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576-03938-21

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

A bill to be entitled

An act relating to criminal convictions; amending s. 455.213, F.S.; revising the timeframe when a conviction, or any other adjudication, for a crime may not be grounds for denial of licensure in specified professions; removing a provision requiring good moral character for licensure in such professions; requiring the applicable board to approve certain education program credits offered to inmates in correctional institutions or facilities to satisfy training requirements for licensure in specified professions; amending s. 921.002, F.S.; revising the principles that the Criminal Punishment Code embodies as it relates to punishment and rehabilitation; conforming provisions to changes made by the act; amending s. 944.02, F.S.; defining the term "gain-time"; amending s. 944.275, F.S.; authorizing the Department of Corrections to grant deductions from sentences in the form of good behavior time, rehabilitation credits, and outstanding deed awards, rather than solely for gain-time, for specified purposes; revising a prisoner's "tentative release date" that the department must calculate for each prisoner based on his or her good behavior time, rehabilitation credits, and outstanding deed awards; requiring the department to grant good behavior time, rather than basic gain-time, as a means of encouraging satisfactory behavior



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28 and developing character traits necessary for  
29 successful reentry to the community, subject to  
30 certain conditions; authorizing the department to  
31 grant rehabilitation credits, rather than incentive  
32 gain-time, for each month during which a prisoner  
33 engages in specified activities; revising the rates of  
34 eligibility to earn rehabilitation credits; increasing  
35 the authorized amount of outstanding deed awards which  
36 a prisoner may be granted per outstanding deed  
37 performed; authorizing the department to grant a  
38 specified number of additional days of rehabilitation  
39 credit for successful completion of specified  
40 programs; defining the term "life skills program";  
41 providing for retroactivity of specified  
42 rehabilitation credits; authorizing the department to  
43 grant up to a certain additional amount of days per  
44 month to prisoners serving sentences for certain  
45 violations; providing for retroactivity of specified  
46 good behavior time; prohibiting certain prisoners from  
47 being eligible to earn or receive good behavior time  
48 or outstanding deed awards in an amount that would  
49 cause a sentence to expire, end, or terminate, or that  
50 would result in a prisoner's release, before he or she  
51 serves a specified minimum percentage of the sentence  
52 imposed; prohibiting certain prisoners from earning or  
53 receiving rehabilitation credits in an amount that  
54 would cause a sentence to expire, end, or terminate,  
55 or that would result in a prisoner's release, before  
56 he or she serves a specified minimum percentage of the



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57 sentence imposed; providing that gain-time may be  
58 forfeited according to law after due process if a  
59 prisoner is found guilty of an infraction of certain  
60 laws or rules; requiring the department to adopt rules  
61 in accordance with the changes made by the act;  
62 conforming provisions to changes made by the act;  
63 making technical changes; amending ss. 316.027,  
64 775.0845, 775.0847, 775.0861, 775.0862, 775.087,  
65 775.0875, 777.03, 777.04, 794.011, 794.023, 817.568,  
66 831.032, 843.22, 874.04, 944.281, 944.473, and 944.70,  
67 F.S.; conforming provisions to changes made by the  
68 act; reenacting ss. 775.084(4)(k), 900.05(2)(v) and  
69 (3)(e), 944.28, 944.605(1), 944.607(6), 947.005(15),  
70 and 985.4815(6)(a), F.S., relating to gain-time  
71 granted by the department, the definition of "gain-  
72 time credit earned" and gain-time data that the  
73 department must collect, the forfeiture of gain-time  
74 and the right to earn gain-time in the future, a  
75 required notification of expiration of sentence, a  
76 requirement that a digitized photograph of sexual  
77 offenders be taken within a certain time before  
78 release, the definition of "tentative release date,"  
79 and a requirement that a digitized photograph of  
80 sexual offenders be taken within a certain time before  
81 release, respectively, to incorporate the amendment  
82 made to s. 944.275, F.S., in references thereto;  
83 providing an effective date.

84  
85 Be It Enacted by the Legislature of the State of Florida:



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Section 1. Paragraph (b) of subsection (3) of section 455.213, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

455.213 General licensing provisions.-

(3)

(b)~~1~~. A conviction, or any other adjudication, for a crime more than 2 ~~5~~ years before the date the application is received by the applicable board may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This paragraph does not limit the applicable board from considering an applicant's criminal history that includes a crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the practice of the applicable profession.

~~2. The applicable board may consider the criminal history of an applicant for licensure under subparagraph (a)3. if such criminal history has been found to relate to good moral character.~~

(f) The applicable board shall approve educational programs credits offered to inmates in any correctional institution or correctional facility, whether offered as vocational training or through an industry certification program, for the purposes of satisfying applicable training requirements for licensure in a profession specified in paragraph (a).

Section 2. Subsection (1) of section 921.002, Florida Statutes, is amended to read:



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115           921.002 The Criminal Punishment Code.—The Criminal  
116 Punishment Code shall apply to all felony offenses, except  
117 capital felonies, committed on or after October 1, 1998.

118           (1) The provision of criminal penalties and of limitations  
119 upon the application of such penalties is a matter of  
120 predominantly substantive law and, as such, is a matter properly  
121 addressed by the Legislature. The Legislature, in the exercise  
122 of its authority and responsibility to establish sentencing  
123 criteria, to provide for the imposition of criminal penalties,  
124 and to make the best use of state prisons so that ~~violent~~  
125 criminal offenders are appropriately punished and rehabilitated  
126 ~~incarcerated~~, has determined that it is in the best interest of  
127 the state to develop, implement, and revise a sentencing policy.  
128 The Criminal Punishment Code embodies the principles that:

129           (a) Sentencing is neutral with respect to race, gender, and  
130 social and economic status.

131           (b) The dual purposes ~~primary purpose~~ of sentencing in the  
132 criminal justice system are ~~is~~ to punish the offender and  
133 rehabilitate the offender so that he or she can successfully  
134 transition back into the community. ~~Rehabilitation is a desired~~  
135 ~~goal of the criminal justice system but is subordinate to the~~  
136 ~~goal of punishment.~~

137           (c) The penalty imposed is commensurate with the severity  
138 of the primary offense and the circumstances surrounding the  
139 primary offense.

140           (d) The severity of the sentence increases with the length  
141 and nature of the offender's prior record.

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



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144 application of good behavior time, rehabilitation credits, and  
145 outstanding deed awards, ~~incentive and meritorious gain-time~~ as  
146 provided by law, and may not be shortened if the defendant would  
147 consequently serve less than 85 percent of his or her term of  
148 imprisonment upon the application of good behavior time and  
149 outstanding deed awards or 65 percent of his or her term of  
150 imprisonment upon the application of rehabilitation credits, as  
151 provided in s. 944.275(4). The provisions of chapter 947,  
152 relating to parole, do not ~~shall not~~ apply to persons sentenced  
153 under the Criminal Punishment Code.

154 (f) Departures below the lowest permissible sentence  
155 established by the code must be articulated in writing by the  
156 trial court judge and made only when circumstances or factors  
157 reasonably justify the mitigation of the sentence. The level of  
158 proof necessary to establish facts that support a departure from  
159 the lowest permissible sentence is a preponderance of the  
160 evidence.

161 (g) The trial court judge may impose a sentence up to and  
162 including the statutory maximum for any offense, including an  
163 offense that is before the court due to a violation of probation  
164 or community control.

165 (h) A sentence may be appealed on the basis that it departs  
166 from the Criminal Punishment Code only if the sentence is below  
167 the lowest permissible sentence or as enumerated in s.  
168 924.06(1).

169 (i) Use of incarcerative sanctions is prioritized toward  
170 offenders convicted of serious offenses and certain offenders  
171 who have long prior records, in order to maximize the finite  
172 capacities of state and local correctional facilities.



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173 Section 3. Present subsections (5) through (8) of section  
174 944.02, Florida Statutes, are redesignated as subsections (6)  
175 through (9), respectively, and a new subsection (5) is added to  
176 that section, to read:

177 944.02 Definitions.—The following words and phrases used in  
178 this chapter shall, unless the context clearly indicates  
179 otherwise, have the following meanings:

180 (5) "Gain-time" means good behavior time, rehabilitation  
181 credits, and outstanding deed awards, collectively.

182 Section 4. Section 944.275, Florida Statutes, is amended to  
183 read:

184 944.275 Good behavior time; rehabilitation credits;  
185 outstanding deed awards ~~gain-time~~.—

186 (1) The department is authorized to grant deductions from  
187 sentences in the form of good behavior time, rehabilitation  
188 credits, and outstanding deed awards ~~gain-time~~ in order to  
189 encourage satisfactory prisoner behavior, to provide incentive  
190 for prisoners to participate in productive activities, and to  
191 reward prisoners who perform outstanding deeds or services.

192 (2) (a) The department shall establish for each prisoner  
193 sentenced to a term of years a "maximum sentence expiration  
194 date," which shall be the date when the sentence or combined  
195 sentences imposed on a prisoner will expire. In establishing  
196 this date, the department shall reduce the total time to be  
197 served by any time lawfully credited.

198 (b) When a prisoner with an established maximum sentence  
199 expiration date is sentenced to an additional term or terms  
200 without having been released from custody, the department shall  
201 extend the maximum sentence expiration date by the length of



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202 time imposed in the new sentence or sentences, less lawful  
203 credits.

204 (c) When an escaped prisoner or a parole violator is  
205 returned to the custody of the department, the maximum sentence  
206 expiration date in effect when the escape occurred or the parole  
207 was effective shall be extended by the amount of time the  
208 prisoner was not in custody plus the time imposed in any new  
209 sentence or sentences, but reduced by any lawful credits.

