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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to conditional aging inmate release; creating s. 945.0912, F.S.; providing legislative findings; establishing the conditional aging inmate release program within the Department of Corrections; establishing a panel to consider specified matters; providing for program eligibility; providing that an inmate may be released on conditional aging inmate release prior to serving 85 percent of his or her term of imprisonment; requiring that an inmate who meets certain criteria be considered for conditional aging inmate release; providing that the inmate does not have a right to release; requiring the department to identify eligible inmates; requiring the department to refer an inmate to the panel for consideration; providing victim notification requirements under certain circumstances; requiring the panel to conduct a hearing within a specified timeframe; providing requirements for the hearing; providing that an inmate who is approved for conditional aging inmate release must be released from the department's custody within a reasonable amount of time; providing that an inmate is considered an aging releasee upon release from the department into the community; providing a review process for an inmate who is denied release; providing conditions for release; providing that the department does not have a duty to provide medical care to an



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28 aging releasee; prohibiting an aging releasee or his
29 or her community-based housing from being counted in
30 the prison system population and the prison capacity
31 figures, respectively; providing for the revocation of
32 conditional aging inmate release; requiring the aging
33 releasee to be detained if a violation is based on
34 certain circumstances; authorizing the aging releasee
35 to be returned to the department if he or she violates
36 any conditions of the release; providing the
37 department with authority to issue an arrest warrant
38 in specified circumstances; authorizing a law
39 enforcement officer or a probation officer may arrest
40 the aging releasee without a warrant in certain
41 circumstances; requiring a majority of the panel to
42 agree on the appropriateness of revocation;
43 authorizing the forfeiture of gain-time if the
44 revocation is based on certain violations; providing
45 that an aging releasee whose conditional aging inmate
46 release is revoked and is recommitted to the
47 department must comply with the 85 percent requirement
48 upon recommitment; providing a review process for an
49 aging releasee who has his or her released revoked;
50 requiring the aging releasee to be given specified
51 information in certain instances; requiring the panel
52 to provide a written statement as to evidence relied
53 on and reasons for revocation; providing members of
54 the panel have sovereign immunity related to specified
55 decisions; providing rulemaking authority; amending
56 ss. 316.1935, 775.084, 775.087, 784.07, 790.235,



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57 893.135, 921.0024, 944.605, and 944.70, F.S.;

58 conforming cross-references; providing an effective

59 date.

60

61 Be It Enacted by the Legislature of the State of Florida:

62

63 Section 1. Section 945.0912, Florida Statutes, is created

64 to read:

65 945.0912 Conditional aging inmate release.-

66 (1) FINDINGS.-The Legislature finds that the number of

67 aging inmates incarcerated in the state's prisons has grown

68 significantly in recent years. Further, the Legislature finds

69 that imprisonment tends to exacerbate the effects of aging due

70 to histories of substance abuse and inadequate preventative care

71 prior to imprisonment and stress linked to prison life. The

72 Legislature also finds that recidivism rates are greatly reduced

73 with older inmates who are released into the community.

74 Therefore, the Legislature finds that it is of great public

75 importance to find a compassionate solution to the challenges

76 presented by the imprisonment of aging inmates while also

77 ensuring that the public safety of Florida's communities remains

78 protected.

79 (2) CREATION.-There is established a conditional aging

80 inmate release program within the department for the purpose of

81 determining eligible inmates who are appropriate for such

82 release, supervising the released inmates, and conducting

83 revocation hearings as provided for in this section. The program

84 must include a panel of at least three people appointed by the

85 secretary or his or her designee for the purpose of determining



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86 the appropriateness of conditional aging inmate release and
87 conducting revocation hearings on the inmate releases.

88 (3) ELIGIBILITY.—

89 (a) An inmate is eligible for consideration for release
90 under the conditional aging inmate release program when the
91 inmate has reached 65 years of age and has served at least 10
92 years on his or her term of imprisonment. Notwithstanding any
93 other provision of law, an inmate who meets the above criteria
94 may be released from the custody of the department pursuant to
95 this section prior to satisfying 85 percent of his or her term
96 of imprisonment.

