

1                   A bill to be entitled  
2           An act relating to criminal justice; creating s.  
3           900.06, F.S.; defining terms and specifying covered  
4           offenses; requiring that a custodial interrogation  
5           conducted at a place of detention in connection with  
6           covered offenses be electronically recorded in its  
7           entirety; requiring law enforcement officers who do  
8           not comply with the electronic recording requirement  
9           or who conduct custodial interrogations at a location  
10          other than a place of detention to prepare specified  
11          reports; providing exceptions to the electronic  
12          recording requirement; requiring a court to consider a  
13          law enforcement officer's failure to comply with the  
14          electronic recording requirement in determining the  
15          admissibility of a statement, unless an exception  
16          applies; requiring a court, upon the request of a  
17          defendant, to give certain cautionary instructions to  
18          a jury under certain circumstances; providing immunity  
19          from civil liability to law enforcement agencies that  
20          enforce certain rules; providing that a cause of  
21          action is not created against a law enforcement  
22          officer; reenacting and amending s. 921.1402, F.S.;  
23          revising the circumstances under which a juvenile  
24          offender is not entitled to a review of his or her  
25          sentence after a specified timeframe; creating s.

26 | 921.14021, F.S.; providing legislative intent;  
27 | providing for retroactive application of a specified  
28 | provision relating to a review of sentence for  
29 | juvenile offenders convicted of murder; providing for  
30 | immediate review of certain sentences; creating s.  
31 | 921.1403, F.S.; providing legislative intent for  
32 | retroactive application; defining the term "young  
33 | adult offender"; precluding eligibility for a sentence  
34 | review for young adult offenders who previously  
35 | committed, or conspired to commit, murder; providing  
36 | timeframes within which young adult offenders who  
37 | commit specified crimes are entitled to a review of  
38 | their sentences; providing applicability; requiring  
39 | the Department of Corrections to notify young adult  
40 | offenders in writing of their eligibility for a  
41 | sentence review within certain timeframes; requiring a  
42 | young adult offender seeking a sentence review or a  
43 | subsequent sentence review to submit an application to  
44 | the original sentencing court and request a hearing;  
45 | providing for legal representation of eligible young  
46 | adult offenders; providing for one subsequent review  
47 | hearing for a young adult offender after a certain  
48 | timeframe if he or she is not resentenced at the  
49 | initial sentence review hearing; requiring the  
50 | original sentencing court to hold a sentence review

51 hearing upon receiving an application from an eligible  
52 young adult offender; requiring the court to consider  
53 certain factors in determining whether to modify a  
54 young adult offender's sentence; authorizing a court  
55 to modify the sentence of certain young adult  
56 offenders if the court makes certain determinations;  
57 requiring the court to issue a written order stating  
58 certain information in specified circumstances;  
59 creating s. 945.0911, F.S.; providing legislative  
60 findings; establishing the conditional medical release  
61 program within the department; establishing a panel to  
62 consider specified matters; defining terms; providing  
63 for program eligibility; authorizing an inmate to be  
64 released on conditional medical release before serving  
65 85 percent of his or her term of imprisonment;  
66 requiring any inmate who meets certain criteria to be  
67 considered for conditional medical release; providing  
68 that an inmate does not have a right to release or to  
69 a certain medical evaluation; requiring the department  
70 to identify eligible inmates; requiring the department  
71 to refer certain inmates to the panel for  
72 consideration; providing for victim notification under  
73 certain circumstances; requiring the panel to conduct  
74 a hearing within specified timeframes; specifying  
75 requirements for the hearing; providing conditions for

76 | release; requiring that inmates who are approved for  
77 | conditional medical release be released from the  
78 | department within a reasonable amount of time;  
79 | providing a review process for an inmate who is denied  
80 | conditional medical release; providing that an inmate  
81 | is considered a medical releasee upon release from the  
82 | department into the community; requiring medical  
83 | releasees to comply with specified conditions;  
84 | providing that medical releasees are considered to be  
85 | in the custody, supervision, and control of the  
86 | department; providing that the department does not  
87 | have a duty to provide medical care to a medical  
88 | releasee; providing that a medical releasee is  
89 | eligible to earn or lose gain-time; prohibiting a  
90 | medical releasee or his or her community-based housing  
91 | from being counted in the prison system population and  
92 | the prison capacity figures, respectively; providing  
93 | for the revocation of a medical releasee's conditional  
94 | medical release; authorizing a medical releasee to be  
95 | returned to the department's custody if his or her  
96 | medical or physical condition improves; authorizing  
97 | the department to order a medical releasee to be  
98 | returned for a revocation hearing or to remain in the  
99 | community pending such hearing; authorizing the  
100 | department to issue a warrant for the arrest of a

101 medical releasee under certain circumstances;  
102 authorizing a medical releasee to admit to the  
103 allegation that his or her medical or physical  
104 condition improved or to proceed to a revocation  
105 hearing; requiring such hearing to be conducted by the  
106 panel; requiring certain evidence to be reviewed and a  
107 recommendation to be made before such hearing;  
108 requiring a majority of the panel members to agree  
109 that revocation of medical release is appropriate;  
110 requiring a medical releasee to be recommitted to the  
111 department to serve the balance of his or her sentence  
112 if a conditional medical release is revoked; providing  
113 that gain-time is not forfeited for revocation based  
114 on improvement in the medical releasee's condition;  
115 providing a review process for a medical releasee who  
116 has his or her release revoked; authorizing a medical  
117 releasee to be recommitted if he or she violates any  
118 conditions of the release; authorizing certain persons  
119 to issue a warrant for the arrest of a medical  
120 releasee if certain conditions are met; authorizing a  
121 law enforcement or probation officer to arrest a  
122 medical releasee without a warrant under certain  
123 circumstances; requiring that a medical releasee be  
124 detained without bond if a violation is based on  
125 certain circumstances; authorizing a medical releasee

126 to admit to the alleged violation or to proceed to a  
127 revocation hearing; requiring such hearing to be  
128 conducted by the panel; requiring a majority of the  
129 panel members to agree that revocation of medical  
130 release is appropriate; requiring specified medical  
131 releasees to be recommitted to the department upon the  
132 revocation of the conditional medical release;  
133 authorizing the forfeiture of gain-time if the  
134 revocation is based on certain violations; providing a  
135 review process for a medical releasee who has his or  
136 her release revoked; requiring that a medical releasee  
137 be given specified information in certain instances;  
138 requiring the panel to provide a written statement as  
139 to evidence relied on and reasons for revocation under  
140 certain circumstances; requiring a medical releasee  
141 whose conditional medical release is revoked and who  
142 is recommitted to the department to comply with the 85  
143 percent requirement upon recommitment; requiring the  
144 department to notify certain persons within a  
145 specified timeframe of an inmate's diagnosis of a  
146 terminal medical condition; requiring the department  
147 to allow a visit between an inmate and certain persons  
148 within 7 days of a diagnosis of a terminal medical  
149 condition; requiring the department to initiate the  
150 conditional medical release review process immediately

151 upon an inmate's diagnosis of a terminal medical  
152 condition; requiring an inmate to consent to release  
153 of information under certain circumstances; providing  
154 that members of the panel have sovereign immunity  
155 related to specified decisions; providing rulemaking  
156 authority; creating s. 945.0912, F.S.; providing  
157 legislative findings; establishing the conditional  
158 aging inmate release program within the department;  
159 establishing a panel to consider specified matters;  
160 providing for program eligibility; providing that an  
161 inmate may be released on conditional aging inmate  
162 release before serving 85 percent of his or her term  
163 of imprisonment; prohibiting certain inmates from  
164 being considered for conditional aging inmate release;  
165 requiring that an inmate who meets certain criteria be  
166 considered for conditional aging inmate release;  
167 providing that an inmate does not have a right to  
168 release; requiring the department to identify eligible  
169 inmates; requiring the department to refer certain  
170 inmates to the panel for consideration; providing  
171 victim notification requirements under certain  
172 circumstances; requiring the panel to conduct a  
173 hearing within specified timeframes; specifying  
174 requirements for the hearing; requiring that inmates  
175 who are approved for conditional aging inmate release

176 be released from the department within a reasonable  
177 amount of time; providing a review process for an  
178 inmate who is denied conditional aging inmate release;  
179 providing that an inmate is considered an aging  
180 releasee upon release from the department into the  
181 community; providing conditions for release; providing  
182 that aging releasees are considered to be in the  
183 custody, supervision, and control of the department;  
184 providing that the department does not have a duty to  
185 provide medical care to an aging releasee; providing  
186 that an aging releasee is eligible to earn or lose  
187 gain-time; prohibiting an aging releasee or his or her  
188 community-based housing from being counted in the  
189 prison system population and the prison capacity  
190 figures, respectively; providing for the revocation of  
191 conditional aging inmate release; authorizing the  
192 department to issue a warrant for the arrest of an  
193 aging releasee under certain circumstances;  
194 authorizing a law enforcement or probation officer to  
195 arrest an aging releasee without a warrant under  
196 certain circumstances; requiring that an aging  
197 releasee be detained without bond if a violation is  
198 based on certain circumstances; requiring the  
199 department to order an aging releasee subject to  
200 revocation to be returned to department custody for a



201 revocation hearing; authorizing an aging releasee to  
202 admit to his or her alleged violation or to proceed to  
203 a revocation hearing; requiring such hearing to be  
204 conducted by the panel; requiring a majority of the  
205 panel to agree that revocation is appropriate;  
206 authorizing the forfeiture of gain-time if the  
207 revocation is based on certain violations; requiring  
208 an aging releasee whose conditional aging inmate  
209 release is revoked and who is recommitted to the  
210 department to comply with the 85 percent requirement  
211 upon recommitment; providing a review process for an  
212 aging releasee who has his or her released revoked;  
213 requiring an aging releasee to be given specified  
214 information in certain instances; requiring the panel  
215 to provide a written statement as to evidence relied  
216 on and reasons for revocation under certain  
217 circumstances; providing that members of the panel  
218 have sovereign immunity related to specified  
219 decisions; providing rulemaking authority; repealing  
220 s. 947.149, F.S., relating to conditional medical  
221 release; amending ss. 316.1935, 775.084, 775.087,  
222 784.07, 790.235, 794.0115, 893.135, 921.0024, 944.605,  
223 944.70, 947.13, and 947.141, F.S.; conforming  
224 provisions to changes made by the act; providing an  
225 effective date.

