



925632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2021	.	
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The Committee on Criminal Justice (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 more than 2 ~~5~~ years before the date the application is received
12 by the applicable board may not be grounds for denial of a
13 license specified in paragraph (a). For purposes of this
14 paragraph, the term "conviction" means a determination of guilt
15 that is the result of a plea or trial, regardless of whether
16 adjudication is withheld. This paragraph does not limit the
17 applicable board from considering an applicant's criminal
18 history that includes a crime listed in s. 775.21(4)(a)1. or s.
19 776.08 at any time, but only if such criminal history has been
20 found to relate to the practice of the applicable profession.

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

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

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

33 921.002 The Criminal Punishment Code.—The Criminal
34 Punishment Code shall apply to all felony offenses, except
35 capital felonies, committed on or after October 1, 1998.

36 (1) The provision of criminal penalties and of limitations
37 upon the application of such penalties is a matter of
38 predominantly substantive law and, as such, is a matter properly
39 addressed by the Legislature. The Legislature, in the exercise



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40 of its authority and responsibility to establish sentencing
41 criteria, to provide for the imposition of criminal penalties,
42 and to make the best use of state prisons so that ~~violent~~
43 criminal offenders are appropriately punished and rehabilitated
44 ~~incarcerated~~, has determined that it is in the best interest of
45 the state to develop, implement, and revise a sentencing policy.
46 The Criminal Punishment Code embodies the principles that:

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

49 (b) The dual purposes ~~primary purpose~~ of sentencing in the
50 criminal justice system are ~~is~~ to punish the offender and
51 rehabilitate the offender so that he or she can successfully
52 transition back into the community. ~~Rehabilitation is a desired~~
53 ~~goal of the criminal justice system but is subordinate to the~~
54 ~~goal of punishment.~~

55 (c) The penalty imposed is commensurate with the severity
56 of the primary offense and the circumstances surrounding the
57 primary offense.

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

60 (e) The sentence imposed by the sentencing judge reflects
61 the length of actual time to be served, shortened only by the
62 application of good behavior time, rehabilitation credits, and
63 outstanding deed awards, ~~incentive and meritorious gain-time~~ as
64 provided by law, and may not be shortened if the defendant would
65 consequently serve less than 85 percent of his or her term of
66 imprisonment upon the application of good behavior time and
67 outstanding deed awards or 65 percent of his or her term of
68 imprisonment upon the application of rehabilitation credits, as



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69 provided in s. 944.275(4). The provisions of chapter 947,
70 relating to parole, do not ~~shall not~~ apply to persons sentenced
71 under the Criminal Punishment Code.

72 (f) Departures below the lowest permissible sentence
73 established by the code must be articulated in writing by the
74 trial court judge and made only when circumstances or factors
75 reasonably justify the mitigation of the sentence. The level of
76 proof necessary to establish facts that support a departure from
77 the lowest permissible sentence is a preponderance of the
78 evidence.

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

83 (h) A sentence may be appealed on the basis that it departs
84 from the Criminal Punishment Code only if the sentence is below
85 the lowest permissible sentence or as enumerated in s.
86 924.06(1).

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

91 Section 3. Subsections (5), (6), (7), and (8) of section
92 944.02, Florida Statutes, are renumbered as subsections (6),
93 (7), (8), and (9), respectively, and subsection (5) is added to
94 that section, to read:

95 944.02 Definitions.—The following words and phrases used in
96 this chapter shall, unless the context clearly indicates
97 otherwise, have the following meanings:



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98 (5) "Gain-time" means good behavior time, rehabilitation
99 credits, and outstanding deed awards, collectively, and as
100 defined under this chapter.

101 Section 4. Section 944.275, Florida Statutes, is amended to
102 read:

103 944.275 Good behavior time; rehabilitation credits;
104 outstanding deed awards ~~gain-time~~.-

105 (1) The department is authorized to grant deductions from
106 sentences in the form of good behavior time, rehabilitation
107 credits, and outstanding deed awards ~~gain-time~~ in order to
108 encourage satisfactory prisoner behavior, to provide incentive
109 for prisoners to participate in productive activities, and to
110 reward prisoners who perform outstanding deeds or services.

111 (2) (a) The department shall establish for each prisoner
112 sentenced to a term of years a "maximum sentence expiration
113 date," which shall be the date when the sentence or combined
114 sentences imposed on a prisoner will expire. In establishing
115 this date, the department shall reduce the total time to be
116 served by any time lawfully credited.

117 (b) When a prisoner with an established maximum sentence
118 expiration date is sentenced to an additional term or terms
119 without having been released from custody, the department shall
120 extend the maximum sentence expiration date by the length of
121 time imposed in the new sentence or sentences, less lawful
122 credits.

123 (c) When an escaped prisoner or a parole violator is
124 returned to the custody of the department, the maximum sentence
125 expiration date in effect when the escape occurred or the parole
126 was effective shall be extended by the amount of time the



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127 prisoner was not in custody plus the time imposed in any new
128 sentence or sentences, but reduced by any lawful credits.

129 (3) (a) The department shall also establish for each
130 prisoner sentenced to a term of years a "tentative release date"
131 which shall be the date projected for the prisoner's release
132 from custody by virtue of good behavior time, rehabilitation
133 credits, or outstanding deed awards ~~gain-time~~ granted or
134 forfeited as described in this section. The initial tentative
135 release date shall be determined by deducting good behavior time
136 ~~basic gain-time~~ granted from the maximum sentence expiration
137 date. Rehabilitation credits and outstanding deed awards ~~Other~~
138 ~~gain-time~~ shall be applied when granted or restored to make the
139 tentative release date proportionately earlier; and forfeitures
140 of gain-time, when ordered, shall be applied to make the
141 tentative release date proportionately later.

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

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

150 (4) (a) As a means of encouraging satisfactory behavior and
151 developing character traits necessary for successful reentry to
152 the community, the department shall grant good behavior time
153 ~~basic gain-time~~ at the rate of 10 days for each month of each
154 sentence imposed on a prisoner, subject to the following:

155 1. Portions of any sentences to be served concurrently



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156 shall be treated as a single sentence when determining good
157 behavior time ~~basic gain-time~~.

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

160 3. When a prisoner receives a new maximum sentence
161 expiration date because of additional sentences imposed, good
162 behavior time ~~basic gain-time~~ shall be granted for the amount of
163 time the maximum sentence expiration date was extended.

164 (b) For each month in which a prisoner ~~an inmate~~ works
165 diligently, participates in training or education, uses time
166 constructively, or otherwise engages in positive activities, the
167 department may grant rehabilitation credits ~~incentive gain-time~~
168 in accordance with this paragraph. The rate of rehabilitation
169 credits ~~incentive gain-time~~ in effect on the date the prisoner
170 ~~inmate~~ committed the offense that ~~which~~ resulted in his or her
171 incarceration shall be the prisoner's ~~inmate's~~ rate of
172 eligibility to earn rehabilitation credits ~~incentive gain-time~~
173 throughout the period of incarceration and may ~~shall~~ not be
174 altered by a subsequent change in the severity level of the
175 offense for which the prisoner ~~inmate~~ was sentenced.

176 1. For sentences imposed for offenses committed before
177 ~~prior to~~ January 1, 1994, and on or after October 1, 1995, up to
178 20 days of rehabilitation credits ~~incentive gain-time~~ may be
179 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
180 be credited and applied monthly.

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

183 a. For offenses ranked in offense severity levels 1 through
184 7, under former s. 921.0012 or former s. 921.0013, up to 25 days



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185 of rehabilitation credits ~~incentive gain-time~~ may be granted. If
186 granted, such rehabilitation credits ~~gain-time~~ shall be credited
187 and applied monthly.

188 b. For offenses ranked in offense severity levels 8, 9, and
189 10, under former s. 921.0012 or former s. 921.0013, up to 20
190 days of rehabilitation credits ~~incentive gain-time~~ may be
191 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
192 be credited and applied monthly.

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

196 (c) A prisoner ~~An inmate~~ who performs some outstanding
197 deed, such as saving a life or assisting in recapturing an
198 escaped prisoner ~~inmate~~, or who in some manner performs an
199 outstanding service that would merit the granting of additional
200 deductions from the term of his or her sentence may be granted
201 an outstanding deed award ~~meritorious gain-time~~ of from 30 ~~1~~ to
202 60 days per outstanding deed performed.

