

By the Committee on Criminal Justice; and Senator Brandes

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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; amending s. 921.1402, F.S.; revising the  
23          circumstances under which a juvenile offender is not  
24          entitled to a review of his or her sentence after a  
25          specified timeframe; creating s. 921.14021, F.S.;  
26          providing legislative intent; providing for  
27          retroactive application of a specified provision  
28          relating to a review of sentence for juvenile  
29          offenders convicted of murder; providing for immediate

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30 review of certain sentences; creating s. 921.1403,  
31 F.S.; providing legislative intent for retroactive  
32 application; defining the term "young adult offender";  
33 precluding eligibility for a sentence review for young  
34 adult offenders who previously committed, or conspired  
35 to commit, murder; providing timeframes within which  
36 young adult offenders who commit specified crimes are  
37 entitled to a review of their sentences; providing  
38 applicability; requiring the Department of Corrections  
39 to notify young adult offenders in writing of their  
40 eligibility for a sentence review within certain  
41 timeframes; requiring a young adult offender seeking a  
42 sentence review or a subsequent sentence review to  
43 submit an application to the original sentencing court  
44 and request a hearing; providing for legal  
45 representation of eligible young adult offenders;  
46 providing for one subsequent review hearing for a  
47 young adult offender after a certain timeframe if he  
48 or she is not resentenced at the initial sentence  
49 review hearing; requiring the original sentencing  
50 court to hold a sentence review hearing upon receiving  
51 an application from an eligible young adult offender;  
52 requiring the court to consider certain factors in  
53 determining whether to modify a young adult offender's  
54 sentence; authorizing a court to modify the sentence  
55 of certain young adult offenders if the court makes  
56 certain determinations; requiring the court to issue a  
57 written order stating certain information in specified  
58 circumstances; creating s. 945.0911, F.S.; providing

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59 legislative findings; establishing the conditional  
60 medical release program within the department;  
61 establishing a panel to consider specified matters;  
62 defining terms; providing for program eligibility;  
63 authorizing an inmate to be released on conditional  
64 medical release before serving 85 percent of his or  
65 her term of imprisonment; requiring any inmate who  
66 meets certain criteria to be considered for  
67 conditional medical release; providing that an inmate  
68 does not have a right to release or to a certain  
69 medical evaluation; requiring the department to  
70 identify eligible inmates; requiring the department to  
71 refer certain inmates to the panel for consideration;  
72 providing for victim notification under certain  
73 circumstances; requiring the panel to conduct a  
74 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

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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

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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

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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

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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

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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 release 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.-



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- 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

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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

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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

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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) and subsection  
 329 (4) of section 921.1402, Florida Statutes, are amended to read:

330 921.1402 Review of sentences for persons convicted of  
 331 specified offenses committed while under the age of 18 years.—

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

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

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349 ~~child under 18 years of age;~~

350 ~~9. False imprisonment under s. 787.02(3)(a); or~~

351 ~~10. Kidnapping.~~

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

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

362 921.14021 Retroactive application relating to s. 921.1402;  
363 legislative intent; review of sentence.-

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

373 (2) A juvenile offender, as defined in s. 921.1402, who was  
374 convicted for a capital offense and sentenced under s.  
375 775.082(1)(b)1., and who was ineligible for a sentence review  
376 hearing pursuant to s. 921.1402(2)(a)2.-10. as it existed before  
377 October 1, 2021, is entitled to a review of his or her sentence

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378 after 25 years or, if on October 1, 2021, 25 years have already  
379 passed since the sentencing, immediately.

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

382 921.1403 Review of sentences for persons convicted of  
383 specified offenses committed while under 25 years of age.—

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

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

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

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

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407 eligible for sentencing under s. 775.082(3)(a)5. or (c).

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

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

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

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

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

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436 hearing.

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

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

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

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

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

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

464 (f) Whether the young adult offender's age, maturity, or



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465 psychological development at the time of the offense affected  
466 his or her behavior.

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

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

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

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

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

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

493 Section 5. Section 945.0911, Florida Statutes, is created

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494 to read:

495 945.0911 Conditional medical release.-

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

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

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

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

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

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

543 (4) ELIGIBILITY.—An inmate is eligible for consideration  
544 for release under the conditional medical release program when  
545 the inmate, because of an existing medical or physical  
546 condition, is determined by the department to be an inmate with  
547 a debilitating illness, a permanently incapacitated inmate, or a  
548 terminally ill inmate. Notwithstanding any other law, an inmate  
549 who meets this eligibility criteria may be released from the  
550 custody of the department pursuant to this section before  
551 serving 85 percent of his or her term of imprisonment.