210 (3) (a) The department shall also establish for each  
211 prisoner sentenced to a term of years a "tentative release date"  
212 which shall be the date projected for the prisoner's release  
213 from custody by virtue of good behavior time, rehabilitation  
214 credits, or outstanding deed awards ~~gain-time~~ granted or  
215 forfeited as described in this section. The initial tentative  
216 release date shall be determined by deducting good behavior time  
217 ~~basic gain-time~~ granted from the maximum sentence expiration  
218 date. Rehabilitation credits and outstanding deed awards ~~Other~~  
219 ~~gain-time~~ shall be applied when granted or restored to make the  
220 tentative release date proportionately earlier; and forfeitures  
221 of gain-time, when ordered, shall be applied to make the  
222 tentative release date proportionately later.

223 (b) When an initial tentative release date is reestablished  
224 because of additional sentences imposed before the prisoner has  
225 completely served all prior sentences, any good behavior time,  
226 rehabilitation credits, and outstanding deed awards ~~gain-time~~  
227 granted during service of a prior sentence and not forfeited  
228 shall be applied.

229 (c) The tentative release date may not be later than the  
230 maximum sentence expiration date.





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231 (4) (a) As a means of encouraging satisfactory behavior and  
232 developing character traits necessary for successful reentry to  
233 the community, the department shall grant good behavior time  
234 ~~basic gain time~~ at the rate of 10 days for each month of each  
235 sentence imposed on a prisoner, subject to the following:

236 1. Portions of any sentences to be served concurrently  
237 shall be treated as a single sentence when determining good  
238 behavior time ~~basic gain time~~.

239 2. Good behavior time ~~Basic gain time~~ for a partial month  
240 shall be prorated on the basis of a 30-day month.

241 3. When a prisoner receives a new maximum sentence  
242 expiration date because of additional sentences imposed, good  
243 behavior time ~~basic gain time~~ shall be granted for the amount of  
244 time the maximum sentence expiration date was extended.

245 (b) For each month in which a prisoner ~~an inmate~~ works  
246 diligently, participates in training or education, uses time  
247 constructively, or otherwise engages in positive activities, the  
248 department may grant rehabilitation credits ~~incentive gain time~~  
249 in accordance with this paragraph. The rate of rehabilitation  
250 credits ~~incentive gain time~~ in effect on the date the prisoner  
251 ~~inmate~~ committed the offense that ~~which~~ resulted in his or her  
252 incarceration shall be the prisoner's ~~inmate's~~ rate of  
253 eligibility to earn rehabilitation credits ~~incentive gain time~~  
254 throughout the period of incarceration and may ~~shall~~ not be  
255 altered by a subsequent change in the severity level of the  
256 offense for which the prisoner ~~inmate~~ was sentenced.

257 1. For sentences imposed for offenses committed before  
258 ~~prior to~~ January 1, 1994, and on or after October 1, 1995, up to  
259 20 days of rehabilitation credits ~~incentive gain time~~ may be



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260 granted. If granted, such rehabilitation credits ~~gain-time~~ shall  
261 be credited and applied monthly.

262 2. For sentences imposed for offenses committed on or after  
263 January 1, 1994, and before October 1, 1995:

264 a. For offenses ranked in offense severity levels 1 through  
265 7, under former s. 921.0012 or former s. 921.0013, up to 25 days  
266 of rehabilitation credits ~~incentive gain-time~~ may be granted. If  
267 granted, such rehabilitation credits ~~gain-time~~ shall be credited  
268 and applied monthly.

269 b. For offenses ranked in offense severity levels 8, 9, and  
270 10, under former s. 921.0012 or former s. 921.0013, up to 20  
271 days of rehabilitation credits ~~incentive gain-time~~ may be  
272 granted. If granted, such rehabilitation credits ~~gain-time~~ shall  
273 be credited and applied monthly.

274 ~~3. For sentences imposed for offenses committed on or after~~  
275 ~~October 1, 1995, the department may grant up to 10 days per~~  
276 ~~month of incentive gain-time.~~

277 (c) A prisoner ~~An inmate~~ who performs some outstanding  
278 deed, such as saving a life or assisting in recapturing an  
279 escaped prisoner ~~inmate~~, or who in some manner performs an  
280 outstanding service that would merit the granting of additional  
281 deductions from the term of his or her sentence may be granted  
282 an outstanding deed award ~~meritorious gain-time~~ of from 30 ~~1~~ to  
283 60 days per outstanding deed performed.

284 (d) Notwithstanding the monthly maximum awards of  
285 rehabilitation credits under subparagraphs (b)1. and 2.,  
286 ~~incentive gain-time~~ under subparagraphs (b)1., 2., and 3., the  
287 education program manager shall recommend, and the department ~~of~~  
288 ~~Corrections~~ may grant, to a prisoner who is otherwise eligible,



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289 ~~a one-time award of~~ 60 additional days of rehabilitation credits  
290 for each of the following successfully completed by a prisoner:  
291 ~~incentive gain-time to an inmate who is otherwise eligible and~~  
292 ~~who successfully completes requirements for and is, or has been~~  
293 ~~during the current commitment, awarded a high school equivalency~~  
294 diploma, a college degree, a ~~or~~ vocational certificate, a drug  
295 treatment program, a life skills program, a reentry program, or  
296 other evidence-based program approved by the department that  
297 serves the purpose of reducing recidivism and assisting a  
298 prisoner reintegrate into society. For purposes of this  
299 paragraph, a "life skills program" means a program, approved by  
300 the department, which consists of at least 60 hours designed to  
301 reduce recidivism by addressing, at a minimum, education, job  
302 skill, interpersonal skills, stress and anger management, and  
303 personal development. Additionally, the department shall grant 5  
304 additional days of rehabilitation credits for successful  
305 completion of any other department-approved program, including  
306 prisoner-developed programs or a passing grade in each online or  
307 in-person educational course, as approved by the department.  
308 Rehabilitation credits under this paragraph are retroactive.

309 (e) Notwithstanding the monthly maximum awards of  
310 rehabilitation credits under subparagraphs (b)1. and 2., the  
311 department may grant up to 2 additional days per month of good  
312 behavior time to prisoners serving sentences for violations of  
313 s. 893.13 or s. 893.135. Good behavior time under this paragraph  
314 is retroactive ~~Under no circumstances may an inmate receive more~~  
315 ~~than 60 days for educational attainment pursuant to this~~  
316 ~~section.~~

317 (f)(e) Notwithstanding subparagraph (b)1. subparagraph



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318 ~~(b)3.~~, for sentences imposed for offenses committed on or after  
319 October 1, 2014, the department may not grant rehabilitation  
320 credits incentive gain-time if the offense is a violation of s.  
321 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or  
322 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s.  
323 825.1025; or s. 847.0135(5).

324 (g)1.(f) A prisoner An inmate who is subject to this  
325 subsection and who is serving a sentence imposed for an offense  
326 committed on or after October 1, 1995, subparagraph (b)3. is not  
327 eligible to earn or receive good behavior time or outstanding  
328 deed awards gain-time under paragraph (a), paragraph (b),  
329 paragraph (c), or paragraph (d) or any other type of gain-time  
330 in an amount that would cause a sentence to expire, end, or  
331 terminate, or that would result in a prisoner's release, before  
332 he or she serves prior to serving a minimum of 85 percent of the  
333 sentence imposed.

334 2. A prisoner who is subject to this subsection may not  
335 earn or receive rehabilitation credits in an amount that would  
336 cause a sentence to expire, end, or terminate, or that would  
337 result in a prisoner's release, before he or she serves a  
338 minimum of 65 percent of the sentence imposed.

339 3. For purposes of this paragraph, credits awarded by the  
340 court for time physically incarcerated shall be credited toward  
341 satisfaction of ~~85 percent~~ of the sentence imposed. Except as  
342 provided by this section, a prisoner serving a sentence imposed  
343 for an offense committed on or after October 1, 1995, may not  
344 accumulate further good behavior time or outstanding deed awards  
345 gain-time awards at any point when the tentative release date is  
346 the same as that date at which the prisoner will have served 85



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347 percent of the sentence imposed. A prisoner may not accumulate  
348 further rehabilitation credits at any point when the tentative  
349 release date is the same as that date at which the prisoner will  
350 have served 65 percent of the sentence imposed. State prisoners  
351 sentenced to life imprisonment shall be incarcerated for the  
352 rest of their natural lives, unless granted pardon or clemency.

353 (5) ~~If~~ ~~When~~ a prisoner is found guilty of an infraction of  
354 the laws of this state or the rules of the department, gain-time  
355 may be forfeited according to law after due process.

356 (6) (a) Good behavior time ~~Basic gain-time~~ under this  
357 section shall be computed on and applied to all sentences  
358 imposed for offenses committed on or after July 1, 1978, ~~and~~  
359 ~~before January 1, 1994.~~

360 (b) All good behavior time, rehabilitation credits, and  
361 outstanding deed awards ~~are incentive and meritorious gain-time~~  
362 ~~is~~ granted according to this section.

363 (c) All additional gain-time previously awarded under  
364 former subsections (2) and (3) and all forfeitures ordered  
365 before ~~prior to~~ the effective date of the act that created this  
366 section shall remain in effect and be applied in establishing an  
367 initial tentative release date.

