

By Senator Perry

8-00700B-21

20211032__

1 A bill to be entitled
2 An act relating to gain-time; amending s. 921.002,
3 F.S.; revising the principles that the Criminal
4 Punishment Code embodies as it relates to punishment
5 and rehabilitation; conforming provisions to changes
6 made by the act; amending s. 944.275, F.S.;
7 authorizing the Department of Corrections to grant
8 deductions from sentences in the form of outstanding
9 deed gain-time, good behavior time, and rehabilitation
10 credits, rather than solely for gain-time, for
11 specified purposes; revising a prisoner's "tentative
12 release date" that the department must calculate for
13 each prisoner based on his or her outstanding deed
14 gain-time, good behavior time, and rehabilitation
15 credits; requiring the department to grant good
16 behavior time, rather than basic gain-time, as a means
17 of encouraging satisfactory behavior and developing
18 character traits necessary for successful reentry to
19 the community, subject to certain conditions;
20 authorizing the department to grant rehabilitation
21 credits, rather than incentive gain-time, for each
22 month during which a prisoner engages in specified
23 activities; revising the rates of eligibility to earn
24 rehabilitation credits; increasing the authorized
25 amount of outstanding deed gain-time which a prisoner
26 may be granted per outstanding deed performed;
27 requiring, rather than authorizing, the department to
28 grant a certain amount of days of rehabilitation
29 credits to a prisoner for the successful completion of

8-00700B-21

20211032__

30 specified degrees, certificates, or programs;
31 requiring the department to grant a specified number
32 of additional days of rehabilitation credit for
33 successful completion of specified programs; providing
34 for retroactivity of specified rehabilitation credits;
35 authorizing the department to grant a certain
36 additional amount of days per month to prisoners
37 serving sentences for certain violations; providing
38 for retroactivity of specified good behavior time;
39 prohibiting certain prisoners from being eligible to
40 earn or receive outstanding deed gain-time or good
41 behavior time in an amount that would cause a sentence
42 to expire, end, or terminate, or that would result in
43 a prisoner's release, before he or she serves a
44 specified minimum percentage of the sentence imposed;
45 prohibiting certain prisoners from earning or
46 receiving rehabilitation credits in an amount that
47 would cause a sentence to expire, end, or terminate,
48 or that would result in a prisoner's release, before
49 he or she serves a specified minimum percentage of the
50 sentence imposed; providing that good behavior time
51 not yet vested may be forfeited according to law after
52 due process if a prisoner is found guilty of an
53 infraction of certain laws or rules; providing a
54 vesting period for good behavior time; requiring the
55 department to adopt rules in accordance with the
56 changes made by the act; conforming provisions to
57 changes made by the act; making technical changes;
58 amending s. 794.011, F.S.; conforming a provision to

8-00700B-21

20211032__

59 changes made by the act; reenacting ss. 775.084(4)(k),
60 900.05(2)(v) and (3)(e), 944.605(1), 944.607(6),
61 947.005(15), and 985.4815(6)(a), F.S., relating to
62 gain-time granted by the department, the definition of
63 "gain-time credit earned" and gain-time data that the
64 department must collect, a required notification of
65 expiration of sentence, a requirement that a digitized
66 photograph of sexual offenders be taken within a
67 certain time before release, the definition of
68 "tentative release date," and a requirement that a
69 digitized photograph of sexual offenders be taken
70 within a certain time before release, respectively, to
71 incorporate the amendment made to s. 944.275, F.S., in
72 references thereto; providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Subsection (1) of section 921.002, Florida
77 Statutes, is amended to read:

78 921.002 The Criminal Punishment Code.—The Criminal
79 Punishment Code shall apply to all felony offenses, except
80 capital felonies, committed on or after October 1, 1998.

81 (1) The provision of criminal penalties and of limitations
82 upon the application of such penalties is a matter of
83 predominantly substantive law and, as such, is a matter properly
84 addressed by the Legislature. The Legislature, in the exercise
85 of its authority and responsibility to establish sentencing
86 criteria, to provide for the imposition of criminal penalties,
87 and to make the best use of state prisons so that ~~violent~~

8-00700B-21

20211032__

88 criminal offenders are appropriately punished and rehabilitated
89 ~~incarcerated~~, has determined that it is in the best interest of
90 the state to develop, implement, and revise a sentencing policy.
91 The Criminal Punishment Code embodies the principles that:

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

94 (b) The dual purposes ~~primary purpose~~ of sentencing in the
95 criminal justice system are ~~is~~ to punish the offender and
96 rehabilitate the offender so that he or she can successfully
97 transition back into the community. ~~Rehabilitation is a desired~~
98 ~~goal of the criminal justice system but is subordinate to the~~
99 ~~goal of punishment.~~

100 (c) The penalty imposed is commensurate with the severity
101 of the primary offense and the circumstances surrounding the
102 primary offense.