203 (d) Notwithstanding the monthly maximum awards of
204 rehabilitation credits under subparagraphs (b)1. and 2.,
205 ~~incentive gain-time~~ under subparagraphs (b)1., 2., and 3., the
206 education program manager shall recommend, and the department ~~of~~
207 ~~Corrections~~ may grant, to a prisoner who is otherwise eligible,
208 ~~a one-time award of~~ 60 additional days of rehabilitation credits
209 for each of the following successfully completed by a prisoner:
210 ~~incentive gain-time to an inmate who is otherwise eligible and~~
211 ~~who successfully completes requirements for and is, or has been~~
212 ~~during the current commitment, awarded a high school equivalency~~
213 diploma, a college degree, a ~~or~~ vocational certificate, a drug



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214 treatment program, a life skills program, a reentry program, or
215 other evidence-based program approved by the department that
216 serves the purpose of reducing recidivism and assisting a
217 prisoner reintegrate into society. For purposes of this
218 paragraph, a "life skills program" means a program, approved by
219 the department, which consists of at least 60 hours designed to
220 reduce recidivism by addressing, at a minimum, education, job
221 skill, interpersonal skills, stress and anger management, and
222 personal development. Additionally, the department shall grant 5
223 additional days of rehabilitation credits for successful
224 completion of any other department-approved program, including
225 prisoner-developed programs or a passing grade in each online or
226 in-person educational course, as approved by the department.
227 Rehabilitation credits under this paragraph are retroactive.

228 (e) Notwithstanding the monthly maximum awards of
229 rehabilitation credits under subparagraphs (b)1. and 2., the
230 department may grant up to 2 additional days per month of good
231 behavior time to prisoners serving sentences for violations of
232 s. 893.13 or s. 893.135. Good behavior time under this paragraph
233 is retroactive ~~Under no circumstances may an inmate receive more~~
234 ~~than 60 days for educational attainment pursuant to this~~
235 ~~section.~~

236 (f) ~~(e)~~ Notwithstanding subparagraph (b)1. subparagraph
237 ~~(b)3.,~~ for sentences imposed for offenses committed on or after
238 October 1, 2014, the department may not grant rehabilitation
239 credits ~~incentive gain-time~~ if the offense is a violation of s.
240 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or
241 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s.
242 825.1025; or s. 847.0135(5).



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243 (g)1.~~(f)~~ A prisoner An inmate who is subject to this
244 subsection and who is serving a sentence imposed for an offense
245 committed on or after October 1, 1995, subparagraph (b)3. is not
246 eligible to earn or receive ~~gain-time~~ good behavior time or
247 outstanding deed awards under paragraph (a), paragraph (b),
248 paragraph (c), or paragraph (d) or any other type of gain-time
249 in an amount that would cause a sentence to expire, end, or
250 terminate, or that would result in a prisoner's release, before
251 he or she serves prior to serving a minimum of 85 percent of the
252 sentence imposed.

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

258 3. For purposes of this paragraph, credits awarded by the
259 court for time physically incarcerated shall be credited toward
260 satisfaction of 85 percent of the sentence imposed. Except as
261 provided by this section, a prisoner serving a sentence imposed
262 for an offense committed on or after October 1, 1995, may not
263 accumulate further good behavior time gain-time awards at any
264 point when the tentative release date is the same as that date
265 at which the prisoner will have served 85 percent of the
266 sentence imposed. A prisoner may not accumulate further
267 rehabilitation credits or outstanding deed awards at any point
268 when the tentative release date is the same as that date at
269 which the prisoner will have served 65 percent of the sentence
270 imposed. State prisoners sentenced to life imprisonment shall be
271 incarcerated for the rest of their natural lives, unless granted



272 pardon or clemency.

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

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

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

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

288 (7) The department shall adopt rules to implement the
289 granting, forfeiture, restoration, and deletion of good behavior
290 time, rehabilitation credits, and outstanding deed awards, ~~gain-~~
291 ~~time~~.

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

294 316.027 Crash involving death or personal injuries.—

295 (2) (a) The driver of a vehicle involved in a crash
296 occurring on public or private property which results in injury
297 to a person other than serious bodily injury shall immediately
298 stop the vehicle at the scene of the crash, or as close thereto
299 as possible, and shall remain at the scene of the crash until he
300 or she has fulfilled the requirements of s. 316.062. A person



301 who willfully violates this paragraph commits a felony of the
302 third degree, punishable as provided in s. 775.082, s. 775.083,
303 or s. 775.084.

304 (b) The driver of a vehicle involved in a crash occurring
305 on public or private property which results in serious bodily
306 injury to a person shall immediately stop the vehicle at the
307 scene of the crash, or as close thereto as possible, and shall
308 remain at the scene of the crash until he or she has fulfilled
309 the requirements of s. 316.062. A person who willfully violates
310 this paragraph commits a felony of the second degree, punishable
311 as provided in s. 775.082, s. 775.083, or s. 775.084.

312 (c) The driver of a vehicle involved in a crash occurring
313 on public or private property which results in the death of a
314 person shall immediately stop the vehicle at the scene of the
315 crash, or as close thereto as possible, and shall remain at the
316 scene of the crash until he or she has fulfilled the
317 requirements of s. 316.062. A person who is arrested for a
318 violation of this paragraph and who has previously been
319 convicted of a violation of this section, s. 316.061, s.
320 316.191, or s. 316.193, or a felony violation of s. 322.34,
321 shall be held in custody until brought before the court for
322 admittance to bail in accordance with chapter 903. A person who
323 willfully violates this paragraph commits a felony of the first
324 degree, punishable as provided in s. 775.082, s. 775.083, or s.
325 775.084, and shall be sentenced to a mandatory minimum term of
326 imprisonment of 4 years. A person who willfully commits such a
327 violation while driving under the influence as set forth in s.
328 316.193(1) shall be sentenced to a mandatory minimum term of
329 imprisonment of 4 years.



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330 (d) Notwithstanding s. 775.089(1)(a), if the driver of a
331 vehicle violates paragraph (a), paragraph (b), or paragraph (c),
332 the court shall order the driver to make restitution to the
333 victim for any damage or loss unless the court finds clear and
334 compelling reasons not to order the restitution. Restitution may
335 be monetary or nonmonetary restitution. The court shall make the
336 payment of restitution a condition of probation in accordance
337 with s. 948.03. An order requiring the defendant to make
338 restitution to a victim does not remove or diminish the
339 requirement that the court order payment to the Crimes
340 Compensation Trust Fund under chapter 960. Payment of an award
341 by the Crimes Compensation Trust Fund creates an order of
342 restitution to the Crimes Compensation Trust Fund unless
343 specifically waived in accordance with s. 775.089(1)(b).

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

347 1. A person convicted of violating paragraph (a), paragraph
348 (b), or paragraph (c) shall, before his or her driving privilege
349 may be reinstated, present to the department proof of completion
350 of a victim's impact panel session in a judicial circuit if such
351 a panel exists, or if such a panel does not exist, a department-
352 approved driver improvement course relating to the rights of
353 vulnerable road users relative to vehicles on the roadway as
354 provided in s. 322.0261(2).

355 2. The department may reinstate an offender's driving
356 privilege after he or she satisfies the 3-year revocation period
357 as provided in s. 322.28(4) and successfully completes either a
358 victim's impact panel session or a department-approved driver



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359 improvement course relating to the rights of vulnerable road
360 users relative to vehicles on the roadway as provided in s.
361 322.0261(2).

362 3. For purposes of this paragraph, an offender's driving
363 privilege may be reinstated only after the department verifies
364 that the offender participated in and successfully completed a
365 victim's impact panel session or a department-approved driver
366 improvement course.

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

373 (g) The defendant may move to depart from the mandatory
374 minimum term of imprisonment prescribed in paragraph (c) unless
375 the violation was committed while the defendant was driving
376 under the influence. The state may object to this departure. The
377 court may grant the motion only if it finds that a factor,
378 consideration, or circumstance clearly demonstrates that
379 imposing a mandatory minimum term of imprisonment would
380 constitute or result in an injustice. The court shall state in
381 open court the basis for granting the motion.