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552 (5) REFERRAL FOR CONSIDERATION.—

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

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

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

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

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

579 Additionally, the victim must be afforded the right to be heard  
580 regarding the release of the inmate.

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581 (6) DETERMINATION OF RELEASE.—

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

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

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

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

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

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

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610 the appropriateness of conditional medical release pursuant to  
611 this section. The decision of the secretary is a final  
612 administrative decision not subject to appeal.

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

618 (7) RELEASE CONDITIONS.—

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

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

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

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

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

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

638 (b) A medical releasee is considered to be in the custody,

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

648 (8) REVOCATION HEARING AND RECOMMITMENT.—

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

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

666 2. A medical releasee may admit to the allegation of  
667 improved medical or physical condition or may elect to proceed

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

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

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



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697 administrative decision not subject to appeal.

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

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

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

724 4. The department must order that the medical releasee  
725 subject to revocation under this paragraph be returned to

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

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

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

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

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755 the following:

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

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

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

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

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

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

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

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

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

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

782 (a) If an inmate is diagnosed with a terminal medical  
783 condition that makes him or her eligible for consideration for

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784 release under paragraph (3)(c) while in the custody of the  
785 department, subject to confidentiality requirements, the  
786 department must:

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

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

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

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

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

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

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

809 945.0912 Conditional aging inmate release.—

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

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

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

832 (3) ELIGIBILITY.—

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

841 (b) An inmate may not be considered for release through the

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842 conditional aging inmate release program if he or she has ever  
843 been found guilty of, regardless of adjudication, or entered a  
844 plea of nolo contendere or guilty to, or has been adjudicated  
845 delinquent for committing:

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

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

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

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

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

863 (4) REFERRAL FOR CONSIDERATION.—

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

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

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

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

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

890 (5) DETERMINATION OF RELEASE.—

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

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

898 2. By July 1, 2022, if the inmate becomes eligible for  
899 consideration for the conditional aging inmate release program

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900 after October 1, 2021, but before July 1, 2022.

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

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

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

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

923 (6) RELEASE CONDITIONS.—

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



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

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

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

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

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

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

951 (7) REVOCATION HEARING AND RECOMMITMENT.—

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

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958 department.

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

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

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

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987 hearing. The revocation hearing must be conducted by the panel  
988 established in subsection (2).

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

1005 6. An aging releasee whose release has been revoked  
1006 pursuant to this subsection may elect to have the revocation  
1007 reviewed by the department's general counsel, who must make a  
1008 recommendation to the secretary. The secretary must review all  
1009 relevant information and make a final decision about the  
1010 appropriateness of the revocation of conditional aging inmate  
1011 release pursuant to this subsection. The decision of the  
1012 secretary is a final administrative decision not subject to  
1013 appeal.

1014 (b) If the aging releasee subject to revocation under this  
1015 subsection elects to proceed with a hearing, the aging releasee

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1016 must be informed orally and in writing of the following:

1017 1. The alleged violation with which the releasee is  
1018 charged.

1019 2. The releasee's right to be represented by counsel.  
1020 However, this subparagraph does not create a right to publicly  
1021 funded legal counsel.

1022 3. The releasee's right to be heard either in person or by  
1023 electronic audiovisual device in the discretion of the  
1024 department.

1025 4. The releasee's right to secure, present, and compel the  
1026 attendance of witnesses relevant to the proceeding.

1027 5. The releasee's right to produce documents on his or her  
1028 own behalf.

1029 6. The releasee's right of access to all evidence used  
1030 against the releasee and to confront and cross-examine adverse  
1031 witnesses.

1032 7. The releasee's right to waive the hearing.

1033 (c) If the panel approves the revocation of the aging  
1034 releasee's conditional aging inmate release, the panel must  
1035 provide a written statement as to evidence relied on and reasons  
1036 for revocation.