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

105 (e) The sentence imposed by the sentencing judge reflects
106 the length of actual time to be served, shortened only by the
107 application of outstanding deed ~~incentive and meritorious~~ gain-
108 time, good behavior time, and rehabilitation credits as provided
109 by law, and may not be shortened if the defendant would
110 consequently serve less than 65 ~~85~~ percent of his or her term of
111 imprisonment as provided in s. 944.275(4). The provisions of
112 chapter 947, relating to parole, do not ~~shall not~~ apply to
113 persons sentenced under the Criminal Punishment Code.

114 (f) Departures below the lowest permissible sentence
115 established by the code must be articulated in writing by the
116 trial court judge and made only when circumstances or factors

8-00700B-21

20211032__

117 reasonably justify the mitigation of the sentence. The level of
118 proof necessary to establish facts that support a departure from
119 the lowest permissible sentence is a preponderance of the
120 evidence.

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

125 (h) A sentence may be appealed on the basis that it departs
126 from the Criminal Punishment Code only if the sentence is below
127 the lowest permissible sentence or as enumerated in s.
128 924.06(1).

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

133 Section 2. Section 944.275, Florida Statutes, is amended to
134 read:

135 944.275 Outstanding deed gain-time; good behavior time;
136 rehabilitation credits.—

137 (1) The department is authorized to grant deductions from
138 sentences in the form of outstanding deed gain-time, good
139 behavior time, and rehabilitation credits in order to encourage
140 satisfactory prisoner behavior, to provide incentive for
141 prisoners to participate in productive activities, and to reward
142 prisoners who perform outstanding deeds or services.

143 (2) (a) The department shall establish for each prisoner
144 sentenced to a term of years a "maximum sentence expiration
145 date," which shall be the date when the sentence or combined

8-00700B-21

20211032__

146 sentences imposed on a prisoner will expire. In establishing
147 this date, the department shall reduce the total time to be
148 served by any time lawfully credited.

149 (b) When a prisoner with an established maximum sentence
150 expiration date is sentenced to an additional term or terms
151 without having been released from custody, the department shall
152 extend the maximum sentence expiration date by the length of
153 time imposed in the new sentence or sentences, less lawful
154 credits.

155 (c) When an escaped prisoner or a parole violator is
156 returned to the custody of the department, the maximum sentence
157 expiration date in effect when the escape occurred or the parole
158 was effective shall be extended by the amount of time the
159 prisoner was not in custody plus the time imposed in any new
160 sentence or sentences, but reduced by any lawful credits.

161 (3) (a) The department shall also establish for each
162 prisoner sentenced to a term of years a "tentative release date"
163 which shall be the date projected for the prisoner's release
164 from custody by virtue of outstanding deed gain-time, good
165 behavior time, or rehabilitation credits granted or forfeited as
166 described in this section. The initial tentative release date
167 shall be determined by deducting outstanding deed ~~basic~~ gain-
168 time, good behavior time, or rehabilitation credits granted from
169 the maximum sentence expiration date. Outstanding deed ~~Other~~
170 gain-time, good behavior time, and rehabilitation credits shall
171 be applied when granted or restored to make the tentative
172 release date proportionately earlier; and forfeitures of good
173 behavior time ~~gain-time~~, when ordered, shall be applied to make
174 the tentative release date proportionately later.

8-00700B-21

20211032__

175 (b) When an initial tentative release date is reestablished
176 because of additional sentences imposed before the prisoner has
177 completely served all prior sentences, any outstanding deed
178 gain-time, good behavior time, and rehabilitation credits
179 granted during service of a prior sentence and not forfeited
180 shall be applied.

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

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

188 1. Portions of any sentences to be served concurrently
189 shall be treated as a single sentence when determining good
190 behavior time ~~basic gain-time~~.

