

By the Committee on Criminal Justice; and Senators Brandes,
Perry, and Bracy

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1 A bill to be entitled
2 An act relating to inmate conditional medical release;
3 creating s. 945.0911, F.S.; establishing the
4 conditional medical release program within the
5 Department of Corrections; establishing a panel to
6 consider specified matters; defining terms; providing
7 for program eligibility; requiring any inmate who
8 meets certain criteria to be considered for
9 conditional medical release; providing that the inmate
10 does not have a right to release or to a certain
11 medical evaluation; requiring the department to
12 identify eligible inmates; requiring the department to
13 refer an inmate to the panel for consideration;
14 providing for victim notification in certain
15 circumstances; requiring the panel to conduct a
16 hearing within a specified timeframe; specifying
17 requirements for the hearing; providing a review
18 process for an inmate who is denied release; providing
19 conditions for release; providing that an inmate who
20 is approved for conditional medical release must be
21 released from the department in a reasonable amount of
22 time; providing that an inmate is considered a medical
23 releasee upon release from the department into the
24 community; providing that a medical releasee remains
25 in the care, custody, supervision, and control of the
26 department and is eligible to earn or lose gain-time;
27 prohibiting a medical releasee or his or her
28 community-based housing from being counted in the
29 prison system population and the prison capacity

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30 figures, respectively; providing for the revocation of
31 a medical releasee's conditional medical release;
32 authorizing the medical releasee to be returned to the
33 department's custody if his or her medical or physical
34 condition improves; requiring a majority of the panel
35 members to agree on the appropriateness of revocation;
36 providing that gain-time is not forfeited for
37 revocation based on improvement in the medical
38 releasee's condition; providing a review process for a
39 medical releasee who has his or her release revoked;
40 authorizing the medical releasee to be recommitted if
41 he or she violates any conditions of the release;
42 requiring that the medical releasee be detained if a
43 violation is based on certain circumstances; requiring
44 that a majority of the panel members agree on the
45 appropriateness of revocation; requiring specified
46 medical releasees to be recommitted to the department
47 upon the revocation of the conditional medical
48 release; authorizing the forfeiture of gain-time if
49 the revocation is based on certain violations;
50 providing a review process for a medical releasee who
51 has his or her release revoked; requiring that the
52 medical releasee be given specified information in
53 certain instances; requiring the department to notify
54 certain persons within a specified time frame of an
55 inmate's diagnosis of a terminal medical condition;
56 requiring the department to allow a visit between an
57 inmate and certain persons within 7 days of a
58 diagnosis of a terminal medical condition; requiring

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59 the department to initiate the conditional medical
60 release review process immediately upon an inmate's
61 diagnosis of a terminal medical condition; requiring
62 the inmate to consent to release of information in
63 certain circumstances; providing rulemaking authority;
64 repealing s. 947.149, F.S., relating to conditional
65 medical release; amending ss. 316.1935, 775.084,
66 775.087, 784.07, 790.235, 794.0115, 893.135, 921.0024,
67 944.605, 944.70, 947.13, and 947.141, F.S.; conforming
68 cross-references to changes made by the act; providing
69 an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Section 945.0911, Florida Statutes, is created
74 to read:

75 945.0911 Conditional medical release.-

76 (1) CREATION.-There is established a conditional medical
77 release program within the department for the purpose of
78 determining whether release is appropriate for eligible inmates,
79 supervising the released inmates, and conducting revocation
80 hearings as provided for in this section. The establishment of
81 the conditional medical release program must include a panel of
82 at least three people appointed by the secretary or his or her
83 designee for the purpose of determining the appropriateness of
84 conditional medical release and conducting revocation hearings
85 on the inmate releases.

86 (2) DEFINITIONS.-As used in this section, the term:

87 (a) "Inmate with a debilitating illness" means an inmate

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88 who is determined to be suffering from a significant terminal or
89 nonterminal condition, disease, or syndrome that has rendered
90 the inmate so physically or cognitively impaired, debilitated,
91 or incapacitated as to create a reasonable probability that the
92 inmate does not constitute a danger to himself or herself to
93 others.

94 (b) "Permanently incapacitated inmate" means an inmate who
95 has a condition caused by injury, disease, or illness which, to
96 a reasonable degree of medical certainty, renders the inmate
97 permanently and irreversibly physically incapacitated to the
98 extent that the inmate does not constitute a danger to himself
99 or herself or to others.

100 (c) "Terminally ill inmate" means an inmate who has a
101 condition caused by injury, disease, or illness that, to a
102 reasonable degree of medical certainty, renders the inmate
103 terminally ill to the extent that there can be no recovery,
104 death is expected within 12 months, and the inmate does not
105 constitute a danger to himself or herself or to others.

106 (3) ELIGIBILITY.—An inmate is eligible for consideration
107 for release under the conditional medical release program when
108 the inmate, because of an existing medical or physical
109 condition, is determined by the department to be an inmate with
110 a debilitating illness, a permanently incapacitated inmate, or a
111 terminally ill inmate.