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

Section 1. Section 900.06, Florida Statutes, is created to read:

900.06 Recording of custodial interrogations for certain offenses.—

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

(a) "Covered offense" includes:

1. Arson.

2. Sexual battery.

3. Robbery.

4. Kidnapping.

5. Aggravated child abuse.

6. Aggravated abuse of an elderly person or a disabled adult.

7. Aggravated assault with a deadly weapon.

8. Murder.

9. Manslaughter.

10. Aggravated manslaughter of an elderly person or a disabled adult.

11. Aggravated manslaughter of a child.

12. The unlawful throwing, placing, or discharging of a destructive device or bomb.

13. Armed burglary.

251 14. Aggravated battery.

252 15. Aggravated stalking.

253 16. Home-invasion robbery.

254 17. Carjacking.

255 (b) "Custodial interrogation" means questioning or other  
256 conduct by a law enforcement officer which is reasonably likely  
257 to elicit an incriminating response from an individual and which  
258 occurs under circumstances in which a reasonable individual in  
259 the same circumstances would consider himself or herself to be  
260 in the custody of a law enforcement agency.

261 (c) "Electronic recording" means an audio recording or an  
262 audio and video recording that accurately records a custodial  
263 interrogation.

264 (d) "Place of detention" means a police station, sheriff's  
265 office, correctional facility, prisoner holding facility, county  
266 detention facility, or other governmental facility where an  
267 individual may be held in connection with a criminal charge that  
268 has been or may be filed against the individual.

269 (e) "Statement" means a communication that is oral,  
270 written, electronic, nonverbal, or in sign language.

271 (2) (a) A custodial interrogation at a place of detention,  
272 including the giving of a required warning, the advisement of  
273 the rights of the individual being questioned, and the waiver of  
274 any rights by the individual, must be electronically recorded in  
275 its entirety if the interrogation is related to a covered

276 offense.

277 (b) If a law enforcement officer conducts a custodial  
278 interrogation at a place of detention without electronically  
279 recording the interrogation, the officer must prepare a written  
280 report explaining why he or she did not record the  
281 interrogation.

282 (c) As soon as practicable, a law enforcement officer who  
283 conducts a custodial interrogation at a location other than a  
284 place of detention shall prepare a written report explaining the  
285 circumstances of the interrogation and summarizing the custodial  
286 interrogation process and the individual's statements.

287 (d) Paragraph (a) does not apply:

288 1. If an unforeseen equipment malfunction prevents the  
289 recording of the custodial interrogation in its entirety;

290 2. If a suspect refuses to participate in a custodial  
291 interrogation if his or her statements are to be electronically  
292 recorded;

293 3. If an equipment operator error prevents the recording  
294 of the custodial interrogation in its entirety;

295 4. If the statement is made spontaneously and not in  
296 response to a custodial interrogation question;

297 5. If the statement is made during the processing of the  
298 arrest of a suspect;

299 6. If the custodial interrogation occurs when the law  
300 enforcement officer participating in the interrogation does not

301 have any knowledge of facts and circumstances that would lead an  
302 officer to reasonably believe that the individual being  
303 interrogated may have committed a covered offense;

304 7. If the law enforcement officer conducting the custodial  
305 interrogation reasonably believes that making an electronic  
306 recording would jeopardize the safety of the officer, the  
307 individual being interrogated, or others; or

308 8. If the custodial interrogation is conducted outside of  
309 this state.

310 (3) Unless a court finds that one or more of the  
311 circumstances specified in paragraph (2) (d) apply, the court  
312 must consider the circumstances of an interrogation conducted by  
313 a law enforcement officer in which he or she did not  
314 electronically record all or part of a custodial interrogation  
315 in determining whether a statement made during the interrogation  
316 is admissible. If the court admits into evidence a statement  
317 made during a custodial interrogation which was not  
318 electronically recorded as required under paragraph (2) (a), the  
319 court must, upon request of the defendant, give cautionary  
320 instructions to the jury regarding the law enforcement officer's  
321 failure to comply with that requirement.

322 (4) A law enforcement agency in this state which has  
323 adopted rules that are reasonably designed to ensure compliance  
324 with the requirements of this section is not subject to civil  
325 liability for damages arising from a violation of this section

326 provided the agency enforces such rules. This section does not  
 327 create a cause of action against a law enforcement officer.

328 Section 2. Paragraph (a) of subsection (2) of section  
 329 921.1402, Florida Statutes, is amended, and subsection (4) of  
 330 that section is reenacted, to read:

331 921.1402 Review of sentences for persons convicted of  
 332 specified offenses committed while under the age of 18 years.—

333 (2) (a) A juvenile offender sentenced under s.  
 334 775.082(1)(b)1. is entitled to a review of his or her sentence  
 335 after 25 years. However, a juvenile offender is not entitled to  
 336 a review if he or she has previously been convicted of  
 337 committing one of the following offenses, or of conspiracy to  
 338 commit one of the following offenses, murder if the murder  
 339 offense for which the person was previously convicted was part  
 340 of a separate criminal transaction or episode than the murder  
 341 that which resulted in the sentence under s. 775.082(1)(b)1.÷

- 342 ~~1. Murder;~~
- 343 ~~2. Manslaughter;~~
- 344 ~~3. Sexual battery;~~
- 345 ~~4. Armed burglary;~~
- 346 ~~5. Armed robbery;~~
- 347 ~~6. Armed carjacking;~~
- 348 ~~7. Home invasion robbery;~~
- 349 ~~8. Human trafficking for commercial sexual activity with a~~  
 350 ~~child under 18 years of age;~~

351 ~~9. False imprisonment under s. 787.02(3)(a); or~~  
 352 ~~10. Kidnapping.~~

353 (4) A juvenile offender seeking a sentence review pursuant  
 354 to subsection (2) must submit an application to the court of  
 355 original jurisdiction requesting that a sentence review hearing  
 356 be held. The juvenile offender must submit a new application to  
 357 the court of original jurisdiction to request subsequent  
 358 sentence review hearings pursuant to paragraph (2)(d). The  
 359 sentencing court shall retain original jurisdiction for the  
 360 duration of the sentence for this purpose.

361 Section 3. Section 921.14021, Florida Statutes, is created  
 362 to read:

363 921.14021 Retroactive application relating to s. 921.1402;  
 364 legislative intent; review of sentence.-

365 (1) It is the intent of the Legislature to retroactively  
 366 apply the amendments made to s. 921.1402 which are effective on  
 367 October 1, 2021, only as provided in this section, to juvenile  
 368 offenders convicted of a capital offense and sentenced under s.  
 369 775.082(1)(b)1. who have been ineligible for sentence review  
 370 hearings because of a previous conviction of an offense  
 371 enumerated in s. 921.1402(2)(a), thereby providing such juvenile  
 372 offenders with an opportunity for consideration by a court and  
 373 an opportunity for release if deemed appropriate under law.

374 (2) A juvenile offender, as defined in s. 921.1402, who  
 375 was convicted for a capital offense and sentenced under s.

376 775.082(1)(b)1., and who was ineligible for a sentence review  
377 hearing pursuant to s. 921.1402(2)(a)2.-10. as it existed before  
378 October 1, 2021, is entitled to a review of his or her sentence  
379 after 25 years or, if on October 1, 2021, 25 years have already  
380 passed since the sentencing, immediately.

381 Section 4. Section 921.1403, Florida Statutes, is created  
382 to read:

383 921.1403 Review of sentences for persons convicted of  
384 specified offenses committed while under 25 years of age.-

385 (1) It is the intent of the Legislature to retroactively  
386 apply the amendments to this section which take effect October  
387 1, 2021.

388 (2) As used in this section, the term "young adult  
389 offender" means a person who committed an offense before he or  
390 she reached 25 years of age and for which he or she is sentenced  
391 to a term of years in the custody of the Department of  
392 Corrections, regardless of the date of sentencing.

393 (3) A young adult offender is not entitled to a sentence  
394 review under this section if he or she has previously been  
395 convicted of committing, or of conspiring to commit, murder if  
396 the murder offense for which the person was previously convicted  
397 was part of a separate criminal transaction or episode than the  
398 murder that resulted in the sentence under s. 775.082(3)(a)1.,  
399 2., 3., 4., or 6. or (b)1.

400 (4)(a)1. A young adult offender who is convicted of an



401 offense that is a life felony, that is punishable by a term of  
402 years not exceeding life imprisonment, or that was reclassified  
403 as a life felony and he or she is sentenced to a term of more  
404 than 20 years under s. 775.082(3)(a)1., 2., 3., 4., or 6., is  
405 entitled to a review of his or her sentence after 20 years.

406 2. This paragraph does not apply to a person who is  
407 eligible for sentencing under s. 775.082(3)(a)5. or s.  
408 775.082(3)(c).

409 (b) A young adult offender who is convicted of an offense  
410 that is a felony of the first degree or that was reclassified as  
411 a felony of the first degree and who is sentenced to a term of  
412 more than 15 years under s. 775.082(3)(b)1. is entitled to a  
413 review of his or her sentence after 15 years.

414 (5) The Department of Corrections must notify a young  
415 adult offender in writing of his or her eligibility to request a  
416 sentence review hearing 18 months before the young adult  
417 offender is entitled to a sentence review hearing or notify him  
418 or her immediately in writing if the offender is eligible as of  
419 October 1, 2021.

