

By Senator Brandes

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

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;

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

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.

226  
227 Be It Enacted by the Legislature of the State of Florida:

228  
229 Section 1. Section 900.06, Florida Statutes, is created to  
230 read:

231 900.06 Recording of custodial interrogations for certain  
232 offenses.—



24-00288-21

2021232\_\_

- 233       (1) As used in this section, the term:  
 234       (a) "Covered offense" includes:  
 235       1. Arson.  
 236       2. Sexual battery.  
 237       3. Robbery.  
 238       4. Kidnapping.  
 239       5. Aggravated child abuse.  
 240       6. Aggravated abuse of an elderly person or a disabled  
 241 adult.  
 242       7. Aggravated assault with a deadly weapon.  
 243       8. Murder.  
 244       9. Manslaughter.  
 245       10. Aggravated manslaughter of an elderly person or a  
 246 disabled adult.  
 247       11. Aggravated manslaughter of a child.  
 248       12. The unlawful throwing, placing, or discharging of a  
 249 destructive device or bomb.  
 250       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

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

291 interrogation if his or her statements are to be electronically  
292 recorded;

293 3. If an equipment operator error prevents the recording of  
294 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

24-00288-21

2021232\_\_

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;~~

24-00288-21

2021232\_\_

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 was  
375 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

24-00288-21

2021232\_\_

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

24-00288-21

2021232\_\_

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 adult  
415 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

24-00288-21

2021232\_\_

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 minor  
461 participant in the criminal offense or whether he or she acted  
462 under extreme duress or under the domination of another person.

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



24-00288-21

2021232\_\_

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

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

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

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

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

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

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

24-00288-21

2021232\_\_

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

496 945.0911 Conditional medical release.-

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

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

24-00288-21

2021232\_\_

523 on the inmate releases.

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

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

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

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

544 (4) ELIGIBILITY.—An inmate is eligible for consideration  
545 for release under the conditional medical release program when  
546 the inmate, because of an existing medical or physical  
547 condition, is determined by the department to be an inmate with  
548 a debilitating illness, a permanently incapacitated inmate, or a  
549 terminally ill inmate. Notwithstanding any other law, an inmate  
550 who meets this eligibility criteria may be released from the  
551 custody of the department pursuant to this section before

24-00288-21

2021232\_\_

552 servicing 85 percent of his or her term of imprisonment.

553 (5) REFERRAL FOR CONSIDERATION.—

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

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

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

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

574 (d) If the case that resulted in the inmate's commitment to  
575 the department involved a victim, and the victim specifically  
576 requested notification pursuant to s. 16, Art. I of the State  
577 Constitution, the department must notify the victim of the  
578 inmate's referral to the panel upon identification of the inmate  
579 as potentially eligible for release under this section.

580 Additionally, the victim must be afforded the right to be heard

24-00288-21

2021232\_\_

581 regarding the release of the inmate.

582 (6) DETERMINATION OF RELEASE.—

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

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

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

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

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

606 (c)1. An inmate who is denied conditional medical release  
607 by the panel may elect to have the decision reviewed by the  
608 department's general counsel and chief medical officer, who must  
609 make a recommendation to the secretary. The secretary must

24-00288-21

2021232\_\_

610 review all relevant information and make a final decision about  
611 the appropriateness of conditional medical release pursuant to  
612 this section. The decision of the secretary is a final  
613 administrative decision not subject to appeal.

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

619 (7) RELEASE CONDITIONS.—

620 (a) An inmate granted release pursuant to this section is  
621 released for a period equal to the length of time remaining on  
622 his or her term of imprisonment on the date the release is  
623 granted. Such inmate is considered a medical releasee upon  
624 release from the department into the community. The medical  
625 releasee must comply with all reasonable conditions of release  
626 the department imposes, which must include, at a minimum:

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

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

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

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

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

24-00288-21

2021232\_\_

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

649 (8) REVOCATION HEARING AND RECOMMITMENT.—

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

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

667 2. A medical releasee may admit to the allegation of

24-00288-21

2021232\_\_

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

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

690 4. A medical releasee whose conditional medical release is  
691 revoked pursuant to this paragraph may elect to have the  
692 decision reviewed by the department's general counsel and chief  
693 medical officer, who must make a recommendation to the  
694 secretary. The secretary must review all relevant information  
695 and make a final decision about the appropriateness of the  
696 revocation of conditional medical release pursuant to this



24-00288-21

2021232\_\_

697 paragraph. The decision of the secretary is a final  
698 administrative decision not subject to appeal.

699 (c)1. The medical releasee's conditional medical release  
700 may also be revoked for violation of any release conditions the  
701 department establishes, including, but not limited to, a new  
702 violation of law.