382 Section 6. Section 775.0845, Florida Statutes, is amended
383 to read:

384 775.0845 Wearing mask while committing offense;
385 reclassification.—The felony or misdemeanor degree of any
386 criminal offense, other than a violation of ss. 876.12-876.15,
387 shall be reclassified to the next higher degree as provided in



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388 this section if, while committing the offense, the offender was
389 wearing a hood, mask, or other device that concealed his or her
390 identity.

391 (1) (a) In the case of a misdemeanor of the second degree,
392 the offense is reclassified to a misdemeanor of the first
393 degree.

394 (b) In the case of a misdemeanor of the first degree, the
395 offense is reclassified to a felony of the third degree. For
396 purposes of sentencing under chapter 921 and determining
397 ~~incentive gain time~~ eligibility for rehabilitation credits under
398 chapter 944, such offense is ranked in level 2 of the offense
399 severity ranking chart.

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

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

404

405 For purposes of sentencing under chapter 921 and determining
406 ~~incentive gain time~~ eligibility for rehabilitation credits under
407 chapter 944, a felony offense that is reclassified under this
408 subsection is ranked one level above the ranking under former s.
409 921.0012, former s. 921.0013, s. 921.0022, or s. 921.0023 of the
410 offense committed.

411 Section 7. Section 775.0847, Florida Statutes, is amended
412 to read:

413 775.0847 Possession or promotion of certain images of child
414 pornography; reclassification.—

415 (1) For purposes of this section:

416 (a) "Child" means any person, whose identity is known or



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417 unknown, less than 18 years of age.

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

420 (c) "Sadomasochistic abuse" means flagellation or torture
421 by or upon a person or the condition of being fettered, bound,
422 or otherwise physically restrained, for the purpose of deriving
423 sexual satisfaction, or satisfaction brought about as a result
424 of sadistic violence, from inflicting harm on another or
425 receiving such harm oneself.

426 (d) "Sexual battery" means oral, anal, or vaginal
427 penetration by, or union with, the sexual organ of another or
428 the anal or vaginal penetration of another by any other object;
429 however, sexual battery does not include an act done for a bona
430 fide medical purpose.

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

434 (f) "Sexual conduct" means actual or simulated sexual
435 intercourse, deviate sexual intercourse, sexual bestiality,
436 masturbation, or sadomasochistic abuse; actual lewd exhibition
437 of the genitals; actual physical contact with a person's clothed
438 or unclothed genitals, pubic area, buttocks, or, if such person
439 is a female, breast with the intent to arouse or gratify the
440 sexual desire of either party; or any act or conduct which
441 constitutes sexual battery or simulates that sexual battery is
442 being or will be committed. A mother's breastfeeding of her baby
443 does not under any circumstance constitute "sexual conduct."

444 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
445 s. 847.0138 shall be reclassified to the next higher degree as



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446 provided in subsection (3) if:

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

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

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

452 2. Sadomasochistic abuse involving a child.

453 3. Sexual battery involving a child.

454 4. Sexual bestiality involving a child.

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

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

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

461
462 For purposes of sentencing under chapter 921 and determining
463 ~~incentive gain-time~~ eligibility for rehabilitation credits under
464 chapter 944, a felony offense that is reclassified under this
465 section is ranked one level above the ranking under s. 921.0022
466 or s. 921.0023 of the offense committed.

467 Section 8. Section 775.0861, Florida Statutes, is amended
468 to read:

469 775.0861 Offenses against persons on the grounds of
470 religious institutions; reclassification.—

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

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

473 (b) "Religious service" is a religious ceremony, prayer, or
474 other activity according to a form and order prescribed for



475 worship, including a service related to a particular occasion.
476 (2) The felony or misdemeanor degree of any violation of:
477 (a) Section 784.011, relating to assault;
478 (b) Section 784.021, relating to aggravated assault;
479 (c) Section 784.03, relating to battery;
480 (d) Section 784.041, relating to felony battery;
481 (e) A statute defining any offense listed in s.
482 775.084(1)(b)1.; or
483 (f) Any other statute defining an offense that involves the
484 use or threat of physical force or violence against any
485 individual
486
487 shall be reclassified as provided in this section if the offense
488 is committed on the property of a religious institution while
489 the victim is on the property for the purpose of participating
490 in or attending a religious service.
491 (3)(a) In the case of a misdemeanor of the second degree,
492 the offense is reclassified to a misdemeanor of the first
493 degree.
494 (b) In the case of a misdemeanor of the first degree, the
495 offense is reclassified to a felony of the third degree. For
496 purposes of sentencing under chapter 921, such offense is ranked
497 in level 2 of the offense severity ranking chart.
498 (c) In the case of a felony of the third degree, the
499 offense is reclassified to a felony of the second degree.
500 (d) In the case of a felony of the second degree, the
501 offense is reclassified to a felony of the first degree.
502 (e) In the case of a felony of the first degree, the
503 offense is reclassified to a life felony.



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504
505 For purposes of sentencing under chapter 921 and determining
506 ~~incentive gain-time~~ eligibility for rehabilitation credits under
507 chapter 944, a felony offense that is reclassified under this
508 subsection is ranked one level above the ranking under s.
509 921.0022 or s. 921.0023 of the offense committed.

510 Section 9. Section 775.0862, Florida Statutes, is amended
511 to read:

512 775.0862 Sexual offenses against students by authority
513 figures; reclassification.—

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

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

518 (b) "School" has the same meaning as provided in s. 1003.01
519 and includes a private school as defined in s. 1002.01, a
520 voluntary prekindergarten education program as described in s.
521 1002.53(3), early learning programs, a public school as
522 described in s. 402.3025(1), the Florida School for the Deaf and
523 the Blind, and the Florida Virtual School established under s.
524 1002.37. The term does not include facilities dedicated
525 exclusively to the education of adults.

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

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



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

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

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

539

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

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

547 775.087 Possession or use of weapon; aggravated battery;
548 felony reclassification; minimum sentence.-

549 (1) Unless otherwise provided by law, whenever a person is
550 charged with a felony, except a felony in which the use of a
551 weapon or firearm is an essential element, and during the
552 commission of such felony the defendant carries, displays, uses,
553 threatens to use, or attempts to use any weapon or firearm, or
554 during the commission of such felony the defendant commits an
555 aggravated battery, the felony for which the person is charged
556 shall be reclassified as follows:

557 (a) In the case of a felony of the first degree, to a life
558 felony.

559 (b) In the case of a felony of the second degree, to a
560 felony of the first degree.

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



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562 felony of the second degree.

563

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

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

572 a. Murder;

573 b. Sexual battery;

574 c. Robbery;

575 d. Burglary;

576 e. Arson;

577 f. Aggravated battery;

578 g. Kidnapping;

579 h. Escape;

580 i. Sale, manufacture, delivery, or intent to sell,
581 manufacture, or deliver any controlled substance;

582 j. Aircraft piracy;

583 k. Aggravated child abuse;

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

585 m. Unlawful throwing, placing, or discharging of a
586 destructive device or bomb;

587 n. Carjacking;

588 o. Home-invasion robbery;

589 p. Aggravated stalking; or

590 q. Trafficking in cannabis, trafficking in cocaine, capital



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591 importation of cocaine, trafficking in illegal drugs, capital
592 importation of illegal drugs, trafficking in phencyclidine,
593 capital importation of phencyclidine, trafficking in
594 methaqualone, capital importation of methaqualone, trafficking
595 in amphetamine, capital importation of amphetamine, trafficking
596 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
597 (GHB), trafficking in 1,4-Butanediol, trafficking in
598 Phenethylamines, or other violation of s. 893.135(1);
599

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

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

611 3. Any person who is convicted of a felony or an attempt to
612 commit a felony listed in subparagraph (a)1., regardless of
613 whether the use of a weapon is an element of the felony, and
614 during the course of the commission of the felony such person
615 discharged a semiautomatic firearm and its high-capacity box
616 magazine or a "machine gun" as defined in s. 790.001 and, as the
617 result of the discharge, death or great bodily harm was
618 inflicted upon any person, the convicted person shall be
619 sentenced to a minimum term of imprisonment of not less than 25



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620 years and not more than a term of imprisonment of life in
621 prison.