420 (6) A young adult offender seeking a sentence review  
421 hearing under this section must submit an application to the  
422 court of original jurisdiction requesting that a sentence review  
423 hearing be held. The young adult offender must submit a new  
424 application to the court of original jurisdiction to request a  
425 subsequent sentence review hearing pursuant to subsection (8).

426 The sentencing court shall retain original jurisdiction for the  
427 duration of the sentence for this purpose.

428 (7) A young adult offender who is eligible for a sentence  
429 review hearing under this section is entitled to be represented  
430 by counsel, and the court shall appoint a public defender to  
431 represent the young adult offender if he or she cannot afford an  
432 attorney.

433 (8) If the young adult offender seeking a sentence review  
434 under paragraph (4) (a) or paragraph (4) (b) is not resentenced at  
435 the initial sentence review hearing, he or she is eligible for  
436 one subsequent review hearing 5 years after the initial review  
437 hearing.

438 (9) Upon receiving an application from an eligible young  
439 adult offender, the original sentencing court must hold a  
440 sentence review hearing to determine whether to modify the young  
441 adult offender's sentence. When determining if it is appropriate  
442 to modify the young adult offender's sentence, the court must  
443 consider any factor it deems appropriate, including, but not  
444 limited to:

445 (a) Whether the young adult offender demonstrates maturity  
446 and rehabilitation.

447 (b) Whether the young adult offender remains at the same  
448 level of risk to society as he or she did at the time of the  
449 initial sentencing.

450 (c) The opinion of the victim or the victim's next of kin.

451 The absence of the victim or the victim's next of kin from the  
452 sentence review hearing may not be a factor in the determination  
453 of the court under this section. The court must allow the victim  
454 or victim's next of kin to be heard in person, in writing, or by  
455 electronic means. If the victim or the victim's next of kin  
456 chooses not to participate in the hearing, the court may  
457 consider previous statements made by the victim or the victim's  
458 next of kin during the trial, initial sentencing phase, or  
459 previous sentencing review hearings.

460 (d) Whether the young adult offender was a relatively  
461 minor participant in the criminal offense or whether he or she  
462 acted under extreme duress or under the domination of another  
463 person.

464 (e) Whether the young adult offender has shown sincere and  
465 sustained remorse for the criminal offense.

466 (f) Whether the young adult offender's age, maturity, or  
467 psychological development at the time of the offense affected  
468 his or her behavior.

469 (g) Whether the young adult offender has successfully  
470 obtained a high school equivalency diploma or completed another  
471 educational, technical, work, vocational, or self-rehabilitation  
472 program, if such a program is available.

473 (h) Whether the young adult offender was a victim of  
474 sexual, physical, or emotional abuse before he or she committed  
475 the offense.

476 (i) The results of any mental health assessment, risk  
477 assessment, or evaluation of the young adult offender as to  
478 rehabilitation.

479 (10) (a) If the court determines at a sentence review  
480 hearing that the young adult offender who is seeking a sentence  
481 review under paragraph (4) (a) has been rehabilitated and is  
482 reasonably believed to be fit to reenter society, the court may  
483 modify the sentence and impose a term of probation of at least 5  
484 years.

485 (b) If the court determines at a sentence review hearing  
486 that the young adult offender who is seeking a sentence review  
487 under paragraph (4) (b) has been rehabilitated and is reasonably  
488 believed to be fit to reenter society, the court may modify the  
489 sentence and impose a term of probation of at least 3 years.

490 (c) If the court determines that the young adult offender  
491 seeking a sentence review under paragraph (4) (a) or paragraph  
492 (4) (b) has not demonstrated rehabilitation or is not fit to  
493 reenter society, the court must issue a written order stating  
494 the reasons why the sentence is not being modified.

495 Section 5. Section 945.0911, Florida Statutes, is created  
496 to read:

497 945.0911 Conditional medical release.—

498 (1) FINDINGS.—The Legislature finds that the number of  
499 inmates with terminal medical conditions or who are suffering  
500 from severe debilitating or incapacitating medical conditions

501 who are incarcerated in the state's prisons has grown  
502 significantly in recent years. Further, the Legislature finds  
503 that the condition of inmates who are terminally ill or  
504 suffering from a debilitating or incapacitating condition may be  
505 exacerbated by imprisonment due to the stress linked to prison  
506 life. The Legislature also finds that recidivism rates are  
507 greatly reduced with inmates suffering from such medical  
508 conditions who are released into the community. Therefore, the  
509 Legislature finds that it is of great public importance to find  
510 a compassionate solution to the challenges presented by the  
511 imprisonment of inmates who are terminally ill or are suffering  
512 from a debilitating or incapacitating condition while also  
513 ensuring that the public safety of Florida's communities remains  
514 protected.

515 (2) CREATION.—There is established a conditional medical  
516 release program within the department for the purpose of  
517 determining whether release is appropriate for eligible inmates,  
518 supervising the released inmates, and conducting revocation  
519 hearings as provided for in this section. The establishment of  
520 the conditional medical release program must include a panel of  
521 at least three people appointed by the secretary or his or her  
522 designee for the purpose of determining the appropriateness of  
523 conditional medical release and conducting revocation hearings  
524 on the inmate releases.

525 (3) DEFINITIONS.—As used in this section, the term:

526        (a) "Inmate with a debilitating illness" means an inmate  
527 who is determined to be suffering from a significant terminal or  
528 nonterminal condition, disease, or syndrome that has rendered  
529 the inmate so physically or cognitively impaired, debilitated,  
530 or incapacitated as to create a reasonable probability that the  
531 inmate does not constitute a danger to himself or herself or to  
532 others.

533        (b) "Permanently incapacitated inmate" means an inmate who  
534 has a condition caused by injury, disease, or illness which, to  
535 a reasonable degree of medical certainty, renders the inmate  
536 permanently and irreversibly physically incapacitated to the  
537 extent that the inmate does not constitute a danger to himself  
538 or herself or to others.

539        (c) "Terminally ill inmate" means an inmate who has a  
540 condition caused by injury, disease, or illness which, to a  
541 reasonable degree of medical certainty, renders the inmate  
542 terminally ill to the extent that there can be no recovery,  
543 death is expected within 12 months, and the inmate does not  
544 constitute a danger to himself or herself or to others.

545        (4) ELIGIBILITY.—An inmate is eligible for consideration  
546 for release under the conditional medical release program when  
547 the inmate, because of an existing medical or physical  
548 condition, is determined by the department to be an inmate with  
549 a debilitating illness, a permanently incapacitated inmate, or a  
550 terminally ill inmate. Notwithstanding any other law, an inmate

551 who meets this eligibility criteria may be released from the  
552 custody of the department pursuant to this section before  
553 serving 85 percent of his or her term of imprisonment.

554 (5) REFERRAL FOR CONSIDERATION.—

555 (a)1. Notwithstanding any law to the contrary, any inmate  
556 in the custody of the department who meets one or more of the  
557 eligibility requirements under subsection (4) must be considered  
558 for conditional medical release.

559 2. The authority to grant conditional medical release  
560 rests solely with the department. An inmate does not have a  
561 right to release or to a medical evaluation to determine  
562 eligibility for release pursuant to this section.

563 (b) The department must identify inmates who may be  
564 eligible for conditional medical release based upon available  
565 medical information. In considering an inmate for conditional  
566 medical release, the department may require additional medical  
567 evidence, including examinations of the inmate, or any other  
568 additional investigations the department deems necessary for  
569 determining the appropriateness of the eligible inmate's  
570 release.

571 (c) The department must refer an inmate to the panel  
572 established under subsection (2) for review and determination of  
573 conditional medical release upon his or her identification as  
574 potentially eligible for release pursuant to this section.

575 (d) If the case that resulted in the inmate's commitment

576 to the department involved a victim, and the victim specifically  
577 requested notification pursuant to s. 16, Art. I of the State  
578 Constitution, the department must notify the victim of the  
579 inmate's referral to the panel upon identification of the inmate  
580 as potentially eligible for release under this section.  
581 Additionally, the victim must be afforded the right to be heard  
582 regarding the release of the inmate.

583 (6) DETERMINATION OF RELEASE.—

584 (a) The panel established in subsection (2) must conduct a  
585 hearing to determine whether conditional medical release is  
586 appropriate for the inmate. Before the hearing, the director of  
587 inmate health services or his or her designee must review any  
588 relevant information, including, but not limited to, medical  
589 evidence, and provide the panel with a recommendation regarding  
590 the appropriateness of releasing the inmate pursuant to this  
591 section. The hearing must be conducted by the panel:

592 1. By April 1, 2022, if the inmate is immediately eligible  
593 for consideration for the conditional medical release program  
594 when this section takes effect on October 1, 2021.

595 2. By July 1, 2022, if the inmate becomes eligible for  
596 consideration for the conditional medical release program after  
597 October 1, 2021, but before July 1, 2022.

598 3. Within 45 days after receiving the referral if the  
599 inmate becomes eligible for conditional medical release any time  
600 on or after July 1, 2022.



601 (b) A majority of the panel members must agree that the  
602 inmate is appropriate for release pursuant to this section. If  
603 conditional medical release is approved, the inmate must be  
604 released by the department to the community within a reasonable  
605 amount of time with necessary release conditions imposed  
606 pursuant to subsection (7).

607 (c)1. An inmate who is denied conditional medical release  
608 by the panel may elect to have the decision reviewed by the  
609 department's general counsel and chief medical officer, who must  
610 make a recommendation to the secretary. The secretary must  
611 review all relevant information and make a final decision about  
612 the appropriateness of conditional medical release pursuant to  
613 this section. The decision of the secretary is a final  
614 administrative decision not subject to appeal.