368 (7) The department shall adopt rules to implement the  
369 granting, forfeiture, restoration, and deletion of good behavior  
370 time, rehabilitation credits, and outstanding deed awards, ~~gain-~~  
371 ~~time.~~

372 Section 5. Subsection (2) of section 316.027, Florida  
373 Statutes, is amended to read:

374 316.027 Crash involving death or personal injuries.—

375 (2) (a) The driver of a vehicle involved in a crash



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376 occurring on public or private property which results in injury  
377 to a person other than serious bodily injury shall immediately  
378 stop the vehicle at the scene of the crash, or as close thereto  
379 as possible, and shall remain at the scene of the crash until he  
380 or she has fulfilled the requirements of s. 316.062. A person  
381 who willfully violates this paragraph commits a felony of the  
382 third degree, punishable as provided in s. 775.082, s. 775.083,  
383 or s. 775.084.

384 (b) The driver of a vehicle involved in a crash occurring  
385 on public or private property which results in serious bodily  
386 injury to a person shall immediately stop the vehicle at the  
387 scene of the crash, or as close thereto as possible, and shall  
388 remain at the scene of the crash until he or she has fulfilled  
389 the requirements of s. 316.062. A person who willfully violates  
390 this paragraph commits a felony of the second degree, punishable  
391 as provided in s. 775.082, s. 775.083, or s. 775.084.

392 (c) The driver of a vehicle involved in a crash occurring  
393 on public or private property which results in the death of a  
394 person shall immediately stop the vehicle at the scene of the  
395 crash, or as close thereto as possible, and shall remain at the  
396 scene of the crash until he or she has fulfilled the  
397 requirements of s. 316.062. A person who is arrested for a  
398 violation of this paragraph and who has previously been  
399 convicted of a violation of this section, s. 316.061, s.  
400 316.191, or s. 316.193, or a felony violation of s. 322.34,  
401 shall be held in custody until brought before the court for  
402 admittance to bail in accordance with chapter 903. A person who  
403 willfully violates this paragraph commits a felony of the first  
404 degree, punishable as provided in s. 775.082, s. 775.083, or s.



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405 775.084, and shall be sentenced to a mandatory minimum term of  
406 imprisonment of 4 years. A person who willfully commits such a  
407 violation while driving under the influence as set forth in s.  
408 316.193(1) shall be sentenced to a mandatory minimum term of  
409 imprisonment of 4 years.

410 (d) Notwithstanding s. 775.089(1)(a), if the driver of a  
411 vehicle violates paragraph (a), paragraph (b), or paragraph (c),  
412 the court shall order the driver to make restitution to the  
413 victim for any damage or loss unless the court finds clear and  
414 compelling reasons not to order the restitution. Restitution may  
415 be monetary or nonmonetary restitution. The court shall make the  
416 payment of restitution a condition of probation in accordance  
417 with s. 948.03. An order requiring the defendant to make  
418 restitution to a victim does not remove or diminish the  
419 requirement that the court order payment to the Crimes  
420 Compensation Trust Fund under chapter 960. Payment of an award  
421 by the Crimes Compensation Trust Fund creates an order of  
422 restitution to the Crimes Compensation Trust Fund unless  
423 specifically waived in accordance with s. 775.089(1)(b).

424 (e) A driver who violates paragraph (a), paragraph (b), or  
425 paragraph (c) shall have his or her driver license revoked for  
426 at least 3 years as provided in s. 322.28(4).

427 1. A person convicted of violating paragraph (a), paragraph  
428 (b), or paragraph (c) shall, before his or her driving privilege  
429 may be reinstated, present to the department proof of completion  
430 of a victim's impact panel session in a judicial circuit if such  
431 a panel exists, or if such a panel does not exist, a department-  
432 approved driver improvement course relating to the rights of  
433 vulnerable road users relative to vehicles on the roadway as



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434 provided in s. 322.0261(2).

435         2. The department may reinstate an offender's driving  
436 privilege after he or she satisfies the 3-year revocation period  
437 as provided in s. 322.28(4) and successfully completes either a  
438 victim's impact panel session or a department-approved driver  
439 improvement course relating to the rights of vulnerable road  
440 users relative to vehicles on the roadway as provided in s.  
441 322.0261(2).

442         3. For purposes of this paragraph, an offender's driving  
443 privilege may be reinstated only after the department verifies  
444 that the offender participated in and successfully completed a  
445 victim's impact panel session or a department-approved driver  
446 improvement course.

447         (f) For purposes of sentencing under chapter 921 and  
448 determining ~~incentive gain time~~ eligibility for rehabilitation  
449 credits under chapter 944, an offense listed in this subsection  
450 is ranked one level above the ranking specified in s. 921.0022  
451 or s. 921.0023 for the offense committed if the victim of the  
452 offense was a vulnerable road user.

453         (g) The defendant may move to depart from the mandatory  
454 minimum term of imprisonment prescribed in paragraph (c) unless  
455 the violation was committed while the defendant was driving  
456 under the influence. The state may object to this departure. The  
457 court may grant the motion only if it finds that a factor,  
458 consideration, or circumstance clearly demonstrates that  
459 imposing a mandatory minimum term of imprisonment would  
460 constitute or result in an injustice. The court shall state in  
461 open court the basis for granting the motion.

462         Section 6. Section 775.0845, Florida Statutes, is amended





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463 to read:

464 775.0845 Wearing mask while committing offense;  
465 reclassification.—The felony or misdemeanor degree of any  
466 criminal offense, other than a violation of ss. 876.12-876.15,  
467 shall be reclassified to the next higher degree as provided in  
468 this section if, while committing the offense, the offender was  
469 wearing a hood, mask, or other device that concealed his or her  
470 identity.

471 (1) (a) In the case of a misdemeanor of the second degree,  
472 the offense is reclassified to a misdemeanor of the first  
473 degree.

474 (b) In the case of a misdemeanor of the first degree, the  
475 offense is reclassified to a felony of the third degree. For  
476 purposes of sentencing under chapter 921 and determining  
477 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
478 chapter 944, such offense is ranked in level 2 of the offense  
479 severity ranking chart.

480 (2) (a) In the case of a felony of the third degree, the  
481 offense is reclassified to a felony of the second degree.

482 (b) In the case of a felony of the second degree, the  
483 offense is reclassified to a felony of the first degree.

484  
485 For purposes of sentencing under chapter 921 and determining  
486 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
487 chapter 944, a felony offense that is reclassified under this  
488 subsection is ranked one level above the ranking under former s.  
489 921.0012, former s. 921.0013, s. 921.0022, or s. 921.0023 of the  
490 offense committed.

491 Section 7. Section 775.0847, Florida Statutes, is amended



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492 to read:

493 775.0847 Possession or promotion of certain images of child  
494 pornography; reclassification.—

495 (1) For purposes of this section:

496 (a) "Child" means any person, whose identity is known or  
497 unknown, less than 18 years of age.

498 (b) "Child pornography" means any image depicting a minor  
499 engaged in sexual conduct.

500 (c) "Sadomasochistic abuse" means flagellation or torture  
501 by or upon a person or the condition of being fettered, bound,  
502 or otherwise physically restrained, for the purpose of deriving  
503 sexual satisfaction, or satisfaction brought about as a result  
504 of sadistic violence, from inflicting harm on another or  
505 receiving such harm oneself.

506 (d) "Sexual battery" means oral, anal, or vaginal  
507 penetration by, or union with, the sexual organ of another or  
508 the anal or vaginal penetration of another by any other object;  
509 however, sexual battery does not include an act done for a bona  
510 fide medical purpose.

511 (e) "Sexual bestiality" means any sexual act, actual or  
512 simulated, between a person and an animal involving the sex  
513 organ of the one and the mouth, anus, or vagina of the other.

514 (f) "Sexual conduct" means actual or simulated sexual  
515 intercourse, deviate sexual intercourse, sexual bestiality,  
516 masturbation, or sadomasochistic abuse; actual lewd exhibition  
517 of the genitals; actual physical contact with a person's clothed  
518 or unclothed genitals, pubic area, buttocks, or, if such person  
519 is a female, breast with the intent to arouse or gratify the  
520 sexual desire of either party; or any act or conduct which



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521 constitutes sexual battery or simulates that sexual battery is  
522 being or will be committed. A mother's breastfeeding of her baby  
523 does not under any circumstance constitute "sexual conduct."

524 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or  
525 s. 847.0138 shall be reclassified to the next higher degree as  
526 provided in subsection (3) if:

527 (a) The offender possesses 10 or more images of any form of  
528 child pornography regardless of content; and

529 (b) The content of at least one image contains one or more  
530 of the following:

531 1. A child who is younger than the age of 5.

532 2. Sadomasochistic abuse involving a child.

533 3. Sexual battery involving a child.

534 4. Sexual bestiality involving a child.

535 5. Any movie involving a child, regardless of length and  
536 regardless of whether the movie contains sound.

537 (3) (a) In the case of a felony of the third degree, the  
538 offense is reclassified to a felony of the second degree.

539 (b) In the case of a felony of the second degree, the  
540 offense is reclassified to a felony of the first degree.

541  
542 For purposes of sentencing under chapter 921 and determining  
543 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
544 chapter 944, a felony offense that is reclassified under this  
545 section is ranked one level above the ranking under s. 921.0022  
546 or s. 921.0023 of the offense committed.

547 Section 8. Section 775.0861, Florida Statutes, is amended  
548 to read:

549 775.0861 Offenses against persons on the grounds of



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550 religious institutions; reclassification.-

551 (1) For purposes of this section, the term:

552 (a) "Religious institution" is as defined in s. 496.404.

553 (b) "Religious service" is a religious ceremony, prayer, or  
554 other activity according to a form and order prescribed for  
555 worship, including a service related to a particular occasion.