1037 (8) SOVEREIGN IMMUNITY.—Unless otherwise provided by law  
1038 and in accordance with s. 13, Art. X of the State Constitution,  
1039 members of the panel established in subsection (2) who are  
1040 involved with decisions that grant or revoke conditional aging  
1041 inmate release are provided immunity from liability for actions  
1042 that directly relate to such decisions.

1043 (9) RULEMAKING AUTHORITY.—The department may adopt rules as  
1044 necessary to implement this section.

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1045 Section 7. Section 947.149, Florida Statutes, is repealed.

1046 Section 8. Subsection (6) of section 316.1935, Florida  
1047 Statutes, is amended to read:

1048 316.1935 Fleeing or attempting to elude a law enforcement  
1049 officer; aggravated fleeing or eluding.—

1050 (6) Notwithstanding s. 948.01, a court may not ~~no court may~~  
1051 suspend, defer, or withhold adjudication of guilt or imposition  
1052 of sentence for any violation of this section. A person  
1053 convicted and sentenced to a mandatory minimum term of  
1054 incarceration under paragraph (3)(b) or paragraph (4)(b) is not  
1055 eligible for statutory gain-time under s. 944.275 or any form of  
1056 discretionary early release, other than pardon or executive  
1057 clemency, ~~or~~ conditional medical release under s. 945.0911 ~~s.~~  
1058 947.149, or conditional aging inmate release under s. 945.0912,  
1059 before ~~prior to~~ serving the mandatory minimum sentence.

1060 Section 9. Paragraph (k) of subsection (4) of section  
1061 775.084, Florida Statutes, is amended to read:

1062 775.084 Violent career criminals; habitual felony offenders  
1063 and habitual violent felony offenders; three-time violent felony  
1064 offenders; definitions; procedure; enhanced penalties or  
1065 mandatory minimum prison terms.—

1066 (4)

1067 (k)1. A defendant sentenced under this section as a  
1068 habitual felony offender, a habitual violent felony offender, or  
1069 a violent career criminal is eligible for gain-time granted by  
1070 the Department of Corrections as provided in s. 944.275(4)(b).

1071 2. For an offense committed on or after October 1, 1995, a  
1072 defendant sentenced under this section as a violent career  
1073 criminal is not eligible for any form of discretionary early

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1074 release, other than pardon or executive clemency, ~~or~~ conditional  
1075 medical release under s. 945.0911, or conditional aging inmate  
1076 release under s. 945.0912 ~~granted pursuant to s. 947.149.~~

1077 3. For an offense committed on or after July 1, 1999, a  
1078 defendant sentenced under this section as a three-time violent  
1079 felony offender shall be released only by expiration of sentence  
1080 and is ~~shall~~ not be eligible for parole, control release, or any  
1081 form of early release.

1082 Section 10. Paragraph (b) of subsection (2) and paragraph  
1083 (b) of subsection (3) of section 775.087, Florida Statutes, are  
1084 amended to read:

1085 775.087 Possession or use of weapon; aggravated battery;  
1086 felony reclassification; minimum sentence.-

1087 (2)

1088 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
1089 (a)3. does not prevent a court from imposing a longer sentence  
1090 of incarceration as authorized by law in addition to the minimum  
1091 mandatory sentence, or from imposing a sentence of death  
1092 pursuant to other applicable law. Subparagraph (a)1.,  
1093 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
1094 court to impose a lesser sentence than otherwise required by  
1095 law.

1096  
1097 Notwithstanding s. 948.01, adjudication of guilt or imposition  
1098 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
1099 and the defendant is not eligible for statutory gain-time under  
1100 s. 944.275 or any form of discretionary early release, other  
1101 than pardon or executive clemency, ~~or~~ conditional medical  
1102 release under s. 945.0911 ~~s. 947.149~~, or conditional aging

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1103 inmate release under s. 945.0912, before ~~prior to~~ serving the  
1104 minimum sentence.

1105 (3)

1106 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
1107 (a)3. does not prevent a court from imposing a longer sentence  
1108 of incarceration as authorized by law in addition to the minimum  
1109 mandatory sentence, or from imposing a sentence of death  
1110 pursuant to other applicable law. Subparagraph (a)1.,  
1111 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
1112 court to impose a lesser sentence than otherwise required by  
1113 law.