622 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
623 (a)3. does not prevent a court from imposing a longer sentence
624 of incarceration as authorized by law in addition to the minimum
625 mandatory sentence, or from imposing a sentence of death
626 pursuant to other applicable law. Subparagraph (a)1.,
627 subparagraph (a)2., or subparagraph (a)3. does not authorize a
628 court to impose a lesser sentence than otherwise required by
629 law.

630
631 Notwithstanding s. 948.01, adjudication of guilt or imposition
632 of sentence shall not be suspended, deferred, or withheld, and
633 the defendant is not eligible for statutory gain-time under s.
634 944.275 or any form of discretionary early release, other than
635 pardon or executive clemency, or conditional medical release
636 under s. 947.149, prior to serving the minimum sentence.

637 (c) If the minimum mandatory terms of imprisonment imposed
638 pursuant to this section exceed the maximum sentences authorized
639 by s. 775.082, s. 775.084, or the Criminal Punishment Code under
640 chapter 921, then the mandatory minimum sentence must be
641 imposed. If the mandatory minimum terms of imprisonment pursuant
642 to this section are less than the sentences that could be
643 imposed as authorized by s. 775.082, s. 775.084, or the Criminal
644 Punishment Code under chapter 921, then the sentence imposed by
645 the court must include the mandatory minimum term of
646 imprisonment as required in this section.

647 (d) It is the intent of the Legislature that offenders who
648 possess, carry, display, use, threaten to use, or attempt to use



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649 a semiautomatic firearm and its high-capacity detachable box
650 magazine or a machine gun as defined in s. 790.001 be punished
651 to the fullest extent of the law, and the minimum terms of
652 imprisonment imposed pursuant to this subsection shall be
653 imposed for each qualifying felony count for which the person is
654 convicted. The court shall impose any term of imprisonment
655 provided for in this subsection consecutively to any other term
656 of imprisonment imposed for any other felony offense.

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

658 1. "High-capacity detachable box magazine" means any
659 detachable box magazine, for use in a semiautomatic firearm,
660 which is capable of being loaded with more than 20 centerfire
661 cartridges.

662 2. "Semiautomatic firearm" means a firearm which is capable
663 of firing a series of rounds by separate successive depressions
664 of the trigger and which uses the energy of discharge to perform
665 a portion of the operating cycle.

666 Section 11. Section 775.0875, Florida Statutes, is amended
667 to read:

668 775.0875 Unlawful taking, possession, or use of law
669 enforcement officer's firearm; crime reclassification;
670 penalties.—

671 (1) A person who, without authorization, takes a firearm
672 from a law enforcement officer lawfully engaged in law
673 enforcement duties commits a felony of the third degree,
674 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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



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678 (a)1. In the case of a felony of the first degree, to a
679 life felony.

680 2. In the case of a felony of the second degree, to a
681 felony of the first degree.

682 3. In the case of a felony of the third degree, to a felony
683 of the second degree.

684

685 For purposes of sentencing under chapter 921 and determining
686 ~~incentive gain-time~~ eligibility for rehabilitation credits under
687 chapter 944, a felony offense that is reclassified under this
688 paragraph is ranked one level above the ranking under s.
689 921.0022 or s. 921.0023 of the felony offense committed.

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

695 (3) A person who possesses a firearm that he or she knows
696 was unlawfully taken from a law enforcement officer commits a
697 misdemeanor of the first degree, punishable as provided in s.
698 775.082 or s. 775.083.

699 Section 12. Section 777.03, Florida Statutes, is amended to
700 read:

701 777.03 Accessory after the fact.—

702 (1) (a) Any person not standing in the relation of husband
703 or wife, parent or grandparent, child or grandchild, brother or
704 sister, by consanguinity or affinity to the offender, who
705 maintains or assists the principal or an accessory before the
706 fact, or gives the offender any other aid, knowing that the



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707 offender had committed a crime and such crime was a third degree
708 felony, or had been an accessory thereto before the fact, with
709 the intent that the offender avoids or escapes detection,
710 arrest, trial, or punishment, is an accessory after the fact.

711 (b) Any person who maintains or assists the principal or
712 accessory before the fact, or gives the offender any other aid,
713 knowing that the offender had committed the offense of child
714 abuse, neglect of a child, aggravated child abuse, aggravated
715 manslaughter of a child under 18 years of age, or murder of a
716 child under 18 years of age, or had been an accessory thereto
717 before the fact, with the intent that the offender avoids or
718 escapes detection, arrest, trial, or punishment, is an accessory
719 after the fact unless the court finds that the person is a
720 victim of domestic violence.

721 (c) Any person who maintains or assists the principal or an
722 accessory before the fact, or gives the offender any other aid,
723 knowing that the offender had committed a crime and such crime
724 was a capital, life, first degree, or second degree felony, or
725 had been an accessory thereto before the fact, with the intent
726 that the offender avoids or escapes detection, arrest, trial, or
727 punishment, is an accessory after the fact.

728 (2) (a) If the felony offense committed is a capital felony,
729 the offense of accessory after the fact is a felony of the first
730 degree, punishable as provided in s. 775.082, s. 775.083, or s.
731 775.084.

732 (b) If the felony offense committed is a life felony or a
733 felony of the first degree, the offense of accessory after the
734 fact is a felony of the second degree, punishable as provided in
735 s. 775.082, s. 775.083, or s. 775.084.



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736 (c) If the felony offense committed is a felony of the
737 second degree or a felony of the third degree ranked in level 3,
738 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023, the
739 offense of accessory after the fact is a felony of the third
740 degree, punishable as provided in s. 775.082, s. 775.083, or s.
741 775.084.

742 (d) If the felony offense committed is a felony of the
743 third degree ranked in level 1 or level 2 under s. 921.0022 or
744 s. 921.0023, the offense of accessory after the fact is a
745 misdemeanor of the first degree, punishable as provided in s.
746 775.082, s. 775.083, or s. 775.084.

747 (3) Except as otherwise provided in s. 921.0022, for
748 purposes of sentencing under chapter 921 and determining
749 ~~incentive gain-time~~ eligibility for rehabilitation credits under
750 chapter 944, the offense of accessory after the fact is ranked
751 two levels below the ranking under s. 921.0022 or s. 921.0023 of
752 the felony offense committed.

753 Section 13. Section 777.04, Florida Statutes, is amended to
754 read:

755 777.04 Attempts, solicitation, and conspiracy.—

756 (1) A person who attempts to commit an offense prohibited
757 by law and in such attempt does any act toward the commission of
758 such offense, but fails in the perpetration or is intercepted or
759 prevented in the execution thereof, commits the offense of
760 criminal attempt, ranked for purposes of sentencing as provided
761 in subsection (4). Criminal attempt includes the act of an adult
762 who, with intent to commit an offense prohibited by law,
763 allures, seduces, coaxes, or induces a child under the age of 12
764 to engage in an offense prohibited by law.



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765 (2) A person who solicits another to commit an offense
766 prohibited by law and in the course of such solicitation
767 commands, encourages, hires, or requests another person to
768 engage in specific conduct which would constitute such offense
769 or an attempt to commit such offense commits the offense of
770 criminal solicitation, ranked for purposes of sentencing as
771 provided in subsection (4).

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

776 (4) (a) Except as otherwise provided in ss. 104.091(2),
777 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,
778 the offense of criminal attempt, criminal solicitation, or
779 criminal conspiracy is ranked for purposes of sentencing under
780 chapter 921 and determining ~~incentive gain time~~ eligibility for
781 rehabilitation credits under chapter 944 one level below the
782 ranking under s. 921.0022 or s. 921.0023 of the offense
783 attempted, solicited, or conspired to. If the criminal attempt,
784 criminal solicitation, or criminal conspiracy is of an offense
785 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,
786 such offense is a misdemeanor of the first degree, punishable as
787 provided in s. 775.082 or s. 775.083.