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

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

197 (b) For each month in which a prisoner ~~an inmate~~ works
198 diligently, participates in training or education, uses time
199 constructively, or otherwise engages in positive activities, the
200 department may grant rehabilitation credits ~~incentive gain-time~~
201 in accordance with this paragraph. The rate of rehabilitation
202 credits ~~incentive gain-time~~ in effect on the date the prisoner
203 ~~inmate~~ committed the offense that ~~which~~ resulted in his or her

8-00700B-21

20211032__

204 incarceration shall be the prisoner's ~~inmate's~~ rate of
205 eligibility to earn rehabilitation credits ~~incentive gain-time~~
206 throughout the period of incarceration and may ~~shall~~ not be
207 altered by a subsequent change in the severity level of the
208 offense for which the prisoner ~~inmate~~ was sentenced.

209 1. For sentences imposed for offenses committed before
210 ~~prior to~~ January 1, 1994, and on or after October 1, 1995, up to
211 20 days of rehabilitation credits ~~incentive gain-time~~ may be
212 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
213 be credited and applied monthly.

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

216 a. For offenses ranked in offense severity levels 1 through
217 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
218 of rehabilitation credits ~~incentive gain-time~~ may be granted. If
219 granted, such rehabilitation credits ~~gain-time~~ shall be credited
220 and applied monthly.

221 b. For offenses ranked in offense severity levels 8, 9, and
222 10, under former s. 921.0012 or former s. 921.0013, up to 20
223 days of rehabilitation credits ~~incentive gain-time~~ may be
224 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
225 be credited and applied monthly.

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

229 (c) A prisoner ~~An inmate~~ who performs some outstanding
230 deed, such as saving a life or assisting in recapturing an
231 escaped prisoner ~~inmate~~, or who in some manner performs an
232 outstanding service that would merit the granting of additional

8-00700B-21

20211032__

233 deductions from the term of his or her sentence may be granted
234 outstanding deed ~~meritorious~~ gain-time of from 30 ~~4~~ to 60 days
235 per outstanding deed performed.

236 (d) Notwithstanding the monthly maximum awards of
237 rehabilitation credits under subparagraphs (b)1. and 2.,
238 ~~incentive gain-time under subparagraphs (b)1., 2., and 3., the~~
239 ~~education program manager shall recommend, and the department~~
240 ~~shall grant awards of Corrections may grant, a one-time award of~~
241 60 additional days of rehabilitation credits for each of the
242 following successfully completed by a prisoner: ~~incentive gain-~~
243 ~~time to an inmate who is otherwise eligible and who successfully~~
244 ~~completes requirements for and is, or has been during the~~
245 ~~current commitment, awarded a high school equivalency diploma, a~~
246 college degree, a ~~or~~ vocational certificate, a drug treatment
247 program, a mental health treatment program, a life skills
248 program, a behavioral modification program, a reentry program,
249 or an equivalent rehabilitative program. Additionally, the
250 department shall grant 5 additional days of rehabilitation
251 credits for successful completion of any other department-
252 approved program, including prisoner-developed programs or a
253 passing grade in each online or in-person educational course.
254 Rehabilitation credits under this paragraph are retroactive.

255 (e) Notwithstanding the monthly maximum awards of
256 rehabilitation credits under subparagraphs (b)1. and 2., the
257 department may grant 2 additional days per month of good
258 behavior time to prisoners serving sentences for violations of
259 s. 893.13 or s. 893.135. Good behavior time under this paragraph
260 is retroactive ~~Under no circumstances may an inmate receive more~~
261 ~~than 60 days for educational attainment pursuant to this~~

8-00700B-21

20211032__

262 section.

263 (f)~~(e)~~ Notwithstanding subparagraph (b)1. ~~subparagraph~~
264 ~~(b)3.~~, for sentences imposed for offenses committed on or after
265 October 1, 2014, the department may not grant rehabilitation
266 credits ~~incentive gain-time~~ if the offense is a violation of s.
267 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or
268 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s.
269 825.1025; or s. 847.0135(5).

