

By Senator Perry

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1 A bill to be entitled
2 An act relating to criminal convictions; amending s.
3 921.002, F.S.; revising the principles embodied by the
4 Criminal Punishment Code as it relates to punishment
5 and rehabilitation; conforming provisions to changes
6 made by the act; amending s. 944.02, F.S.; defining
7 the term "gain-time"; amending s. 944.275, F.S.;
8 authorizing the Department of Corrections to grant
9 deductions from sentences in the form of good behavior
10 time, rehabilitation credits, and outstanding deed
11 awards, rather than solely for gain-time, for
12 specified purposes; revising the "tentative release
13 date" the department must calculate for each prisoner
14 based on his or her good behavior time, rehabilitation
15 credits, and outstanding deed awards; requiring the
16 department to grant good behavior time, rather than
17 basic gain-time, as a means of encouraging
18 satisfactory behavior and developing character traits
19 necessary for successful reentry to the community,
20 subject to certain conditions; authorizing the
21 department to grant rehabilitation credits, rather
22 than incentive gain-time, for each month during which
23 a prisoner engages in specified activities; revising
24 the rates of eligibility to earn rehabilitation
25 credits; increasing the authorized amount of
26 outstanding deed awards which a prisoner may be
27 granted per outstanding deed performed; authorizing
28 the department to grant a specified number of
29 additional days of rehabilitation credit for

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30 successful completion of specified programs; defining
31 the term "life skills program"; providing for
32 retroactivity of specified rehabilitation credits;
33 authorizing the department to grant up to a certain
34 amount of additional days per month to prisoners
35 serving sentences for certain violations; providing
36 for retroactivity of specified good behavior time;
37 prohibiting certain prisoners from being eligible to
38 earn or receive good behavior time or outstanding deed
39 awards in an amount that would cause a sentence to
40 expire, end, or terminate, or that would result in a
41 prisoner's release, before he or she serves a
42 specified minimum percentage of the sentence imposed;
43 prohibiting certain prisoners from earning or
44 receiving rehabilitation credits in an amount that
45 would cause a sentence to expire, end, or terminate,
46 or that would result in a prisoner's release, before
47 he or she serves a specified minimum percentage of the
48 sentence imposed; providing that gain-time may be
49 forfeited according to law after due process if a
50 prisoner is found guilty of an infraction of certain
51 laws or rules; requiring the department to adopt rules
52 in accordance with the changes made by the act;
53 conforming provisions to changes made by the act;
54 making technical changes; amending s. 784.078, F.S.;
55 conforming a cross-reference; amending ss. 316.027,
56 775.0845, 775.0847, 775.0861, 775.0862, 775.087,
57 775.0875, 777.03, 777.04, 794.011, 794.023, 817.568,
58 831.032, 843.22, 874.04, 944.281, 944.473, and 944.70,

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59 F.S.; conforming provisions to changes made by the
60 act; reenacting ss. 775.084(4)(k), 900.05(2)(v) and
61 (3)(e), 944.605(1), 944.607(6), 947.005(15), and
62 985.4815(6)(a), F.S., relating to gain-time granted by
63 the department, the definition of "gain-time credit
64 earned" and gain-time data that the department must
65 collect, a required notification of expiration of
66 sentence, a requirement that a digitized photograph of
67 sexual offenders be taken within a certain time before
68 release, the definition of "tentative release date,"
69 and a requirement that a digitized photograph of
70 juvenile sexual offenders be taken within a certain
71 time before release, respectively, to incorporate the
72 amendment made to s. 944.275, F.S., in references
73 thereto; providing an effective date.
74

75 Be It Enacted by the Legislature of the State of Florida:
76

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

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

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

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

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

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

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

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

106 (e) The sentence imposed by the sentencing judge reflects
107 the length of actual time to be served, shortened only by the
108 application of good behavior time, rehabilitation credits, and
109 outstanding deed awards, ~~incentive and meritorious gain-time~~ as
110 provided by law, and may not be shortened if the defendant would
111 consequently serve less than 85 percent of his or her term of
112 imprisonment upon the application of good behavior time and
113 outstanding deed awards or 75 percent of his or her term of
114 imprisonment upon the application of rehabilitation credits, as
115 provided in s. 944.275(4). The provisions of chapter 947,
116 relating to parole, do ~~shall~~ not apply to persons sentenced

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117 under the Criminal Punishment Code.