97 (b) An inmate may not be considered for release through the
98 program if he or she has ever been found guilty of, regardless
99 of adjudication, or entered a plea of nolo contendere or guilty
100 to, or has been adjudicated delinquent for committing:

101 1. Any offense classified as a capital felony, life felony,
102 or first degree felony punishable by a term of years not
103 exceeding life imprisonment.

104 2. Any violation of law that results in the killing of a
105 human being.

106 3. Any felony offense that serves as a predicate to
107 registration as a sexual offender in accordance with s.
108 943.0435; or

109 4. Any similar offense committed in another jurisdiction
110 which would be an offense listed in this paragraph if it had
111 been committed in violation of the laws of this state.

112 (c) An inmate who has previously been released on any form
113 of conditional or discretionary release and who was recommitted
114 to the department as a result of a finding that he or she



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115 subsequently violated the terms of such conditional or
116 discretionary release may not be considered for release through
117 the program.

118 (4) REFERRAL FOR CONSIDERATION.—

119 (a)1. Notwithstanding any provision to the contrary, an
120 inmate in the custody of the department who is eligible for
121 consideration pursuant to subsection (3) must be considered for
122 the conditional aging inmate release program.

123 2. The authority to grant conditional aging inmate release
124 rests solely with the department. An inmate does not have a
125 right to such release.

126 (b) The department must identify inmates who may be
127 eligible for the conditional aging inmate release program. In
128 considering an inmate for conditional aging inmate release, the
129 department may require the production of additional evidence or
130 any other additional investigations that the department deems
131 are necessary for determining the appropriateness of the
132 eligible inmate's release.

133 (c) The department must refer an inmate to the panel
134 established under subsection (2) for review and determination of
135 conditional aging inmate release upon his or her identification
136 as potentially eligible for release pursuant to this section.

137 (d) If the case that resulted in the inmate's commitment to
138 the department involved a victim, and the victim specifically
139 requested notification pursuant to s. 16, Art. I of the State
140 Constitution, the department must notify the victim, in a manner
141 prescribed by rule, of the inmate's referral to the panel
142 immediately upon identification of the inmate as potentially
143 eligible for release under this section. Additionally, the



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144 victim must be afforded the right to be heard regarding the
145 release of the inmate.

146 (5) DETERMINATION OF RELEASE.—

147 (a) Within 45 days after receiving the referral, the panel
148 established in subsection (2) must conduct a hearing to
149 determine whether the inmate is appropriate for conditional
150 aging inmate release.

151 (b) A majority of the panel members must agree that the
152 inmate is appropriate for release pursuant to this section. If
153 conditional aging inmate 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 aging inmate release is considered an aging releasee upon
158 release to the community.

159 (c)1. An inmate who is denied conditional aging inmate
160 release by the panel may have the decision reviewed by the
161 department's general counsel, who must make a recommendation to
162 the secretary. The secretary must review all relevant
163 information and make a final decision about the appropriateness
164 of conditional aging inmate release pursuant to this section.
165 The decision of the secretary is a final administrative decision
166 not subject to appeal.

167 2. An inmate that requests to have the decision reviewed in
168 accordance with this paragraph must do so in a manner prescribed
169 in rule. An inmate who is denied conditional aging inmate
170 release may be subsequently reconsidered for such release in a
171 manner prescribed by rule.

172 (6) RELEASE CONDITIONS.—



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173 (a) An inmate granted release pursuant to this section is
174 released for a period equal to the length of time remaining on
175 his or her term of imprisonment on the date the release is
176 granted. Such inmate is considered an aging releasee upon
177 release from the department into the community. The aging
178 releasee must comply with all reasonable conditions of release
179 the department imposes, which must include, at a minimum:

180 1. Supervision by an officer trained to handle special
181 offender caseloads.

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

185 3. Any conditions of community control provided for in s.
186 948.101.