556 (2) The felony or misdemeanor degree of any violation of:

557 (a) Section 784.011, relating to assault;

558 (b) Section 784.021, relating to aggravated assault;

559 (c) Section 784.03, relating to battery;

560 (d) Section 784.041, relating to felony battery;

561 (e) A statute defining any offense listed in s.

562 775.084(1)(b)1.; or

563 (f) Any other statute defining an offense that involves the  
564 use or threat of physical force or violence against any  
565 individual

566  
567 shall be reclassified as provided in this section if the offense  
568 is committed on the property of a religious institution while  
569 the victim is on the property for the purpose of participating  
570 in or attending a religious service.

571 (3) (a) In the case of a misdemeanor of the second degree,  
572 the offense is reclassified to a misdemeanor of the first  
573 degree.

574 (b) In the case of a misdemeanor of the first degree, the  
575 offense is reclassified to a felony of the third degree. For  
576 purposes of sentencing under chapter 921, such offense is ranked  
577 in level 2 of the offense severity ranking chart.

578 (c) In the case of a felony of the third degree, the



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579 offense is reclassified to a felony of the second degree.

580 (d) In the case of a felony of the second degree, the  
581 offense is reclassified to a felony of the first degree.

582 (e) In the case of a felony of the first degree, the  
583 offense is reclassified to a life felony.

584  
585 For purposes of sentencing under chapter 921 and determining  
586 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
587 chapter 944, a felony offense that is reclassified under this  
588 subsection is ranked one level above the ranking under s.  
589 921.0022 or s. 921.0023 of the offense committed.

590 Section 9. Section 775.0862, Florida Statutes, is amended  
591 to read:

592 775.0862 Sexual offenses against students by authority  
593 figures; reclassification.—

594 (1) As used in this section, the term:

595 (a) "Authority figure" means a person 18 years of age or  
596 older who is employed by, volunteering at, or under contract  
597 with a school.

598 (b) "School" has the same meaning as provided in s. 1003.01  
599 and includes a private school as defined in s. 1002.01, a  
600 voluntary prekindergarten education program as described in s.  
601 1002.53(3), early learning programs, a public school as  
602 described in s. 402.3025(1), the Florida School for the Deaf and  
603 the Blind, and the Florida Virtual School established under s.  
604 1002.37. The term does not include facilities dedicated  
605 exclusively to the education of adults.

606 (c) "Student" means a person younger than 18 years of age  
607 who is enrolled at a school.



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608           (2) The felony degree of a violation of an offense listed  
609 in s. 943.0435(1)(h)1.a., unless the offense is a violation of  
610 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified  
611 as provided in this section if the offense is committed by an  
612 authority figure of a school against a student of the school.

613           (3)(a) In the case of a felony of the third degree, the  
614 offense is reclassified to a felony of the second degree.

615           (b) In the case of a felony of the second degree, the  
616 offense is reclassified to a felony of the first degree.

617           (c) In the case of a felony of the first degree, the  
618 offense is reclassified to a life felony.

619

620 For purposes of sentencing under chapter 921 and determining  
621 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
622 chapter 944, a felony offense that is reclassified under this  
623 subsection is ranked one level above the ranking under s.  
624 921.0022 or s. 921.0023 of the offense committed.

625           Section 10. Subsections (1) and (3) of section 775.087,  
626 Florida Statutes, are amended to read:

627           775.087 Possession or use of weapon; aggravated battery;  
628 felony reclassification; minimum sentence.—

629           (1) Unless otherwise provided by law, whenever a person is  
630 charged with a felony, except a felony in which the use of a  
631 weapon or firearm is an essential element, and during the  
632 commission of such felony the defendant carries, displays, uses,  
633 threatens to use, or attempts to use any weapon or firearm, or  
634 during the commission of such felony the defendant commits an  
635 aggravated battery, the felony for which the person is charged  
636 shall be reclassified as follows:



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637 (a) In the case of a felony of the first degree, to a life  
638 felony.

639 (b) In the case of a felony of the second degree, to a  
640 felony of the first degree.

641 (c) In the case of a felony of the third degree, to a  
642 felony of the second degree.

643

644 For purposes of sentencing under chapter 921 and determining  
645 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
646 chapter 944, a felony offense which is reclassified under this  
647 section is ranked one level above the ranking under s. 921.0022  
648 or s. 921.0023 of the felony offense committed.

649 (3) (a) 1. Any person who is convicted of a felony or an  
650 attempt to commit a felony, regardless of whether the use of a  
651 firearm is an element of the felony, and the conviction was for:

652 a. Murder;

653 b. Sexual battery;

654 c. Robbery;

655 d. Burglary;

656 e. Arson;

657 f. Aggravated battery;

658 g. Kidnapping;

659 h. Escape;

660 i. Sale, manufacture, delivery, or intent to sell,  
661 manufacture, or deliver any controlled substance;

662 j. Aircraft piracy;

663 k. Aggravated child abuse;

664 l. Aggravated abuse of an elderly person or disabled adult;

665 m. Unlawful throwing, placing, or discharging of a



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666 destructive device or bomb;  
667       n. Carjacking;  
668       o. Home-invasion robbery;  
669       p. Aggravated stalking; or  
670       q. Trafficking in cannabis, trafficking in cocaine, capital  
671 importation of cocaine, trafficking in illegal drugs, capital  
672 importation of illegal drugs, trafficking in phencyclidine,  
673 capital importation of phencyclidine, trafficking in  
674 methaqualone, capital importation of methaqualone, trafficking  
675 in amphetamine, capital importation of amphetamine, trafficking  
676 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
677 (GHB), trafficking in 1,4-Butanediol, trafficking in  
678 Phenethylamines, or other violation of s. 893.135(1);

679  
680 and during the commission of the offense, such person possessed  
681 a semiautomatic firearm and its high-capacity detachable box  
682 magazine or a machine gun as defined in s. 790.001, shall be  
683 sentenced to a minimum term of imprisonment of 15 years.

684       2. Any person who is convicted of a felony or an attempt to  
685 commit a felony listed in subparagraph (a)1., regardless of  
686 whether the use of a weapon is an element of the felony, and  
687 during the course of the commission of the felony such person  
688 discharged a semiautomatic firearm and its high-capacity box  
689 magazine or a "machine gun" as defined in s. 790.001 shall be  
690 sentenced to a minimum term of imprisonment of 20 years.

691       3. Any person who is convicted of a felony or an attempt to  
692 commit a felony listed in subparagraph (a)1., regardless of  
693 whether the use of a weapon is an element of the felony, and  
694 during the course of the commission of the felony such person





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695 discharged a semiautomatic firearm and its high-capacity box  
696 magazine or a "machine gun" as defined in s. 790.001 and, as the  
697 result of the discharge, death or great bodily harm was  
698 inflicted upon any person, the convicted person shall be  
699 sentenced to a minimum term of imprisonment of not less than 25  
700 years and not more than a term of imprisonment of life in  
701 prison.

702 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
703 (a)3. does not prevent a court from imposing a longer sentence  
704 of incarceration as authorized by law in addition to the minimum  
705 mandatory sentence, or from imposing a sentence of death  
706 pursuant to other applicable law. Subparagraph (a)1.,  
707 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
708 court to impose a lesser sentence than otherwise required by  
709 law.

710  
711 Notwithstanding s. 948.01, adjudication of guilt or imposition  
712 of sentence shall not be suspended, deferred, or withheld, and  
713 the defendant is not eligible for statutory gain-time under s.  
714 944.275 or any form of discretionary early release, other than  
715 pardon or executive clemency, or conditional medical release  
716 under s. 947.149, prior to serving the minimum sentence.

717 (c) If the minimum mandatory terms of imprisonment imposed  
718 pursuant to this section exceed the maximum sentences authorized  
719 by s. 775.082, s. 775.084, or the Criminal Punishment Code under  
720 chapter 921, then the mandatory minimum sentence must be  
721 imposed. If the mandatory minimum terms of imprisonment pursuant  
722 to this section are less than the sentences that could be  
723 imposed as authorized by s. 775.082, s. 775.084, or the Criminal



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724 Punishment Code under chapter 921, then the sentence imposed by  
725 the court must include the mandatory minimum term of  
726 imprisonment as required in this section.

727 (d) It is the intent of the Legislature that offenders who  
728 possess, carry, display, use, threaten to use, or attempt to use  
729 a semiautomatic firearm and its high-capacity detachable box  
730 magazine or a machine gun as defined in s. 790.001 be punished  
731 to the fullest extent of the law, and the minimum terms of  
732 imprisonment imposed pursuant to this subsection shall be  
733 imposed for each qualifying felony count for which the person is  
734 convicted. The court shall impose any term of imprisonment  
735 provided for in this subsection consecutively to any other term  
736 of imprisonment imposed for any other felony offense.

737 (e) As used in this subsection, the term:

738 1. "High-capacity detachable box magazine" means any  
739 detachable box magazine, for use in a semiautomatic firearm,  
740 which is capable of being loaded with more than 20 centerfire  
741 cartridges.

742 2. "Semiautomatic firearm" means a firearm which is capable  
743 of firing a series of rounds by separate successive depressions  
744 of the trigger and which uses the energy of discharge to perform  
745 a portion of the operating cycle.

746 Section 11. Section 775.0875, Florida Statutes, is amended  
747 to read:

748 775.0875 Unlawful taking, possession, or use of law  
749 enforcement officer's firearm; crime reclassification;  
750 penalties.—

751 (1) A person who, without authorization, takes a firearm  
752 from a law enforcement officer lawfully engaged in law



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753 enforcement duties commits a felony of the third degree,  
754 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

755 (2) If a person violates subsection (1) and commits any  
756 other crime involving the firearm taken from the law enforcement  
757 officer, such crime shall be reclassified as follows:

758 (a)1. In the case of a felony of the first degree, to a  
759 life felony.