118 (f) Departures below the lowest permissible sentence
119 established by the code must be articulated in writing by the
120 trial court judge and made only when circumstances or factors
121 reasonably justify the mitigation of the sentence. The level of
122 proof necessary to establish facts that support a departure from
123 the lowest permissible sentence is a preponderance of the
124 evidence.

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

129 (h) A sentence may be appealed on the basis that it departs
130 from the Criminal Punishment Code only if the sentence is below
131 the lowest permissible sentence or as enumerated in s.
132 924.06(1).

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

137 Section 2. Present subsections (5) through (8) of section
138 944.02, Florida Statutes, are redesignated as subsections (6)
139 through (9), respectively, and a new subsection (5) is added to
140 that section, to read:

141 944.02 Definitions.—The following words and phrases used in
142 this chapter shall, unless the context clearly indicates
143 otherwise, have the following meanings:

144 (5) "Gain-time" means good behavior time, rehabilitation
145 credits, and outstanding deed awards, collectively.

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146 Section 3. Section 944.275, Florida Statutes, is amended to
147 read:

148 944.275 Good behavior time; rehabilitation credits;
149 outstanding deed awards ~~gain-time~~.-

150 (1) The department is authorized to grant deductions from
151 sentences in the form of good behavior time, rehabilitation
152 credits, and outstanding deed awards ~~gain-time~~ in order to
153 encourage satisfactory prisoner behavior, to provide incentive
154 for prisoners to participate in productive activities, and to
155 reward prisoners who perform outstanding deeds or services.

156 (2) (a) The department shall establish for each prisoner
157 sentenced to a term of years a "maximum sentence expiration
158 date," which shall be the date when the sentence or combined
159 sentences imposed on a prisoner will expire. In establishing
160 this date, the department shall reduce the total time to be
161 served by any time lawfully credited.

162 (b) When a prisoner with an established maximum sentence
163 expiration date is sentenced to an additional term or terms
164 without having been released from custody, the department shall
165 extend the maximum sentence expiration date by the length of
166 time imposed in the new sentence or sentences, less lawful
167 credits.

168 (c) When an escaped prisoner or a parole violator is
169 returned to the custody of the department, the maximum sentence
170 expiration date in effect when the escape occurred or the parole
171 was effective shall be extended by the amount of time the
172 prisoner was not in custody plus the time imposed in any new
173 sentence or sentences, but reduced by any lawful credits.

174 (3) (a) The department shall also establish for each

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175 prisoner sentenced to a term of years a "tentative release date"
 176 which shall be the date projected for the prisoner's release
 177 from custody by virtue of good behavior time, rehabilitation
 178 credits, or outstanding deed awards ~~gain-time~~ granted or
 179 forfeited as described in this section. The initial tentative
 180 release date shall be determined by deducting good behavior time
 181 ~~basic gain-time~~ granted from the maximum sentence expiration
 182 date. Rehabilitation credits and outstanding deed awards ~~Other~~
 183 ~~gain-time~~ shall be applied when granted or restored to make the
 184 tentative release date proportionately earlier; and forfeitures
 185 of gain-time, when ordered, shall be applied to make the
 186 tentative release date proportionately later.

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

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

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

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

203 2. Good behavior time ~~Basic gain-time~~ for a partial month

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204 shall be prorated on the basis of a 30-day month.

205 3. When a prisoner receives a new maximum sentence
206 expiration date because of additional sentences imposed, good
207 behavior time ~~basic gain time~~ shall be granted for the amount of
208 time the maximum sentence expiration date was extended.

209 (b) For each month in which a prisoner ~~an inmate~~ works
210 diligently, participates in training or education, uses time
211 constructively, or otherwise engages in positive activities, the
212 department may grant rehabilitation credits ~~incentive gain time~~
213 in accordance with this paragraph. The rate of rehabilitation
214 credits ~~incentive gain time~~ in effect on the date the prisoner
215 ~~inmate~~ committed the offense that ~~which~~ resulted in his or her
216 incarceration shall be the prisoner's ~~inmate's~~ rate of
217 eligibility to earn rehabilitation credits ~~incentive gain time~~
218 throughout the period of incarceration and may ~~shall~~ not be
219 altered by a subsequent change in the severity level of the
220 offense for which the prisoner ~~inmate~~ was sentenced.

221 1. For sentences imposed for offenses committed before
222 ~~prior to~~ January 1, 1994, and on or after October 1, 1995, up to
223 20 days of rehabilitation credits ~~incentive gain time~~ may be
224 granted. If granted, such rehabilitation credits ~~gain time~~ shall
225 be credited and applied monthly.