187 4. Any other conditions the department deems appropriate to
188 ensure the safety of the community and compliance by the aging
189 releasee.

190 (b) An aging releasee is considered to be in the custody,
191 supervision, and control of the department, which, for purposes
192 of this section does not create a duty for the department to
193 provide the aging releasee with medical care upon release into
194 the community. The aging releasee remains eligible to earn or
195 lose gain-time in accordance with s. 944.275 and department
196 rule. The aging releasee may not be counted in the prison system
197 population, and the aging releasee's approved community-based
198 housing location may not be counted in the capacity figures for
199 the prison system.

200 (7) REVOCATION HEARING AND RECOMMITMENT.—

201 (a)1. An aging releasee's conditional aging inmate release



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202 may be revoked for a violation of any condition of the release
203 established by the department, including, but not limited to, a
204 new violation of law. The department may terminate the aging
205 releasee's conditional aging inmate release and return him or
206 her to the same or another institution designated by the
207 department.

208 2. If a duly authorized representative of the department
209 has reasonable grounds to believe that an aging releasee has
210 violated the conditions of his or her release in a material
211 respect, such representative may cause a warrant to be issued
212 for the arrest of the aging releasee. A law enforcement officer
213 or a probation officer may arrest the aging releasee without a
214 warrant in accordance with s. 948.06, if there are reasonable
215 grounds to believe he or she has violated the terms and
216 conditions of his or her conditional aging inmate release. The
217 law enforcement officer must report the aging releasee's alleged
218 violations to the supervising probation office or the
219 department's emergency action center for initiation of
220 revocation proceedings as prescribed by the department by rule.

221 3. If the basis of the violation of release conditions is
222 related to a new violation of law, the aging releasee must be
223 detained without bond until his or her initial appearance, at
224 which a judicial determination of probable cause is made. If the
225 judge determines that there was no probable cause for the
226 arrest, the aging releasee may be released. If the judge
227 determines that there was probable cause for the arrest, the
228 judge's determination also constitutes reasonable grounds to
229 believe that the aging releasee violated the conditions of the
230 release.



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231 4. The department must order that the aging releasee
232 subject to revocation under this subsection be returned to
233 department custody for a conditional aging inmate release
234 revocation hearing as prescribed by rule. An aging releasee may
235 admit to the alleged violation of the conditions of conditional
236 aging inmate release or may elect to proceed to a revocation
237 hearing.

238 5. A majority of the panel members must agree that
239 revocation is appropriate for the aging releasee's conditional
240 aging inmate release to be revoked. If conditional aging inmate
241 release is revoked pursuant to this subsection, the aging
242 releasee must serve the balance of his or her sentence in an
243 institution designated by the department with credit for the
244 actual time served on conditional aging inmate release. However,
245 the aging releasee's gain-time accrued before recommitment may
246 be forfeited pursuant to s. 944.28(1). An aging releasee whose
247 conditional aging inmate release is revoked and is recommitted
248 to the department under this subsection must comply with the 85
249 percent requirement in accordance with ss. 921.002 and 944.275
250 upon recommitment. If the aging releasee whose conditional aging
251 inmate release is revoked subject to this subsection would
252 otherwise be eligible for parole or any other release program,
253 he or she may be considered for such release program pursuant to
254 law.

255 6. An aging releasee whose release has been revoked
256 pursuant to this subsection may have the revocation reviewed by
257 the department's general counsel, who must make a recommendation
258 to the secretary. The secretary must review all relevant
259 information and make a final decision about the appropriateness



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260 of the revocation of conditional aging inmate release pursuant
261 to this subsection. The decision of the secretary is a final
262 administrative decision not subject to appeal.

263 (b) If the aging releasee subject to revocation under
264 paragraph (a) elects to proceed with a hearing, the aging
265 releasee must be informed orally and in writing of the
266 following:

267 1. The alleged violation with which the releasee is
268 charged.