1114  
1115 Notwithstanding s. 948.01, adjudication of guilt or imposition  
1116 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
1117 and the defendant is not eligible for statutory gain-time under  
1118 s. 944.275 or any form of discretionary early release, other  
1119 than pardon or executive clemency, ~~or~~ conditional medical  
1120 release under s. 945.0911 s. 947.149, or conditional aging  
1121 inmate release under s. 945.0912, before ~~prior to~~ serving the  
1122 minimum sentence.

1123 Section 11. Subsection (3) of section 784.07, Florida  
1124 Statutes, is amended to read:

1125 784.07 Assault or battery of law enforcement officers,  
1126 firefighters, emergency medical care providers, public transit  
1127 employees or agents, or other specified officers;  
1128 reclassification of offenses; minimum sentences.-

1129 (3) Any person who is convicted of a battery under  
1130 paragraph (2)(b) and, during the commission of the offense, such  
1131 person possessed:

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1132 (a) A "firearm" or "destructive device" as those terms are  
1133 defined in s. 790.001, shall be sentenced to a minimum term of  
1134 imprisonment of 3 years.

1135 (b) A semiautomatic firearm and its high-capacity  
1136 detachable box magazine, as defined in s. 775.087(3), or a  
1137 machine gun as defined in s. 790.001, shall be sentenced to a  
1138 minimum term of imprisonment of 8 years.

1139

1140 Notwithstanding s. 948.01, adjudication of guilt or imposition  
1141 of sentence may shall not be suspended, deferred, or withheld,  
1142 and the defendant is not eligible for statutory gain-time under  
1143 s. 944.275 or any form of discretionary early release, other  
1144 than pardon or executive clemency, ~~or~~ conditional medical  
1145 release under s. 945.0911 s. 947.149, or conditional aging  
1146 inmate release under s. 945.0912, before ~~prior to~~ serving the  
1147 minimum sentence.

1148 Section 12. Subsection (1) of section 790.235, Florida  
1149 Statutes, is amended to read:

1150 790.235 Possession of firearm or ammunition by violent  
1151 career criminal unlawful; penalty.—

1152 (1) Any person who meets the violent career criminal  
1153 criteria under s. 775.084(1)(d), regardless of whether such  
1154 person is or has previously been sentenced as a violent career  
1155 criminal, who owns or has in his or her care, custody,  
1156 possession, or control any firearm, ammunition, or electric  
1157 weapon or device, or carries a concealed weapon, including a  
1158 tear gas gun or chemical weapon or device, commits a felony of  
1159 the first degree, punishable as provided in s. 775.082, s.  
1160 775.083, or s. 775.084. A person convicted of a violation of



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

1170 Section 13. Subsection (7) of section 794.0115, Florida  
 1171 Statutes, is amended to read:

1172 794.0115 Dangerous sexual felony offender; mandatory  
 1173 sentencing.—

1174 (7) A defendant sentenced to a mandatory minimum term of  
 1175 imprisonment under this section is not eligible for statutory  
 1176 gain-time under s. 944.275 or any form of discretionary early  
 1177 release, other than pardon or executive clemency, or conditional  
 1178 medical release under s. 945.0911 ~~s. 947.149~~, before serving the  
 1179 minimum sentence.

1180 Section 14. Paragraphs (b), (c), and (g) of subsection (1)  
 1181 and subsection (3) of section 893.135, Florida Statutes, are  
 1182 amended to read:

1183 893.135 Trafficking; mandatory sentences; suspension or  
 1184 reduction of sentences; conspiracy to engage in trafficking.—

1185 (1) Except as authorized in this chapter or in chapter 499  
 1186 and notwithstanding the provisions of s. 893.13:

1187 (b)1. Any person who knowingly sells, purchases,  
 1188 manufactures, delivers, or brings into this state, or who is  
 1189 knowingly in actual or constructive possession of, 28 grams or

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

1196 a. Is 28 grams or more, but less than 200 grams, such  
1197 person shall be sentenced to a mandatory minimum term of  
1198 imprisonment of 3 years, and the defendant shall be ordered to  
1199 pay a fine of \$50,000.

1200 b. Is 200 grams or more, but less than 400 grams, such  
1201 person shall be sentenced to a mandatory minimum term of  
1202 imprisonment of 7 years, and the defendant shall be ordered to  
1203 pay a fine of \$100,000.

1204 c. Is 400 grams or more, but less than 150 kilograms, such  
1205 person shall be sentenced to a mandatory minimum term of  
1206 imprisonment of 15 calendar years and pay a fine of \$250,000.