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

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

725 4. The department must order that the medical releasee

24-00288-21

2021232\_\_

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

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

744 6. A medical releasee whose conditional medical release has  
745 been revoked pursuant to this paragraph may elect to have the  
746 revocation reviewed by the department's general counsel, who  
747 must make a recommendation to the secretary. The secretary must  
748 review all relevant information and make a final decision about  
749 the appropriateness of the revocation of conditional medical  
750 release pursuant to this paragraph. The decision of the  
751 secretary is a final administrative decision not subject to  
752 appeal.

753 (d)1. If the medical releasee subject to revocation under  
754 paragraph (b) or paragraph (c) elects to proceed with a hearing,

24-00288-21

2021232\_\_

755 the medical releasee must be informed orally and in writing of  
756 the following:

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

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

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

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

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

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

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

773 2. If the panel approves the revocation of the medical  
774 releasee's conditional medical release under paragraph (a) or  
775 paragraph (b), the panel must provide a written statement as to  
776 evidence relied on and reasons for revocation.

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

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

783 (a) If an inmate is diagnosed with a terminal medical

24-00288-21

2021232\_\_

784 condition that makes him or her eligible for consideration for  
785 release under paragraph (3)(c) while in the custody of the  
786 department, subject to confidentiality requirements, the  
787 department must:

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

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

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

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

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

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

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

810 945.0912 Conditional aging inmate release.—

811 (1) FINDINGS.—The Legislature finds that the number of  
812 aging inmates incarcerated in the state's prisons has grown

24-00288-21

2021232\_\_

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

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

833 (3) ELIGIBILITY.—

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

24-00288-21

2021232\_\_

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

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

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

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

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

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

864 (4) REFERRAL FOR CONSIDERATION.—

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

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

24-00288-21

2021232\_\_

871 right to such release.

872 (b) The department must identify inmates who may be  
873 eligible for the conditional aging inmate release program. In  
874 considering an inmate for conditional aging inmate release, the  
875 department may require the production of additional evidence or  
876 any other additional investigations that the department deems  
877 necessary for determining the appropriateness of the eligible  
878 inmate's release.

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

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

891 (5) DETERMINATION OF RELEASE.—

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

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

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

24-00288-21

2021232\_\_

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

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

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

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

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

924 (6) RELEASE CONDITIONS.—

925 (a) An inmate granted release pursuant to this section is  
926 released for a period equal to the length of time remaining on  
927 his or her term of imprisonment on the date the release is  
928 granted. Such inmate is considered an aging releasee upon



24-00288-21

2021232\_\_

929 release from the department into the community. The aging  
930 releasee must comply with all reasonable conditions of release  
931 the department imposes, which must include, at a minimum:

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

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

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

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

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

952 (7) REVOCATION HEARING AND RECOMMITMENT.—

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

24-00288-21

2021232\_\_

958 her to the same or another institution designated by the  
959 department.

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

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

982 4. The department must order that the aging releasee  
983 subject to revocation under this subsection be returned to  
984 department custody for a conditional aging inmate release  
985 revocation hearing as prescribed by rule. An aging releasee may  
986 admit to the alleged violation of the conditions of conditional

24-00288-21

2021232\_\_

987 aging inmate release or may elect to proceed to a revocation  
988 hearing. The revocation hearing must be conducted by the panel  
989 established in subsection (2).

990 5. A majority of the panel members must agree that  
991 revocation is appropriate for the aging releasee's conditional  
992 aging inmate release to be revoked. If conditional aging inmate  
993 release is revoked pursuant to this subsection, the aging  
994 releasee must serve the balance of his or her sentence in an  
995 institution designated by the department with credit for the  
996 actual time served on conditional aging inmate release. However,  
997 the aging releasee's gain-time accrued before recommitment may  
998 be forfeited pursuant to s. 944.28(1). An aging releasee whose  
999 conditional aging inmate release is revoked and is recommitted  
1000 to the department under this subsection must comply with the 85  
1001 percent requirement in accordance with ss. 921.002 and 944.275.  
1002 If the aging releasee whose conditional aging inmate release is  
1003 revoked subject to this subsection would otherwise be eligible  
1004 for parole or any other release program, he or she may be  
1005 considered for such release program pursuant to law.

1006 6. An aging releasee whose release has been revoked  
1007 pursuant to this subsection may elect to have the revocation  
1008 reviewed by the department's general counsel, who must make a  
1009 recommendation to the secretary. The secretary must review all  
1010 relevant information and make a final decision about the  
1011 appropriateness of the revocation of conditional aging inmate  
1012 release pursuant to this subsection. The decision of the  
1013 secretary is a final administrative decision not subject to  
1014 appeal.