788 (b) If the offense attempted, solicited, or conspired to is
789 a capital felony, the offense of criminal attempt, criminal
790 solicitation, or criminal conspiracy is a felony of the first
791 degree, punishable as provided in s. 775.082, s. 775.083, or s.
792 775.084.

793 (c) Except as otherwise provided in s. 893.135(5), if the



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794 offense attempted, solicited, or conspired to is a life felony
795 or a felony of the first degree, the offense of criminal
796 attempt, criminal solicitation, or criminal conspiracy is a
797 felony of the second degree, punishable as provided in s.
798 775.082, s. 775.083, or s. 775.084.

799 (d) Except as otherwise provided in s. 104.091(2), s.
800 379.2431(1), s. 828.125(2), or s. 849.25(4), if the offense
801 attempted, solicited, or conspired to is a:

- 802 1. Felony of the second degree;
803 2. Burglary that is a felony of the third degree; or
804 3. Felony of the third degree ranked in level 3, 4, 5, 6,
805 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

806
807 the offense of criminal attempt, criminal solicitation, or
808 criminal conspiracy is a felony of the third degree, punishable
809 as provided in s. 775.082, s. 775.083, or s. 775.084.

810 (e) Except as otherwise provided in s. 104.091(2), s.
811 379.2431(1), s. 849.25(4), or paragraph (d), if the offense
812 attempted, solicited, or conspired to is a felony of the third
813 degree, the offense of criminal attempt, criminal solicitation,
814 or criminal conspiracy is a misdemeanor of the first degree,
815 punishable as provided in s. 775.082 or s. 775.083.

816 (f) Except as otherwise provided in s. 104.091(2), if the
817 offense attempted, solicited, or conspired to is a misdemeanor
818 of the first or second degree, the offense of criminal attempt,
819 criminal solicitation, or criminal conspiracy is a misdemeanor
820 of the second degree, punishable as provided in s. 775.082 or s.
821 775.083.

822 (5) It is a defense to a charge of criminal attempt,



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823 criminal solicitation, or criminal conspiracy that, under
824 circumstances manifesting a complete and voluntary renunciation
825 of his or her criminal purpose, the defendant:

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

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

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

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

836 794.011 Sexual battery.—

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

841 Section 15. Section 794.023, Florida Statutes, is amended
842 to read:

843 794.023 Sexual battery by multiple perpetrators;
844 reclassification of offenses.—

845 (1) The Legislature finds that an act of sexual battery,
846 when committed by more than one person, presents a great danger
847 to the public and is extremely offensive to civilized society.
848 It is therefore the intent of the Legislature to reclassify
849 offenses for acts of sexual battery committed by more than one
850 person.

851 (2) A violation of s. 794.011 shall be reclassified as



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852 provided in this subsection if it is charged and proven by the
853 prosecution that, during the same criminal transaction or
854 episode, more than one person committed an act of sexual battery
855 on the same victim.

856 (a) A felony of the second degree is reclassified to a
857 felony of the first degree.

858 (b) A felony of the first degree is reclassified to a life
859 felony.

860
861 This subsection does not apply to life felonies or capital
862 felonies. For purposes of sentencing under chapter 921 and
863 determining ~~incentive gain-time~~ eligibility for rehabilitation
864 credits under chapter 944, a felony offense that is reclassified
865 under this subsection is ranked one level above the ranking
866 under s. 921.0022 or s. 921.0023 of the offense committed.

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

869 817.568 Criminal use of personal identification
870 information.—

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

875 (a) A misdemeanor of the first degree is reclassified as a
876 felony of the third degree.

877 (b) A felony of the third degree is reclassified as a
878 felony of the second degree.

879 (c) A felony of the second degree is reclassified as a
880 felony of the first degree.



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881
882 For purposes of sentencing under chapter 921 and ~~incentive gain-~~
883 ~~time~~ eligibility for rehabilitation credits under chapter 944, a
884 felony offense that is reclassified under this subsection is
885 ranked one level above the ranking under s. 921.0022 of the
886 felony offense committed, and a misdemeanor offense that is
887 reclassified under this subsection is ranked in level 2 of the
888 offense severity ranking chart in s. 921.0022.

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

891 831.032 Offenses involving forging or counterfeiting
892 private labels.—

893 (3) (a) Violation of subsection (1) or subsection (2) is a
894 misdemeanor of the first degree, punishable as provided in s.
895 775.082 or s. 775.083, except that:

896 1. A violation of subsection (1) or subsection (2) is a
897 felony of the third degree, punishable as provided in s.
898 775.082, s. 775.083, or s. 775.084, if the offense involves 100
899 or more but less than 1,000 items bearing one or more
900 counterfeit marks or if the goods involved in the offense have a
901 total retail value of more than \$2,500, but less than \$20,000.

902 2. A violation of subsection (1) or subsection (2) is a
903 felony of the second degree, punishable as provided in s.
904 775.082, s. 775.083, or s. 775.084, if the offense involves
905 1,000 or more items bearing one or more counterfeit marks or if
906 the goods involved in the offense have a total retail value of
907 \$20,000 or more.

908 3. A violation of subsection (1) or subsection (2) is a
909 felony of the third degree, punishable as provided in s.



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910 775.082, s. 775.083, or s. 775.084 if, during the commission or
911 as a result of the commission of the offense, the person
912 engaging in the offense knowingly or by culpable negligence
913 causes or allows to be caused bodily injury to another.

914 4. A violation of subsection (1) or subsection (2) is a
915 felony of the second degree, punishable as provided in s.
916 775.082, s. 775.083, or s. 775.084 if, during the commission or
917 as a result of the commission of the offense, the person
918 engaging in the offense knowingly or by culpable negligence
919 causes or allows to be caused serious bodily injury to another.

920 5. A violation of subsection (1) or subsection (2) is a
921 felony of the first degree, punishable as provided in s.
922 775.082, s. 775.083, or s. 775.084 if, during the commission or
923 as a result of the commission of the offense, the person
924 engaging in the offense knowingly or by culpable negligence
925 causes or allows to be caused death to another.

926 (b) For any person who, having previously been convicted
927 for an offense under this section, is subsequently convicted for
928 another offense under this section, such subsequent offense
929 shall be reclassified as follows:

930 1. In the case of a felony of the second degree, to a
931 felony of the first degree.

932 2. In the case of a felony of the third degree, to a felony
933 of the second degree.

934 3. In the case of a misdemeanor of the first degree, to a
935 felony of the third degree. For purposes of sentencing under
936 chapter 921 and determining incentive gain-time eligibility
937 under chapter 944, such offense is ranked in level 4 of the
938 offense severity ranking chart.



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

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

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

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

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

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

(a) "County of residence" means the county within this state in which a person resides. Evidence of a person's county



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968 of residence includes, but is not limited to:

- 969 1. The address on a person's driver license or state
970 identification card;
- 971 2. Records of real property or mobile home ownership;
- 972 3. Records of a lease agreement for residential property;
- 973 4. The county in which a person's motor vehicle is
974 registered;
- 975 5. The county in which a person is enrolled in an
976 educational institution; and
- 977 6. The county in which a person is employed.

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

981 (2) If a person who commits a burglary travels any distance
982 with the intent to commit the burglary in a county in this state
983 other than the person's county of residence, the degree of the
984 burglary shall be reclassified to the next higher degree if the
985 purpose of the person's travel is to thwart law enforcement
986 attempts to track the items stolen in the burglary. For purposes
987 of sentencing under chapter 921 and determining ~~incentive gain-~~
988 ~~time~~ eligibility for rehabilitation credits under chapter 944, a
989 burglary that is reclassified under this section is ranked one
990 level above the ranking specified in s. 921.0022 or s. 921.0023
991 for the burglary committed.

992 Section 19. Section 874.04, Florida Statutes, is amended to
993 read:

994 874.04 Gang-related offenses; enhanced penalties.—Upon a
995 finding by the factfinder that the defendant committed the
996 charged offense for the purpose of benefiting, promoting, or



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997 furthering the interests of a criminal gang, the penalty for any
998 felony or misdemeanor, or any delinquent act or violation of law
999 which would be a felony or misdemeanor if committed by an adult,
1000 may be enhanced. Penalty enhancement affects the applicable
1001 statutory maximum penalty only. Each of the findings required as
1002 a basis for such sentence shall be found beyond a reasonable
1003 doubt. The enhancement will be as follows:

1004 (1) (a) A misdemeanor of the second degree may be punished
1005 as if it were a misdemeanor of the first degree.