112 (4) REFERRAL FOR CONSIDERATION.—

113 (a)1. Notwithstanding any provision to the contrary, any
114 inmate in the custody of the department who meets one or more of
115 the eligibility requirements under subsection (3) must be
116 considered for conditional medical release.

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117 2. The authority to grant conditional medical release rests
118 solely with the department. An inmate does not have a right to
119 release or to a medical evaluation to determine eligibility for
120 release pursuant to this section.

121 (b) The department must identify inmates who may be
122 eligible for conditional medical release based upon available
123 medical information. In considering an inmate for conditional
124 medical release, the department may require additional medical
125 evidence, including examinations of the inmate, or any other
126 additional investigations the department deems necessary for
127 determining the appropriateness of the eligible inmate's
128 release.

129 (c) The department must refer an inmate to the panel
130 established under subsection (1) for review and determination of
131 conditional medical release upon his or her identification as
132 potentially eligible for release pursuant to this section.

133 (d) If the case that resulted in the inmate's commitment to
134 the department involved a victim, and the victim specifically
135 requested notification pursuant to s. 16, Art. I of the State
136 Constitution, the department must notify the victim of the
137 inmate's referral to the panel immediately upon identification
138 of the inmate as potentially eligible for release under this
139 section. Additionally, the victim must be afforded the right to
140 be heard regarding the release of the inmate.

141 (5) DETERMINATION OF RELEASE.—

142 (a) Within 45 days after receiving the referral, the panel
143 established in subsection (1) must conduct a hearing to
144 determine whether conditional medical release is appropriate for
145 the inmate. Before the hearing, the director of inmate health

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146 services or his or her designee must review any relevant
147 information, including, but not limited to, medical evidence,
148 and provide the panel with a recommendation regarding the
149 appropriateness of releasing the inmate pursuant to this
150 section.

151 (b) A majority of the panel members must agree that release
152 pursuant to this section is appropriate for the inmate. If
153 conditional medical release is approved, the inmate must be
154 released by the department to the community within a reasonable
155 amount of time with necessary release conditions imposed
156 pursuant to subsection (6). An inmate who is granted conditional
157 medical release is considered a medical releasee upon release to
158 the community.

159 (c) An inmate who is denied conditional medical release by
160 the panel may have the decision reviewed by the department's
161 general counsel and chief medical officer, who must make a
162 recommendation to the secretary. The secretary must review all
163 relevant information and make a final decision about the
164 appropriateness of conditional medical release pursuant to this
165 section. The decision of the secretary is a final administrative
166 decision not subject to appeal. An inmate who is denied
167 conditional medical release may be subsequently reconsidered for
168 such release in a manner prescribed by department rule.

169 (6) RELEASE CONDITIONS.—

170 (a) An inmate granted release pursuant to this section is
171 released for a period equal to the length of time remaining on
172 his or her term of imprisonment on the date the release is
173 granted. Such inmate is considered a medical releasee upon
174 release from the department into the community. The medical

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175 releasee must comply with all reasonable conditions of release
176 the department imposes, which must include, at a minimum:

177 1. Periodic medical evaluations at intervals determined by
178 the department at the time of release.

179 2. Supervision by an officer trained to handle special
180 offender caseloads.

181 3. Active electronic monitoring, if such monitoring is
182 determined to be necessary to ensure the safety of the public
183 and the medical releasee's compliance with release conditions.

184 4. Any conditions of community control provided for in s.
185 948.101.

186 5. Any other conditions the department deems appropriate to
187 ensure the safety of the community and compliance by the medical
188 releasee.

189 (b) A medical releasee is considered to be in the care,
190 custody, supervision, and control of the department and remains
191 eligible to earn or lose gain-time in accordance with s. 944.275
192 and department rule. The medical releasee may not be counted in
193 the prison system population, and the medical releasee's
194 approved community-based housing location may not be counted in
195 the capacity figures for the prison system.

196 (7) REVOCATION HEARING AND RECOMMITMENT.—

197 (a)1. If the medical releasee's supervision officer
198 discovers that the medical or physical condition of the medical
199 releasee has improved to the extent that she or he would no
200 longer be eligible for release under this section, then the
201 conditional medical release may be revoked. The department may
202 order, as prescribed by department rule, that the medical
203 releasee be returned to the custody of the department for a

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204 conditional medical release revocation hearing or may allow the
205 medical releasee to remain in the community pending the
206 revocation hearing.

207 2. The revocation hearing must be conducted by the panel
208 established in subsection (1). Before a revocation hearing
209 pursuant to this paragraph, the director of inmate health
210 services or his or her designee must review any medical evidence
211 pertaining to the medical releasee and provide the panel with a
212 recommendation regarding the medical releasee's improvement and
213 current medical or physical condition.

214 3. A majority of the panel members must agree that
215 revocation is appropriate for the medical releasee's conditional
216 medical release to be revoked. If conditional medical release is
217 revoked due to improvement in his or her medical or physical
218 condition, the medical releasee must be recommitted to the
219 department to serve the balance of his or her sentence with
220 credit for the time served on conditional medical release and
221 without forfeiture of any gain-time accrued before recommitment.
222 If the medical releasee whose conditional medical release is
223 revoked due to an improvement in her or his medical or physical
224 condition would otherwise be eligible for parole or any other
225 release program, he or she may be considered for such release
226 program pursuant to law.