760 2. In the case of a felony of the second degree, to a  
761 felony of the first degree.

762 3. In the case of a felony of the third degree, to a felony  
763 of the second degree.

764  
765 For purposes of sentencing under chapter 921 and determining  
766 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
767 chapter 944, a felony offense that is reclassified under this  
768 paragraph is ranked one level above the ranking under s.  
769 921.0022 or s. 921.0023 of the felony offense committed.

770 (b) In the case of a misdemeanor, to a felony of the third  
771 degree. For purposes of sentencing under chapter 921 and  
772 determining ~~incentive gain-time~~ eligibility for rehabilitation  
773 credits under chapter 944, such offense is ranked in level 2 of  
774 the offense severity ranking chart.

775 (3) A person who possesses a firearm that he or she knows  
776 was unlawfully taken from a law enforcement officer commits a  
777 misdemeanor of the first degree, punishable as provided in s.  
778 775.082 or s. 775.083.

779 Section 12. Section 777.03, Florida Statutes, is amended to  
780 read:

781 777.03 Accessory after the fact.-



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782           (1) (a) Any person not standing in the relation of husband  
783 or wife, parent or grandparent, child or grandchild, brother or  
784 sister, by consanguinity or affinity to the offender, who  
785 maintains or assists the principal or an accessory before the  
786 fact, or gives the offender any other aid, knowing that the  
787 offender had committed a crime and such crime was a third degree  
788 felony, or had been an accessory thereto before the fact, with  
789 the intent that the offender avoids or escapes detection,  
790 arrest, trial, or punishment, is an accessory after the fact.

791           (b) Any person who maintains or assists the principal or  
792 accessory before the fact, or gives the offender any other aid,  
793 knowing that the offender had committed the offense of child  
794 abuse, neglect of a child, aggravated child abuse, aggravated  
795 manslaughter of a child under 18 years of age, or murder of a  
796 child under 18 years of age, or had been an accessory thereto  
797 before the fact, with the intent that the offender avoids or  
798 escapes detection, arrest, trial, or punishment, is an accessory  
799 after the fact unless the court finds that the person is a  
800 victim of domestic violence.

801           (c) Any person who maintains or assists the principal or an  
802 accessory before the fact, or gives the offender any other aid,  
803 knowing that the offender had committed a crime and such crime  
804 was a capital, life, first degree, or second degree felony, or  
805 had been an accessory thereto before the fact, with the intent  
806 that the offender avoids or escapes detection, arrest, trial, or  
807 punishment, is an accessory after the fact.

808           (2) (a) If the felony offense committed is a capital felony,  
809 the offense of accessory after the fact is a felony of the first  
810 degree, punishable as provided in s. 775.082, s. 775.083, or s.



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811 775.084.

812 (b) If the felony offense committed is a life felony or a  
813 felony of the first degree, the offense of accessory after the  
814 fact is a felony of the second degree, punishable as provided in  
815 s. 775.082, s. 775.083, or s. 775.084.

816 (c) If the felony offense committed is a felony of the  
817 second degree or a felony of the third degree ranked in level 3,  
818 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023, the  
819 offense of accessory after the fact is a felony of the third  
820 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
821 775.084.

822 (d) If the felony offense committed is a felony of the  
823 third degree ranked in level 1 or level 2 under s. 921.0022 or  
824 s. 921.0023, the offense of accessory after the fact is a  
825 misdemeanor of the first degree, punishable as provided in s.  
826 775.082, s. 775.083, or s. 775.084.

827 (3) Except as otherwise provided in s. 921.0022, for  
828 purposes of sentencing under chapter 921 and determining  
829 ~~incentive gain time~~ eligibility for rehabilitation credits under  
830 chapter 944, the offense of accessory after the fact is ranked  
831 two levels below the ranking under s. 921.0022 or s. 921.0023 of  
832 the felony offense committed.

833 Section 13. Section 777.04, Florida Statutes, is amended to  
834 read:

835 777.04 Attempts, solicitation, and conspiracy.—

836 (1) A person who attempts to commit an offense prohibited  
837 by law and in such attempt does any act toward the commission of  
838 such offense, but fails in the perpetration or is intercepted or  
839 prevented in the execution thereof, commits the offense of



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840 criminal attempt, ranked for purposes of sentencing as provided  
841 in subsection (4). Criminal attempt includes the act of an adult  
842 who, with intent to commit an offense prohibited by law,  
843 allures, seduces, coaxes, or induces a child under the age of 12  
844 to engage in an offense prohibited by law.

845 (2) A person who solicits another to commit an offense  
846 prohibited by law and in the course of such solicitation  
847 commands, encourages, hires, or requests another person to  
848 engage in specific conduct which would constitute such offense  
849 or an attempt to commit such offense commits the offense of  
850 criminal solicitation, ranked for purposes of sentencing as  
851 provided in subsection (4).

852 (3) A person who agrees, conspires, combines, or  
853 confederates with another person or persons to commit any  
854 offense commits the offense of criminal conspiracy, ranked for  
855 purposes of sentencing as provided in subsection (4).

856 (4) (a) Except as otherwise provided in ss. 104.091(2),  
857 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,  
858 the offense of criminal attempt, criminal solicitation, or  
859 criminal conspiracy is ranked for purposes of sentencing under  
860 chapter 921 and determining ~~incentive gain-time~~ eligibility for  
861 rehabilitation credits under chapter 944 one level below the  
862 ranking under s. 921.0022 or s. 921.0023 of the offense  
863 attempted, solicited, or conspired to. If the criminal attempt,  
864 criminal solicitation, or criminal conspiracy is of an offense  
865 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,  
866 such offense is a misdemeanor of the first degree, punishable as  
867 provided in s. 775.082 or s. 775.083.

868 (b) If the offense attempted, solicited, or conspired to is



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869 a capital felony, the offense of criminal attempt, criminal  
870 solicitation, or criminal conspiracy is a felony of the first  
871 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
872 775.084.

873 (c) Except as otherwise provided in s. 893.135(5), if the  
874 offense attempted, solicited, or conspired to is a life felony  
875 or a felony of the first degree, the offense of criminal  
876 attempt, criminal solicitation, or criminal conspiracy is a  
877 felony of the second degree, punishable as provided in s.  
878 775.082, s. 775.083, or s. 775.084.

879 (d) Except as otherwise provided in s. 104.091(2), s.  
880 379.2431(1), s. 828.125(2), or s. 849.25(4), if the offense  
881 attempted, solicited, or conspired to is a:

- 882 1. Felony of the second degree;  
883 2. Burglary that is a felony of the third degree; or  
884 3. Felony of the third degree ranked in level 3, 4, 5, 6,  
885 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

886  
887 the offense of criminal attempt, criminal solicitation, or  
888 criminal conspiracy is a felony of the third degree, punishable  
889 as provided in s. 775.082, s. 775.083, or s. 775.084.

890 (e) Except as otherwise provided in s. 104.091(2), s.  
891 379.2431(1), s. 849.25(4), or paragraph (d), if the offense  
892 attempted, solicited, or conspired to is a felony of the third  
893 degree, the offense of criminal attempt, criminal solicitation,  
894 or criminal conspiracy is a misdemeanor of the first degree,  
895 punishable as provided in s. 775.082 or s. 775.083.

896 (f) Except as otherwise provided in s. 104.091(2), if the  
897 offense attempted, solicited, or conspired to is a misdemeanor



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898 of the first or second degree, the offense of criminal attempt,  
899 criminal solicitation, or criminal conspiracy is a misdemeanor  
900 of the second degree, punishable as provided in s. 775.082 or s.  
901 775.083.

902 (5) It is a defense to a charge of criminal attempt,  
903 criminal solicitation, or criminal conspiracy that, under  
904 circumstances manifesting a complete and voluntary renunciation  
905 of his or her criminal purpose, the defendant:

906 (a) Abandoned his or her attempt to commit the offense or  
907 otherwise prevented its commission;

908 (b) After soliciting another person to commit an offense,  
909 persuaded such other person not to do so or otherwise prevented  
910 commission of the offense; or

911 (c) After conspiring with one or more persons to commit an  
912 offense, persuaded such persons not to do so or otherwise  
913 prevented commission of the offense.

914 Section 14. Subsection (7) of section 794.011, Florida  
915 Statutes, is amended to read:

916 794.011 Sexual battery.—

917 (7) A person who is convicted of committing a sexual  
918 battery on or after October 1, 1992, is not eligible for good  
919 behavior ~~basic~~ gain-time under s. 944.275. This subsection may  
920 be cited as the "Junny Rios-Martinez, Jr. Act of 1992."

921 Section 15. Section 794.023, Florida Statutes, is amended  
922 to read:

923 794.023 Sexual battery by multiple perpetrators;  
924 reclassification of offenses.—

925 (1) The Legislature finds that an act of sexual battery,  
926 when committed by more than one person, presents a great danger





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927 to the public and is extremely offensive to civilized society.  
928 It is therefore the intent of the Legislature to reclassify  
929 offenses for acts of sexual battery committed by more than one  
930 person.

931 (2) A violation of s. 794.011 shall be reclassified as  
932 provided in this subsection if it is charged and proven by the  
933 prosecution that, during the same criminal transaction or  
934 episode, more than one person committed an act of sexual battery  
935 on the same victim.