1015 (b) If the aging releasee subject to revocation under this

24-00288-21

2021232\_\_

1016 subsection elects to proceed with a hearing, the aging releasee  
1017 must be informed orally and in writing of the following:

1018 1. The alleged violation with which the releasee is  
1019 charged.

1020 2. The releasee's right to be represented by counsel.  
1021 However, this subparagraph does not create a right to publicly  
1022 funded legal counsel.

1023 3. The releasee's right to be heard either in person or by  
1024 electronic audiovisual device in the discretion of the  
1025 department.

1026 4. The releasee's right to secure, present, and compel the  
1027 attendance of witnesses relevant to the proceeding.

1028 5. The releasee's right to produce documents on his or her  
1029 own behalf.

1030 6. The releasee's right of access to all evidence used  
1031 against the releasee and to confront and cross-examine adverse  
1032 witnesses.

1033 7. The releasee's right to waive the hearing.

1034 (c) If the panel approves the revocation of the aging  
1035 releasee's conditional aging inmate release, the panel must  
1036 provide a written statement as to evidence relied on and reasons  
1037 for revocation.

1038 (8) SOVEREIGN IMMUNITY.—Unless otherwise provided by law  
1039 and in accordance with s. 13, Art. X of the State Constitution,  
1040 members of the panel established in subsection (2) who are  
1041 involved with decisions that grant or revoke conditional aging  
1042 inmate release are provided immunity from liability for actions  
1043 that directly relate to such decisions.

1044 (9) RULEMAKING AUTHORITY.—The department may adopt rules as

24-00288-21

2021232\_\_

1045 necessary to implement this section.

1046 Section 7. Section 947.149, Florida Statutes, is repealed.

1047 Section 8. Subsection (6) of section 316.1935, Florida  
1048 Statutes, is amended to read:

1049 316.1935 Fleeing or attempting to elude a law enforcement  
1050 officer; aggravated fleeing or eluding.—

1051 (6) Notwithstanding s. 948.01, a court may not ~~no court may~~  
1052 suspend, defer, or withhold adjudication of guilt or imposition  
1053 of sentence for any violation of this section. A person  
1054 convicted and sentenced to a mandatory minimum term of  
1055 incarceration under paragraph (3)(b) or paragraph (4)(b) is not  
1056 eligible for statutory gain-time under s. 944.275 or any form of  
1057 discretionary early release, other than pardon or executive  
1058 clemency, ~~or~~ conditional medical release under s. 945.0911 ~~s.~~  
1059 947.149, or conditional aging inmate release under s. 945.0912,  
1060 before ~~prior to~~ serving the mandatory minimum sentence.

1061 Section 9. Paragraph (k) of subsection (4) of section  
1062 775.084, Florida Statutes, is amended to read:

1063 775.084 Violent career criminals; habitual felony offenders  
1064 and habitual violent felony offenders; three-time violent felony  
1065 offenders; definitions; procedure; enhanced penalties or  
1066 mandatory minimum prison terms.—

1067 (4)

1068 (k)1. A defendant sentenced under this section as a  
1069 habitual felony offender, a habitual violent felony offender, or  
1070 a violent career criminal is eligible for gain-time granted by  
1071 the Department of Corrections as provided in s. 944.275(4)(b).

1072 2. For an offense committed on or after October 1, 1995, a  
1073 defendant sentenced under this section as a violent career

24-00288-21

2021232\_\_

1074 criminal is not eligible for any form of discretionary early  
1075 release, other than pardon or executive clemency, ~~or~~ conditional  
1076 medical release under s. 945.0911, or conditional aging inmate  
1077 release under s. 945.0912 ~~granted pursuant to s. 947.149.~~

1078 3. For an offense committed on or after July 1, 1999, a  
1079 defendant sentenced under this section as a three-time violent  
1080 felony offender shall be released only by expiration of sentence  
1081 and is ~~shall~~ not be eligible for parole, control release, or any  
1082 form of early release.

1083 Section 10. Paragraph (b) of subsection (2) and paragraph  
1084 (b) of subsection (3) of section 775.087, Florida Statutes, are  
1085 amended to read:

1086 775.087 Possession or use of weapon; aggravated battery;  
1087 felony reclassification; minimum sentence.-

1088 (2)

1089 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
1090 (a)3. does not prevent a court from imposing a longer sentence  
1091 of incarceration as authorized by law in addition to the minimum  
1092 mandatory sentence, or from imposing a sentence of death  
1093 pursuant to other applicable law. Subparagraph (a)1.,  
1094 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
1095 court to impose a lesser sentence than otherwise required by  
1096 law.