269 2. The releasee's right to be represented by counsel.
270 However, this subparagraph does not create a right to publicly
271 funded legal counsel.

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

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

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

277 6. The releasee's right of access to all evidence used
278 against the releasee and to confront and cross-examine adverse
279 witnesses.

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

281 (c) If the panel approves the revocation of the aging
282 releasee's conditional aging inmate release, the panel must
283 provide a written statement as to evidence relied on and reasons
284 for revocation.

285 (8) SOVEREIGN IMMUNITY.—Unless otherwise provided by law
286 and in accordance with s. 13, Art. X of the State Constitution,
287 members of the panel established in subsection (2) who are
288 involved with decisions that grant or revoke conditional aging



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289 inmate release are provided immunity from liability for actions
290 that directly relate to such decisions.

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

293 Section 2. Subsection (6) of section 316.1935, Florida
294 Statutes, is amended to read:

295 316.1935 Fleeing or attempting to elude a law enforcement
296 officer; aggravated fleeing or eluding.—

297 (6) Notwithstanding s. 948.01, no court may suspend, defer,
298 or withhold adjudication of guilt or imposition of sentence for
299 any violation of this section. A person convicted and sentenced
300 to a mandatory minimum term of incarceration under paragraph
301 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-
302 time under s. 944.275 or any form of discretionary early
303 release, other than pardon or executive clemency, ~~or~~ conditional
304 medical release under s. 947.149, or conditional aging inmate
305 release under s. 945.0912, prior to serving the mandatory
306 minimum sentence.

307 Section 3. Paragraph (k) of subsection (4) of section
308 775.084, Florida Statutes, is amended to read:

309 775.084 Violent career criminals; habitual felony offenders
310 and habitual violent felony offenders; three-time violent felony
311 offenders; definitions; procedure; enhanced penalties or
312 mandatory minimum prison terms.—

313 (4)

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



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318 2. For an offense committed on or after October 1, 1995, a
319 defendant sentenced under this section as a violent career
320 criminal is not eligible for any form of discretionary early
321 release, other than pardon or executive clemency, ~~or~~ conditional
322 medical release under granted pursuant to s. 947.149, or
323 conditional aging inmate release under s. 945.0912.

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

329 Section 4. Paragraph (b) of subsection (2) and paragraph
330 (b) of subsection (3) of section 775.087, Florida Statutes, are
331 amended to read:

332 775.087 Possession or use of weapon; aggravated battery;
333 felony reclassification; minimum sentence.-

334 (2)

335 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
336 (a)3. does not prevent a court from imposing a longer sentence
337 of incarceration as authorized by law in addition to the minimum
338 mandatory sentence, or from imposing a sentence of death
339 pursuant to other applicable law. Subparagraph (a)1.,
340 subparagraph (a)2., or subparagraph (a)3. does not authorize a
341 court to impose a lesser sentence than otherwise required by
342 law.

343
344 Notwithstanding s. 948.01, adjudication of guilt or imposition
345 of sentence shall not be suspended, deferred, or withheld, and
346 the defendant is not eligible for statutory gain-time under s.



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347 944.275 or any form of discretionary early release, other than
348 pardon or executive clemency, ~~or~~ conditional medical release
349 under s. 947.149, or conditional aging inmate release under s.
350 945.0912, prior to serving the minimum sentence.

351 (3)

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

360
361 Notwithstanding s. 948.01, adjudication of guilt or imposition
362 of sentence shall not be suspended, deferred, or withheld, and
363 the defendant is not eligible for statutory gain-time under s.
364 944.275 or any form of discretionary early release, other than
365 pardon or executive clemency, ~~or~~ conditional medical release
366 under s. 947.149, or conditional aging inmate release under s.
367 945.0912, prior to serving the minimum sentence.