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

228 a. For offenses ranked in offense severity levels 1 through
229 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
230 of rehabilitation credits ~~incentive gain time~~ may be granted. If
231 granted, such rehabilitation credits ~~gain time~~ shall be credited
232 and applied monthly.

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233 b. For offenses ranked in offense severity levels 8, 9, and
234 10, under former s. 921.0012 or former s. 921.0013, up to 20
235 days of rehabilitation credits ~~incentive gain-time~~ may be
236 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
237 be credited and applied monthly.

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

241 (c) A prisoner ~~An inmate~~ who performs some outstanding
242 deed, such as saving a life or assisting in recapturing an
243 escaped prisoner ~~inmate~~, or who in some manner performs an
244 outstanding service that would merit the granting of additional
245 deductions from the term of his or her sentence may be granted
246 an outstanding deed award ~~meritorious gain-time~~ of from 30 ~~1~~ to
247 60 days per outstanding deed performed.

248 (d) Notwithstanding the monthly maximum awards of
249 rehabilitation credits under subparagraphs (b)1. and 2.
250 ~~incentive gain-time under subparagraphs (b)1., 2., and 3., the~~
251 education program manager shall recommend, and the department ~~of~~
252 ~~Corrections~~ may grant, to a prisoner who is otherwise eligible,
253 ~~a one-time award of~~ 60 additional days of rehabilitation credits
254 for each of the following successfully completed by a prisoner:
255 ~~incentive gain-time to an inmate who is otherwise eligible and~~
256 ~~who successfully completes requirements for and is, or has been~~
257 ~~during the current commitment, awarded a high school equivalency~~
258 diploma, a college degree, a ~~or~~ vocational certificate, a drug
259 treatment program, a life skills program, a reentry program, or
260 any other evidence-based program approved by the department
261 which serves the purpose of reducing recidivism and assisting a

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262 prisoner to reintegrate into society. For purposes of this
263 paragraph, a "life skills program" means a program approved by
264 the department which consists of at least 60 hours designed to
265 reduce recidivism by addressing, at a minimum, education, job
266 skills, interpersonal skills, stress and anger management, and
267 personal development. Additionally, the department shall grant 5
268 additional days of rehabilitation credits for successful
269 completion of any other department-approved program, including
270 prisoner-developed programs or a passing grade in each online or
271 in-person educational course, as approved by the department.
272 Rehabilitation credits under this paragraph are retroactive.

273 (e) Notwithstanding the monthly maximum awards of
274 rehabilitation credits under subparagraphs (b)1. and 2., the
275 department may grant up to 2 additional days per month of good
276 behavior time to prisoners serving sentences for violations of
277 s. 893.13 or s. 893.135. Good behavior time under this paragraph
278 is retroactive ~~Under no circumstances may an inmate receive more~~
279 ~~than 60 days for educational attainment pursuant to this~~
280 ~~section.~~

281 (f)(e) Notwithstanding subparagraph (b)1. subparagraph
282 ~~(b)3.,~~ for sentences imposed for offenses committed on or after
283 October 1, 2014, the department may not grant rehabilitation
284 credits ~~incentive gain time~~ if the offense is a violation of s.
285 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or
286 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s.
287 825.1025; or s. 847.0135(5).

288 (g)1.(f) A prisoner ~~An inmate~~ who is subject to this
289 subsection and who is serving a sentence imposed for an offense
290 committed on or after October 1, 1995, ~~subparagraph (b)3.~~ is not

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291 eligible to earn or receive good behavior time or outstanding
292 deed awards ~~gain-time under paragraph (a), paragraph (b),~~
293 ~~paragraph (c), or paragraph (d) or any other type of gain-time~~
294 in an amount that would cause a sentence to expire, end, or
295 terminate, or that would result in a prisoner's release, before
296 he or she serves ~~prior to serving~~ a minimum of 85 percent of the
297 sentence imposed.

298 2. A prisoner who is subject to this subsection may not
299 earn or receive rehabilitation credits in an amount that would
300 cause a sentence to expire, end, or terminate, or that would
301 result in a prisoner's release, before he or she serves a
302 minimum of 75 percent of the sentence imposed.