227 4. A medical releasee whose conditional medical release is
228 revoked pursuant to this paragraph may have the decision
229 reviewed by the department's general counsel and chief medical
230 officer, who must make a recommendation to the secretary. The
231 secretary must review all relevant information and make a final
232 decision about the appropriateness of the revocation of

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233 conditional medical release pursuant to this paragraph. The
234 decision of the secretary is a final administrative decision not
235 subject to appeal.

236 (b)1. The medical releasee's conditional medical release
237 may also be revoked for violation of any release conditions the
238 department establishes, including, but not limited to, a new
239 violation of law.

240 2. If the basis of the violation of release conditions is
241 related to a new violation of law, the medical releasee must be
242 detained without bond until his or her initial appearance at
243 which a judicial determination of probable cause is made. If the
244 judge determines that there was no probable cause for the
245 arrest, the medical releasee may be released. If the judge
246 determines that there was probable cause for the arrest, the
247 judge's determination also constitutes reasonable grounds to
248 believe that the medical releasee violated the conditions of the
249 conditional medical release.

250 3. The department must order that the medical releasee
251 subject to revocation under this paragraph be returned to
252 department custody for a conditional medical release revocation
253 hearing.

254 4. A majority of the panel members must agree that
255 revocation is appropriate for the medical releasee's conditional
256 medical release to be revoked. If conditional medical release is
257 revoked pursuant to this paragraph, the medical releasee must
258 serve the balance of his or her sentence with credit for the
259 actual time served on conditional medical release. The
260 releasee's gain-time accrued before recommitment may be
261 forfeited pursuant to s. 944.28(1). If the medical releasee

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262 whose conditional medical release is revoked subject to this
263 paragraph would otherwise be eligible for parole or any other
264 release program, he or she may be considered for such release
265 program pursuant to law.

266 5. A medical releasee whose conditional medical release has
267 been revoked pursuant to this paragraph may have the revocation
268 reviewed by the department's general counsel, who must make a
269 recommendation to the secretary. The secretary must review all
270 relevant information and make a final decision about the
271 appropriateness of the revocation of conditional medical release
272 pursuant to this paragraph. The decision of the secretary is a
273 final administrative decision not subject to appeal.

274 (c) If the medical releasee subject to revocation under
275 paragraph (a) or paragraph (b) elects to proceed with a hearing,
276 the medical releasee must be informed orally and in writing of
277 the following:

278 1. The alleged basis for the pending revocation proceeding
279 against the releasee.

280 2. The releasee's right to be represented by counsel.
281 However, this subparagraph does not create a right to publicly
282 funded legal counsel.

283 3. The releasee's right to be heard in person.

284 4. The releasee's right to secure, present, and compel the
285 attendance of witnesses relevant to the proceeding.

286 5. The releasee's right to produce documents on his or her
287 own behalf.

288 6. The releasee's right of access to all evidence used to
289 support the revocation proceeding against the releasee and to
290 confront and cross-examine adverse witnesses.

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291 7. The releasee's right to waive the hearing.

292 (8) SPECIAL REQUIREMENTS UPON AN INMATE'S DIAGNOSIS OF A
293 TERMINAL CONDITION.—

294 (a) If an inmate is diagnosed with a terminal medical
295 condition that makes him or her eligible for consideration for
296 release under paragraph (2) (c) while in the custody of the
297 department, subject to confidentiality requirements, the
298 department must:

299 1. Notify the inmate's family or next of kin, and attorney,
300 if applicable, of such diagnosis within 72 hours of the
301 diagnosis.

302 2. Provide the inmate's family, including extended family,
303 with an opportunity to visit the inmate in person within 7 days
304 upon such diagnosis.

305 3. Initiate a review for conditional medical release as
306 provided for in this section immediately upon such diagnosis.

307 (b) If the inmate has mental and physical capacity, he or
308 she must consent to release of confidential information for the
309 department to comply with the notification requirements required
310 in this subsection.

311 (9) RULEMAKING AUTHORITY.—The department may adopt rules as
312 necessary to implement this section.

313 Section 2. Section 947.149, Florida Statutes, is repealed.

314 Section 3. Subsection (6) of section 316.1935, Florida
315 Statutes, is amended to read:

316 316.1935 Fleeing or attempting to elude a law enforcement
317 officer; aggravated fleeing or eluding.—

318 (6) Notwithstanding s. 948.01, no court may suspend, defer,
319 or withhold adjudication of guilt or imposition of sentence for

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320 any violation of this section. A person convicted and sentenced
321 to a mandatory minimum term of incarceration under paragraph
322 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-
323 time under s. 944.275 or any form of discretionary early
324 release, other than pardon or executive clemency or conditional
325 medical release under s. 945.0911 ~~s. 947.149~~, prior to serving
326 the mandatory minimum sentence.