368 Section 5. Subsection (3) of section 784.07, Florida
369 Statutes, is amended to read:

370 784.07 Assault or battery of law enforcement officers,
371 firefighters, emergency medical care providers, public transit
372 employees or agents, or other specified officers;
373 reclassification of offenses; minimum sentences.—

374 (3) Any person who is convicted of a battery under
375 paragraph (2)(b) and, during the commission of the offense, such



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376 person possessed:

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

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

384
385 Notwithstanding s. 948.01, adjudication of guilt or imposition
386 of sentence shall not be suspended, deferred, or withheld, and
387 the defendant is not eligible for statutory gain-time under s.
388 944.275 or any form of discretionary early release, other than
389 pardon or executive clemency, ~~or~~ conditional medical release
390 under s. 947.149, or conditional aging inmate release under s.
391 945.0912, prior to serving the minimum sentence.

392 Section 6. Subsection (1) of section 790.235, Florida
393 Statutes, is amended to read:

394 790.235 Possession of firearm or ammunition by violent
395 career criminal unlawful; penalty.—

396 (1) Any person who meets the violent career criminal
397 criteria under s. 775.084(1)(d), regardless of whether such
398 person is or has previously been sentenced as a violent career
399 criminal, who owns or has in his or her care, custody,
400 possession, or control any firearm, ammunition, or electric
401 weapon or device, or carries a concealed weapon, including a
402 tear gas gun or chemical weapon or device, commits a felony of
403 the first degree, punishable as provided in s. 775.082, s.
404 775.083, or s. 775.084. A person convicted of a violation of



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405 this section shall be sentenced to a mandatory minimum of 15
406 years' imprisonment; however, if the person would be sentenced
407 to a longer term of imprisonment under s. 775.084(4)(d), the
408 person must be sentenced under that provision. A person
409 convicted of a violation of this section is not eligible for any
410 form of discretionary early release, other than pardon,
411 executive clemency, ~~or~~ conditional medical release under s.
412 947.149, or conditional aging inmate release under s. 945.0912.

413 Section 7. Paragraphs (b), (c), and (g) of subsection (1)
414 and subsection (3) of section 893.135, Florida Statutes, are
415 amended to read:

416 893.135 Trafficking; mandatory sentences; suspension or
417 reduction of sentences; conspiracy to engage in trafficking.-

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

420 (b)1. Any person who knowingly sells, purchases,
421 manufactures, delivers, or brings into this state, or who is
422 knowingly in actual or constructive possession of, 28 grams or
423 more of cocaine, as described in s. 893.03(2)(a)4., or of any
424 mixture containing cocaine, but less than 150 kilograms of
425 cocaine or any such mixture, commits a felony of the first
426 degree, which felony shall be known as "trafficking in cocaine,"
427 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
428 If the quantity involved:

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

433 b. Is 200 grams or more, but less than 400 grams, such



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434 person shall be sentenced to a mandatory minimum term of
435 imprisonment of 7 years, and the defendant shall be ordered to
436 pay a fine of \$100,000.

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

440 2. Any person who knowingly sells, purchases, manufactures,
441 delivers, or brings into this state, or who is knowingly in
442 actual or constructive possession of, 150 kilograms or more of
443 cocaine, as described in s. 893.03(2)(a)4., commits the first
444 degree felony of trafficking in cocaine. A person who has been
445 convicted of the first degree felony of trafficking in cocaine
446 under this subparagraph shall be punished by life imprisonment
447 and is ineligible for any form of discretionary early release
448 except pardon or executive clemency, ~~or~~ conditional medical
449 release under s. 947.149, or conditional aging inmate release
450 under s. 945.0912. However, if the court determines that, in
451 addition to committing any act specified in this paragraph:

452 a. The person intentionally killed an individual or
453 counseled, commanded, induced, procured, or caused the
454 intentional killing of an individual and such killing was the
455 result; or

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

458
459 such person commits the capital felony of trafficking in
460 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
461 person sentenced for a capital felony under this paragraph shall
462 also be sentenced to pay the maximum fine provided under



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463 subparagraph 1.