615 2. An inmate who requests to have the decision reviewed in  
616 accordance with this paragraph must do so in a manner prescribed  
617 by rule. An inmate who is denied conditional medical release may  
618 subsequently be reconsidered for such release in a manner  
619 prescribed by department rule.

620 (7) RELEASE CONDITIONS.—

621 (a) An inmate granted release pursuant to this section is  
622 released for a period equal to the length of time remaining on  
623 his or her term of imprisonment on the date the release is  
624 granted. Such inmate is considered a medical releasee upon  
625 release from the department into the community. The medical

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

628 1. Periodic medical evaluations at intervals determined by  
629 the department at the time of release.

630 2. Supervision by an officer trained to handle special  
631 offender caseloads.

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

635 4. Any conditions of community control provided for in s.  
636 948.101.

637 5. Any other conditions the department deems appropriate  
638 to ensure the safety of the community and compliance by the  
639 medical releasee.

640 (b) A medical releasee is considered to be in the custody,  
641 supervision, and control of the department, which, for purposes  
642 of this section, does not create a duty for the department to  
643 provide the medical releasee with medical care upon release into  
644 the community. The medical releasee remains eligible to earn or  
645 lose gain-time in accordance with s. 944.275 and department  
646 rule. The medical releasee may not be counted in the prison  
647 system population and the medical releasee's approved community-  
648 based housing location may not be counted in the capacity  
649 figures for the prison system.

650 (8) REVOCATION HEARING AND RECOMMITMENT.—

651        (a) The department may terminate a medical releasee's  
652 conditional medical release and return him or her to the same or  
653 another institution designated by the department.

654        (b)1. If a medical releasee's supervision officer or a  
655 duly authorized representative of the department discovers that  
656 the medical or physical condition of the medical releasee has  
657 improved to the extent that he or she would no longer be  
658 eligible for release under this section, the conditional medical  
659 release may be revoked. The department may order, as prescribed  
660 by department rule, that the medical releasee be returned to the  
661 custody of the department for a conditional medical release  
662 revocation hearing or may allow the medical releasee to remain  
663 in the community pending the revocation hearing. If the  
664 department elects to order the medical releasee to be returned  
665 to custody pending the revocation hearing, the officer or duly  
666 authorized representative may cause a warrant to be issued for  
667 the arrest of the medical releasee.

668        2. A medical releasee may admit to the allegation of  
669 improved medical or physical condition or may elect to proceed  
670 to a revocation hearing. The revocation hearing must be  
671 conducted by the panel established in subsection (2). Before a  
672 revocation hearing pursuant to this paragraph, the director of  
673 inmate health services or his or her designee must review any  
674 medical evidence pertaining to the medical releasee and provide  
675 the panel with a recommendation regarding the medical releasee's

676 improvement and current medical or physical condition.

677 3. A majority of the panel members must agree that  
678 revocation is appropriate for a medical releasee's conditional  
679 medical release to be revoked. If conditional medical release is  
680 revoked due to improvement in his or her medical or physical  
681 condition, the medical releasee must be recommitted to the  
682 department to serve the balance of his or her sentence in an  
683 institution designated by the department with credit for the  
684 time served on conditional medical release and without  
685 forfeiture of any gain-time accrued before recommitment. If the  
686 medical releasee whose conditional medical release is revoked  
687 due to an improvement in his or her medical or physical  
688 condition would otherwise be eligible for parole or any other  
689 release program, he or she may be considered for such release  
690 program pursuant to law.

691 4. A medical releasee whose conditional medical release is  
692 revoked pursuant to this paragraph may elect to have the  
693 decision reviewed by the department's general counsel and chief  
694 medical officer, who must make a recommendation to the  
695 secretary. The secretary must review all relevant information  
696 and make a final decision about the appropriateness of the  
697 revocation of conditional medical release pursuant to this  
698 paragraph. The decision of the secretary is a final  
699 administrative decision not subject to appeal.

700 (c)1. The medical releasee's conditional medical release

701 may also be revoked for violation of any release conditions the  
702 department establishes, including, but not limited to, a new  
703 violation of law.

704 2. If a duly authorized representative of the department  
705 has reasonable grounds to believe that a medical releasee has  
706 violated the conditions of his or her release in a material  
707 respect, such representative may cause a warrant to be issued  
708 for the arrest of the medical releasee. A law enforcement  
709 officer or a probation officer may arrest the medical releasee  
710 without a warrant in accordance with s. 948.06 if there are  
711 reasonable grounds to believe he or she has violated the terms  
712 and conditions of his or her conditional medical release. The  
713 law enforcement officer must report the medical releasee's  
714 alleged violations to the supervising probation office or the  
715 department's emergency action center for initiation of  
716 revocation proceedings as prescribed by department rule.

717 3. If the basis of the violation of release conditions is  
718 related to a new violation of law, the medical releasee must be  
719 detained without bond until his or her initial appearance, at  
720 which time a judicial determination of probable cause is made.  
721 If the judge determines that there was no probable cause for the  
722 arrest, the medical releasee may be released. A judicial  
723 determination of probable cause also constitutes reasonable  
724 grounds to believe that the medical releasee violated the  
725 conditions of the conditional medical release.

726       4. The department must order that the medical releasee  
727 subject to revocation under this paragraph be returned to  
728 department custody for a conditional medical release revocation  
729 hearing. A medical releasee may admit to the alleged violation  
730 of the conditions of conditional medical release or may elect to  
731 proceed to a revocation hearing. The revocation hearing must be  
732 conducted by the panel established in subsection (2).

733       5. A majority of the panel members must agree that  
734 revocation is appropriate for the medical releasee's conditional  
735 medical release to be revoked. If conditional medical release is  
736 revoked pursuant to this paragraph, the medical releasee must  
737 serve the balance of his or her sentence in an institution  
738 designated by the department with credit for the actual time  
739 served on conditional medical release. The releasee's gain-time  
740 accrued before recommitment may be forfeited pursuant to s.  
741 944.28(1). If the medical releasee whose conditional medical  
742 release is revoked subject to this paragraph would otherwise be  
743 eligible for parole or any other release program, he or she may  
744 be considered for such release program pursuant to law.

745       6. A medical releasee whose conditional medical release  
746 has been revoked pursuant to this paragraph may elect to have  
747 the revocation reviewed by the department's general counsel, who  
748 must make a recommendation to the secretary. The secretary must  
749 review all relevant information and make a final decision about  
750 the appropriateness of the revocation of conditional medical

751 release pursuant to this paragraph. The decision of the  
752 secretary is a final administrative decision not subject to  
753 appeal.

754 (d)1. If the medical releasee subject to revocation under  
755 paragraph (b) or paragraph (c) elects to proceed with a hearing,  
756 the medical releasee must be informed orally and in writing of  
757 the following:

758 a. The alleged basis for the pending revocation proceeding  
759 against the releasee.

760 b. The releasee's right to be represented by counsel.  
761 However, this sub-subparagraph does not create a right to  
762 publicly funded legal counsel.

763 c. The releasee's right to be heard either in person or by  
764 electronic audiovisual device in the discretion of the  
765 department.

766 d. The releasee's right to secure, present, and compel the  
767 attendance of witnesses relevant to the proceeding.

768 e. The releasee's right to produce documents on his or her  
769 own behalf.

770 f. The releasee's right of access to all evidence used to  
771 support the revocation proceeding against the releasee and to  
772 confront and cross-examine adverse witnesses.

773 g. The releasee's right to waive the hearing.

774 2. If the panel approves the revocation of the medical  
775 releasee's conditional medical release under paragraph (a) or

776 paragraph (b), the panel must provide a written statement as to  
777 evidence relied on and reasons for revocation.

778 (e) A medical releasee whose conditional medical release  
779 is revoked and who is recommitted to the department under this  
780 subsection must comply with the 85 percent requirement in  
781 accordance with ss. 921.002 and 944.275 upon recommitment.

782 (9) SPECIAL REQUIREMENTS UPON AN INMATE'S DIAGNOSIS OF A  
783 TERMINAL CONDITION.—

784 (a) If an inmate is diagnosed with a terminal medical  
785 condition that makes him or her eligible for consideration for  
786 release under paragraph (3) (c) while in the custody of the  
787 department, subject to confidentiality requirements, the  
788 department must:

789 1. Notify the inmate's family or next of kin and attorney,  
790 if applicable, of such diagnosis within 72 hours after the  
791 diagnosis.

792 2. Provide the inmate's family, including extended family,  
793 an opportunity to visit the inmate in person within 7 days after  
794 the diagnosis.

795 3. Initiate a review for conditional medical release as  
796 provided for in this section immediately upon the diagnosis.

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



801 (10) SOVEREIGN IMMUNITY.—Unless otherwise provided by law  
802 and in accordance with s. 13, Art. X of the State Constitution,  
803 members of the panel established in subsection (2) who are  
804 involved with decisions that grant or revoke conditional medical  
805 release are provided immunity from liability for actions that  
806 directly relate to such decisions.

807 (11) RULEMAKING AUTHORITY.—The department may adopt rules  
808 as necessary to implement this section.

809 Section 6. Section 945.0912, Florida Statutes, is created  
810 to read:

811 945.0912 Conditional aging inmate release.—

812 (1) FINDINGS.—The Legislature finds that the number of  
813 aging inmates incarcerated in the state's prisons has grown  
814 significantly in recent years. Further, the Legislature finds  
815 that imprisonment tends to exacerbate the effects of aging due  
816 to histories of substance abuse and inadequate preventive care  
817 before imprisonment and stress linked to prison life. The  
818 Legislature also finds that recidivism rates are greatly reduced  
819 with older inmates who are released into the community.  
820 Therefore, the Legislature finds that it is of great public  
821 importance to find a compassionate solution to the challenges  
822 presented by the imprisonment of aging inmates while also  
823 ensuring that the public safety of Florida's communities remains  
824 protected.