1006 (b) A misdemeanor of the first degree may be punished as if
1007 it were a felony of the third degree. For purposes of sentencing
1008 under chapter 921 and determining incentive gain-time
1009 eligibility under chapter 944, such offense is ranked in level 1
1010 of the offense severity ranking chart. The criminal gang
1011 multiplier in s. 921.0024 does not apply to misdemeanors
1012 enhanced under this paragraph.

1013 (2) (a) A felony of the third degree may be punished as if
1014 it were a felony of the second degree.

1015 (b) A felony of the second degree may be punished as if it
1016 were a felony of the first degree.

1017 (c) A felony of the first degree may be punished as if it
1018 were a life felony.

1019
1020 For purposes of sentencing under chapter 921 and determining
1021 ~~incentive gain-time~~ eligibility for rehabilitation credits under
1022 chapter 944, such felony offense is ranked as provided in s.
1023 921.0022 or s. 921.0023, and without regard to the penalty
1024 enhancement in this subsection.

1025 Section 20. Section 944.281, Florida Statutes, is amended



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1026 to read:

1027 944.281 Ineligibility to earn gain-time due to disciplinary
1028 action.—The department may declare that a prisoner who commits a
1029 violation of any law of the state or rule or regulation of the
1030 department or institution on or after January 1, 1996, and who
1031 is found guilty pursuant to s. 944.28(2), shall not be eligible
1032 to earn rehabilitation credits ~~incentive gain-time~~ for up to 6
1033 months following the month in which the violation occurred. The
1034 department shall adopt rules to administer the provisions of
1035 this section.

1036 Section 21. Subsection (1) of section 944.473, Florida
1037 Statutes, is amended to read:

1038 944.473 Inmate substance abuse testing program.—

1039 (1) RULES AND PROCEDURES.—The department shall establish
1040 programs for random and reasonable suspicion drug and alcohol
1041 testing by urinalysis or other noninvasive procedure for inmates
1042 to effectively identify those inmates abusing drugs, alcohol, or
1043 both. The department shall also adopt rules relating to fair,
1044 economical, and accurate operations and procedures of a random
1045 inmate substance abuse testing program and a reasonable
1046 suspicion substance abuse testing program by urinalysis or other
1047 noninvasive procedure which enumerate penalties for positive
1048 test results, including but not limited to the forfeiture of
1049 both good behavior time and rehabilitation credits ~~basic and~~
1050 ~~incentive gain-time~~, and which do not limit the number of times
1051 an inmate may be tested in any one fiscal or calendar year.

1052 Section 22. Subsection (1) of section 944.70, Florida
1053 Statutes, is amended to read:

1054 944.70 Conditions for release from incarceration.—



1055 (1) (a) A person who is convicted of a crime committed on or
1056 after October 1, 1983, but before January 1, 1994, may be
1057 released from incarceration only:

- 1058 1. Upon expiration of the person's sentence;
- 1059 2. Upon expiration of the person's sentence as reduced by
1060 accumulated gain-time;
- 1061 3. As directed by an executive order granting clemency;
- 1062 4. Upon attaining the provisional release date;
- 1063 5. Upon placement in a conditional release program pursuant
1064 to s. 947.1405; or
- 1065 6. Upon the granting of control release pursuant to s.
1066 947.146.

1067 (b) A person who is convicted of a crime committed on or
1068 after January 1, 1994, may be released from incarceration only:

- 1069 1. Upon expiration of the person's sentence;
- 1070 2. Upon expiration of the person's sentence as reduced by
1071 accumulated rehabilitation credits and outstanding deed awards
1072 ~~meritorious or incentive gain-time~~;
- 1073 3. As directed by an executive order granting clemency;
- 1074 4. Upon placement in a conditional release program pursuant
1075 to s. 947.1405 or a conditional medical release program pursuant
1076 to s. 947.149; or
- 1077 5. Upon the granting of control release, including
1078 emergency control release, pursuant to s. 947.146.

1079 Section 23. For the purpose of incorporating the amendment
1080 made by this act to section 944.275, Florida Statutes, in a
1081 reference thereto, paragraph (k) of subsection (4) of section
1082 775.084, Florida Statutes, is reenacted to read:

1083 775.084 Violent career criminals; habitual felony offenders



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1084 and habitual violent felony offenders; three-time violent felony
1085 offenders; definitions; procedure; enhanced penalties or
1086 mandatory minimum prison terms.—

1087 (4)

1088 (k)1. A defendant sentenced under this section as a
1089 habitual felony offender, a habitual violent felony offender, or
1090 a violent career criminal is eligible for gain-time granted by
1091 the Department of Corrections as provided in s. 944.275(4)(b).

1092 2. For an offense committed on or after October 1, 1995, a
1093 defendant sentenced under this section as a violent career
1094 criminal is not eligible for any form of discretionary early
1095 release, other than pardon or executive clemency, or conditional
1096 medical release granted pursuant to s. 947.149.

1097 3. For an offense committed on or after July 1, 1999, a
1098 defendant sentenced under this section as a three-time violent
1099 felony offender shall be released only by expiration of sentence
1100 and shall not be eligible for parole, control release, or any
1101 form of early release.

1102 Section 24. For the purpose of incorporating the amendment
1103 made by this act to section 944.275, Florida Statutes, in
1104 references thereto, paragraph (v) of subsection (2) and
1105 paragraph (e) of subsection (3) of section 900.05, Florida
1106 Statutes, are reenacted to read:

1107 900.05 Criminal justice data collection.—

1108 (2) DEFINITIONS.—As used in this section, the term:

1109 (v) "Gain-time credit earned" means a credit of time
1110 awarded to an inmate in a county detention facility in
1111 accordance with s. 951.21 or a state correctional institution or
1112 facility in accordance with s. 944.275.



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1113 (3) DATA COLLECTION AND REPORTING.—An entity required to
1114 collect data in accordance with this subsection shall collect
1115 the specified data and report them in accordance with this
1116 subsection to the Department of Law Enforcement on a monthly
1117 basis.

1118 (e) *Department of Corrections.*—The Department of
1119 Corrections shall collect the following data:

1120 1. Information related to each inmate, including:

1121 a. Identifying information, including name, date of birth,
1122 race, ethnicity, gender, case number, and identification number
1123 assigned by the department.

1124 b. Highest education level.

1125 c. Date the inmate was admitted to the custody of the
1126 department for his or her current incarceration.

1127 d. Current institution placement and the security level
1128 assigned to the institution.

1129 e. Custody level assignment.

1130 f. Qualification for a flag designation as defined in this
1131 section, including sexual offender flag, habitual offender flag,
1132 habitual violent felony offender flag, prison releasee
1133 reoffender flag, three-time violent felony offender flag,
1134 violent career criminal flag, gang affiliation flag, or
1135 concurrent or consecutive sentence flag.

1136 g. County that committed the prisoner to the custody of the
1137 department.

1138 h. Whether the reason for admission to the department is
1139 for a new conviction or a violation of probation, community
1140 control, or parole. For an admission for a probation, community
1141 control, or parole violation, the department shall report



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1142 whether the violation was technical or based on a new violation
1143 of law.

1144 i. Specific statutory citation for which the inmate was
1145 committed to the department, including, for an inmate convicted
1146 of drug trafficking under s. 893.135, the statutory citation for
1147 each specific drug trafficked.

1148 j. Length of sentence served.

1149 k. Length of concurrent or consecutive sentences served.

1150 l. Tentative release date.

1151 m. Gain time earned in accordance with s. 944.275.

1152 n. Prior incarceration within the state.

1153 o. Disciplinary violation and action.

1154 p. Participation in rehabilitative or educational programs
1155 while in the custody of the department.

1156 q. Digitized sentencing scoresheet prepared in accordance
1157 with s. 921.0024.

1158 2. Information about each state correctional institution or
1159 facility, including:

1160 a. Budget for each state correctional institution or
1161 facility.

1162 b. Daily prison population of all inmates incarcerated in a
1163 state correctional institution or facility.