464 3. Any person who knowingly brings into this state 300
465 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
466 and who knows that the probable result of such importation would
467 be the death of any person, commits capital importation of
468 cocaine, a capital felony punishable as provided in ss. 775.082
469 and 921.142. Any person sentenced for a capital felony under
470 this paragraph shall also be sentenced to pay the maximum fine
471 provided under subparagraph 1.

472 (c)1. A person who knowingly sells, purchases,
473 manufactures, delivers, or brings into this state, or who is
474 knowingly in actual or constructive possession of, 4 grams or
475 more of any morphine, opium, hydromorphone, or any salt,
476 derivative, isomer, or salt of an isomer thereof, including
477 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
478 (3)(c)4., or 4 grams or more of any mixture containing any such
479 substance, but less than 30 kilograms of such substance or
480 mixture, commits a felony of the first degree, which felony
481 shall be known as "trafficking in illegal drugs," punishable as
482 provided in s. 775.082, s. 775.083, or s. 775.084. If the
483 quantity involved:

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

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

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



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492 imprisonment of 25 years and shall be ordered to pay a fine of
493 \$500,000.

494 2. A person who knowingly sells, purchases, manufactures,
495 delivers, or brings into this state, or who is knowingly in
496 actual or constructive possession of, 28 grams or more of
497 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
498 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
499 grams or more of any mixture containing any such substance,
500 commits a felony of the first degree, which felony shall be
501 known as "trafficking in hydrocodone," punishable as provided in
502 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

506 b. Is 50 grams or more, but less than 100 grams, such
507 person shall be sentenced to a mandatory minimum term of
508 imprisonment of 7 years and shall be ordered to pay a fine of
509 \$100,000.

510 c. Is 100 grams or more, but less than 300 grams, such
511 person shall be sentenced to a mandatory minimum term of
512 imprisonment of 15 years and shall be ordered to pay a fine of
513 \$500,000.

514 d. Is 300 grams or more, but less than 30 kilograms, such
515 person shall be sentenced to a mandatory minimum term of
516 imprisonment of 25 years and shall be ordered to pay a fine of
517 \$750,000.

518 3. A person who knowingly sells, purchases, manufactures,
519 delivers, or brings into this state, or who is knowingly in
520 actual or constructive possession of, 7 grams or more of



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521 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
522 thereof, or 7 grams or more of any mixture containing any such
523 substance, commits a felony of the first degree, which felony
524 shall be known as "trafficking in oxycodone," punishable as
525 provided in s. 775.082, s. 775.083, or s. 775.084. If the
526 quantity involved:

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

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

533 c. Is 25 grams or more, but less than 100 grams, such
534 person shall be sentenced to a mandatory minimum term of
535 imprisonment of 15 years and shall be ordered to pay a fine of
536 \$500,000.

537 d. Is 100 grams or more, but less than 30 kilograms, such
538 person shall be sentenced to a mandatory minimum term of
539 imprisonment of 25 years and shall be ordered to pay a fine of
540 \$750,000.

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

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

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

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

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

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

549 893.03(1)(a)62.;



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550 (VI) A controlled substance analog, as described in s.
551 893.0356, of any substance described in sub-sub-subparagraphs
552 (I)-(V); or

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

555
556 commits a felony of the first degree, which felony shall be
557 known as "trafficking in fentanyl," punishable as provided in s.
558 775.082, s. 775.083, or s. 775.084.

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

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

563 (II) Is 14 grams or more, but less than 28 grams, such
564 person shall be sentenced to a mandatory minimum term of
565 imprisonment of 15 years, and shall be ordered to pay a fine of
566 \$100,000.