1207 2. Any person who knowingly sells, purchases, manufactures,  
1208 delivers, or brings into this state, or who is knowingly in  
1209 actual or constructive possession of, 150 kilograms or more of  
1210 cocaine, as described in s. 893.03(2)(a)4., commits the first  
1211 degree felony of trafficking in cocaine. A person who has been  
1212 convicted of the first degree felony of trafficking in cocaine  
1213 under this subparagraph shall be punished by life imprisonment  
1214 and is ineligible for any form of discretionary early release  
1215 except pardon or executive clemency or conditional medical  
1216 release under s. 945.0911 ~~s. 947.149~~. However, if the court  
1217 determines that, in addition to committing any act specified in  
1218 this paragraph:

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1219 a. The person intentionally killed an individual or  
1220 counseled, commanded, induced, procured, or caused the  
1221 intentional killing of an individual and such killing was the  
1222 result; or

1223 b. The person's conduct in committing that act led to a  
1224 natural, though not inevitable, lethal result,  
1225  
1226 such person commits the capital felony of trafficking in  
1227 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
1228 person sentenced for a capital felony under this paragraph shall  
1229 also be sentenced to pay the maximum fine provided under  
1230 subparagraph 1.

1231 3. Any person who knowingly brings into this state 300  
1232 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
1233 and who knows that the probable result of such importation would  
1234 be the death of any person, commits capital importation of  
1235 cocaine, a capital felony punishable as provided in ss. 775.082  
1236 and 921.142. Any person sentenced for a capital felony under  
1237 this paragraph shall also be sentenced to pay the maximum fine  
1238 provided under subparagraph 1.

1239 (c)1. A person who knowingly sells, purchases,  
1240 manufactures, delivers, or brings into this state, or who is  
1241 knowingly in actual or constructive possession of, 4 grams or  
1242 more of any morphine, opium, hydromorphone, or any salt,  
1243 derivative, isomer, or salt of an isomer thereof, including  
1244 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
1245 (3)(c)4., or 4 grams or more of any mixture containing any such  
1246 substance, but less than 30 kilograms of such substance or  
1247 mixture, commits a felony of the first degree, which felony

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1248 shall be known as "trafficking in illegal drugs," punishable as  
1249 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1250 quantity involved:

1251 a. Is 4 grams or more, but less than 14 grams, such person  
1252 shall be sentenced to a mandatory minimum term of imprisonment  
1253 of 3 years and shall be ordered to pay a fine of \$50,000.

1254 b. Is 14 grams or more, but less than 28 grams, such person  
1255 shall be sentenced to a mandatory minimum term of imprisonment  
1256 of 15 years and shall be ordered to pay a fine of \$100,000.

1257 c. Is 28 grams or more, but less than 30 kilograms, such  
1258 person shall be sentenced to a mandatory minimum term of  
1259 imprisonment of 25 years and shall be ordered to pay a fine of  
1260 \$500,000.

1261 2. A person who knowingly sells, purchases, manufactures,  
1262 delivers, or brings into this state, or who is knowingly in  
1263 actual or constructive possession of, 28 grams or more of  
1264 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
1265 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
1266 grams or more of any mixture containing any such substance,  
1267 commits a felony of the first degree, which felony shall be  
1268 known as "trafficking in hydrocodone," punishable as provided in  
1269 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1270 a. Is 28 grams or more, but less than 50 grams, such person  
1271 shall be sentenced to a mandatory minimum term of imprisonment  
1272 of 3 years and shall be ordered to pay a fine of \$50,000.

1273 b. Is 50 grams or more, but less than 100 grams, such  
1274 person shall be sentenced to a mandatory minimum term of  
1275 imprisonment of 7 years and shall be ordered to pay a fine of  
1276 \$100,000.

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1277 c. Is 100 grams or more, but less than 300 grams, such  
1278 person shall be sentenced to a mandatory minimum term of  
1279 imprisonment of 15 years and shall be ordered to pay a fine of  
1280 \$500,000.

1281 d. Is 300 grams or more, but less than 30 kilograms, such  
1282 person shall be sentenced to a mandatory minimum term of  
1283 imprisonment of 25 years and shall be ordered to pay a fine of  
1284 \$750,000.