327 Section 4. Paragraph (k) of subsection (4) of section
328 775.084, Florida Statutes, is amended to read:

329 775.084 Violent career criminals; habitual felony offenders
330 and habitual violent felony offenders; three-time violent felony
331 offenders; definitions; procedure; enhanced penalties or
332 mandatory minimum prison terms.—

333 (4)

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

338 2. For an offense committed on or after October 1, 1995, a
339 defendant sentenced under this section as a violent career
340 criminal is not eligible for any form of discretionary early
341 release, other than pardon or executive clemency, or conditional
342 medical release granted pursuant to s. 945.0911 ~~s. 947.149~~.

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

348 Section 5. Paragraph (b) of subsection (2) and paragraph

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349 (b) of subsection (3) of section 775.087, Florida Statutes, are
350 amended to read:

351 775.087 Possession or use of weapon; aggravated battery;
352 felony reclassification; minimum sentence.-

353 (2)

354 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
355 (a)3. does not prevent a court from imposing a longer sentence
356 of incarceration as authorized by law in addition to the minimum
357 mandatory sentence, or from imposing a sentence of death
358 pursuant to other applicable law. Subparagraph (a)1.,
359 subparagraph (a)2., or subparagraph (a)3. does not authorize a
360 court to impose a lesser sentence than otherwise required by
361 law.

362

363 Notwithstanding s. 948.01, adjudication of guilt or imposition
364 of sentence shall not be suspended, deferred, or withheld, and
365 the defendant is not eligible for statutory gain-time under s.
366 944.275 or any form of discretionary early release, other than
367 pardon or executive clemency, or conditional medical release
368 under s. 945.0911 ~~s. 947.149~~, prior to serving the minimum
369 sentence.

370 (3)

371 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
372 (a)3. does not prevent a court from imposing a longer sentence
373 of incarceration as authorized by law in addition to the minimum
374 mandatory sentence, or from imposing a sentence of death
375 pursuant to other applicable law. Subparagraph (a)1.,
376 subparagraph (a)2., or subparagraph (a)3. does not authorize a
377 court to impose a lesser sentence than otherwise required by

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378 law.

379

380 Notwithstanding s. 948.01, adjudication of guilt or imposition
381 of sentence shall not be suspended, deferred, or withheld, and
382 the defendant is not eligible for statutory gain-time under s.
383 944.275 or any form of discretionary early release, other than
384 pardon or executive clemency, or conditional medical release
385 under s. 945.0911 ~~s. 947.149~~, prior to serving the minimum
386 sentence.

387 Section 6. Subsection (3) of section 784.07, Florida
388 Statutes, is amended to read:

389 784.07 Assault or battery of law enforcement officers,
390 firefighters, emergency medical care providers, public transit
391 employees or agents, or other specified officers;
392 reclassification of offenses; minimum sentences.-

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

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

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

403

404 Notwithstanding s. 948.01, adjudication of guilt or imposition
405 of sentence shall not be suspended, deferred, or withheld, and
406 the defendant is not eligible for statutory gain-time under s.

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407 944.275 or any form of discretionary early release, other than
408 pardon or executive clemency, or conditional medical release
409 under s. 945.0911 ~~s. 947.149~~, prior to serving the minimum
410 sentence.

411 Section 7. Subsection (1) of section 790.235, Florida
412 Statutes, is amended to read:

413 790.235 Possession of firearm or ammunition by violent
414 career criminal unlawful; penalty.—

415 (1) Any person who meets the violent career criminal
416 criteria under s. 775.084(1)(d), regardless of whether such
417 person is or has previously been sentenced as a violent career
418 criminal, who owns or has in his or her care, custody,
419 possession, or control any firearm, ammunition, or electric
420 weapon or device, or carries a concealed weapon, including a
421 tear gas gun or chemical weapon or device, commits a felony of
422 the first degree, punishable as provided in s. 775.082, s.
423 775.083, or s. 775.084. A person convicted of a violation of
424 this section shall be sentenced to a mandatory minimum of 15
425 years' imprisonment; however, if the person would be sentenced
426 to a longer term of imprisonment under s. 775.084(4)(d), the
427 person must be sentenced under that provision. A person
428 convicted of a violation of this section is not eligible for any
429 form of discretionary early release, other than pardon,
430 executive clemency, or conditional medical release under s.
431 945.0911 ~~s. 947.149~~.

432 Section 8. Subsection (7) of section 794.0115, Florida
433 Statutes, is amended to read:

434 794.0115 Dangerous sexual felony offender; mandatory
435 sentencing.—

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436 (7) A defendant sentenced to a mandatory minimum term of
437 imprisonment under this section is not eligible for statutory
438 gain-time under s. 944.275 or any form of discretionary early
439 release, other than pardon or executive clemency, or conditional
440 medical release under s. 945.0911 ~~s. 947.149~~, before serving the
441 minimum sentence.