1164 c. Daily number of correctional officers for each state
1165 correctional institution or facility.

1166 3. Information related to persons supervised by the
1167 department on probation or community control, including:

1168 a. Identifying information for each person supervised by
1169 the department on probation or community control, including his
1170 or her name, date of birth, race, ethnicity, gender, case



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1171 number, and department-assigned case number.

1172 b. Length of probation or community control sentence
1173 imposed and amount of time that has been served on such
1174 sentence.

1175 c. Projected termination date for probation or community
1176 control.

1177 d. Revocation of probation or community control due to a
1178 violation, including whether the revocation is due to a
1179 technical violation of the conditions of supervision or from the
1180 commission of a new law violation.

1181 4. Per diem rates for:

1182 a. Prison bed.

1183 b. Probation.

1184 c. Community control.

1185

1186 This information only needs to be reported once annually at the
1187 time the most recent per diem rate is published.

1188 Section 25. For the purpose of incorporating the amendment
1189 made in this act to section 944.275, Florida statutes, in
1190 reference thereto, section 944.28, Florida Statutes, is
1191 reenacted to read:

1192 944.28 Forfeiture of gain-time and the right to earn gain-
1193 time in the future.—

1194 (1) If a prisoner is convicted of escape, or if the
1195 clemency, conditional release as described in chapter 947,
1196 probation or community control as described in chapter 948,
1197 provisional release as described in s. 944.277, parole, or
1198 control release as described in s. 947.146 granted to the
1199 prisoner is revoked, the department may, without notice or



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1200 hearing, declare a forfeiture of all gain-time earned according
1201 to the provisions of law by such prisoner prior to such escape
1202 or his or her release under such clemency, conditional release,
1203 probation, community control, provisional release, control
1204 release, or parole.

1205 (2) (a) All or any part of the gain-time earned by a
1206 prisoner according to the provisions of law is subject to
1207 forfeiture if such prisoner unsuccessfully attempts to escape;
1208 assaults another person; threatens or knowingly endangers the
1209 life or person of another person; refuses by action or word to
1210 carry out any instruction duly given to him or her; neglects to
1211 perform in a faithful, diligent, industrious, orderly, and
1212 peaceful manner the work, duties, and tasks assigned to him or
1213 her; is found by a court to have brought a frivolous suit,
1214 action, claim, proceeding, or appeal in any court; is found by a
1215 court to have knowingly or with reckless disregard for the truth
1216 brought false information or evidence before the court; or
1217 violates any law of the state or any rule or regulation of the
1218 department or institution.

1219 (b) A prisoner's right to earn gain-time during all or any
1220 part of the remainder of the sentence or sentences under which
1221 he or she is imprisoned may be declared forfeited because of the
1222 seriousness of a single instance of misconduct or because of the
1223 seriousness of an accumulation of instances of misconduct.

1224 (c) The method of declaring a forfeiture under paragraph
1225 (a) or paragraph (b) shall be as follows: A written charge shall
1226 be prepared, which shall specify each instance of misconduct
1227 upon which it is based and the approximate date thereof. A copy
1228 of such charge shall be delivered to the prisoner, and he or she



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1229 shall be given notice of a hearing before the disciplinary
1230 committee created under the authorization of rules heretofore or
1231 hereafter adopted by the department for the institution in which
1232 he or she is confined. The prisoner shall be present at the
1233 hearing. If at such hearing the prisoner pleads guilty to the
1234 charge or if the committee determines that the prisoner is
1235 guilty thereof upon the basis of proof presented at such
1236 hearing, it shall find him or her guilty. If the committee
1237 considers that all or part of the prisoner's gain-time and the
1238 prisoner's right to earn gain-time during all or any part of the
1239 sentence or sentences under which he or she is imprisoned shall
1240 be forfeited, it shall so recommend in its written report. Such
1241 report shall be presented to the warden of the institution, who
1242 may approve such recommendation in whole or in part by endorsing
1243 such approval on the report. In the event of approval, the
1244 warden shall forward the report to the department. Thereupon,
1245 the department may, in its discretion, declare the forfeiture
1246 thus approved by the warden or any specified part thereof.

1247 (3) Upon the recommendation of the warden, the department
1248 may, in its discretion, restore all or any part of any gain-time
1249 forfeited under this section.

1250 Section 26. For the purpose of incorporating the amendment
1251 made by this act to section 944.275, Florida Statutes, in a
1252 reference thereto, subsection (1) of section 944.605, Florida
1253 Statutes, is reenacted to read:

1254 944.605 Inmate release; notification; identification card.—

1255 (1) Within 6 months before the release of an inmate from
1256 the custody of the Department of Corrections or a private
1257 correctional facility by expiration of sentence under s.



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1258 944.275, any release program provided by law, or parole under
1259 chapter 947, or as soon as possible if the offender is released
1260 earlier than anticipated, notification of such anticipated
1261 release date shall be made known by the Department of
1262 Corrections to the chief judge of the circuit in which the
1263 offender was sentenced, the appropriate state attorney, the
1264 original arresting law enforcement agency, the Department of Law
1265 Enforcement, and the sheriff as chief law enforcement officer of
1266 the county in which the inmate plans to reside. In addition,
1267 unless otherwise requested by the victim, the victim's parent or
1268 guardian if the victim is a minor, the lawful representative of
1269 the victim or of the victim's parent or guardian if the victim
1270 is a minor, the victim's next of kin in the case of a homicide,
1271 the state attorney or the Department of Corrections, whichever
1272 is appropriate, shall notify such person within 6 months before
1273 the inmate's release, or as soon as possible if the offender is
1274 released earlier than anticipated, when the name and address of
1275 such victim, or the name and address of the parent, guardian,
1276 next of kin, or lawful representative of the victim has been
1277 furnished to the agency. The state attorney shall provide the
1278 latest address documented for the victim, or for the victim's
1279 parent, guardian, next of kin, or lawful representative, as
1280 applicable, to the sheriff with the other documents required by
1281 law for the delivery of inmates to those agencies for service of
1282 sentence. Upon request, within 30 days after an inmate is
1283 approved for community work release, the state attorney, the
1284 victim, the victim's parent or guardian if the victim is a
1285 minor, the victim's next of kin in the case of a homicide, or
1286 the lawful representative of the victim or of the victim's



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1287 parent or guardian if the victim is a minor shall be notified
1288 that the inmate has been approved for community work release.
1289 This section does not imply any repeal or modification of any
1290 provision of law relating to notification of victims.

1291 Section 27. For the purpose of incorporating the amendment
1292 made by this act to section 944.275, Florida Statutes, in a
1293 reference thereto, subsection (6) of section 944.607, Florida
1294 Statutes, is reenacted to read:

1295 944.607 Notification to Department of Law Enforcement of
1296 information on sexual offenders.—

1297 (6) The information provided to the Department of Law
1298 Enforcement must include:

1299 (a) The information obtained from the sexual offender under
1300 subsection (4);

1301 (b) The sexual offender's most current address, place of
1302 permanent, temporary, or transient residence within the state or
1303 out of state, and address, location or description, and dates of
1304 any current or known future temporary residence within the state
1305 or out of state, while the sexual offender is under supervision
1306 in this state, including the name of the county or municipality
1307 in which the offender permanently or temporarily resides, or has
1308 a transient residence, and address, location or description, and
1309 dates of any current or known future temporary residence within
1310 the state or out of state, and, if known, the intended place of
1311 permanent, temporary, or transient residence, and address,
1312 location or description, and dates of any current or known
1313 future temporary residence within the state or out of state upon
1314 satisfaction of all sanctions;

1315 (c) The legal status of the sexual offender and the



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1316 | scheduled termination date of that legal status;

1317 | (d) The location of, and local telephone number for, any
1318 | Department of Corrections' office that is responsible for
1319 | supervising the sexual offender;

1320 | (e) An indication of whether the victim of the offense that
1321 | resulted in the offender's status as a sexual offender was a
1322 | minor;

1323 | (f) The offense or offenses at conviction which resulted in
1324 | the determination of the offender's status as a sex offender;
1325 | and

1326 | (g) A digitized photograph of the sexual offender which
1327 | must have been taken within 60 days before the offender is
1328 | released from the custody of the department or a private
1329 | correctional facility by expiration of sentence under s. 944.275
1330 | or must have been taken by January 1, 1998, or within 60 days
1331 | after the onset of the department's supervision of any sexual
1332 | offender who is on probation, community control, conditional
1333 | release, parole, provisional release, or control release or who
1334 | is supervised by the department under the Interstate Compact
1335 | Agreement for Probationers and Parolees. If the sexual offender
1336 | is in the custody of a private correctional facility, the
1337 | facility shall take a digitized photograph of the sexual
1338 | offender within the time period provided in this paragraph and
1339 | shall provide the photograph to the department.