1097  
1098 Notwithstanding s. 948.01, adjudication of guilt or imposition  
1099 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
1100 and the defendant is not eligible for statutory gain-time under  
1101 s. 944.275 or any form of discretionary early release, other  
1102 than pardon or executive clemency, ~~or~~ conditional medical

24-00288-21

2021232\_\_

1103 release under s. 945.0911 ~~s. 947.149~~, or conditional aging  
1104 inmate release under s. 945.0912, before ~~prior to~~ serving the  
1105 minimum sentence.

1106 (3)

1107 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
1108 (a)3. does not prevent a court from imposing a longer sentence  
1109 of incarceration as authorized by law in addition to the minimum  
1110 mandatory sentence, or from imposing a sentence of death  
1111 pursuant to other applicable law. Subparagraph (a)1.,  
1112 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
1113 court to impose a lesser sentence than otherwise required by  
1114 law.

1115

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

1124 Section 11. Subsection (3) of section 784.07, Florida  
1125 Statutes, is amended to read:

1126 784.07 Assault or battery of law enforcement officers,  
1127 firefighters, emergency medical care providers, public transit  
1128 employees or agents, or other specified officers;  
1129 reclassification of offenses; minimum sentences.-

1130 (3) Any person who is convicted of a battery under  
1131 paragraph (2)(b) and, during the commission of the offense, such

24-00288-21

2021232\_\_

1132 person possessed:

1133 (a) A "firearm" or "destructive device" as those terms are  
1134 defined in s. 790.001, shall be sentenced to a minimum term of  
1135 imprisonment of 3 years.

1136 (b) A semiautomatic firearm and its high-capacity  
1137 detachable box magazine, as defined in s. 775.087(3), or a  
1138 machine gun as defined in s. 790.001, shall be sentenced to a  
1139 minimum term of imprisonment of 8 years.

1140

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

1149 Section 12. Subsection (1) of section 790.235, Florida  
1150 Statutes, is amended to read:

1151 790.235 Possession of firearm or ammunition by violent  
1152 career criminal unlawful; penalty.—

1153 (1) Any person who meets the violent career criminal  
1154 criteria under s. 775.084(1)(d), regardless of whether such  
1155 person is or has previously been sentenced as a violent career  
1156 criminal, who owns or has in his or her care, custody,  
1157 possession, or control any firearm, ammunition, or electric  
1158 weapon or device, or carries a concealed weapon, including a  
1159 tear gas gun or chemical weapon or device, commits a felony of  
1160 the first degree, punishable as provided in s. 775.082, s.



24-00288-21

2021232\_\_

1161 775.083, or s. 775.084. A person convicted of a violation of  
 1162 this section shall be sentenced to a mandatory minimum of 15  
 1163 years' imprisonment; however, if the person would be sentenced  
 1164 to a longer term of imprisonment under s. 775.084(4)(d), the  
 1165 person must be sentenced under that provision. A person  
 1166 convicted of a violation of this section is not eligible for any  
 1167 form of discretionary early release, other than pardon,  
 1168 executive clemency, ~~or~~ conditional medical release under s.  
 1169 945.0911, or conditional aging inmate release under s. 945.0912  
 1170 s. 947.149.

1171 Section 13. Subsection (7) of section 794.0115, Florida  
 1172 Statutes, is amended to read:

1173 794.0115 Dangerous sexual felony offender; mandatory  
 1174 sentencing.—

1175 (7) A defendant sentenced to a mandatory minimum term of  
 1176 imprisonment under this section is not eligible for statutory  
 1177 gain-time under s. 944.275 or any form of discretionary early  
 1178 release, other than pardon or executive clemency, or conditional  
 1179 medical release under s. 945.0911 ~~s. 947.149~~, before serving the  
 1180 minimum sentence.

1181 Section 14. Paragraphs (b), (c), and (g) of subsection (1)  
 1182 and subsection (3) of section 893.135, Florida Statutes, are  
 1183 amended to read:

1184 893.135 Trafficking; mandatory sentences; suspension or  
 1185 reduction of sentences; conspiracy to engage in trafficking.—

1186 (1) Except as authorized in this chapter or in chapter 499  
 1187 and notwithstanding the provisions of s. 893.13:

1188 (b)1. Any person who knowingly sells, purchases,  
 1189 manufactures, delivers, or brings into this state, or who is

24-00288-21

2021232\_\_

1190 knowingly in actual or constructive possession of, 28 grams or  
1191 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
1192 mixture containing cocaine, but less than 150 kilograms of  
1193 cocaine or any such mixture, commits a felony of the first  
1194 degree, which felony shall be known as "trafficking in cocaine,"  
1195 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1196 If the quantity involved:

1197       a. Is 28 grams or more, but less than 200 grams, such  
1198 person shall be sentenced to a mandatory minimum term of  
1199 imprisonment of 3 years, and the defendant shall be ordered to  
1200 pay a fine of \$50,000.