936 (a) A felony of the second degree is reclassified to a  
937 felony of the first degree.

938 (b) A felony of the first degree is reclassified to a life  
939 felony.

940  
941 This subsection does not apply to life felonies or capital  
942 felonies. For purposes of sentencing under chapter 921 and  
943 determining ~~incentive gain-time~~ eligibility for rehabilitation  
944 credits under chapter 944, a felony offense that is reclassified  
945 under this subsection is ranked one level above the ranking  
946 under s. 921.0022 or s. 921.0023 of the offense committed.

947 Section 16. Subsection (5) of section 817.568, Florida  
948 Statutes, is amended to read:

949 817.568 Criminal use of personal identification  
950 information.-

951 (5) If an offense prohibited under this section was  
952 facilitated or furthered by the use of a public record, as  
953 defined in s. 119.011, the offense is reclassified to the next  
954 higher degree as follows:

955 (a) A misdemeanor of the first degree is reclassified as a



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956 felony of the third degree.

957 (b) A felony of the third degree is reclassified as a  
958 felony of the second degree.

959 (c) A felony of the second degree is reclassified as a  
960 felony of the first degree.

961  
962 For purposes of sentencing under chapter 921 and ~~incentive gain-~~  
963 ~~time~~ eligibility for rehabilitation credits under chapter 944, a  
964 felony offense that is reclassified under this subsection is  
965 ranked one level above the ranking under s. 921.0022 of the  
966 felony offense committed, and a misdemeanor offense that is  
967 reclassified under this subsection is ranked in level 2 of the  
968 offense severity ranking chart in s. 921.0022.

969 Section 17. Subsection (3) of section 831.032, Florida  
970 Statutes, is amended to read:

971 831.032 Offenses involving forging or counterfeiting  
972 private labels.—

973 (3) (a) Violation of subsection (1) or subsection (2) is a  
974 misdemeanor of the first degree, punishable as provided in s.  
975 775.082 or s. 775.083, except that:

976 1. A violation of subsection (1) or subsection (2) is a  
977 felony of the third degree, punishable as provided in s.  
978 775.082, s. 775.083, or s. 775.084, if the offense involves 100  
979 or more but less than 1,000 items bearing one or more  
980 counterfeit marks or if the goods involved in the offense have a  
981 total retail value of more than \$2,500, but less than \$20,000.

982 2. A violation of subsection (1) or subsection (2) is a  
983 felony of the second degree, punishable as provided in s.  
984 775.082, s. 775.083, or s. 775.084, if the offense involves



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985 1,000 or more items bearing one or more counterfeit marks or if  
986 the goods involved in the offense have a total retail value of  
987 \$20,000 or more.

988 3. A violation of subsection (1) or subsection (2) is a  
989 felony of the third degree, punishable as provided in s.  
990 775.082, s. 775.083, or s. 775.084 if, during the commission or  
991 as a result of the commission of the offense, the person  
992 engaging in the offense knowingly or by culpable negligence  
993 causes or allows to be caused bodily injury to another.

994 4. A violation of subsection (1) or subsection (2) is a  
995 felony of the second degree, punishable as provided in s.  
996 775.082, s. 775.083, or s. 775.084 if, during the commission or  
997 as a result of the commission of the offense, the person  
998 engaging in the offense knowingly or by culpable negligence  
999 causes or allows to be caused serious bodily injury to another.

1000 5. A violation of subsection (1) or subsection (2) is a  
1001 felony of the first degree, punishable as provided in s.  
1002 775.082, s. 775.083, or s. 775.084 if, during the commission or  
1003 as a result of the commission of the offense, the person  
1004 engaging in the offense knowingly or by culpable negligence  
1005 causes or allows to be caused death to another.

1006 (b) For any person who, having previously been convicted  
1007 for an offense under this section, is subsequently convicted for  
1008 another offense under this section, such subsequent offense  
1009 shall be reclassified as follows:

1010 1. In the case of a felony of the second degree, to a  
1011 felony of the first degree.

1012 2. In the case of a felony of the third degree, to a felony  
1013 of the second degree.



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1014           3. In the case of a misdemeanor of the first degree, to a  
1015 felony of the third degree. For purposes of sentencing under  
1016 chapter 921 and determining incentive gain-time eligibility  
1017 under chapter 944, such offense is ranked in level 4 of the  
1018 offense severity ranking chart.

1019  
1020 For purposes of sentencing under chapter 921 and determining  
1021 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
1022 chapter 944, a felony offense that is reclassified under this  
1023 paragraph is ranked one level above the ranking under s.  
1024 921.0022 or s. 921.0023 of the felony offense committed.

1025           (c) In lieu of a fine otherwise authorized by law, when any  
1026 person has been convicted of an offense under this section, the  
1027 court may fine the person up to three times the retail value of  
1028 the goods seized, manufactured, or sold, whichever is greater,  
1029 and may enter orders awarding court costs and the costs of  
1030 investigation and prosecution, reasonably incurred. The court  
1031 shall hold a hearing to determine the amount of the fine  
1032 authorized by this paragraph.

1033           (d) When a person is convicted of an offense under this  
1034 section, the court, pursuant to s. 775.089, shall order the  
1035 person to pay restitution to the trademark owner and any other  
1036 victim of the offense. In determining the value of the property  
1037 loss to the trademark owner, the court shall include expenses  
1038 incurred by the trademark owner in the investigation or  
1039 prosecution of the offense as well as the disgorgement of any  
1040 profits realized by a person convicted of the offense.

1041           Section 18. Section 843.22, Florida Statutes, is amended to  
1042 read:



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1043           843.22 Traveling across county lines with intent to commit  
1044 a burglary.—

1045           (1) As used in this section, the term:

1046           (a) "County of residence" means the county within this  
1047 state in which a person resides. Evidence of a person's county  
1048 of residence includes, but is not limited to:

1049           1. The address on a person's driver license or state  
1050 identification card;

1051           2. Records of real property or mobile home ownership;

1052           3. Records of a lease agreement for residential property;

1053           4. The county in which a person's motor vehicle is  
1054 registered;

1055           5. The county in which a person is enrolled in an  
1056 educational institution; and

1057           6. The county in which a person is employed.

1058           (b) "Burglary" means burglary as defined in s. 810.02,  
1059 including an attempt, solicitation, or conspiracy to commit such  
1060 offense.

1061           (2) If a person who commits a burglary travels any distance  
1062 with the intent to commit the burglary in a county in this state  
1063 other than the person's county of residence, the degree of the  
1064 burglary shall be reclassified to the next higher degree if the  
1065 purpose of the person's travel is to thwart law enforcement  
1066 attempts to track the items stolen in the burglary. For purposes  
1067 of sentencing under chapter 921 and determining ~~incentive gain-~~  
1068 ~~time~~ eligibility for rehabilitation credits under chapter 944, a  
1069 burglary that is reclassified under this section is ranked one  
1070 level above the ranking specified in s. 921.0022 or s. 921.0023  
1071 for the burglary committed.



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1072           Section 19. Section 874.04, Florida Statutes, is amended to  
1073 read:

1074           874.04 Gang-related offenses; enhanced penalties.—Upon a  
1075 finding by the factfinder that the defendant committed the  
1076 charged offense for the purpose of benefiting, promoting, or  
1077 furthering the interests of a criminal gang, the penalty for any  
1078 felony or misdemeanor, or any delinquent act or violation of law  
1079 which would be a felony or misdemeanor if committed by an adult,  
1080 may be enhanced. Penalty enhancement affects the applicable  
1081 statutory maximum penalty only. Each of the findings required as  
1082 a basis for such sentence shall be found beyond a reasonable  
1083 doubt. The enhancement will be as follows:

1084           (1) (a) A misdemeanor of the second degree may be punished  
1085 as if it were a misdemeanor of the first degree.

1086           (b) A misdemeanor of the first degree may be punished as if  
1087 it were a felony of the third degree. For purposes of sentencing  
1088 under chapter 921 and determining incentive gain-time  
1089 eligibility under chapter 944, such offense is ranked in level 1  
1090 of the offense severity ranking chart. The criminal gang  
1091 multiplier in s. 921.0024 does not apply to misdemeanors  
1092 enhanced under this paragraph.

1093           (2) (a) A felony of the third degree may be punished as if  
1094 it were a felony of the second degree.

1095           (b) A felony of the second degree may be punished as if it  
1096 were a felony of the first degree.

1097           (c) A felony of the first degree may be punished as if it  
1098 were a life felony.

1099  
1100 For purposes of sentencing under chapter 921 and determining



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1101 ~~incentive gain-time~~ eligibility for rehabilitation credits under  
1102 chapter 944, such felony offense is ranked as provided in s.  
1103 921.0022 or s. 921.0023, and without regard to the penalty  
1104 enhancement in this subsection.

1105 Section 20. Section 944.281, Florida Statutes, is amended  
1106 to read:

1107 944.281 Ineligibility to earn gain-time due to disciplinary  
1108 action.—The department may declare that a prisoner who commits a  
1109 violation of any law of the state or rule or regulation of the  
1110 department or institution on or after January 1, 1996, and who  
1111 is found guilty pursuant to s. 944.28(2), shall not be eligible  
1112 to earn rehabilitation credits ~~incentive gain-time~~ for up to 6  
1113 months following the month in which the violation occurred. The  
1114 department shall adopt rules to administer the provisions of  
1115 this section.

