the
581 probable cause determination, pending a decision by the
582 commission whether to issue a warrant charging the offender with
583 violation of the conditions of release. Upon the issuance of the
584 commission's warrant, the offender must continue to be held in
585 custody pending a revocation hearing held in accordance with
586 this section.

587 (7) If a law enforcement officer has probable cause to
588 believe that an offender who is on release supervision under s.
589 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
590 the terms and conditions of his or her release by committing a
591 felony offense, the officer shall arrest the offender without a
592 warrant, and a warrant need not be issued in the case.

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