1285 3. A person who knowingly sells, purchases, manufactures,  
1286 delivers, or brings into this state, or who is knowingly in  
1287 actual or constructive possession of, 7 grams or more of  
1288 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
1289 thereof, or 7 grams or more of any mixture containing any such  
1290 substance, commits a felony of the first degree, which felony  
1291 shall be known as "trafficking in oxycodone," punishable as  
1292 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1293 quantity involved:

1294 a. Is 7 grams or more, but less than 14 grams, such person  
1295 shall be sentenced to a mandatory minimum term of imprisonment  
1296 of 3 years and shall be ordered to pay a fine of \$50,000.

1297 b. Is 14 grams or more, but less than 25 grams, such person  
1298 shall be sentenced to a mandatory minimum term of imprisonment  
1299 of 7 years and shall be ordered to pay a fine of \$100,000.

1300 c. Is 25 grams or more, but less than 100 grams, such  
1301 person shall be sentenced to a mandatory minimum term of  
1302 imprisonment of 15 years and shall be ordered to pay a fine of  
1303 \$500,000.

1304 d. Is 100 grams or more, but less than 30 kilograms, such  
1305 person shall be sentenced to a mandatory minimum term of

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1306 imprisonment of 25 years and shall be ordered to pay a fine of  
1307 \$750,000.

1308 4.a. A person who knowingly sells, purchases, manufactures,  
1309 delivers, or brings into this state, or who is knowingly in  
1310 actual or constructive possession of, 4 grams or more of:

1311 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

1312 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

1313 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

1314 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

1315 (V) A fentanyl derivative, as described in s.

1316 893.03(1)(a)62.;

1317 (VI) A controlled substance analog, as described in s.

1318 893.0356, of any substance described in sub-sub-subparagraphs

1319 (I)-(V); or

1320 (VII) A mixture containing any substance described in sub-  
1321 sub-subparagraphs (I)-(VI),

1322

1323 commits a felony of the first degree, which felony shall be  
1324 known as "trafficking in fentanyl," punishable as provided in s.  
1325 775.082, s. 775.083, or s. 775.084.

1326 b. If the quantity involved under sub-subparagraph a.:

1327 (I) Is 4 grams or more, but less than 14 grams, such person  
1328 shall be sentenced to a mandatory minimum term of imprisonment  
1329 of 3 years, and shall be ordered to pay a fine of \$50,000.

1330 (II) Is 14 grams or more, but less than 28 grams, such  
1331 person shall be sentenced to a mandatory minimum term of  
1332 imprisonment of 15 years, and shall be ordered to pay a fine of  
1333 \$100,000.

1334 (III) Is 28 grams or more, such person shall be sentenced

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1335 to a mandatory minimum term of imprisonment of 25 years, and  
1336 shall be ordered to pay a fine of \$500,000.

1337 5. A person who knowingly sells, purchases, manufactures,  
1338 delivers, or brings into this state, or who is knowingly in  
1339 actual or constructive possession of, 30 kilograms or more of  
1340 any morphine, opium, oxycodone, hydrocodone, codeine,  
1341 hydromorphone, or any salt, derivative, isomer, or salt of an  
1342 isomer thereof, including heroin, as described in s.  
1343 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
1344 more of any mixture containing any such substance, commits the  
1345 first degree felony of trafficking in illegal drugs. A person  
1346 who has been convicted of the first degree felony of trafficking  
1347 in illegal drugs under this subparagraph shall be punished by  
1348 life imprisonment and is ineligible for any form of  
1349 discretionary early release except pardon or executive clemency  
1350 or conditional medical release under s. 945.0911 ~~s. 947.149~~.  
1351 However, if the court determines that, in addition to committing  
1352 any act specified in this paragraph:

1353 a. The person intentionally killed an individual or  
1354 counseled, commanded, induced, procured, or caused the  
1355 intentional killing of an individual and such killing was the  
1356 result; or

1357 b. The person's conduct in committing that act led to a  
1358 natural, though not inevitable, lethal result,

1359  
1360 such person commits the capital felony of trafficking in illegal  
1361 drugs, punishable as provided in ss. 775.082 and 921.142. A  
1362 person sentenced for a capital felony under this paragraph shall  
1363 also be sentenced to pay the maximum fine provided under

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1364 subparagraph 1.