442 Section 9. Paragraphs (b), (c), and (g) of subsection (1)
443 and subsection (3) of section 893.135, Florida Statutes, are
444 amended to read:

445 893.135 Trafficking; mandatory sentences; suspension or
446 reduction of sentences; conspiracy to engage in trafficking.—

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

449 (b)1. Any person who knowingly sells, purchases,
450 manufactures, delivers, or brings into this state, or who is
451 knowingly in actual or constructive possession of, 28 grams or
452 more of cocaine, as described in s. 893.03(2)(a)4., or of any
453 mixture containing cocaine, but less than 150 kilograms of
454 cocaine or any such mixture, commits a felony of the first
455 degree, which felony shall be known as "trafficking in cocaine,"
456 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
457 If the quantity involved:

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

462 b. Is 200 grams or more, but less than 400 grams, such
463 person shall be sentenced to a mandatory minimum term of
464 imprisonment of 7 years, and the defendant shall be ordered to

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465 pay a fine of \$100,000.

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

469 2. Any person who knowingly sells, purchases, manufactures,
470 delivers, or brings into this state, or who is knowingly in
471 actual or constructive possession of, 150 kilograms or more of
472 cocaine, as described in s. 893.03(2)(a)4., commits the first
473 degree felony of trafficking in cocaine. A person who has been
474 convicted of the first degree felony of trafficking in cocaine
475 under this subparagraph shall be punished by life imprisonment
476 and is ineligible for any form of discretionary early release
477 except pardon or executive clemency or conditional medical
478 release under s. 945.0911 ~~s. 947.149~~. However, if the court
479 determines that, in addition to committing any act specified in
480 this paragraph:

481 a. The person intentionally killed an individual or
482 counseled, commanded, induced, procured, or caused the
483 intentional killing of an individual and such killing was the
484 result; or

485 b. The person's conduct in committing that act led to a
486 natural, though not inevitable, lethal result,
487
488 such person commits the capital felony of trafficking in
489 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
490 person sentenced for a capital felony under this paragraph shall
491 also be sentenced to pay the maximum fine provided under
492 subparagraph 1.

493 3. Any person who knowingly brings into this state 300

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494 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
495 and who knows that the probable result of such importation would
496 be the death of any person, commits capital importation of
497 cocaine, a capital felony punishable as provided in ss. 775.082
498 and 921.142. Any person sentenced for a capital felony under
499 this paragraph shall also be sentenced to pay the maximum fine
500 provided under subparagraph 1.

501 (c)1. A person who knowingly sells, purchases,
502 manufactures, delivers, or brings into this state, or who is
503 knowingly in actual or constructive possession of, 4 grams or
504 more of any morphine, opium, hydromorphone, or any salt,
505 derivative, isomer, or salt of an isomer thereof, including
506 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
507 (3)(c)4., or 4 grams or more of any mixture containing any such
508 substance, but less than 30 kilograms of such substance or
509 mixture, commits a felony of the first degree, which felony
510 shall be known as "trafficking in illegal drugs," punishable as
511 provided in s. 775.082, s. 775.083, or s. 775.084. If the
512 quantity involved:

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

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

519 c. Is 28 grams or more, but less than 30 kilograms, such
520 person shall be sentenced to a mandatory minimum term of
521 imprisonment of 25 years and shall be ordered to pay a fine of
522 \$500,000.

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523 2. A person who knowingly sells, purchases, manufactures,
524 delivers, or brings into this state, or who is knowingly in
525 actual or constructive possession of, 28 grams or more of
526 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
527 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
528 grams or more of any mixture containing any such substance,
529 commits a felony of the first degree, which felony shall be
530 known as "trafficking in hydrocodone," punishable as provided in
531 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

535 b. Is 50 grams or more, but less than 100 grams, such
536 person shall be sentenced to a mandatory minimum term of
537 imprisonment of 7 years and shall be ordered to pay a fine of
538 \$100,000.

539 c. Is 100 grams or more, but less than 300 grams, such
540 person shall be sentenced to a mandatory minimum term of
541 imprisonment of 15 years and shall be ordered to pay a fine of
542 \$500,000.

543 d. Is 300 grams or more, but less than 30 kilograms, such
544 person shall be sentenced to a mandatory minimum term of
545 imprisonment of 25 years and shall be ordered to pay a fine of
546 \$750,000.

547 3. A person who knowingly sells, purchases, manufactures,
548 delivers, or brings into this state, or who is knowingly in
549 actual or constructive possession of, 7 grams or more of
550 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
551 thereof, or 7 grams or more of any mixture containing any such

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552 substance, commits a felony of the first degree, which felony
553 shall be known as "trafficking in oxycodone," punishable as
554 provided in s. 775.082, s. 775.083, or s. 775.084. If the
555 quantity involved:

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

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

562 c. Is 25 grams or more, but less than 100 grams, such
563 person shall be sentenced to a mandatory minimum term of
564 imprisonment of 15 years and shall be ordered to pay a fine of
565 \$500,000.

566 d. Is 100 grams or more, but less than 30 kilograms, such
567 person shall be sentenced to a mandatory minimum term of
568 imprisonment of 25 years and shall be ordered to pay a fine of
569 \$750,000.

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

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

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

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

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

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

578 893.03(1)(a)62.;

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

580 893.0356, of any substance described in sub-sub-subparagraphs

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581 (I)-(V); or

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

584
585 commits a felony of the first degree, which felony shall be
586 known as "trafficking in fentanyl," punishable as provided in s.
587 775.082, s. 775.083, or s. 775.084.