270 (g)1.~~(f)~~ A prisoner ~~An inmate~~ who is subject to this
271 subsection ~~subparagraph (b)3.~~ is not eligible to earn or receive
272 outstanding deed gain-time or good behavior time ~~under paragraph~~
273 ~~(a), paragraph (b), paragraph (c), or paragraph (d) or any other~~
274 ~~type of gain-time~~ in an amount that would cause a sentence to
275 expire, end, or terminate, or that would result in a prisoner's
276 release, before he or she serves ~~prior to serving~~ a minimum of
277 85 percent of the sentence imposed.

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

283 3. For purposes of this paragraph, credits awarded by the
284 court for time physically incarcerated shall be credited toward
285 satisfaction of ~~85 percent of~~ the sentence imposed. Except as
286 provided by this section, a prisoner may not accumulate further
287 ~~gain-time~~ awards at any point when the tentative release date is
288 the same as that date at which the prisoner will have served 65
289 ~~85~~ percent of the sentence imposed. State prisoners sentenced to
290 life imprisonment shall be incarcerated for the rest of their

8-00700B-21

20211032__

291 natural lives, unless granted pardon or clemency.

292 (5) ~~If~~ When a prisoner is found guilty of an infraction of
293 the laws of this state or the rules of the department, good
294 behavior time not yet vested ~~gain-time~~ may be forfeited
295 according to law after due process. For purposes of this
296 subsection, good behavior time vests 2 years after being
297 granted.

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

302 (b) All outstanding deed incentive and meritorious gain-
303 time, good behavior time, and rehabilitation credits ~~is~~
304 granted according to this section.

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

310 (7) The department shall adopt rules to implement the
311 granting, forfeiture, restoration, and deletion of outstanding
312 deed gain-time, good behavior time, and rehabilitation credits.

313 Section 3. Subsection (7) of section 794.011, Florida
314 Statutes, is amended to read:

315 794.011 Sexual battery.—

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

8-00700B-21

20211032__

320 Section 4. For the purpose of incorporating the amendment
321 made by this act to section 944.275, Florida Statutes, in a
322 reference thereto, paragraph (k) of subsection (4) of section
323 775.084, Florida Statutes, is reenacted to read:

324 775.084 Violent career criminals; habitual felony offenders
325 and habitual violent felony offenders; three-time violent felony
326 offenders; definitions; procedure; enhanced penalties or
327 mandatory minimum prison terms.—

328 (4)

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

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

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

343 Section 5. For the purpose of incorporating the amendment
344 made by this act to section 944.275, Florida Statutes, in
345 references thereto, paragraph (v) of subsection (2) and
346 paragraph (e) of subsection (3) of section 900.05, Florida
347 Statutes, are reenacted to read:

348 900.05 Criminal justice data collection.—

8-00700B-21

20211032__

- 349 (2) DEFINITIONS.—As used in this section, the term:
- 350 (v) "Gain-time credit earned" means a credit of time
351 awarded to an inmate in a county detention facility in
352 accordance with s. 951.21 or a state correctional institution or
353 facility in accordance with s. 944.275.
- 354 (3) DATA COLLECTION AND REPORTING.—An entity required to
355 collect data in accordance with this subsection shall collect
356 the specified data and report them in accordance with this
357 subsection to the Department of Law Enforcement on a monthly
358 basis.
- 359 (e) *Department of Corrections*.—The Department of
360 Corrections shall collect the following data:
- 361 1. Information related to each inmate, including:
- 362 a. Identifying information, including name, date of birth,
363 race, ethnicity, gender, case number, and identification number
364 assigned by the department.
- 365 b. Highest education level.
- 366 c. Date the inmate was admitted to the custody of the
367 department for his or her current incarceration.
- 368 d. Current institution placement and the security level
369 assigned to the institution.
- 370 e. Custody level assignment.
- 371 f. Qualification for a flag designation as defined in this
372 section, including sexual offender flag, habitual offender flag,
373 habitual violent felony offender flag, prison releasee
374 reoffender flag, three-time violent felony offender flag,
375 violent career criminal flag, gang affiliation flag, or
376 concurrent or consecutive sentence flag.
- 377 g. County that committed the prisoner to the custody of the

8-00700B-21

20211032__

378 department.

379 h. Whether the reason for admission to the department is
380 for a new conviction or a violation of probation, community
381 control, or parole. For an admission for a probation, community
382 control, or parole violation, the department shall report
383 whether the violation was technical or based on a new violation
384 of law.

385 i. Specific statutory citation for which the inmate was
386 committed to the department, including, for an inmate convicted
387 of drug trafficking under s. 893.135, the statutory citation for
388 each specific drug trafficked.