1365         6. A person who knowingly brings into this state 60  
1366 kilograms or more of any morphine, opium, oxycodone,  
1367 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
1368 isomer, or salt of an isomer thereof, including heroin, as  
1369 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
1370 60 kilograms or more of any mixture containing any such  
1371 substance, and who knows that the probable result of such  
1372 importation would be the death of a person, commits capital  
1373 importation of illegal drugs, a capital felony punishable as  
1374 provided in ss. 775.082 and 921.142. A person sentenced for a  
1375 capital felony under this paragraph shall also be sentenced to  
1376 pay the maximum fine provided under subparagraph 1.

1377         (g)1. Any person who knowingly sells, purchases,  
1378 manufactures, delivers, or brings into this state, or who is  
1379 knowingly in actual or constructive possession of, 4 grams or  
1380 more of flunitrazepam or any mixture containing flunitrazepam as  
1381 described in s. 893.03(1)(a) commits a felony of the first  
1382 degree, which felony shall be known as "trafficking in  
1383 flunitrazepam," punishable as provided in s. 775.082, s.  
1384 775.083, or s. 775.084. If the quantity involved:

1385         a. Is 4 grams or more but less than 14 grams, such person  
1386 shall be sentenced to a mandatory minimum term of imprisonment  
1387 of 3 years, and the defendant shall be ordered to pay a fine of  
1388 \$50,000.

1389         b. Is 14 grams or more but less than 28 grams, such person  
1390 shall be sentenced to a mandatory minimum term of imprisonment  
1391 of 7 years, and the defendant shall be ordered to pay a fine of  
1392 \$100,000.



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1393 c. Is 28 grams or more but less than 30 kilograms, such  
1394 person shall be sentenced to a mandatory minimum term of  
1395 imprisonment of 25 calendar years and pay a fine of \$500,000.

1396 2. Any person who knowingly sells, purchases, manufactures,  
1397 delivers, or brings into this state or who is knowingly in  
1398 actual or constructive possession of 30 kilograms or more of  
1399 flunitrazepam or any mixture containing flunitrazepam as  
1400 described in s. 893.03(1)(a) commits the first degree felony of  
1401 trafficking in flunitrazepam. A person who has been convicted of  
1402 the first degree felony of trafficking in flunitrazepam under  
1403 this subparagraph shall be punished by life imprisonment and is  
1404 ineligible for any form of discretionary early release except  
1405 pardon or executive clemency or conditional medical release  
1406 under s. 945.0911 ~~s. 947.149~~. However, if the court determines  
1407 that, in addition to committing any act specified in this  
1408 paragraph:

1409 a. The person intentionally killed an individual or  
1410 counseled, commanded, induced, procured, or caused the  
1411 intentional killing of an individual and such killing was the  
1412 result; or

1413 b. The person's conduct in committing that act led to a  
1414 natural, though not inevitable, lethal result,

1415  
1416 such person commits the capital felony of trafficking in  
1417 flunitrazepam, punishable as provided in ss. 775.082 and  
1418 921.142. Any person sentenced for a capital felony under this  
1419 paragraph shall also be sentenced to pay the maximum fine  
1420 provided under subparagraph 1.

1421 (3) Notwithstanding the provisions of s. 948.01, with

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

1432 Section 15. Subsection (2) of section 921.0024, Florida  
1433 Statutes, is amended to read:

1434 921.0024 Criminal Punishment Code; worksheet computations;  
1435 scoresheets.-

1436 (2) The lowest permissible sentence is the minimum sentence  
1437 that may be imposed by the trial court, absent a valid reason  
1438 for departure. The lowest permissible sentence is any nonstate  
1439 prison sanction in which the total sentence points equals or is  
1440 less than 44 points, unless the court determines within its  
1441 discretion that a prison sentence, which may be up to the  
1442 statutory maximums for the offenses committed, is appropriate.  
1443 When the total sentence points exceeds 44 points, the lowest  
1444 permissible sentence in prison months shall be calculated by  
1445 subtracting 28 points from the total sentence points and  
1446 decreasing the remaining total by 25 percent. The total sentence  
1447 points shall be calculated only as a means of determining the  
1448 lowest permissible sentence. The permissible range for  
1449 sentencing shall be the lowest permissible sentence up to and  
1450 including the statutory maximum, as defined in s. 775.082, for

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

1463 Section 16. Paragraph (b) of subsection (7) of section  
1464 944.605, Florida Statutes, is amended to read:

1465 944.605 Inmate release; notification; identification card.-

1466 (7)

1467 (b) Paragraph (a) does not apply to inmates who:

1468 1. The department determines have a valid driver license or  
1469 state identification card, except that the department shall  
1470 provide these inmates with a replacement state identification  
1471 card or replacement driver license, if necessary.