1201       b. Is 200 grams or more, but less than 400 grams, such  
1202 person shall be sentenced to a mandatory minimum term of  
1203 imprisonment of 7 years, and the defendant shall be ordered to  
1204 pay a fine of \$100,000.

1205       c. Is 400 grams or more, but less than 150 kilograms, such  
1206 person shall be sentenced to a mandatory minimum term of  
1207 imprisonment of 15 calendar years and pay a fine of \$250,000.

1208       2. Any person who knowingly sells, purchases, manufactures,  
1209 delivers, or brings into this state, or who is knowingly in  
1210 actual or constructive possession of, 150 kilograms or more of  
1211 cocaine, as described in s. 893.03(2)(a)4., commits the first  
1212 degree felony of trafficking in cocaine. A person who has been  
1213 convicted of the first degree felony of trafficking in cocaine  
1214 under this subparagraph shall be punished by life imprisonment  
1215 and is ineligible for any form of discretionary early release  
1216 except pardon or executive clemency or conditional medical  
1217 release under s. 945.0911 ~~s. 947.149~~. However, if the court  
1218 determines that, in addition to committing any act specified in

24-00288-21

2021232\_\_

1219 this paragraph:

1220 a. The person intentionally killed an individual or  
1221 counseled, commanded, induced, procured, or caused the  
1222 intentional killing of an individual and such killing was the  
1223 result; or

1224 b. The person's conduct in committing that act led to a  
1225 natural, though not inevitable, lethal result,

1226

1227 such person commits the capital felony of trafficking in  
1228 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
1229 person sentenced for a capital felony under this paragraph shall  
1230 also be sentenced to pay the maximum fine provided under  
1231 subparagraph 1.

1232 3. Any person who knowingly brings into this state 300  
1233 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
1234 and who knows that the probable result of such importation would  
1235 be the death of any person, commits capital importation of  
1236 cocaine, a capital felony punishable as provided in ss. 775.082  
1237 and 921.142. Any person sentenced for a capital felony under  
1238 this paragraph shall also be sentenced to pay the maximum fine  
1239 provided under subparagraph 1.

1240 (c)1. A person who knowingly sells, purchases,  
1241 manufactures, delivers, or brings into this state, or who is  
1242 knowingly in actual or constructive possession of, 4 grams or  
1243 more of any morphine, opium, hydromorphone, or any salt,  
1244 derivative, isomer, or salt of an isomer thereof, including  
1245 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
1246 (3)(c)4., or 4 grams or more of any mixture containing any such  
1247 substance, but less than 30 kilograms of such substance or

24-00288-21

2021232\_\_

1248 mixture, commits a felony of the first degree, which felony  
1249 shall be known as "trafficking in illegal drugs," punishable as  
1250 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1251 quantity involved:

1252       a. Is 4 grams or more, but less than 14 grams, such person  
1253 shall be sentenced to a mandatory minimum term of imprisonment  
1254 of 3 years and shall be ordered to pay a fine of \$50,000.

1255       b. Is 14 grams or more, but less than 28 grams, such person  
1256 shall be sentenced to a mandatory minimum term of imprisonment  
1257 of 15 years and shall be ordered to pay a fine of \$100,000.

1258       c. Is 28 grams or more, but less than 30 kilograms, such  
1259 person shall be sentenced to a mandatory minimum term of  
1260 imprisonment of 25 years and shall be ordered to pay a fine of  
1261 \$500,000.

1262       2. A person who knowingly sells, purchases, manufactures,  
1263 delivers, or brings into this state, or who is knowingly in  
1264 actual or constructive possession of, 28 grams or more of  
1265 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
1266 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
1267 grams or more of any mixture containing any such substance,  
1268 commits a felony of the first degree, which felony shall be  
1269 known as "trafficking in hydrocodone," punishable as provided in  
1270 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1271       a. Is 28 grams or more, but less than 50 grams, such person  
1272 shall be sentenced to a mandatory minimum term of imprisonment  
1273 of 3 years and shall be ordered to pay a fine of \$50,000.

1274       b. Is 50 grams or more, but less than 100 grams, such  
1275 person shall be sentenced to a mandatory minimum term of  
1276 imprisonment of 7 years and shall be ordered to pay a fine of

24-00288-21

2021232\_\_

1277 \$100,000.

1278 c. Is 100 grams or more, but less than 300 grams, such  
1279 person shall be sentenced to a mandatory minimum term of  
1280 imprisonment of 15 years and shall be ordered to pay a fine of  
1281 \$500,000.

1282 d. Is 300 grams or more, but less than 30 kilograms, such  
1283 person shall be sentenced to a mandatory minimum term of  
1284 imprisonment of 25 years and shall be ordered to pay a fine of  
1285 \$750,000.