303 3. For purposes of this paragraph, credits awarded by the
304 court for time physically incarcerated shall be credited toward
305 satisfaction of 85 percent of the sentence imposed. Except as
306 provided by this section, a prisoner serving a sentence imposed
307 for an offense committed on or after October 1, 1995, may not
308 accumulate further good behavior time ~~gain-time awards~~ at any
309 point when the tentative release date is the same as that date
310 at which the prisoner will have served 85 percent of the
311 sentence imposed. A prisoner may not accumulate further
312 rehabilitation credits or outstanding deed awards at any point
313 when the tentative release date is the same as that date at
314 which the prisoner will have served 75 percent of the sentence
315 imposed. State prisoners sentenced to life imprisonment shall be
316 incarcerated for the rest of their natural lives, unless granted
317 pardon or clemency.

318 (5) If ~~When~~ a prisoner is found guilty of an infraction of
319 the laws of this state or the rules of the department, gain-time

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320 may be forfeited according to law after due process.

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

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

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

333 (7) The department shall adopt rules to implement the
334 granting, forfeiture, restoration, and deletion of good behavior
335 time, rehabilitation credits, and outstanding deed awards ~~gain-~~
336 ~~time~~.

337 Section 4. Subsection (1) of section 784.078, Florida
338 Statutes, is amended to read:

339 784.078 Battery of facility employee by throwing, tossing,
340 or expelling certain fluids or materials.—

341 (1) As used in this section, the term "facility" means a
342 state correctional institution defined in s. 944.02 ~~s.~~
343 ~~944.02(8)~~; a private correctional facility defined in s. 944.710
344 or under chapter 957; a county, municipal, or regional jail or
345 other detention facility of local government under chapter 950
346 or chapter 951; or a secure facility operated and maintained by
347 the Department of Corrections or the Department of Juvenile
348 Justice.

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349 Section 5. Paragraph (f) of subsection (2) of section
350 316.027, Florida Statutes, is amended to read:

351 316.027 Crash involving death or personal injuries.—

352 (2)

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

359 Section 6. Section 775.0845, Florida Statutes, is amended
360 to read:

361 775.0845 Wearing mask while committing offense;
362 reclassification.—The felony or misdemeanor degree of any
363 criminal offense, other than a violation of ss. 876.12-876.15,
364 shall be reclassified to the next higher degree as provided in
365 this section if, while committing the offense, the offender was
366 wearing a hood, mask, or other device that concealed his or her
367 identity.

368 (1) (a) In the case of a misdemeanor of the second degree,
369 the offense is reclassified to a misdemeanor of the first
370 degree.

371 (b) In the case of a misdemeanor of the first degree, the
372 offense is reclassified to a felony of the third degree. For
373 purposes of sentencing under chapter 921 and determining
374 ~~incentive gain time~~ eligibility for rehabilitation credits under
375 chapter 944, such offense is ranked in level 2 of the offense
376 severity ranking chart.

377 (2) (a) In the case of a felony of the third degree, the

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378 offense is reclassified to a felony of the second degree.

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

381
382 For purposes of sentencing under chapter 921 and determining
383 ~~incentive gain time~~ eligibility for rehabilitation credits under
384 chapter 944, a felony offense that is reclassified under this
385 subsection is ranked one level above the ranking under former s.
386 921.0012, former s. 921.0013, s. 921.0022, or s. 921.0023 of the
387 offense committed.

388 Section 7. Section 775.0847, Florida Statutes, is amended
389 to read:

390 775.0847 Possession or promotion of certain images of child
391 pornography; reclassification.—

392 (1) For purposes of this section:

393 (a) "Child" means any person, whose identity is known or
394 unknown, less than 18 years of age.

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

397 (c) "Sadomasochistic abuse" means flagellation or torture
398 by or upon a person or the condition of being fettered, bound,
399 or otherwise physically restrained, for the purpose of deriving
400 sexual satisfaction, or satisfaction brought about as a result
401 of sadistic violence, from inflicting harm on another or
402 receiving such harm oneself.

403 (d) "Sexual battery" means oral, anal, or vaginal
404 penetration by, or union with, the sexual organ of another or
405 the anal or vaginal penetration of another by any other object;
406 however, sexual battery does not include an act done for a bona

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407 fide medical purpose.

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

411 (f) "Sexual conduct" means actual or simulated sexual
412 intercourse, deviate sexual intercourse, sexual bestiality,
413 masturbation, or sadomasochistic abuse; actual lewd exhibition
414 of the genitals; actual physical contact with a person's clothed
415 or unclothed genitals, pubic area, buttocks, or, if such person
416 is a female, breast with the intent to arouse or gratify the
417 sexual desire of either party; or any act or conduct which
418 constitutes sexual battery or simulates that sexual battery is
419 being or will be committed. A mother's breastfeeding of her baby
420 does not under any circumstance constitute "sexual conduct."