825 (2) CREATION.—There is established a conditional aging

826 inmate release program within the department for the purpose of  
827 determining eligible inmates who are appropriate for such  
828 release, supervising the released inmates, and conducting  
829 revocation hearings as provided for in this section. The program  
830 must include a panel of at least three people appointed by the  
831 secretary or his or her designee for the purpose of determining  
832 the appropriateness of conditional aging inmate release and  
833 conducting revocation hearings on the inmate releases.

834 (3) ELIGIBILITY.—

835 (a) An inmate is eligible for consideration for release  
836 under the conditional aging inmate release program when the  
837 inmate has reached 65 years of age and has served at least 10  
838 years on his or her term of imprisonment. Notwithstanding any  
839 other law, an inmate who meets this criteria as prescribed in  
840 this subsection may be released from the custody of the  
841 department pursuant to this section before serving 85 percent of  
842 his or her term of imprisonment.

843 (b) An inmate may not be considered for release through  
844 the conditional aging inmate release program if he or she has  
845 ever been found guilty of, regardless of adjudication, or  
846 entered a plea of nolo contendere or guilty to, or has been  
847 adjudicated delinquent for committing:

848 1. Any offense classified or that was reclassified as a  
849 capital felony, life felony, or first degree felony punishable  
850 by a term of years not exceeding life imprisonment.

851 2. Any violation of law which resulted in the killing of a  
852 human being.

853 3. Any felony offense that serves as a predicate to  
854 registration as a sexual offender in accordance with s.  
855 943.0435.

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

859 (c) An inmate who has previously been released on any form  
860 of conditional or discretionary release and who was recommitted  
861 to the department as a result of a finding that he or she  
862 subsequently violated the terms of such conditional or  
863 discretionary release may not be considered for release through  
864 the program.

865 (4) REFERRAL FOR CONSIDERATION.-

866 (a)1. Notwithstanding any law to the contrary, an inmate  
867 in the custody of the department who is eligible for  
868 consideration pursuant to subsection (3) must be considered for  
869 the conditional aging inmate release program.

870 2. The authority to grant conditional aging inmate release  
871 rests solely with the department. An inmate does not have a  
872 right to such release.

873 (b) The department must identify inmates who may be  
874 eligible for the conditional aging inmate release program. In  
875 considering an inmate for conditional aging inmate release, the

876 department may require the production of additional evidence or  
877 any other additional investigations that the department deems  
878 necessary for determining the appropriateness of the eligible  
879 inmate's release.

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

884 (d) If the case that resulted in the inmate's commitment  
885 to the department involved a victim, and the victim specifically  
886 requested notification pursuant to s. 16, Art. I of the State  
887 Constitution, the department must notify the victim, in a manner  
888 prescribed by rule, of the inmate's referral to the panel upon  
889 identification of the inmate as potentially eligible for release  
890 under this section. Additionally, the victim must be afforded  
891 the right to be heard regarding the release of the inmate.

892 (5) DETERMINATION OF RELEASE.—

893 (a) The panel established in subsection (2) must conduct a  
894 hearing to determine whether the inmate is appropriate for  
895 conditional aging inmate release. The hearing must be conducted  
896 by the panel:

897 1. By April 1, 2022, if the inmate is immediately eligible  
898 for consideration for the conditional aging inmate release  
899 program when this section takes effect on October 1, 2021.

900 2. By July 1, 2022, if the inmate becomes eligible for

901 consideration for the conditional aging inmate release program  
902 after October 1, 2021, but before July 1, 2022.

903 3. Within 45 days after receiving the referral if the  
904 inmate becomes eligible for conditional aging inmate release any  
905 time on or after July 1, 2022.

906 (b) A majority of the panel members must agree that the  
907 inmate is appropriate for release pursuant to this section. If  
908 conditional aging inmate release is approved, the inmate must be  
909 released by the department to the community within a reasonable  
910 amount of time with necessary release conditions imposed  
911 pursuant to subsection (6).

912 (c)1. An inmate who is denied conditional aging inmate  
913 release by the panel may elect to have the decision reviewed by  
914 the department's general counsel, who must make a recommendation  
915 to the secretary. The secretary must review all relevant  
916 information and make a final decision about the appropriateness  
917 of conditional aging inmate release pursuant to this section.  
918 The decision of the secretary is a final administrative decision  
919 not subject to appeal.

920 2. An inmate who requests to have the decision reviewed in  
921 accordance with this paragraph must do so in a manner prescribed  
922 by rule. An inmate who is denied conditional aging inmate  
923 release may be subsequently reconsidered for such release in a  
924 manner prescribed by rule.

925 (6) RELEASE CONDITIONS.—

926        (a) An inmate granted release pursuant to this section is  
927 released for a period equal to the length of time remaining on  
928 his or her term of imprisonment on the date the release is  
929 granted. Such inmate is considered an aging releasee upon  
930 release from the department into the community. The aging  
931 releasee must comply with all reasonable conditions of release  
932 the department imposes, which must include, at a minimum:

933            1. Supervision by an officer trained to handle special  
934 offender caseloads.

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

938            3. Any conditions of community control provided for in s.  
939 948.101.

940            4. Any other conditions the department deems appropriate  
941 to ensure the safety of the community and compliance by the  
942 aging releasee.

943        (b) An aging releasee is considered to be in the custody,  
944 supervision, and control of the department, which, for purposes  
945 of this section, does not create a duty for the department to  
946 provide the aging releasee with medical care upon release into  
947 the community. The aging releasee remains eligible to earn or  
948 lose gain-time in accordance with s. 944.275 and department  
949 rule. The aging releasee may not be counted in the prison system  
950 population, and the aging releasee's approved community-based

951 housing location may not be counted in the capacity figures for  
952 the prison system.

953 (7) REVOCATION HEARING AND RECOMMITMENT.—

954 (a)1. An aging releasee's conditional aging inmate release  
955 may be revoked for a violation of any condition of the release  
956 established by the department, including, but not limited to, a  
957 new violation of law. The department may terminate the aging  
958 releasee's conditional aging inmate release and return him or  
959 her to the same or another institution designated by the  
960 department.

961 2. If a duly authorized representative of the department  
962 has reasonable grounds to believe that an aging releasee has  
963 violated the conditions of his or her release in a material  
964 respect, such representative may cause a warrant to be issued  
965 for the arrest of the aging releasee. A law enforcement officer  
966 or a probation officer may arrest the aging releasee without a  
967 warrant in accordance with s. 948.06 if there are reasonable  
968 grounds to believe he or she has violated the terms and  
969 conditions of his or her conditional aging inmate release. The  
970 law enforcement officer must report the aging releasee's alleged  
971 violations to the supervising probation office or the  
972 department's emergency action center for initiation of  
973 revocation proceedings as prescribed by department rule.

974 3. If the basis of the violation of release conditions is  
975 related to a new violation of law, the aging releasee must be

976 detained without bond until his or her initial appearance, at  
977 which a judicial determination of probable cause is made. If the  
978 judge determines that there was no probable cause for the  
979 arrest, the aging releasee may be released. A judicial  
980 determination of probable cause also constitutes reasonable  
981 grounds to believe that the aging releasee violated the  
982 conditions of the release.

983 4. The department must order that the aging releasee  
984 subject to revocation under this subsection be returned to  
985 department custody for a conditional aging inmate release  
986 revocation hearing as prescribed by rule. An aging releasee may  
987 admit to the alleged violation of the conditions of conditional  
988 aging inmate release or may elect to proceed to a revocation  
989 hearing. The revocation hearing must be conducted by the panel  
990 established in subsection (2).

991 5. A majority of the panel members must agree that  
992 revocation is appropriate for the aging releasee's conditional  
993 aging inmate release to be revoked. If conditional aging inmate  
994 release is revoked pursuant to this subsection, the aging  
995 releasee must serve the balance of his or her sentence in an  
996 institution designated by the department with credit for the  
997 actual time served on conditional aging inmate release. However,  
998 the aging releasee's gain-time accrued before recommitment may  
999 be forfeited pursuant to s. 944.28(1). An aging releasee whose  
1000 conditional aging inmate release is revoked and is recommitted



1001 to the department under this subsection must comply with the 85  
1002 percent requirement in accordance with ss. 921.002 and 944.275.  
1003 If the aging releasee whose conditional aging inmate release is  
1004 revoked subject to this subsection would otherwise be eligible  
1005 for parole or any other release program, he or she may be  
1006 considered for such release program pursuant to law.

1007 6. An aging releasee whose release has been revoked  
1008 pursuant to this subsection may elect to have the revocation  
1009 reviewed by the department's general counsel, who must make a  
1010 recommendation to the secretary. The secretary must review all  
1011 relevant information and make a final decision about the  
1012 appropriateness of the revocation of conditional aging inmate  
1013 release pursuant to this subsection. The decision of the  
1014 secretary is a final administrative decision not subject to  
1015 appeal.

1016 (b) If the aging releasee subject to revocation under this  
1017 subsection elects to proceed with a hearing, the aging releasee  
1018 must be informed orally and in writing of the following:

1019 1. The alleged violation with which the releasee is  
1020 charged.

1021 2. The releasee's right to be represented by counsel.  
1022 However, this subparagraph does not create a right to publicly  
1023 funded legal counsel.

1024 3. The releasee's right to be heard either in person or by  
1025 electronic audiovisual device in the discretion of the

1026 department.

1027 4. The releasee's right to secure, present, and compel the  
1028 attendance of witnesses relevant to the proceeding.

1029 5. The releasee's right to produce documents on his or her  
1030 own behalf.

1031 6. The releasee's right of access to all evidence used  
1032 against the releasee and to confront and cross-examine adverse  
1033 witnesses.

1034 7. The releasee's right to waive the hearing.