1472 2. Have an active detainer, unless the department  
1473 determines that cancellation of the detainer is likely or that  
1474 the incarceration for which the detainer was issued will be less  
1475 than 12 months in duration.

1476 3. Are released due to an emergency release or a  
1477 conditional medical release under s. 945.0911 ~~s. 947.149~~.

1478 4. Are not in the physical custody of the department at or  
1479 within 180 days before release.

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1480           5. Are subject to sex offender residency restrictions, and  
1481 who, upon release under such restrictions, do not have a  
1482 qualifying address.

1483           Section 17. Paragraph (b) of subsection (1) of section  
1484 944.70, Florida Statutes, is amended to read:

1485           944.70 Conditions for release from incarceration.—

1486           (1)

1487           (b) A person who is convicted of a crime committed on or  
1488 after January 1, 1994, may be released from incarceration only:

1489           1. Upon expiration of the person's sentence;

1490           2. Upon expiration of the person's sentence as reduced by  
1491 accumulated meritorious or incentive gain-time;

1492           3. As directed by an executive order granting clemency;

1493           4. Upon placement in a conditional release program pursuant  
1494 to s. 947.1405 or a conditional medical release program pursuant  
1495 to s. 945.0911 ~~s. 947.149~~; or

1496           5. Upon the granting of control release, including  
1497 emergency control release, pursuant to s. 947.146.

1498           Section 18. Paragraph (h) of subsection (1) of section  
1499 947.13, Florida Statutes, is amended to read:

1500           947.13 Powers and duties of commission.—

1501           (1) The commission shall have the powers and perform the  
1502 duties of:

1503           (h) Determining what persons will be released on  
1504 conditional medical release under s. 945.0911 ~~s. 947.149~~,  
1505 establishing the conditions of conditional medical release, and  
1506 determining whether a person has violated the conditions of  
1507 conditional medical release and taking action with respect to  
1508 such a violation.

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1509 Section 19. Subsections (1), (2), and (7) of section  
1510 947.141, Florida Statutes, are amended to read:

1511 947.141 Violations of conditional release, control release,  
1512 or conditional medical release or addiction-recovery  
1513 supervision.—

1514 (1) If a member of the commission or a duly authorized  
1515 representative of the commission has reasonable grounds to  
1516 believe that an offender who is on release supervision under s.  
1517 945.0911, s. 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731  
1518 has violated the terms and conditions of the release in a  
1519 material respect, such member or representative may cause a  
1520 warrant to be issued for the arrest of the releasee; if the  
1521 offender was found to be a sexual predator, the warrant must be  
1522 issued.

1523 (2) Upon the arrest on a felony charge of an offender who  
1524 is on release supervision under s. 945.0911, s. 947.1405, s.  
1525 947.146, ~~s. 947.149~~, or s. 944.4731, the offender must be  
1526 detained without bond until the initial appearance of the  
1527 offender at which a judicial determination of probable cause is  
1528 made. If the trial court judge determines that there was no  
1529 probable cause for the arrest, the offender may be released. If  
1530 the trial court judge determines that there was probable cause  
1531 for the arrest, such determination also constitutes reasonable  
1532 grounds to believe that the offender violated the conditions of  
1533 the release. Within 24 hours after the trial court judge's  
1534 finding of probable cause, the detention facility administrator  
1535 or designee shall notify the commission and the department of  
1536 the finding and transmit to each a facsimile copy of the  
1537 probable cause affidavit or the sworn offense report upon which

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

1547 (7) If a law enforcement officer has probable cause to  
1548 believe that an offender who is on release supervision under s.  
1549 945.0911, s. 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731  
1550 has violated the terms and conditions of his or her release by  
1551 committing a felony offense, the officer shall arrest the  
1552 offender without a warrant, and a warrant need not be issued in  
1553 the case.

1554 Section 20. This act shall take effect October 1, 2021.