1340 |
1341 | If any information provided by the department changes during the
1342 | time the sexual offender is under the department's control,
1343 | custody, or supervision, including any change in the offender's
1344 | name by reason of marriage or other legal process, the



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1345 department shall, in a timely manner, update the information and
1346 provide it to the Department of Law Enforcement in the manner
1347 prescribed in subsection (2).

1348 Section 28. For the purpose of incorporating the amendment
1349 made by this act to section 944.275, Florida Statutes, in a
1350 reference thereto, subsection (15) of section 947.005, Florida
1351 Statutes, is reenacted to read:

1352 947.005 Definitions.—As used in this chapter, unless the
1353 context clearly indicates otherwise:

1354 (15) "Tentative release date" means the date projected for
1355 the prisoner's release from custody by virtue of gain-time
1356 granted or forfeited pursuant to s. 944.275(3)(a).

1357 Section 29. For the purpose of incorporating the amendment
1358 made by this act to section 944.275, Florida Statutes, in a
1359 reference thereto, paragraph (a) of subsection (6) of section
1360 985.4815, Florida Statutes, is reenacted to read:

1361 985.4815 Notification to Department of Law Enforcement of
1362 information on juvenile sexual offenders.—

1363 (6)(a) The information provided to the Department of Law
1364 Enforcement must include the following:

1365 1. The information obtained from the sexual offender under
1366 subsection (4).

1367 2. The sexual offender's most current address and place of
1368 permanent, temporary, or transient residence within the state or
1369 out of state, and address, location or description, and dates of
1370 any current or known future temporary residence within the state
1371 or out of state, while the sexual offender is in the care or
1372 custody or under the jurisdiction or supervision of the
1373 department in this state, including the name of the county or



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1374 municipality in which the offender permanently or temporarily
1375 resides, or has a transient residence, and address, location or
1376 description, and dates of any current or known future temporary
1377 residence within the state or out of state; and, if known, the
1378 intended place of permanent, temporary, or transient residence,
1379 and address, location or description, and dates of any current
1380 or known future temporary residence within the state or out of
1381 state upon satisfaction of all sanctions.

1382 3. The legal status of the sexual offender and the
1383 scheduled termination date of that legal status.

1384 4. The location of, and local telephone number for, any
1385 department office that is responsible for supervising the sexual
1386 offender.

1387 5. An indication of whether the victim of the offense that
1388 resulted in the offender's status as a sexual offender was a
1389 minor.

1390 6. The offense or offenses at adjudication and disposition
1391 that resulted in the determination of the offender's status as a
1392 sex offender.

1393 7. A digitized photograph of the sexual offender, which
1394 must have been taken within 60 days before the offender was
1395 released from the custody of the department or a private
1396 correctional facility by expiration of sentence under s.
1397 944.275, or within 60 days after the onset of the department's
1398 supervision of any sexual offender who is on probation,
1399 postcommitment probation, residential commitment, nonresidential
1400 commitment, licensed child-caring commitment, community control,
1401 conditional release, parole, provisional release, or control
1402 release or who is supervised by the department under the



1403 Interstate Compact Agreement for Probationers and Parolees. If
1404 the sexual offender is in the custody of a private correctional
1405 facility, the facility shall take a digitized photograph of the
1406 sexual offender within the time period provided in this
1407 subparagraph and shall provide the photograph to the department.

1408 Section 30. This act shall take effect July 1, 2021.

1409

1410 ===== T I T L E A M E N D M E N T =====

1411 And the title is amended as follows:

1412 Delete everything before the enacting clause

1413 and insert:

1414

A bill to be entitled

1415

An act relating to criminal convictions; amending s.

1416

455.213, F.S.; revising the timeframe when a

1417

conviction, or any other adjudication, for a crime may

1418

not be grounds for denial of licensure in specified

1419

professions; removing a provision requiring good moral

1420

character for licensure in such professions; requiring

1421

the applicable board to approve certain education

1422

program credits offered to inmates in correctional

1423

institutions or facilities to satisfy training

1424

requirements for licensure in specified professions;

1425

amending s. 921.002, F.S.; revising the principles

1426

that the Criminal Punishment Code embodies as it

1427

relates to punishment and rehabilitation; conforming

1428

provisions to changes made by the act; amending s.

1429

944.02, F.S.; defining the term "gain-time"; amending

1430

s. 944.275, F.S.; authorizing the Department of

1431

Corrections to grant deductions from sentences in the



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1432 form of, good behavior time, rehabilitation credits,
1433 and outstanding deed awards rather than solely for
1434 gain-time, for specified purposes; revising a
1435 prisoner's "tentative release date" that the
1436 department must calculate for each prisoner based on
1437 his or her good behavior time, rehabilitation credits,
1438 and outstanding deed awards; requiring the department
1439 to grant good behavior time, rather than basic gain-
1440 time, as a means of encouraging satisfactory behavior
1441 and developing character traits necessary for
1442 successful reentry to the community, subject to
1443 certain conditions; authorizing the department to
1444 grant rehabilitation credits, rather than incentive
1445 gain-time, for each month during which a prisoner
1446 engages in specified activities; revising the rates of
1447 eligibility to earn rehabilitation credits; increasing
1448 the authorized amount of outstanding deed awards which
1449 a prisoner may be granted per outstanding deed
1450 performed; authorizing the department to grant a
1451 specified number of additional days of rehabilitation
1452 credit for successful completion of specified
1453 programs; defining terms; providing for retroactivity
1454 of specified rehabilitation credits; authorizing the
1455 department to grant a certain additional amount of
1456 days per month to prisoners serving sentences for
1457 certain violations; providing for retroactivity of
1458 specified good behavior time; prohibiting certain
1459 prisoners from being eligible to earn or receive good
1460 behavior time or outstanding deed awards in an amount



1461 that would cause a sentence to expire, end, or
1462 terminate, or that would result in a prisoner's
1463 release, before he or she serves a specified minimum
1464 percentage of the sentence imposed; prohibiting
1465 certain prisoners from earning or receiving
1466 rehabilitation credits in an amount that would cause a
1467 sentence to expire, end, or terminate, or that would
1468 result in a prisoner's release, before he or she
1469 serves a specified minimum percentage of the sentence
1470 imposed; providing that gain-time may be forfeited
1471 according to law after due process if a prisoner is
1472 found guilty of an infraction of certain laws or
1473 rules; requiring the department to adopt rules in
1474 accordance with the changes made by the act;
1475 conforming provisions to changes made by the act;
1476 making technical changes; amending ss. 316.027,
1477 775.0845, 775.0847, 775.0861, 775.0862, 775.087,
1478 775.0875, 777.03, 777.04, 794.011, 784.023, 817.568,
1479 831.032, 843.22, 874.04, 944.281, 944.473, 944.70,
1480 F.S.; conforming provisions to changes made by the
1481 act; reenacting ss. 775.084(4)(k), 900.05(2)(v) and
1482 (3)(e), 944.28, 944.605(1), 944.607(6), 947.005(15),
1483 and 985.4815(6)(a), F.S., relating to gain-time
1484 granted by the department, the definition of "gain-
1485 time credit earned" and gain-time data that the
1486 department must collect, a required notification of
1487 expiration of sentence, a requirement that a digitized
1488 photograph of sexual offenders be taken within a
1489 certain time before release, the definition of



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1490 "tentative release date," and a requirement that a
1491 digitized photograph of sexual offenders be taken
1492 within a certain time before release, respectively, to
1493 incorporate the amendment made to s. 944.275, F.S., in
1494 references thereto; providing an effective date.