1035 (c) If the panel approves the revocation of the aging  
1036 releasee's conditional aging inmate release, the panel must  
1037 provide a written statement as to evidence relied on and reasons  
1038 for revocation.

1039 (8) SOVEREIGN IMMUNITY.—Unless otherwise provided by law  
1040 and in accordance with s. 13, Art. X of the State Constitution,  
1041 members of the panel established in subsection (2) who are  
1042 involved with decisions that grant or revoke conditional aging  
1043 inmate release are provided immunity from liability for actions  
1044 that directly relate to such decisions.

1045 (9) RULEMAKING AUTHORITY.—The department may adopt rules  
1046 as necessary to implement this section.

1047 Section 7. Section 947.149, Florida Statutes, is repealed.

1048 Section 8. Subsection (6) of section 316.1935, Florida  
1049 Statutes, is amended to read:

1050 316.1935 Fleeing or attempting to elude a law enforcement

1051 officer; aggravated fleeing or eluding.—

1052 (6) Notwithstanding s. 948.01, a court may not ~~no court~~  
 1053 ~~may~~ suspend, defer, or withhold adjudication of guilt or  
 1054 imposition of sentence for any violation of this section. A  
 1055 person convicted and sentenced to a mandatory minimum term of  
 1056 incarceration under paragraph (3)(b) or paragraph (4)(b) is not  
 1057 eligible for statutory gain-time under s. 944.275 or any form of  
 1058 discretionary early release, other than pardon or executive  
 1059 clemency, ~~or~~ conditional medical release under s. 945.0911 s.  
 1060 ~~947.149, or conditional aging inmate release under s. 945.0912,~~  
 1061 before ~~prior to~~ serving the mandatory minimum sentence.

1062 Section 9. Paragraph (k) of subsection (4) of section  
 1063 775.084, Florida Statutes, is amended to read:

1064 775.084 Violent career criminals; habitual felony  
 1065 offenders and habitual violent felony offenders; three-time  
 1066 violent felony offenders; definitions; procedure; enhanced  
 1067 penalties or mandatory minimum prison terms.—

1068 (4)

1069 (k)1. A defendant sentenced under this section as a  
 1070 habitual felony offender, a habitual violent felony offender, or  
 1071 a violent career criminal is eligible for gain-time granted by  
 1072 the Department of Corrections as provided in s. 944.275(4)(b).

1073 2. For an offense committed on or after October 1, 1995, a  
 1074 defendant sentenced under this section as a violent career  
 1075 criminal is not eligible for any form of discretionary early

1076 | release, other than pardon or executive clemency, ~~or~~ conditional  
 1077 | medical release under s. 945.0911, or conditional aging inmate  
 1078 | release under s. 945.0912 ~~granted pursuant to s. 947.149.~~

1079 |         3. For an offense committed on or after July 1, 1999, a  
 1080 | defendant sentenced under this section as a three-time violent  
 1081 | felony offender shall be released only by expiration of sentence  
 1082 | and is ~~shall~~ not be eligible for parole, control release, or any  
 1083 | form of early release.

1084 |         Section 10. Paragraph (b) of subsection (2) and paragraph  
 1085 | (b) of subsection (3) of section 775.087, Florida Statutes, are  
 1086 | amended to read:

1087 |         775.087 Possession or use of weapon; aggravated battery;  
 1088 | felony reclassification; minimum sentence.-

1089 |         (2)

1090 |         (b) Subparagraph (a)1., subparagraph (a)2., or  
 1091 | subparagraph (a)3. does not prevent a court from imposing a  
 1092 | longer sentence of incarceration as authorized by law in  
 1093 | addition to the minimum mandatory sentence, or from imposing a  
 1094 | sentence of death pursuant to other applicable law. Subparagraph  
 1095 | (a)1., subparagraph (a)2., or subparagraph (a)3. does not  
 1096 | authorize a court to impose a lesser sentence than otherwise  
 1097 | required by law.

1098 |  
 1099 | Notwithstanding s. 948.01, adjudication of guilt or imposition  
 1100 | of sentence may ~~shall~~ not be suspended, deferred, or withheld,

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1101 and the defendant is not eligible for statutory gain-time under  
1102 s. 944.275 or any form of discretionary early release, other  
1103 than pardon or executive clemency, ~~or~~ conditional medical  
1104 release under s. 945.0911 ~~s. 947.149~~, or conditional aging  
1105 inmate release under s. 945.0912, before ~~prior to~~ serving the  
1106 minimum sentence.

1107 (3)

1108 (b) Subparagraph (a)1., subparagraph (a)2., or  
1109 subparagraph (a)3. does not prevent a court from imposing a  
1110 longer sentence of incarceration as authorized by law in  
1111 addition to the minimum mandatory sentence, or from imposing a  
1112 sentence of death pursuant to other applicable law. Subparagraph  
1113 (a)1., subparagraph (a)2., or subparagraph (a)3. does not  
1114 authorize a court to impose a lesser sentence than otherwise  
1115 required by law.

1116  
1117 Notwithstanding s. 948.01, adjudication of guilt or imposition  
1118 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
1119 and the defendant is not eligible for statutory gain-time under  
1120 s. 944.275 or any form of discretionary early release, other  
1121 than pardon or executive clemency, ~~or~~ conditional medical  
1122 release under s. 945.0911 ~~s. 947.149~~, or conditional aging  
1123 inmate release under s. 945.0912, before ~~prior to~~ serving the  
1124 minimum sentence.

1125 Section 11. Subsection (3) of section 784.07, Florida

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1126 Statutes, is amended to read:

1127       784.07 Assault or battery of law enforcement officers,  
 1128 firefighters, emergency medical care providers, public transit  
 1129 employees or agents, or other specified officers;  
 1130 reclassification of offenses; minimum sentences.—

1131       (3) Any person who is convicted of a battery under  
 1132 paragraph (2)(b) and, during the commission of the offense, such  
 1133 person possessed:

1134       (a) A "firearm" or "destructive device" as those terms are  
 1135 defined in s. 790.001, shall be sentenced to a minimum term of  
 1136 imprisonment of 3 years.

1137       (b) A semiautomatic firearm and its high-capacity  
 1138 detachable box magazine, as defined in s. 775.087(3), or a  
 1139 machine gun as defined in s. 790.001, shall be sentenced to a  
 1140 minimum term of imprisonment of 8 years.

1141  
 1142 Notwithstanding s. 948.01, adjudication of guilt or imposition  
 1143 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
 1144 and the defendant is not eligible for statutory gain-time under  
 1145 s. 944.275 or any form of discretionary early release, other  
 1146 than pardon or executive clemency, ~~or~~ conditional medical  
 1147 release under s. 945.0911 ~~s. 947.149~~, or conditional aging  
 1148 inmate release under s. 945.0912, before ~~prior to~~ serving the  
 1149 minimum sentence.

1150       Section 12. Subsection (1) of section 790.235, Florida

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1151 Statutes, is amended to read:

1152       790.235 Possession of firearm or ammunition by violent  
1153 career criminal unlawful; penalty.—

1154       (1) Any person who meets the violent career criminal  
1155 criteria under s. 775.084(1)(d), regardless of whether such  
1156 person is or has previously been sentenced as a violent career  
1157 criminal, who owns or has in his or her care, custody,  
1158 possession, or control any firearm, ammunition, or electric  
1159 weapon or device, or carries a concealed weapon, including a  
1160 tear gas gun or chemical weapon or device, commits a felony of  
1161 the first degree, punishable as provided in s. 775.082, s.  
1162 775.083, or s. 775.084. A person convicted of a violation of  
1163 this section shall be sentenced to a mandatory minimum of 15  
1164 years' imprisonment; however, if the person would be sentenced  
1165 to a longer term of imprisonment under s. 775.084(4)(d), the  
1166 person must be sentenced under that provision. A person  
1167 convicted of a violation of this section is not eligible for any  
1168 form of discretionary early release, other than pardon,  
1169 executive clemency, ~~or~~ conditional medical release under s.  
1170 945.0911, or conditional aging inmate release under s. 945.0912  
1171 ~~s. 947.149.~~

1172       Section 13. Subsection (7) of section 794.0115, Florida  
1173 Statutes, is amended to read:

1174       794.0115 Dangerous sexual felony offender; mandatory  
1175 sentencing.—

1176 (7) A defendant sentenced to a mandatory minimum term of  
1177 imprisonment under this section is not eligible for statutory  
1178 gain-time under s. 944.275 or any form of discretionary early  
1179 release, other than pardon or executive clemency, or conditional  
1180 medical release under s. 945.0911 ~~s. 947.149~~, before serving the  
1181 minimum sentence.

1182 Section 14. Paragraphs (b), (c), and (g) of subsection (1)  
1183 and subsection (3) of section 893.135, Florida Statutes, are  
1184 amended to read:

1185 893.135 Trafficking; mandatory sentences; suspension or  
1186 reduction of sentences; conspiracy to engage in trafficking.—

1187 (1) Except as authorized in this chapter or in chapter 499  
1188 and notwithstanding the provisions of s. 893.13:

1189 (b)1. Any person who knowingly sells, purchases,  
1190 manufactures, delivers, or brings into this state, or who is  
1191 knowingly in actual or constructive possession of, 28 grams or  
1192 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
1193 mixture containing cocaine, but less than 150 kilograms of  
1194 cocaine or any such mixture, commits a felony of the first  
1195 degree, which felony shall be known as "trafficking in cocaine,"  
1196 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1197 If the quantity involved:

1198 a. Is 28 grams or more, but less than 200 grams, such  
1199 person shall be sentenced to a mandatory minimum term of  
1200 imprisonment of 3 years, and the defendant shall be ordered to



1201 pay a fine of \$50,000.