389 j. Length of sentence served.

390 k. Length of concurrent or consecutive sentences served.

391 l. Tentative release date.

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

393 n. Prior incarceration within the state.

394 o. Disciplinary violation and action.

395 p. Participation in rehabilitative or educational programs
396 while in the custody of the department.

397 q. Digitized sentencing scoresheet prepared in accordance
398 with s. 921.0024.

399 2. Information about each state correctional institution or
400 facility, including:

401 a. Budget for each state correctional institution or
402 facility.

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

405 c. Daily number of correctional officers for each state
406 correctional institution or facility.

8-00700B-21

20211032__

- 407 3. Information related to persons supervised by the
408 department on probation or community control, including:
- 409 a. Identifying information for each person supervised by
410 the department on probation or community control, including his
411 or her name, date of birth, race, ethnicity, gender, case
412 number, and department-assigned case number.
- 413 b. Length of probation or community control sentence
414 imposed and amount of time that has been served on such
415 sentence.
- 416 c. Projected termination date for probation or community
417 control.
- 418 d. Revocation of probation or community control due to a
419 violation, including whether the revocation is due to a
420 technical violation of the conditions of supervision or from the
421 commission of a new law violation.
- 422 4. Per diem rates for:
- 423 a. Prison bed.
- 424 b. Probation.
- 425 c. Community control.

426
427 This information only needs to be reported once annually at the
428 time the most recent per diem rate is published.

429 Section 6. For the purpose of incorporating the amendment
430 made by this act to section 944.275, Florida Statutes, in a
431 reference thereto, subsection (1) of section 944.605, Florida
432 Statutes, is reenacted to read:

433 944.605 Inmate release; notification; identification card.-

434 (1) Within 6 months before the release of an inmate from
435 the custody of the Department of Corrections or a private

8-00700B-21

20211032__

436 correctional facility by expiration of sentence under s.
437 944.275, any release program provided by law, or parole under
438 chapter 947, or as soon as possible if the offender is released
439 earlier than anticipated, notification of such anticipated
440 release date shall be made known by the Department of
441 Corrections to the chief judge of the circuit in which the
442 offender was sentenced, the appropriate state attorney, the
443 original arresting law enforcement agency, the Department of Law
444 Enforcement, and the sheriff as chief law enforcement officer of
445 the county in which the inmate plans to reside. In addition,
446 unless otherwise requested by the victim, the victim's parent or
447 guardian if the victim is a minor, the lawful representative of
448 the victim or of the victim's parent or guardian if the victim
449 is a minor, the victim's next of kin in the case of a homicide,
450 the state attorney or the Department of Corrections, whichever
451 is appropriate, shall notify such person within 6 months before
452 the inmate's release, or as soon as possible if the offender is
453 released earlier than anticipated, when the name and address of
454 such victim, or the name and address of the parent, guardian,
455 next of kin, or lawful representative of the victim has been
456 furnished to the agency. The state attorney shall provide the
457 latest address documented for the victim, or for the victim's
458 parent, guardian, next of kin, or lawful representative, as
459 applicable, to the sheriff with the other documents required by
460 law for the delivery of inmates to those agencies for service of
461 sentence. Upon request, within 30 days after an inmate is
462 approved for community work release, the state attorney, the
463 victim, the victim's parent or guardian if the victim is a
464 minor, the victim's next of kin in the case of a homicide, or

8-00700B-21

20211032__

465 the lawful representative of the victim or of the victim's
466 parent or guardian if the victim is a minor shall be notified
467 that the inmate has been approved for community work release.
468 This section does not imply any repeal or modification of any
469 provision of law relating to notification of victims.