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

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

592 (II) Is 14 grams or more, but less than 28 grams, such
593 person shall be sentenced to a mandatory minimum term of
594 imprisonment of 15 years, and shall be ordered to pay a fine of
595 \$100,000.

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

599 5. A person who knowingly sells, purchases, manufactures,
600 delivers, or brings into this state, or who is knowingly in
601 actual or constructive possession of, 30 kilograms or more of
602 any morphine, opium, oxycodone, hydrocodone, codeine,
603 hydromorphone, or any salt, derivative, isomer, or salt of an
604 isomer thereof, including heroin, as described in s.
605 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
606 more of any mixture containing any such substance, commits the
607 first degree felony of trafficking in illegal drugs. A person
608 who has been convicted of the first degree felony of trafficking
609 in illegal drugs under this subparagraph shall be punished by

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610 life imprisonment and is ineligible for any form of
611 discretionary early release except pardon or executive clemency
612 or conditional medical release under s. 945.0911 ~~s. 947.149~~.
613 However, if the court determines that, in addition to committing
614 any act specified in this paragraph:

615 a. The person intentionally killed an individual or
616 counseled, commanded, induced, procured, or caused the
617 intentional killing of an individual and such killing was the
618 result; or

619 b. The person's conduct in committing that act led to a
620 natural, though not inevitable, lethal result,
621
622 such person commits the capital felony of trafficking in illegal
623 drugs, punishable as provided in ss. 775.082 and 921.142. A
624 person sentenced for a capital felony under this paragraph shall
625 also be sentenced to pay the maximum fine provided under
626 subparagraph 1.

627 6. A person who knowingly brings into this state 60
628 kilograms or more of any morphine, opium, oxycodone,
629 hydrocodone, codeine, hydromorphone, or any salt, derivative,
630 isomer, or salt of an isomer thereof, including heroin, as
631 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
632 60 kilograms or more of any mixture containing any such
633 substance, and who knows that the probable result of such
634 importation would be the death of a person, commits capital
635 importation of illegal drugs, a capital felony punishable as
636 provided in ss. 775.082 and 921.142. A person sentenced for a
637 capital felony under this paragraph shall also be sentenced to
638 pay the maximum fine provided under subparagraph 1.

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639 (g)1. Any person who knowingly sells, purchases,
640 manufactures, delivers, or brings into this state, or who is
641 knowingly in actual or constructive possession of, 4 grams or
642 more of flunitrazepam or any mixture containing flunitrazepam as
643 described in s. 893.03(1)(a) commits a felony of the first
644 degree, which felony shall be known as "trafficking in
645 flunitrazepam," punishable as provided in s. 775.082, s.
646 775.083, or s. 775.084. If the quantity involved:

647 a. Is 4 grams or more but less than 14 grams, such person
648 shall be sentenced to a mandatory minimum term of imprisonment
649 of 3 years, and the defendant shall be ordered to pay a fine of
650 \$50,000.

651 b. Is 14 grams or more but less than 28 grams, such person
652 shall be sentenced to a mandatory minimum term of imprisonment
653 of 7 years, and the defendant shall be ordered to pay a fine of
654 \$100,000.

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

658 2. Any person who knowingly sells, purchases, manufactures,
659 delivers, or brings into this state or who is knowingly in
660 actual or constructive possession of 30 kilograms or more of
661 flunitrazepam or any mixture containing flunitrazepam as
662 described in s. 893.03(1)(a) commits the first degree felony of
663 trafficking in flunitrazepam. A person who has been convicted of
664 the first degree felony of trafficking in flunitrazepam under
665 this subparagraph shall be punished by life imprisonment and is
666 ineligible for any form of discretionary early release except
667 pardon or executive clemency or conditional medical release

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668 under s. 945.0911 ~~s. 947.149~~. However, if the court determines
669 that, in addition to committing any act specified in this
670 paragraph:

671 a. The person intentionally killed an individual or
672 counseled, commanded, induced, procured, or caused the
673 intentional killing of an individual and such killing was the
674 result; or

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

677
678 such person commits the capital felony of trafficking in
679 flunitrazepam, punishable as provided in ss. 775.082 and
680 921.142. Any person sentenced for a capital felony under this
681 paragraph shall also be sentenced to pay the maximum fine
682 provided under subparagraph 1.

683 (3) Notwithstanding the provisions of s. 948.01, with
684 respect to any person who is found to have violated this
685 section, adjudication of guilt or imposition of sentence shall
686 not be suspended, deferred, or withheld, nor shall such person
687 be eligible for parole prior to serving the mandatory minimum
688 term of imprisonment prescribed by this section. A person
689 sentenced to a mandatory minimum term of imprisonment under this
690 section is not eligible for any form of discretionary early
691 release, except pardon or executive clemency or conditional
692 medical release under s. 945.0911 ~~s. 947.149~~, prior to serving
693 the mandatory minimum term of imprisonment.