1286 3. A person who knowingly sells, purchases, manufactures,  
1287 delivers, or brings into this state, or who is knowingly in  
1288 actual or constructive possession of, 7 grams or more of  
1289 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
1290 thereof, or 7 grams or more of any mixture containing any such  
1291 substance, commits a felony of the first degree, which felony  
1292 shall be known as "trafficking in oxycodone," punishable as  
1293 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1294 quantity involved:

1295 a. Is 7 grams or more, but less than 14 grams, such person  
1296 shall be sentenced to a mandatory minimum term of imprisonment  
1297 of 3 years and shall be ordered to pay a fine of \$50,000.

1298 b. Is 14 grams or more, but less than 25 grams, such person  
1299 shall be sentenced to a mandatory minimum term of imprisonment  
1300 of 7 years and shall be ordered to pay a fine of \$100,000.

1301 c. Is 25 grams or more, but less than 100 grams, such  
1302 person shall be sentenced to a mandatory minimum term of  
1303 imprisonment of 15 years and shall be ordered to pay a fine of  
1304 \$500,000.

1305 d. Is 100 grams or more, but less than 30 kilograms, such

24-00288-21

2021232\_\_

1306 person shall be sentenced to a mandatory minimum term of  
1307 imprisonment of 25 years and shall be ordered to pay a fine of  
1308 \$750,000.

1309 4.a. A person who knowingly sells, purchases, manufactures,  
1310 delivers, or brings into this state, or who is knowingly in  
1311 actual or constructive possession of, 4 grams or more of:

1312 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

1313 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

1314 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

1315 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

1316 (V) A fentanyl derivative, as described in s.

1317 893.03(1)(a)62.;

1318 (VI) A controlled substance analog, as described in s.

1319 893.0356, of any substance described in sub-sub-subparagraphs

1320 (I)-(V); or

1321 (VII) A mixture containing any substance described in sub-  
1322 sub-subparagraphs (I)-(VI),

1323

1324 commits a felony of the first degree, which felony shall be  
1325 known as "trafficking in fentanyl," punishable as provided in s.  
1326 775.082, s. 775.083, or s. 775.084.

1327 b. If the quantity involved under sub-subparagraph a.:

1328 (I) Is 4 grams or more, but less than 14 grams, such person  
1329 shall be sentenced to a mandatory minimum term of imprisonment  
1330 of 3 years, and shall be ordered to pay a fine of \$50,000.

1331 (II) Is 14 grams or more, but less than 28 grams, such  
1332 person shall be sentenced to a mandatory minimum term of  
1333 imprisonment of 15 years, and shall be ordered to pay a fine of  
1334 \$100,000.

24-00288-21

2021232\_\_

1335 (III) Is 28 grams or more, such person shall be sentenced  
1336 to a mandatory minimum term of imprisonment of 25 years, and  
1337 shall be ordered to pay a fine of \$500,000.

1338 5. A person who knowingly sells, purchases, manufactures,  
1339 delivers, or brings into this state, or who is knowingly in  
1340 actual or constructive possession of, 30 kilograms or more of  
1341 any morphine, opium, oxycodone, hydrocodone, codeine,  
1342 hydromorphone, or any salt, derivative, isomer, or salt of an  
1343 isomer thereof, including heroin, as described in s.  
1344 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
1345 more of any mixture containing any such substance, commits the  
1346 first degree felony of trafficking in illegal drugs. A person  
1347 who has been convicted of the first degree felony of trafficking  
1348 in illegal drugs under this subparagraph shall be punished by  
1349 life imprisonment and is ineligible for any form of  
1350 discretionary early release except pardon or executive clemency  
1351 or conditional medical release under s. 945.0911 ~~s. 947.149~~.  
1352 However, if the court determines that, in addition to committing  
1353 any act specified in this paragraph:

1354 a. The person intentionally killed an individual or  
1355 counseled, commanded, induced, procured, or caused the  
1356 intentional killing of an individual and such killing was the  
1357 result; or

1358 b. The person's conduct in committing that act led to a  
1359 natural, though not inevitable, lethal result,

1360  
1361 such person commits the capital felony of trafficking in illegal  
1362 drugs, punishable as provided in ss. 775.082 and 921.142. A  
1363 person sentenced for a capital felony under this paragraph shall

24-00288-21

2021232\_\_

1364 also be sentenced to pay the maximum fine provided under  
1365 subparagraph 1.

1366 6. A person who knowingly brings into this state 60  
1367 kilograms or more of any morphine, opium, oxycodone,  
1368 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
1369 isomer, or salt of an isomer thereof, including heroin, as  
1370 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
1371 60 kilograms or more of any mixture containing any such  
1372 substance, and who knows that the probable result of such  
1373 importation would be the death of a person, commits capital  
1374 importation of illegal drugs, a capital felony punishable as  
1375 provided in ss. 775.082 and 921.142. A person sentenced for a  
1376 capital felony under this paragraph shall also be sentenced to  
1377 pay the maximum fine provided under subparagraph 1.