1202       b. Is 200 grams or more, but less than 400 grams, such  
 1203 person shall be sentenced to a mandatory minimum term of  
 1204 imprisonment of 7 years, and the defendant shall be ordered to  
 1205 pay a fine of \$100,000.

1206       c. Is 400 grams or more, but less than 150 kilograms, such  
 1207 person shall be sentenced to a mandatory minimum term of  
 1208 imprisonment of 15 calendar years and pay a fine of \$250,000.

1209       2. Any person who knowingly sells, purchases,  
 1210 manufactures, delivers, or brings into this state, or who is  
 1211 knowingly in actual or constructive possession of, 150 kilograms  
 1212 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
 1213 the first degree felony of trafficking in cocaine. A person who  
 1214 has been convicted of the first degree felony of trafficking in  
 1215 cocaine under this subparagraph shall be punished by life  
 1216 imprisonment and is ineligible for any form of discretionary  
 1217 early release except pardon or executive clemency or conditional  
 1218 medical release under s. 945.0911 ~~s. 947.149~~. However, if the  
 1219 court determines that, in addition to committing any act  
 1220 specified in this paragraph:

1221       a. The person intentionally killed an individual or  
 1222 counseled, commanded, induced, procured, or caused the  
 1223 intentional killing of an individual and such killing was the  
 1224 result; or

1225       b. The person's conduct in committing that act led to a

1226 | natural, though not inevitable, lethal result,

1227 |

1228 | such person commits the capital felony of trafficking in  
1229 | cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
1230 | person sentenced for a capital felony under this paragraph shall  
1231 | also be sentenced to pay the maximum fine provided under  
1232 | subparagraph 1.

1233 |         3. Any person who knowingly brings into this state 300  
1234 | kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
1235 | and who knows that the probable result of such importation would  
1236 | be the death of any person, commits capital importation of  
1237 | cocaine, a capital felony punishable as provided in ss. 775.082  
1238 | and 921.142. Any person sentenced for a capital felony under  
1239 | this paragraph shall also be sentenced to pay the maximum fine  
1240 | provided under subparagraph 1.

1241 |         (c)1. A person who knowingly sells, purchases,  
1242 | manufactures, delivers, or brings into this state, or who is  
1243 | knowingly in actual or constructive possession of, 4 grams or  
1244 | more of any morphine, opium, hydromorphone, or any salt,  
1245 | derivative, isomer, or salt of an isomer thereof, including  
1246 | heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
1247 | (3)(c)4., or 4 grams or more of any mixture containing any such  
1248 | substance, but less than 30 kilograms of such substance or  
1249 | mixture, commits a felony of the first degree, which felony  
1250 | shall be known as "trafficking in illegal drugs," punishable as

1251 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
 1252 quantity involved:

1253       a. Is 4 grams or more, but less than 14 grams, such person  
 1254 shall be sentenced to a mandatory minimum term of imprisonment  
 1255 of 3 years and shall be ordered to pay a fine of \$50,000.

1256       b. Is 14 grams or more, but less than 28 grams, such  
 1257 person shall be sentenced to a mandatory minimum term of  
 1258 imprisonment of 15 years and shall be ordered to pay a fine of  
 1259 \$100,000.

1260       c. Is 28 grams or more, but less than 30 kilograms, such  
 1261 person shall be sentenced to a mandatory minimum term of  
 1262 imprisonment of 25 years and shall be ordered to pay a fine of  
 1263 \$500,000.

1264       2. A person who knowingly sells, purchases, manufactures,  
 1265 delivers, or brings into this state, or who is knowingly in  
 1266 actual or constructive possession of, 28 grams or more of  
 1267 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
 1268 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
 1269 grams or more of any mixture containing any such substance,  
 1270 commits a felony of the first degree, which felony shall be  
 1271 known as "trafficking in hydrocodone," punishable as provided in  
 1272 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1273       a. Is 28 grams or more, but less than 50 grams, such  
 1274 person shall be sentenced to a mandatory minimum term of  
 1275 imprisonment of 3 years and shall be ordered to pay a fine of

1276 | \$50,000.

1277 |       b. Is 50 grams or more, but less than 100 grams, such  
1278 | person shall be sentenced to a mandatory minimum term of  
1279 | imprisonment of 7 years and shall be ordered to pay a fine of  
1280 | \$100,000.

1281 |       c. Is 100 grams or more, but less than 300 grams, such  
1282 | person shall be sentenced to a mandatory minimum term of  
1283 | imprisonment of 15 years and shall be ordered to pay a fine of  
1284 | \$500,000.

1285 |       d. Is 300 grams or more, but less than 30 kilograms, such  
1286 | person shall be sentenced to a mandatory minimum term of  
1287 | imprisonment of 25 years and shall be ordered to pay a fine of  
1288 | \$750,000.

1289 |       3. A person who knowingly sells, purchases, manufactures,  
1290 | delivers, or brings into this state, or who is knowingly in  
1291 | actual or constructive possession of, 7 grams or more of  
1292 | oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
1293 | thereof, or 7 grams or more of any mixture containing any such  
1294 | substance, commits a felony of the first degree, which felony  
1295 | shall be known as "trafficking in oxycodone," punishable as  
1296 | provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1297 | quantity involved:

1298 |       a. Is 7 grams or more, but less than 14 grams, such person  
1299 | shall be sentenced to a mandatory minimum term of imprisonment  
1300 | of 3 years and shall be ordered to pay a fine of \$50,000.

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1301           b. Is 14 grams or more, but less than 25 grams, such  
1302 person shall be sentenced to a mandatory minimum term of  
1303 imprisonment of 7 years and shall be ordered to pay a fine of  
1304 \$100,000.

1305           c. Is 25 grams or more, but less than 100 grams, such  
1306 person shall be sentenced to a mandatory minimum term of  
1307 imprisonment of 15 years and shall be ordered to pay a fine of  
1308 \$500,000.

1309           d. Is 100 grams or more, but less than 30 kilograms, such  
1310 person shall be sentenced to a mandatory minimum term of  
1311 imprisonment of 25 years and shall be ordered to pay a fine of  
1312 \$750,000.

1313           4.a. A person who knowingly sells, purchases,  
1314 manufactures, delivers, or brings into this state, or who is  
1315 knowingly in actual or constructive possession of, 4 grams or  
1316 more of:

1317           (I) Alfentanil, as described in s. 893.03(2)(b)1.;

1318           (II) Carfentanil, as described in s. 893.03(2)(b)6.;

1319           (III) Fentanyl, as described in s. 893.03(2)(b)9.;

1320           (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

1321           (V) A fentanyl derivative, as described in s.

1322 893.03(1)(a)62.;

1323           (VI) A controlled substance analog, as described in s.

1324 893.0356, of any substance described in sub-sub-subparagraphs

1325 (I)-(V); or

1326 (VII) A mixture containing any substance described in sub-  
 1327 sub-subparagraphs (I)-(VI),  
 1328  
 1329 commits a felony of the first degree, which felony shall be  
 1330 known as "trafficking in fentanyl," punishable as provided in s.  
 1331 775.082, s. 775.083, or s. 775.084.

1332 b. If the quantity involved under sub-subparagraph a.:

1333 (I) Is 4 grams or more, but less than 14 grams, such  
 1334 person shall be sentenced to a mandatory minimum term of  
 1335 imprisonment of 3 years, and shall be ordered to pay a fine of  
 1336 \$50,000.

1337 (II) Is 14 grams or more, but less than 28 grams, such  
 1338 person shall be sentenced to a mandatory minimum term of  
 1339 imprisonment of 15 years, and shall be ordered to pay a fine of  
 1340 \$100,000.

1341 (III) Is 28 grams or more, such person shall be sentenced  
 1342 to a mandatory minimum term of imprisonment of 25 years, and  
 1343 shall be ordered to pay a fine of \$500,000.

1344 5. A person who knowingly sells, purchases, manufactures,  
 1345 delivers, or brings into this state, or who is knowingly in  
 1346 actual or constructive possession of, 30 kilograms or more of  
 1347 any morphine, opium, oxycodone, hydrocodone, codeine,  
 1348 hydromorphone, or any salt, derivative, isomer, or salt of an  
 1349 isomer thereof, including heroin, as described in s.  
 1350 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or

1351 more of any mixture containing any such substance, commits the  
1352 first degree felony of trafficking in illegal drugs. A person  
1353 who has been convicted of the first degree felony of trafficking  
1354 in illegal drugs under this subparagraph shall be punished by  
1355 life imprisonment and is ineligible for any form of  
1356 discretionary early release except pardon or executive clemency  
1357 or conditional medical release under s. 945.0911 ~~s. 947.149~~.  
1358 However, if the court determines that, in addition to committing  
1359 any act specified in this paragraph:

1360 a. The person intentionally killed an individual or  
1361 counseled, commanded, induced, procured, or caused the  
1362 intentional killing of an individual and such killing was the  
1363 result; or

1364 b. The person's conduct in committing that act led to a  
1365 natural, though not inevitable, lethal result,  
1366  
1367 such person commits the capital felony of trafficking in illegal  
1368 drugs, punishable as provided in ss. 775.082 and 921.142. A  
1369 person sentenced for a capital felony under this paragraph shall  
1370 also be sentenced to pay the maximum fine provided under  
1371 subparagraph 1.

1372 6. A person who knowingly brings into this state 60  
1373 kilograms or more of any morphine, opium, oxycodone,  
1374 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
1375 isomer, or salt of an isomer thereof, including heroin, as

1376 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
1377 60 kilograms or more of any mixture containing any such  
1378 substance, and who knows that the probable result of such  
1379 importation would be the death of a person, commits capital  
1380 importation of illegal drugs, a capital felony punishable as  
1381 provided in ss. 775.082 and 921.142. A person sentenced for a  
1382 capital felony under this paragraph shall also be sentenced to  
1383 pay the maximum fine provided under subparagraph 1.