694 Section 10. Subsection (2) of section 921.0024, Florida
695 Statutes, is amended to read:

696 921.0024 Criminal Punishment Code; worksheet computations;

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697 scoresheets.—

698 (2) The lowest permissible sentence is the minimum sentence
699 that may be imposed by the trial court, absent a valid reason
700 for departure. The lowest permissible sentence is any nonstate
701 prison sanction in which the total sentence points equals or is
702 less than 44 points, unless the court determines within its
703 discretion that a prison sentence, which may be up to the
704 statutory maximums for the offenses committed, is appropriate.
705 When the total sentence points exceeds 44 points, the lowest
706 permissible sentence in prison months shall be calculated by
707 subtracting 28 points from the total sentence points and
708 decreasing the remaining total by 25 percent. The total sentence
709 points shall be calculated only as a means of determining the
710 lowest permissible sentence. The permissible range for
711 sentencing shall be the lowest permissible sentence up to and
712 including the statutory maximum, as defined in s. 775.082, for
713 the primary offense and any additional offenses before the court
714 for sentencing. The sentencing court may impose such sentences
715 concurrently or consecutively. However, any sentence to state
716 prison must exceed 1 year. If the lowest permissible sentence
717 under the code exceeds the statutory maximum sentence as
718 provided in s. 775.082, the sentence required by the code must
719 be imposed. If the total sentence points are greater than or
720 equal to 363, the court may sentence the offender to life
721 imprisonment. An offender sentenced to life imprisonment under
722 this section is not eligible for any form of discretionary early
723 release, except executive clemency or conditional medical
724 release under s. 945.0911 ~~s. 947.149~~.

725 Section 11. Paragraph (b) of subsection (7) of section

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726 944.605, Florida Statutes, is amended to read:

727 944.605 Inmate release; notification; identification card.-

728 (7)

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

730 1. The department determines have a valid driver license or
731 state identification card, except that the department shall
732 provide these inmates with a replacement state identification
733 card or replacement driver license, if necessary.

734 2. Have an active detainer, unless the department
735 determines that cancellation of the detainer is likely or that
736 the incarceration for which the detainer was issued will be less
737 than 12 months in duration.

738 3. Are released due to an emergency release or a
739 conditional medical release under s. 945.0911 ~~s. 947.149~~.

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

742 5. Are subject to sex offender residency restrictions, and
743 who, upon release under such restrictions, do not have a
744 qualifying address.

745 Section 12. Subsection (1) of section 944.70, Florida
746 Statutes, is amended to read:

747 944.70 Conditions for release from incarceration.-

748 (1) (a) A person who is convicted of a crime committed on or
749 after October 1, 1983, but before January 1, 1994, may be
750 released from incarceration only:

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

752 2. Upon expiration of the person's sentence as reduced by
753 accumulated gain-time;

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

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- 755 4. Upon attaining the provisional release date;
- 756 5. Upon placement in a conditional release program pursuant
757 to s. 947.1405; or
- 758 6. Upon the granting of control release pursuant to s.
759 947.146.
- 760 (b) A person who is convicted of a crime committed on or
761 after January 1, 1994, may be released from incarceration only:
- 762 1. Upon expiration of the person's sentence;
- 763 2. Upon expiration of the person's sentence as reduced by
764 accumulated meritorious or incentive gain-time;
- 765 3. As directed by an executive order granting clemency;
- 766 4. Upon placement in a conditional release program pursuant
767 to s. 947.1405 or a conditional medical release program pursuant
768 to s. 945.0911 ~~s. 947.149~~; or
- 769 5. Upon the granting of control release, including
770 emergency control release, pursuant to s. 947.146.
- 771 Section 13. Paragraph (h) of subsection (1) of section
772 947.13, Florida Statutes, is amended to read:
- 773 947.13 Powers and duties of commission.—
- 774 (1) The commission shall have the powers and perform the
775 duties of:
- 776 ~~(h) Determining what persons will be released on
777 conditional medical release under s. 947.149, establishing the
778 conditions of conditional medical release, and determining
779 whether a person has violated the conditions of conditional
780 medical release and taking action with respect to such a
781 violation.~~
- 782 Section 14. Section 947.141, Florida Statutes, is amended
783 to read:

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784 947.141 Violations of conditional release, control release,
785 ~~or conditional medical release~~ or addiction-recovery
786 supervision.-

787 (1) If a member of the commission or a duly authorized
788 representative of the commission has reasonable grounds to
789 believe that an offender who is on release supervision under s.
790 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731 has violated
791 the terms and conditions of the release in a material respect,
792 such member or representative may cause a warrant to be issued
793 for the arrest of the releasee; if the offender was found to be
794 a sexual predator, the warrant must be issued.