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

570 5. 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, 30 kilograms or more of
573 any morphine, opium, oxycodone, hydrocodone, codeine,
574 hydromorphone, or any salt, derivative, isomer, or salt of an
575 isomer thereof, including heroin, as described in s.
576 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
577 more of any mixture containing any such substance, commits the
578 first degree felony of trafficking in illegal drugs. A person



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579 who has been convicted of the first degree felony of trafficking
580 in illegal drugs under this subparagraph shall be punished by
581 life imprisonment and is ineligible for any form of
582 discretionary early release except pardon or executive clemency,
583 ~~or~~ conditional medical release under s. 947.149, or conditional
584 aging inmate release under s. 945.0912. However, if the court
585 determines that, in addition to committing any act specified in
586 this paragraph:

587 a. The person intentionally killed an individual or
588 counseled, commanded, induced, procured, or caused the
589 intentional killing of an individual and such killing was the
590 result; or

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

593
594 such person commits the capital felony of trafficking in illegal
595 drugs, punishable as provided in ss. 775.082 and 921.142. A
596 person sentenced for a capital felony under this paragraph shall
597 also be sentenced to pay the maximum fine provided under
598 subparagraph 1.

599 6. A person who knowingly brings into this state 60
600 kilograms or more of any morphine, opium, oxycodone,
601 hydrocodone, codeine, hydromorphone, or any salt, derivative,
602 isomer, or salt of an isomer thereof, including heroin, as
603 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
604 60 kilograms or more of any mixture containing any such
605 substance, and who knows that the probable result of such
606 importation would be the death of a person, commits capital
607 importation of illegal drugs, a capital felony punishable as



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608 provided in ss. 775.082 and 921.142. A person sentenced for a
609 capital felony under this paragraph shall also be sentenced to
610 pay the maximum fine provided under subparagraph 1.

611 (g)1. Any person who knowingly sells, purchases,
612 manufactures, delivers, or brings into this state, or who is
613 knowingly in actual or constructive possession of, 4 grams or
614 more of flunitrazepam or any mixture containing flunitrazepam as
615 described in s. 893.03(1)(a) commits a felony of the first
616 degree, which felony shall be known as "trafficking in
617 flunitrazepam," punishable as provided in s. 775.082, s.
618 775.083, or s. 775.084. If the quantity involved:

619 a. Is 4 grams or more but less than 14 grams, such person
620 shall be sentenced to a mandatory minimum term of imprisonment
621 of 3 years, and the defendant shall be ordered to pay a fine of
622 \$50,000.

623 b. Is 14 grams or more but less than 28 grams, such person
624 shall be sentenced to a mandatory minimum term of imprisonment
625 of 7 years, and the defendant shall be ordered to pay a fine of
626 \$100,000.

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

630 2. Any person who knowingly sells, purchases, manufactures,
631 delivers, or brings into this state or who is knowingly in
632 actual or constructive possession of 30 kilograms or more of
633 flunitrazepam or any mixture containing flunitrazepam as
634 described in s. 893.03(1)(a) commits the first degree felony of
635 trafficking in flunitrazepam. A person who has been convicted of
636 the first degree felony of trafficking in flunitrazepam under



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637 this subparagraph shall be punished by life imprisonment and is
638 ineligible for any form of discretionary early release except
639 pardon or executive clemency, ~~or~~ conditional medical release
640 under s. 947.149, or conditional aging inmate release under s.
641 945.0912. However, if the court determines that, in addition to
642 committing any act specified in this paragraph:

643 a. The person intentionally killed an individual or
644 counseled, commanded, induced, procured, or caused the
645 intentional killing of an individual and such killing was the
646 result; or

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

649
650 such person commits the capital felony of trafficking in
651 flunitrazepam, punishable as provided in ss. 775.082 and
652 921.142. Any person sentenced for a capital felony under this
653 paragraph shall also be sentenced to pay the maximum fine
654 provided under subparagraph 1.

655 (3) Notwithstanding the provisions of s. 948.01, with
656 respect to any person who is found to have violated this
657 section, adjudication of guilt or imposition of sentence shall
658 not be suspended, deferred, or withheld, nor shall such person
659 be eligible for parole prior to serving the mandatory minimum
660 term of imprisonment prescribed by this section. A person
661 sentenced to a mandatory minimum term of imprisonment under this
662 section is not eligible for any form of discretionary early
663 release, except pardon or executive clemency, ~~or~~ conditional
664 medical release under s. 947.149, or conditional aging inmate
665 release under s. 945.0912, prior to serving the mandatory



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666 minimum term of imprisonment.