1116 Section 21. Subsection (1) of section 944.473, Florida  
1117 Statutes, is amended to read:

1118 944.473 Inmate substance abuse testing program.—

1119 (1) RULES AND PROCEDURES.—The department shall establish  
1120 programs for random and reasonable suspicion drug and alcohol  
1121 testing by urinalysis or other noninvasive procedure for inmates  
1122 to effectively identify those inmates abusing drugs, alcohol, or  
1123 both. The department shall also adopt rules relating to fair,  
1124 economical, and accurate operations and procedures of a random  
1125 inmate substance abuse testing program and a reasonable  
1126 suspicion substance abuse testing program by urinalysis or other  
1127 noninvasive procedure which enumerate penalties for positive  
1128 test results, including but not limited to the forfeiture of  
1129 both good behavior time and rehabilitation credits ~~basic and~~



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1130 ~~incentive gain-time~~, and which do not limit the number of times  
1131 an inmate may be tested in any one fiscal or calendar year.

1132 Section 22. Subsection (1) of section 944.70, Florida  
1133 Statutes, is amended to read:

1134 944.70 Conditions for release from incarceration.—

1135 (1) (a) A person who is convicted of a crime committed on or  
1136 after October 1, 1983, but before January 1, 1994, may be  
1137 released from incarceration only:

1138 1. Upon expiration of the person's sentence;

1139 2. Upon expiration of the person's sentence as reduced by  
1140 accumulated gain-time;

1141 3. As directed by an executive order granting clemency;

1142 4. Upon attaining the provisional release date;

1143 5. Upon placement in a conditional release program pursuant  
1144 to s. 947.1405; or

1145 6. Upon the granting of control release pursuant to s.  
1146 947.146.

1147 (b) A person who is convicted of a crime committed on or  
1148 after January 1, 1994, may be released from incarceration only:

1149 1. Upon expiration of the person's sentence;

1150 2. Upon expiration of the person's sentence as reduced by  
1151 accumulated rehabilitation credits and outstanding deed awards  
1152 ~~meritorious or incentive gain-time~~;

1153 3. As directed by an executive order granting clemency;

1154 4. Upon placement in a conditional release program pursuant  
1155 to s. 947.1405 or a conditional medical release program pursuant  
1156 to s. 947.149; or

1157 5. Upon the granting of control release, including  
1158 emergency control release, pursuant to s. 947.146.





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1159           Section 23. For the purpose of incorporating the amendment  
1160 made by this act to section 944.275, Florida Statutes, in a  
1161 reference thereto, paragraph (k) of subsection (4) of section  
1162 775.084, Florida Statutes, is reenacted to read:

1163           775.084 Violent career criminals; habitual felony offenders  
1164 and habitual violent felony offenders; three-time violent felony  
1165 offenders; definitions; procedure; enhanced penalties or  
1166 mandatory minimum prison terms.—

1167           (4)

1168           (k)1. A defendant sentenced under this section as a  
1169 habitual felony offender, a habitual violent felony offender, or  
1170 a violent career criminal is eligible for gain-time granted by  
1171 the Department of Corrections as provided in s. 944.275(4) (b).

1172           2. For an offense committed on or after October 1, 1995, a  
1173 defendant sentenced under this section as a violent career  
1174 criminal is not eligible for any form of discretionary early  
1175 release, other than pardon or executive clemency, or conditional  
1176 medical release granted pursuant to s. 947.149.

1177           3. For an offense committed on or after July 1, 1999, a  
1178 defendant sentenced under this section as a three-time violent  
1179 felony offender shall be released only by expiration of sentence  
1180 and shall not be eligible for parole, control release, or any  
1181 form of early release.

1182           Section 24. For the purpose of incorporating the amendment  
1183 made by this act to section 944.275, Florida Statutes, in  
1184 references thereto, paragraph (v) of subsection (2) and  
1185 paragraph (e) of subsection (3) of section 900.05, Florida  
1186 Statutes, are reenacted to read:

1187           900.05 Criminal justice data collection.—



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- 1188           (2) DEFINITIONS.—As used in this section, the term:
- 1189           (v) “Gain-time credit earned” means a credit of time
- 1190 awarded to an inmate in a county detention facility in
- 1191 accordance with s. 951.21 or a state correctional institution or
- 1192 facility in accordance with s. 944.275.
- 1193           (3) DATA COLLECTION AND REPORTING.—An entity required to
- 1194 collect data in accordance with this subsection shall collect
- 1195 the specified data and report them in accordance with this
- 1196 subsection to the Department of Law Enforcement on a monthly
- 1197 basis.
- 1198           (e) *Department of Corrections*.—The Department of
- 1199 Corrections shall collect the following data:
- 1200           1. Information related to each inmate, including:
- 1201           a. Identifying information, including name, date of birth,
- 1202 race, ethnicity, gender, case number, and identification number
- 1203 assigned by the department.
- 1204           b. Highest education level.
- 1205           c. Date the inmate was admitted to the custody of the
- 1206 department for his or her current incarceration.
- 1207           d. Current institution placement and the security level
- 1208 assigned to the institution.
- 1209           e. Custody level assignment.
- 1210           f. Qualification for a flag designation as defined in this
- 1211 section, including sexual offender flag, habitual offender flag,
- 1212 habitual violent felony offender flag, prison releasee
- 1213 reoffender flag, three-time violent felony offender flag,
- 1214 violent career criminal flag, gang affiliation flag, or
- 1215 concurrent or consecutive sentence flag.
- 1216           g. County that committed the prisoner to the custody of the



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- 1217 department.
- 1218       h. Whether the reason for admission to the department is
- 1219 for a new conviction or a violation of probation, community
- 1220 control, or parole. For an admission for a probation, community
- 1221 control, or parole violation, the department shall report
- 1222 whether the violation was technical or based on a new violation
- 1223 of law.
- 1224       i. Specific statutory citation for which the inmate was
- 1225 committed to the department, including, for an inmate convicted
- 1226 of drug trafficking under s. 893.135, the statutory citation for
- 1227 each specific drug trafficked.
- 1228       j. Length of sentence served.
- 1229       k. Length of concurrent or consecutive sentences served.
- 1230       l. Tentative release date.
- 1231       m. Gain time earned in accordance with s. 944.275.
- 1232       n. Prior incarceration within the state.
- 1233       o. Disciplinary violation and action.
- 1234       p. Participation in rehabilitative or educational programs
- 1235 while in the custody of the department.
- 1236       q. Digitized sentencing scoresheet prepared in accordance
- 1237 with s. 921.0024.
- 1238       2. Information about each state correctional institution or
- 1239 facility, including:
- 1240       a. Budget for each state correctional institution or
- 1241 facility.
- 1242       b. Daily prison population of all inmates incarcerated in a
- 1243 state correctional institution or facility.
- 1244       c. Daily number of correctional officers for each state
- 1245 correctional institution or facility.



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- 1246           3. Information related to persons supervised by the  
1247 department on probation or community control, including:  
1248           a. Identifying information for each person supervised by  
1249 the department on probation or community control, including his  
1250 or her name, date of birth, race, ethnicity, gender, case  
1251 number, and department-assigned case number.  
1252           b. Length of probation or community control sentence  
1253 imposed and amount of time that has been served on such  
1254 sentence.  
1255           c. Projected termination date for probation or community  
1256 control.  
1257           d. Revocation of probation or community control due to a  
1258 violation, including whether the revocation is due to a  
1259 technical violation of the conditions of supervision or from the  
1260 commission of a new law violation.  
1261           4. Per diem rates for:  
1262           a. Prison bed.  
1263           b. Probation.  
1264           c. Community control.

1265  
1266 This information only needs to be reported once annually at the  
1267 time the most recent per diem rate is published.

1268           Section 25. For the purpose of incorporating the amendment  
1269 made in this act to section 944.275, Florida statutes, in  
1270 reference thereto, section 944.28, Florida Statutes, is  
1271 reenacted to read:

1272           944.28 Forfeiture of gain-time and the right to earn gain-  
1273 time in the future.—

1274           (1) If a prisoner is convicted of escape, or if the



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1275 clemency, conditional release as described in chapter 947,  
1276 probation or community control as described in chapter 948,  
1277 provisional release as described in s. 944.277, parole, or  
1278 control release as described in s. 947.146 granted to the  
1279 prisoner is revoked, the department may, without notice or  
1280 hearing, declare a forfeiture of all gain-time earned according  
1281 to the provisions of law by such prisoner prior to such escape  
1282 or his or her release under such clemency, conditional release,  
1283 probation, community control, provisional release, control  
1284 release, or parole.

1285 (2) (a) All or any part of the gain-time earned by a  
1286 prisoner according to the provisions of law is subject to  
1287 forfeiture if such prisoner unsuccessfully attempts to escape;  
1288 assaults another person; threatens or knowingly endangers the  
1289 life or person of another person; refuses by action or word to  
1290 carry out any instruction duly given to him or her; neglects to  
1291 perform in a faithful, diligent, industrious, orderly, and  
1292 peaceful manner the work, duties, and tasks assigned to him or  
1293 her; is found by a court to have brought a frivolous suit,  
1294 action, claim, proceeding, or appeal in any court; is found by a  
1295 court to have knowingly or with reckless disregard for the truth  
1296 brought false information or evidence before the court; or  
1297 violates any law of the state or any rule or regulation of the  
1298 department or institution.

1299 (b) A prisoner's right to earn gain-time during all or any  
1300 part of the remainder of the sentence or sentences under which  
1301 he or she is imprisoned may be declared forfeited because of the  
1302 seriousness of a single instance of misconduct or because of the  
1303 seriousness of an accumulation of instances of misconduct.