1378 (g)1. Any person who knowingly sells, purchases,  
1379 manufactures, delivers, or brings into this state, or who is  
1380 knowingly in actual or constructive possession of, 4 grams or  
1381 more of flunitrazepam or any mixture containing flunitrazepam as  
1382 described in s. 893.03(1)(a) commits a felony of the first  
1383 degree, which felony shall be known as "trafficking in  
1384 flunitrazepam," punishable as provided in s. 775.082, s.  
1385 775.083, or s. 775.084. If the quantity involved:

1386 a. Is 4 grams or more but less than 14 grams, such person  
1387 shall be sentenced to a mandatory minimum term of imprisonment  
1388 of 3 years, and the defendant shall be ordered to pay a fine of  
1389 \$50,000.

1390 b. Is 14 grams or more but less than 28 grams, such person  
1391 shall be sentenced to a mandatory minimum term of imprisonment  
1392 of 7 years, and the defendant shall be ordered to pay a fine of



24-00288-21

2021232\_\_

1393 \$100,000.

1394 c. Is 28 grams or more but less than 30 kilograms, such  
1395 person shall be sentenced to a mandatory minimum term of  
1396 imprisonment of 25 calendar years and pay a fine of \$500,000.

1397 2. Any person who knowingly sells, purchases, manufactures,  
1398 delivers, or brings into this state or who is knowingly in  
1399 actual or constructive possession of 30 kilograms or more of  
1400 flunitrazepam or any mixture containing flunitrazepam as  
1401 described in s. 893.03(1)(a) commits the first degree felony of  
1402 trafficking in flunitrazepam. A person who has been convicted of  
1403 the first degree felony of trafficking in flunitrazepam under  
1404 this subparagraph shall be punished by life imprisonment and is  
1405 ineligible for any form of discretionary early release except  
1406 pardon or executive clemency or conditional medical release  
1407 under s. 945.0911 ~~s. 947.149~~. However, if the court determines  
1408 that, in addition to committing any act specified in this  
1409 paragraph:

1410 a. The person intentionally killed an individual or  
1411 counseled, commanded, induced, procured, or caused the  
1412 intentional killing of an individual and such killing was the  
1413 result; or

1414 b. The person's conduct in committing that act led to a  
1415 natural, though not inevitable, lethal result,  
1416  
1417 such person commits the capital felony of trafficking in  
1418 flunitrazepam, punishable as provided in ss. 775.082 and  
1419 921.142. Any person sentenced for a capital felony under this  
1420 paragraph shall also be sentenced to pay the maximum fine  
1421 provided under subparagraph 1.

24-00288-21

2021232\_\_

1422 (3) Notwithstanding the provisions of s. 948.01, with  
1423 respect to any person who is found to have violated this  
1424 section, adjudication of guilt or imposition of sentence shall  
1425 not be suspended, deferred, or withheld, nor shall such person  
1426 be eligible for parole prior to serving the mandatory minimum  
1427 term of imprisonment prescribed by this section. A person  
1428 sentenced to a mandatory minimum term of imprisonment under this  
1429 section is not eligible for any form of discretionary early  
1430 release, except pardon or executive clemency or conditional  
1431 medical release under s. 945.0911 ~~s. 947.149~~, prior to serving  
1432 the mandatory minimum term of imprisonment.

1433 Section 15. Subsection (2) of section 921.0024, Florida  
1434 Statutes, is amended to read:

1435 921.0024 Criminal Punishment Code; worksheet computations;  
1436 scoresheets.—

1437 (2) The lowest permissible sentence is the minimum sentence  
1438 that may be imposed by the trial court, absent a valid reason  
1439 for departure. The lowest permissible sentence is any nonstate  
1440 prison sanction in which the total sentence points equals or is  
1441 less than 44 points, unless the court determines within its  
1442 discretion that a prison sentence, which may be up to the  
1443 statutory maximums for the offenses committed, is appropriate.  
1444 When the total sentence points exceeds 44 points, the lowest  
1445 permissible sentence in prison months shall be calculated by  
1446 subtracting 28 points from the total sentence points and  
1447 decreasing the remaining total by 25 percent. The total sentence  
1448 points shall be calculated only as a means of determining the  
1449 lowest permissible sentence. The permissible range for  
1450 sentencing shall be the lowest permissible sentence up to and

24-00288-21

2021232\_\_

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

1464 Section 16. Paragraph (b) of subsection (7) of section  
1465 944.605, Florida Statutes, is amended to read:

1466 944.605 Inmate release; notification; identification card.-  
1467 (7)

1468 (b) Paragraph (a) does not apply to inmates who:

1469 1. The department determines have a valid driver license or  
1470 state identification card, except that the department shall  
1471 provide these inmates with a replacement state identification  
1472 card or replacement driver license, if necessary.