1384 (g)1. Any person who knowingly sells, purchases,  
1385 manufactures, delivers, or brings into this state, or who is  
1386 knowingly in actual or constructive possession of, 4 grams or  
1387 more of flunitrazepam or any mixture containing flunitrazepam as  
1388 described in s. 893.03(1)(a) commits a felony of the first  
1389 degree, which felony shall be known as "trafficking in  
1390 flunitrazepam," punishable as provided in s. 775.082, s.  
1391 775.083, or s. 775.084. If the quantity involved:

1392 a. Is 4 grams or more but less than 14 grams, such person  
1393 shall be sentenced to a mandatory minimum term of imprisonment  
1394 of 3 years, and the defendant shall be ordered to pay a fine of  
1395 \$50,000.

1396 b. Is 14 grams or more but less than 28 grams, such person  
1397 shall be sentenced to a mandatory minimum term of imprisonment  
1398 of 7 years, and the defendant shall be ordered to pay a fine of  
1399 \$100,000.

1400 c. Is 28 grams or more but less than 30 kilograms, such



1401 person shall be sentenced to a mandatory minimum term of  
 1402 imprisonment of 25 calendar years and pay a fine of \$500,000.

1403 2. Any person who knowingly sells, purchases,  
 1404 manufactures, delivers, or brings into this state or who is  
 1405 knowingly in actual or constructive possession of 30 kilograms  
 1406 or more of flunitrazepam or any mixture containing flunitrazepam  
 1407 as described in s. 893.03(1)(a) commits the first degree felony  
 1408 of trafficking in flunitrazepam. A person who has been convicted  
 1409 of the first degree felony of trafficking in flunitrazepam under  
 1410 this subparagraph shall be punished by life imprisonment and is  
 1411 ineligible for any form of discretionary early release except  
 1412 pardon or executive clemency or conditional medical release  
 1413 under s. 945.0911 ~~s. 947.149~~. However, if the court determines  
 1414 that, in addition to committing any act specified in this  
 1415 paragraph:

1416 a. The person intentionally killed an individual or  
 1417 counseled, commanded, induced, procured, or caused the  
 1418 intentional killing of an individual and such killing was the  
 1419 result; or

1420 b. The person's conduct in committing that act led to a  
 1421 natural, though not inevitable, lethal result,

1422  
 1423 such person commits the capital felony of trafficking in  
 1424 flunitrazepam, punishable as provided in ss. 775.082 and  
 1425 921.142. Any person sentenced for a capital felony under this

1426 paragraph shall also be sentenced to pay the maximum fine  
 1427 provided under subparagraph 1.

1428 (3) Notwithstanding the provisions of s. 948.01, with  
 1429 respect to any person who is found to have violated this  
 1430 section, adjudication of guilt or imposition of sentence shall  
 1431 not be suspended, deferred, or withheld, nor shall such person  
 1432 be eligible for parole prior to serving the mandatory minimum  
 1433 term of imprisonment prescribed by this section. A person  
 1434 sentenced to a mandatory minimum term of imprisonment under this  
 1435 section is not eligible for any form of discretionary early  
 1436 release, except pardon or executive clemency or conditional  
 1437 medical release under s. 945.0911 ~~s. 947.149~~, prior to serving  
 1438 the mandatory minimum term of imprisonment.

1439 Section 15. Subsection (2) of section 921.0024, Florida  
 1440 Statutes, is amended to read:

1441 921.0024 Criminal Punishment Code; worksheet computations;  
 1442 scoresheets.—

1443 (2) The lowest permissible sentence is the minimum  
 1444 sentence that may be imposed by the trial court, absent a valid  
 1445 reason for departure. The lowest permissible sentence is any  
 1446 nonstate prison sanction in which the total sentence points  
 1447 equals or is less than 44 points, unless the court determines  
 1448 within its discretion that a prison sentence, which may be up to  
 1449 the statutory maximums for the offenses committed, is  
 1450 appropriate. When the total sentence points exceeds 44 points,

1451 the lowest permissible sentence in prison months shall be  
 1452 calculated by subtracting 28 points from the total sentence  
 1453 points and decreasing the remaining total by 25 percent. The  
 1454 total sentence points shall be calculated only as a means of  
 1455 determining the lowest permissible sentence. The permissible  
 1456 range for sentencing shall be the lowest permissible sentence up  
 1457 to and including the statutory maximum, as defined in s.  
 1458 775.082, for the primary offense and any additional offenses  
 1459 before the court for sentencing. The sentencing court may impose  
 1460 such sentences concurrently or consecutively. However, any  
 1461 sentence to state prison must exceed 1 year. If the lowest  
 1462 permissible sentence under the code exceeds the statutory  
 1463 maximum sentence as provided in s. 775.082, the sentence  
 1464 required by the code must be imposed. If the total sentence  
 1465 points are greater than or equal to 363, the court may sentence  
 1466 the offender to life imprisonment. An offender sentenced to life  
 1467 imprisonment under this section is not eligible for any form of  
 1468 discretionary early release, except executive clemency or  
 1469 conditional medical release under s. 945.0911 ~~s. 947.149~~.

1470 Section 16. Paragraph (b) of subsection (7) of section  
 1471 944.605, Florida Statutes, is amended to read:

1472 944.605 Inmate release; notification; identification  
 1473 card.—

1474 (7)

1475 (b) Paragraph (a) does not apply to inmates who:

1476           1. The department determines have a valid driver license  
 1477 or state identification card, except that the department shall  
 1478 provide these inmates with a replacement state identification  
 1479 card or replacement driver license, if necessary.

1480           2. Have an active detainer, unless the department  
 1481 determines that cancellation of the detainer is likely or that  
 1482 the incarceration for which the detainer was issued will be less  
 1483 than 12 months in duration.

1484           3. Are released due to an emergency release or a  
 1485 conditional medical release under s. 945.0911 ~~s. 947.149~~.

1486           4. Are not in the physical custody of the department at or  
 1487 within 180 days before release.

1488           5. Are subject to sex offender residency restrictions, and  
 1489 who, upon release under such restrictions, do not have a  
 1490 qualifying address.

1491           Section 17. Paragraph (b) of subsection (1) of section  
 1492 944.70, Florida Statutes, is amended to read:

1493           944.70 Conditions for release from incarceration.—

1494           (1)

1495           (b) A person who is convicted of a crime committed on or  
 1496 after January 1, 1994, may be released from incarceration only:

1497           1. Upon expiration of the person's sentence;

1498           2. Upon expiration of the person's sentence as reduced by  
 1499 accumulated meritorious or incentive gain-time;

1500           3. As directed by an executive order granting clemency;

1501 4. Upon placement in a conditional release program  
 1502 pursuant to s. 947.1405 or a conditional medical release program  
 1503 pursuant to s. 945.0911 ~~s. 947.149~~; or

1504 5. Upon the granting of control release, including  
 1505 emergency control release, pursuant to s. 947.146.

1506 Section 18. Paragraph (h) of subsection (1) of section  
 1507 947.13, Florida Statutes, is amended to read:

1508 947.13 Powers and duties of commission.—

1509 (1) The commission shall have the powers and perform the  
 1510 duties of:

1511 (h) Determining what persons will be released on  
 1512 conditional medical release under s. 945.0911 ~~s. 947.149~~,  
 1513 establishing the conditions of conditional medical release, and  
 1514 determining whether a person has violated the conditions of  
 1515 conditional medical release and taking action with respect to  
 1516 such a violation.

1517 Section 19. Subsections (1), (2), and (7) of section  
 1518 947.141, Florida Statutes, are amended to read:

1519 947.141 Violations of conditional release, control  
 1520 release, or conditional medical release or addiction-recovery  
 1521 supervision.—

1522 (1) If a member of the commission or a duly authorized  
 1523 representative of the commission has reasonable grounds to  
 1524 believe that an offender who is on release supervision under s.  
 1525 945.0911, s. 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731

1526 has violated the terms and conditions of the release in a  
1527 material respect, such member or representative may cause a  
1528 warrant to be issued for the arrest of the releasee; if the  
1529 offender was found to be a sexual predator, the warrant must be  
1530 issued.

1531 (2) Upon the arrest on a felony charge of an offender who  
1532 is on release supervision under s. 945.0911, s. 947.1405, s.  
1533 947.146, ~~s. 947.149~~, or s. 944.4731, the offender must be  
1534 detained without bond until the initial appearance of the  
1535 offender at which a judicial determination of probable cause is  
1536 made. If the trial court judge determines that there was no  
1537 probable cause for the arrest, the offender may be released. If  
1538 the trial court judge determines that there was probable cause  
1539 for the arrest, such determination also constitutes reasonable  
1540 grounds to believe that the offender violated the conditions of  
1541 the release. Within 24 hours after the trial court judge's  
1542 finding of probable cause, the detention facility administrator  
1543 or designee shall notify the commission and the department of  
1544 the finding and transmit to each a facsimile copy of the  
1545 probable cause affidavit or the sworn offense report upon which  
1546 the trial court judge's probable cause determination is based.  
1547 The offender must continue to be detained without bond for a  
1548 period not exceeding 72 hours excluding weekends and holidays  
1549 after the date of the probable cause determination, pending a  
1550 decision by the commission whether to issue a warrant charging

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1551 the offender with violation of the conditions of release. Upon  
1552 the issuance of the commission's warrant, the offender must  
1553 continue to be held in custody pending a revocation hearing held  
1554 in accordance with this section.

1555 (7) If a law enforcement officer has probable cause to  
1556 believe that an offender who is on release supervision under s.  
1557 945.0911, s. 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731  
1558 has violated the terms and conditions of his or her release by  
1559 committing a felony offense, the officer shall arrest the  
1560 offender without a warrant, and a warrant need not be issued in  
1561 the case.

1562 Section 20. This act shall take effect October 1, 2021.