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1304           (c) The method of declaring a forfeiture under paragraph  
1305 (a) or paragraph (b) shall be as follows: A written charge shall  
1306 be prepared, which shall specify each instance of misconduct  
1307 upon which it is based and the approximate date thereof. A copy  
1308 of such charge shall be delivered to the prisoner, and he or she  
1309 shall be given notice of a hearing before the disciplinary  
1310 committee created under the authorization of rules heretofore or  
1311 hereafter adopted by the department for the institution in which  
1312 he or she is confined. The prisoner shall be present at the  
1313 hearing. If at such hearing the prisoner pleads guilty to the  
1314 charge or if the committee determines that the prisoner is  
1315 guilty thereof upon the basis of proof presented at such  
1316 hearing, it shall find him or her guilty. If the committee  
1317 considers that all or part of the prisoner's gain-time and the  
1318 prisoner's right to earn gain-time during all or any part of the  
1319 sentence or sentences under which he or she is imprisoned shall  
1320 be forfeited, it shall so recommend in its written report. Such  
1321 report shall be presented to the warden of the institution, who  
1322 may approve such recommendation in whole or in part by endorsing  
1323 such approval on the report. In the event of approval, the  
1324 warden shall forward the report to the department. Thereupon,  
1325 the department may, in its discretion, declare the forfeiture  
1326 thus approved by the warden or any specified part thereof.

1327           (3) Upon the recommendation of the warden, the department  
1328 may, in its discretion, restore all or any part of any gain-time  
1329 forfeited under this section.

1330           Section 26. For the purpose of incorporating the amendment  
1331 made by this act to section 944.275, Florida Statutes, in a  
1332 reference thereto, subsection (1) of section 944.605, Florida



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1333 Statutes, is reenacted to read:  
1334           944.605 Inmate release; notification; identification card.—  
1335           (1) Within 6 months before the release of an inmate from  
1336 the custody of the Department of Corrections or a private  
1337 correctional facility by expiration of sentence under s.  
1338 944.275, any release program provided by law, or parole under  
1339 chapter 947, or as soon as possible if the offender is released  
1340 earlier than anticipated, notification of such anticipated  
1341 release date shall be made known by the Department of  
1342 Corrections to the chief judge of the circuit in which the  
1343 offender was sentenced, the appropriate state attorney, the  
1344 original arresting law enforcement agency, the Department of Law  
1345 Enforcement, and the sheriff as chief law enforcement officer of  
1346 the county in which the inmate plans to reside. In addition,  
1347 unless otherwise requested by the victim, the victim's parent or  
1348 guardian if the victim is a minor, the lawful representative of  
1349 the victim or of the victim's parent or guardian if the victim  
1350 is a minor, the victim's next of kin in the case of a homicide,  
1351 the state attorney or the Department of Corrections, whichever  
1352 is appropriate, shall notify such person within 6 months before  
1353 the inmate's release, or as soon as possible if the offender is  
1354 released earlier than anticipated, when the name and address of  
1355 such victim, or the name and address of the parent, guardian,  
1356 next of kin, or lawful representative of the victim has been  
1357 furnished to the agency. The state attorney shall provide the  
1358 latest address documented for the victim, or for the victim's  
1359 parent, guardian, next of kin, or lawful representative, as  
1360 applicable, to the sheriff with the other documents required by  
1361 law for the delivery of inmates to those agencies for service of



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1362 sentence. Upon request, within 30 days after an inmate is  
1363 approved for community work release, the state attorney, the  
1364 victim, the victim's parent or guardian if the victim is a  
1365 minor, the victim's next of kin in the case of a homicide, or  
1366 the lawful representative of the victim or of the victim's  
1367 parent or guardian if the victim is a minor shall be notified  
1368 that the inmate has been approved for community work release.  
1369 This section does not imply any repeal or modification of any  
1370 provision of law relating to notification of victims.

1371 Section 27. For the purpose of incorporating the amendment  
1372 made by this act to section 944.275, Florida Statutes, in a  
1373 reference thereto, subsection (6) of section 944.607, Florida  
1374 Statutes, is reenacted to read:

1375 944.607 Notification to Department of Law Enforcement of  
1376 information on sexual offenders.—

1377 (6) The information provided to the Department of Law  
1378 Enforcement must include:

1379 (a) The information obtained from the sexual offender under  
1380 subsection (4);

1381 (b) The sexual offender's most current address, place of  
1382 permanent, temporary, or transient residence within the state or  
1383 out of state, and address, location or description, and dates of  
1384 any current or known future temporary residence within the state  
1385 or out of state, while the sexual offender is under supervision  
1386 in this state, including the name of the county or municipality  
1387 in which the offender permanently or temporarily resides, or has  
1388 a transient residence, and address, location or description, and  
1389 dates of any current or known future temporary residence within  
1390 the state or out of state, and, if known, the intended place of





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1391 permanent, temporary, or transient residence, and address,  
1392 location or description, and dates of any current or known  
1393 future temporary residence within the state or out of state upon  
1394 satisfaction of all sanctions;

1395 (c) The legal status of the sexual offender and the  
1396 scheduled termination date of that legal status;

1397 (d) The location of, and local telephone number for, any  
1398 Department of Corrections' office that is responsible for  
1399 supervising the sexual offender;

1400 (e) An indication of whether the victim of the offense that  
1401 resulted in the offender's status as a sexual offender was a  
1402 minor;

1403 (f) The offense or offenses at conviction which resulted in  
1404 the determination of the offender's status as a sex offender;  
1405 and

1406 (g) A digitized photograph of the sexual offender which  
1407 must have been taken within 60 days before the offender is  
1408 released from the custody of the department or a private  
1409 correctional facility by expiration of sentence under s. 944.275  
1410 or must have been taken by January 1, 1998, or within 60 days  
1411 after the onset of the department's supervision of any sexual  
1412 offender who is on probation, community control, conditional  
1413 release, parole, provisional release, or control release or who  
1414 is supervised by the department under the Interstate Compact  
1415 Agreement for Probationers and Parolees. If the sexual offender  
1416 is in the custody of a private correctional facility, the  
1417 facility shall take a digitized photograph of the sexual  
1418 offender within the time period provided in this paragraph and  
1419 shall provide the photograph to the department.



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1420  
1421 If any information provided by the department changes during the  
1422 time the sexual offender is under the department's control,  
1423 custody, or supervision, including any change in the offender's  
1424 name by reason of marriage or other legal process, the  
1425 department shall, in a timely manner, update the information and  
1426 provide it to the Department of Law Enforcement in the manner  
1427 prescribed in subsection (2).

1428 Section 28. For the purpose of incorporating the amendment  
1429 made by this act to section 944.275, Florida Statutes, in a  
1430 reference thereto, subsection (15) of section 947.005, Florida  
1431 Statutes, is reenacted to read:

1432 947.005 Definitions.—As used in this chapter, unless the  
1433 context clearly indicates otherwise:

1434 (15) "Tentative release date" means the date projected for  
1435 the prisoner's release from custody by virtue of gain-time  
1436 granted or forfeited pursuant to s. 944.275(3)(a).

1437 Section 29. For the purpose of incorporating the amendment  
1438 made by this act to section 944.275, Florida Statutes, in a  
1439 reference thereto, paragraph (a) of subsection (6) of section  
1440 985.4815, Florida Statutes, is reenacted to read:

1441 985.4815 Notification to Department of Law Enforcement of  
1442 information on juvenile sexual offenders.—

1443 (6)(a) The information provided to the Department of Law  
1444 Enforcement must include the following:

1445 1. The information obtained from the sexual offender under  
1446 subsection (4).

1447 2. The sexual offender's most current address and place of  
1448 permanent, temporary, or transient residence within the state or



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1449 out of state, and address, location or description, and dates of  
1450 any current or known future temporary residence within the state  
1451 or out of state, while the sexual offender is in the care or  
1452 custody or under the jurisdiction or supervision of the  
1453 department in this state, including the name of the county or  
1454 municipality in which the offender permanently or temporarily  
1455 resides, or has a transient residence, and address, location or  
1456 description, and dates of any current or known future temporary  
1457 residence within the state or out of state; and, if known, the  
1458 intended place of permanent, temporary, or transient residence,  
1459 and address, location or description, and dates of any current  
1460 or known future temporary residence within the state or out of  
1461 state upon satisfaction of all sanctions.

1462 3. The legal status of the sexual offender and the  
1463 scheduled termination date of that legal status.

1464 4. The location of, and local telephone number for, any  
1465 department office that is responsible for supervising the sexual  
1466 offender.

1467 5. An indication of whether the victim of the offense that  
1468 resulted in the offender's status as a sexual offender was a  
1469 minor.

1470 6. The offense or offenses at adjudication and disposition  
1471 that resulted in the determination of the offender's status as a  
1472 sex offender.

1473 7. A digitized photograph of the sexual offender, which  
1474 must have been taken within 60 days before the offender was  
1475 released from the custody of the department or a private  
1476 correctional facility by expiration of sentence under s.  
1477 944.275, or within 60 days after the onset of the department's



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1478 supervision of any sexual offender who is on probation,  
1479 postcommitment probation, residential commitment, nonresidential  
1480 commitment, licensed child-caring commitment, community control,  
1481 conditional release, parole, provisional release, or control  
1482 release or who is supervised by the department under the  
1483 Interstate Compact Agreement for Probationers and Parolees. If  
1484 the sexual offender is in the custody of a private correctional  
1485 facility, the facility shall take a digitized photograph of the  
1486 sexual offender within the time period provided in this  
1487 subparagraph and shall provide the photograph to the department.

1488 Section 30. This act shall take effect July 1, 2021.