795 (2) Upon the arrest on a felony charge of an offender who
796 is on release supervision under s. 947.1405, s. 947.146, ~~s.~~
797 ~~947.149~~, or s. 944.4731, the offender must be detained without
798 bond until the initial appearance of the offender at which a
799 judicial determination of probable cause is made. If the trial
800 court judge determines that there was no probable cause for the
801 arrest, the offender may be released. If the trial court judge
802 determines that there was probable cause for the arrest, such
803 determination also constitutes reasonable grounds to believe
804 that the offender violated the conditions of the release. Within
805 24 hours after the trial court judge's finding of probable
806 cause, the detention facility administrator or designee shall
807 notify the commission and the department of the finding and
808 transmit to each a facsimile copy of the probable cause
809 affidavit or the sworn offense report upon which the trial court
810 judge's probable cause determination is based. The offender must
811 continue to be detained without bond for a period not exceeding
812 72 hours excluding weekends and holidays after the date of the

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813 probable cause determination, pending a decision by the
814 commission whether to issue a warrant charging the offender with
815 violation of the conditions of release. Upon the issuance of the
816 commission's warrant, the offender must continue to be held in
817 custody pending a revocation hearing held in accordance with
818 this section.

819 (3) Within 45 days after notice to the Florida Commission
820 on Offender Review of the arrest of a releasee charged with a
821 violation of the terms and conditions of conditional release,
822 control release, ~~conditional medical release~~, or addiction-
823 recovery supervision, the releasee must be afforded a hearing
824 conducted by a commissioner or a duly authorized representative
825 thereof. If the releasee elects to proceed with a hearing, the
826 releasee must be informed orally and in writing of the
827 following:

828 (a) The alleged violation with which the releasee is
829 charged.

830 (b) The releasee's right to be represented by counsel.

831 (c) The releasee's right to be heard in person.

832 (d) The releasee's right to secure, present, and compel the
833 attendance of witnesses relevant to the proceeding.

834 (e) The releasee's right to produce documents on the
835 releasee's own behalf.

836 (f) The releasee's right of access to all evidence used
837 against the releasee and to confront and cross-examine adverse
838 witnesses.

839 (g) The releasee's right to waive the hearing.

840 (4) Within a reasonable time following the hearing, the
841 commissioner or the commissioner's duly authorized

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842 representative who conducted the hearing shall make findings of
843 fact in regard to the alleged violation. A panel of no fewer
844 than two commissioners shall enter an order determining whether
845 the charge of violation of conditional release, control release,
846 ~~conditional medical release,~~ or addiction-recovery supervision
847 has been sustained based upon the findings of fact presented by
848 the hearing commissioner or authorized representative. By such
849 order, the panel may revoke conditional release, control
850 release, ~~conditional medical release,~~ or addiction-recovery
851 supervision and thereby return the releasee to prison to serve
852 the sentence imposed, reinstate the original order granting the
853 release, or enter such other order as it considers proper.
854 Effective for inmates whose offenses were committed on or after
855 July 1, 1995, the panel may order the placement of a releasee,
856 upon a finding of violation pursuant to this subsection, into a
857 local detention facility as a condition of supervision.

858 (5) Effective for inmates whose offenses were committed on
859 or after July 1, 1995, notwithstanding the provisions of ss.
860 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
861 951.23, or any other law to the contrary, by such order as
862 provided in subsection (4), the panel, upon a finding of guilt,
863 may, as a condition of continued supervision, place the releasee
864 in a local detention facility for a period of incarceration not
865 to exceed 22 months. Prior to the expiration of the term of
866 incarceration, or upon recommendation of the chief correctional
867 officer of that county, the commission shall cause inquiry into
868 the inmate's release plan and custody status in the detention
869 facility and consider whether to restore the inmate to
870 supervision, modify the conditions of supervision, or enter an

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871 order of revocation, thereby causing the return of the inmate to
872 prison to serve the sentence imposed. The provisions of this
873 section do not prohibit the panel from entering such other order
874 or conducting any investigation that it deems proper. The
875 commission may only place a person in a local detention facility
876 pursuant to this section if there is a contractual agreement
877 between the chief correctional officer of that county and the
878 Department of Corrections. The agreement must provide for a per
879 diem reimbursement for each person placed under this section,
880 which is payable by the Department of Corrections for the
881 duration of the offender's placement in the facility. This
882 section does not limit the commission's ability to place a
883 person in a local detention facility for less than 1 year.

884 (6) Whenever a conditional release, control release,
885 ~~conditional medical release,~~ or addiction-recovery supervision
886 is revoked by a panel of no fewer than two commissioners and the
887 releasee is ordered to be returned to prison, the releasee, by
888 reason of the misconduct, shall be deemed to have forfeited all
889 gain-time or commutation of time for good conduct, as provided
890 for by law, earned up to the date of release. However, if a
891 conditional medical release is revoked due to the improved
892 medical or physical condition of the releasee, the releasee
893 shall not forfeit gain-time accrued before the date of
894 conditional medical release. This subsection does not deprive
895 the prisoner of the right to gain-time or commutation of time
896 for good conduct, as provided by law, from the date of return to
897 prison.

898 (7) If a law enforcement officer has probable cause to
899 believe that an offender who is on release supervision under s.

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900 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731 has violated
901 the terms and conditions of his or her release by committing a
902 felony offense, the officer shall arrest the offender without a
903 warrant, and a warrant need not be issued in the case.

904 Section 15. This act shall take effect October 1, 2020.