1473 2. Have an active detainer, unless the department  
1474 determines that cancellation of the detainer is likely or that  
1475 the incarceration for which the detainer was issued will be less  
1476 than 12 months in duration.

1477 3. Are released due to an emergency release or a  
1478 conditional medical release under s. 945.0911 ~~s. 947.149~~.

1479 4. Are not in the physical custody of the department at or

24-00288-21

2021232\_\_

1480 within 180 days before release.

1481 5. Are subject to sex offender residency restrictions, and  
1482 who, upon release under such restrictions, do not have a  
1483 qualifying address.

1484 Section 17. Paragraph (b) of subsection (1) of section  
1485 944.70, Florida Statutes, is amended to read:

1486 944.70 Conditions for release from incarceration.—

1487 (1)

1488 (b) A person who is convicted of a crime committed on or  
1489 after January 1, 1994, may be released from incarceration only:

1490 1. Upon expiration of the person's sentence;

1491 2. Upon expiration of the person's sentence as reduced by  
1492 accumulated meritorious or incentive gain-time;

1493 3. As directed by an executive order granting clemency;

1494 4. Upon placement in a conditional release program pursuant  
1495 to s. 947.1405 or a conditional medical release program pursuant  
1496 to s. 945.0911 ~~s. 947.149~~; or

1497 5. Upon the granting of control release, including  
1498 emergency control release, pursuant to s. 947.146.

1499 Section 18. Paragraph (h) of subsection (1) of section  
1500 947.13, Florida Statutes, is amended to read:

1501 947.13 Powers and duties of commission.—

1502 (1) The commission shall have the powers and perform the  
1503 duties of:

1504 (h) Determining what persons will be released on  
1505 conditional medical release under s. 945.0911 ~~s. 947.149~~,  
1506 establishing the conditions of conditional medical release, and  
1507 determining whether a person has violated the conditions of  
1508 conditional medical release and taking action with respect to

24-00288-21

2021232\_\_

1509 such a violation.

1510 Section 19. Subsections (1), (2), and (7) of section  
1511 947.141, Florida Statutes, are amended to read:

1512 947.141 Violations of conditional release, control release,  
1513 or conditional medical release or addiction-recovery  
1514 supervision.—

1515 (1) If a member of the commission or a duly authorized  
1516 representative of the commission has reasonable grounds to  
1517 believe that an offender who is on release supervision under s.  
1518 945.0911, s. 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731  
1519 has violated the terms and conditions of the release in a  
1520 material respect, such member or representative may cause a  
1521 warrant to be issued for the arrest of the releasee; if the  
1522 offender was found to be a sexual predator, the warrant must be  
1523 issued.

1524 (2) Upon the arrest on a felony charge of an offender who  
1525 is on release supervision under s. 945.0911, s. 947.1405, s.  
1526 947.146, ~~s. 947.149~~, or s. 944.4731, the offender must be  
1527 detained without bond until the initial appearance of the  
1528 offender at which a judicial determination of probable cause is  
1529 made. If the trial court judge determines that there was no  
1530 probable cause for the arrest, the offender may be released. If  
1531 the trial court judge determines that there was probable cause  
1532 for the arrest, such determination also constitutes reasonable  
1533 grounds to believe that the offender violated the conditions of  
1534 the release. Within 24 hours after the trial court judge's  
1535 finding of probable cause, the detention facility administrator  
1536 or designee shall notify the commission and the department of  
1537 the finding and transmit to each a facsimile copy of the

24-00288-21

2021232\_\_

1538 probable cause affidavit or the sworn offense report upon which  
1539 the trial court judge's probable cause determination is based.  
1540 The offender must continue to be detained without bond for a  
1541 period not exceeding 72 hours excluding weekends and holidays  
1542 after the date of the probable cause determination, pending a  
1543 decision by the commission whether to issue a warrant charging  
1544 the offender with violation of the conditions of release. Upon  
1545 the issuance of the commission's warrant, the offender must  
1546 continue to be held in custody pending a revocation hearing held  
1547 in accordance with this section.

1548 (7) If a law enforcement officer has probable cause to  
1549 believe that an offender who is on release supervision under s.  
1550 945.0911, s. 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731  
1551 has violated the terms and conditions of his or her release by  
1552 committing a felony offense, the officer shall arrest the  
1553 offender without a warrant, and a warrant need not be issued in  
1554 the case.

1555 Section 20. This act shall take effect October 1, 2021.