667 Section 8. Subsection (2) of section 921.0024, Florida
668 Statutes, is amended to read:

669 921.0024 Criminal Punishment Code; worksheet computations;
670 scoresheets.—

671 (2) The lowest permissible sentence is the minimum sentence
672 that may be imposed by the trial court, absent a valid reason
673 for departure. The lowest permissible sentence is any nonstate
674 prison sanction in which the total sentence points equals or is
675 less than 44 points, unless the court determines within its
676 discretion that a prison sentence, which may be up to the
677 statutory maximums for the offenses committed, is appropriate.
678 When the total sentence points exceeds 44 points, the lowest
679 permissible sentence in prison months shall be calculated by
680 subtracting 28 points from the total sentence points and
681 decreasing the remaining total by 25 percent. The total sentence
682 points shall be calculated only as a means of determining the
683 lowest permissible sentence. The permissible range for
684 sentencing shall be the lowest permissible sentence up to and
685 including the statutory maximum, as defined in s. 775.082, for
686 the primary offense and any additional offenses before the court
687 for sentencing. The sentencing court may impose such sentences
688 concurrently or consecutively. However, any sentence to state
689 prison must exceed 1 year. If the lowest permissible sentence
690 under the code exceeds the statutory maximum sentence as
691 provided in s. 775.082, the sentence required by the code must
692 be imposed. If the total sentence points are greater than or
693 equal to 363, the court may sentence the offender to life
694 imprisonment. An offender sentenced to life imprisonment under



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695 this section is not eligible for any form of discretionary early
696 release, except executive clemency, ~~or~~ conditional medical
697 release under s. 947.149, or conditional aging inmate release
698 under s. 945.0912.

699 Section 9. Paragraph (b) of subsection (7) of section
700 944.605, Florida Statutes, is amended to read:

701 944.605 Inmate release; notification; identification card.-

702 (7)

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

704 1. The department determines have a valid driver license or
705 state identification card, except that the department shall
706 provide these inmates with a replacement state identification
707 card or replacement driver license, if necessary.

708 2. Have an active detainer, unless the department
709 determines that cancellation of the detainer is likely or that
710 the incarceration for which the detainer was issued will be less
711 than 12 months in duration.

712 3. Are released due to an emergency release, ~~or~~ a
713 conditional medical release under s. 947.149, or conditional
714 aging inmate release under s. 945.0912.

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

717 5. Are subject to sex offender residency restrictions, and
718 who, upon release under such restrictions, do not have a
719 qualifying address.

720 Section 10. Subsection (1) of section 944.70, Florida
721 Statutes, is amended to read:

722 944.70 Conditions for release from incarceration.-

723 (1) (a) A person who is convicted of a crime committed on or



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724 after October 1, 1983, but before January 1, 1994, may be
725 released from incarceration only:

- 726 1. Upon expiration of the person's sentence;
- 727 2. Upon expiration of the person's sentence as reduced by
728 accumulated gain-time;
- 729 3. As directed by an executive order granting clemency;
- 730 4. Upon attaining the provisional release date;
- 731 5. Upon placement in a conditional release program pursuant
732 to s. 947.1405; or
- 733 6. Upon the granting of control release pursuant to s.
734 947.146.

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

- 737 1. Upon expiration of the person's sentence;
- 738 2. Upon expiration of the person's sentence as reduced by
739 accumulated meritorious or incentive gain-time;
- 740 3. As directed by an executive order granting clemency;
- 741 4. Upon placement in a conditional release program pursuant
742 to s. 947.1405, ~~or~~ a conditional medical release program
743 pursuant to s. 947.149, or a conditional aging inmate release
744 program pursuant to s. 945.0912; or
- 745 5. Upon the granting of control release, including
746 emergency control release, pursuant to s. 947.146.

747 Section 11. This act shall take effect October 1, 2020.