470 Section 7. For the purpose of incorporating the amendment
471 made by this act to section 944.275, Florida Statutes, in a
472 reference thereto, subsection (6) of section 944.607, Florida
473 Statutes, is reenacted to read:

474 944.607 Notification to Department of Law Enforcement of
475 information on sexual offenders.-

476 (6) The information provided to the Department of Law
477 Enforcement must include:

478 (a) The information obtained from the sexual offender under
479 subsection (4);

480 (b) The sexual offender's most current address, place of
481 permanent, temporary, or transient residence within the state or
482 out of state, and address, location or description, and dates of
483 any current or known future temporary residence within the state
484 or out of state, while the sexual offender is under supervision
485 in this state, including the name of the county or municipality
486 in which the offender permanently or temporarily resides, or has
487 a transient residence, and address, location or description, and
488 dates of any current or known future temporary residence within
489 the state or out of state, and, if known, the intended place of
490 permanent, temporary, or transient residence, and address,
491 location or description, and dates of any current or known
492 future temporary residence within the state or out of state upon
493 satisfaction of all sanctions;

8-00700B-21

20211032__

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

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

499 (e) An indication of whether the victim of the offense that
500 resulted in the offender's status as a sexual offender was a
501 minor;

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

505 (g) A digitized photograph of the sexual offender which
506 must have been taken within 60 days before the offender is
507 released from the custody of the department or a private
508 correctional facility by expiration of sentence under s. 944.275
509 or must have been taken by January 1, 1998, or within 60 days
510 after the onset of the department's supervision of any sexual
511 offender who is on probation, community control, conditional
512 release, parole, provisional release, or control release or who
513 is supervised by the department under the Interstate Compact
514 Agreement for Probationers and Parolees. If the sexual offender
515 is in the custody of a private correctional facility, the
516 facility shall take a digitized photograph of the sexual
517 offender within the time period provided in this paragraph and
518 shall provide the photograph to the department.

519
520 If any information provided by the department changes during the
521 time the sexual offender is under the department's control,
522 custody, or supervision, including any change in the offender's

8-00700B-21

20211032__

523 name by reason of marriage or other legal process, the
524 department shall, in a timely manner, update the information and
525 provide it to the Department of Law Enforcement in the manner
526 prescribed in subsection (2).

527 Section 8. For the purpose of incorporating the amendment
528 made by this act to section 944.275, Florida Statutes, in a
529 reference thereto, subsection (15) of section 947.005, Florida
530 Statutes, is reenacted to read:

531 947.005 Definitions.—As used in this chapter, unless the
532 context clearly indicates otherwise:

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

536 Section 9. For the purpose of incorporating the amendment
537 made by this act to section 944.275, Florida Statutes, in a
538 reference thereto, paragraph (a) of subsection (6) of section
539 985.4815, Florida Statutes, is reenacted to read:

540 985.4815 Notification to Department of Law Enforcement of
541 information on juvenile sexual offenders.—

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

544 1. The information obtained from the sexual offender under
545 subsection (4).

546 2. The sexual offender's most current address and place of
547 permanent, temporary, or transient residence within the state or
548 out of state, and address, location or description, and dates of
549 any current or known future temporary residence within the state
550 or out of state, while the sexual offender is in the care or
551 custody or under the jurisdiction or supervision of the

8-00700B-21

20211032__

552 department in this state, including the name of the county or
553 municipality in which the offender permanently or temporarily
554 resides, or has a transient residence, and address, location or
555 description, and dates of any current or known future temporary
556 residence within the state or out of state; and, if known, the
557 intended place of permanent, temporary, or transient residence,
558 and address, location or description, and dates of any current
559 or known future temporary residence within the state or out of
560 state upon satisfaction of all sanctions.

561 3. The legal status of the sexual offender and the
562 scheduled termination date of that legal status.

563 4. The location of, and local telephone number for, any
564 department office that is responsible for supervising the sexual
565 offender.

566 5. An indication of whether the victim of the offense that
567 resulted in the offender's status as a sexual offender was a
568 minor.

569 6. The offense or offenses at adjudication and disposition
570 that resulted in the determination of the offender's status as a
571 sex offender.

572 7. A digitized photograph of the sexual offender, which
573 must have been taken within 60 days before the offender was
574 released from the custody of the department or a private
575 correctional facility by expiration of sentence under s.
576 944.275, or within 60 days after the onset of the department's
577 supervision of any sexual offender who is on probation,
578 postcommitment probation, residential commitment, nonresidential
579 commitment, licensed child-caring commitment, community control,
580 conditional release, parole, provisional release, or control

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581 release or who is supervised by the department under the
582 Interstate Compact Agreement for Probationers and Parolees. If
583 the sexual offender is in the custody of a private correctional
584 facility, the facility shall take a digitized photograph of the
585 sexual offender within the time period provided in this
586 subparagraph and shall provide the photograph to the department.
587 Section 10. This act shall take effect July 1, 2021.