421 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
422 s. 847.0138 shall be reclassified to the next higher degree as
423 provided in subsection (3) if:

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

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

- 428 1. A child who is younger than the age of 5.
- 429 2. Sadomasochistic abuse involving a child.
- 430 3. Sexual battery involving a child.
- 431 4. Sexual bestiality involving a child.
- 432 5. Any movie involving a child, regardless of length and
433 regardless of whether the movie contains sound.

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

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

438
439 For purposes of sentencing under chapter 921 and determining
440 ~~incentive gain time~~ eligibility for rehabilitation credits under
441 chapter 944, a felony offense that is reclassified under this
442 section is ranked one level above the ranking under s. 921.0022
443 or s. 921.0023 of the offense committed.

444 Section 8. Section 775.0861, Florida Statutes, is amended
445 to read:

446 775.0861 Offenses against persons on the grounds of
447 religious institutions; reclassification.—

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

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

450 (b) "Religious service" is a religious ceremony, prayer, or
451 other activity according to a form and order prescribed for
452 worship, including a service related to a particular occasion.

453 (2) The felony or misdemeanor degree of any violation of:

454 (a) Section 784.011, relating to assault;

455 (b) Section 784.021, relating to aggravated assault;

456 (c) Section 784.03, relating to battery;

457 (d) Section 784.041, relating to felony battery;

458 (e) A statute defining any offense listed in s.

459 775.084(1)(b)1.; or

460 (f) Any other statute defining an offense that involves the
461 use or threat of physical force or violence against any
462 individual

463
464 shall be reclassified as provided in this section if the offense

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465 is committed on the property of a religious institution while
466 the victim is on the property for the purpose of participating
467 in or attending a religious service.

468 (3) (a) In the case of a misdemeanor of the second degree,
469 the offense is reclassified to a misdemeanor of the first
470 degree.

471 (b) In the case of a misdemeanor of the first degree, the
472 offense is reclassified to a felony of the third degree. For
473 purposes of sentencing under chapter 921, such offense is ranked
474 in level 2 of the offense severity ranking chart.

475 (c) In the case of a felony of the third degree, the
476 offense is reclassified to a felony of the second degree.

477 (d) In the case of a felony of the second degree, the
478 offense is reclassified to a felony of the first degree.

479 (e) In the case of a felony of the first degree, the
480 offense is reclassified to a life felony.

481

482 For purposes of sentencing under chapter 921 and determining
483 ~~incentive gain-time~~ eligibility for rehabilitation credits under
484 chapter 944, a felony offense that is reclassified under this
485 subsection is ranked one level above the ranking under s.
486 921.0022 or s. 921.0023 of the offense committed.

487 Section 9. Section 775.0862, Florida Statutes, is amended
488 to read:

489 775.0862 Sexual offenses against students by authority
490 figures; reclassification.—

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

492 (a) "Authority figure" means a person 18 years of age or
493 older who is employed by, volunteering at, or under contract

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494 with a school.

495 (b) "School" has the same meaning as provided in s. 1003.01
496 and includes a private school as defined in s. 1002.01, a
497 voluntary prekindergarten education program as described in s.
498 1002.53(3), early learning programs, a public school as
499 described in s. 402.3025(1), the Florida School for the Deaf and
500 the Blind, and the Florida Virtual School established under s.
501 1002.37. The term does not include facilities dedicated
502 exclusively to the education of adults.

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

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

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

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

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

516

517 For purposes of sentencing under chapter 921 and determining
518 ~~incentive gain-time~~ eligibility for rehabilitation credits under
519 chapter 944, a felony offense that is reclassified under this
520 subsection is ranked one level above the ranking under s.
521 921.0022 or s. 921.0023 of the offense committed.

522 Section 10. Subsection (1) and paragraph (b) of subsection

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523 (3) of section 775.087, Florida Statutes, are amended to read:

524 775.087 Possession or use of weapon; aggravated battery;
525 felony reclassification; minimum sentence.-

526 (1) Unless otherwise provided by law, whenever a person is
527 charged with a felony, except a felony in which the use of a
528 weapon or firearm is an essential element, and during the
529 commission of such felony the defendant carries, displays, uses,
530 threatens to use, or attempts to use any weapon or firearm, or
531 during the commission of such felony the defendant commits an
532 aggravated battery, the felony for which the person is charged
533 shall be reclassified as follows:

534 (a) In the case of a felony of the first degree, to a life
535 felony.

536 (b) In the case of a felony of the second degree, to a
537 felony of the first degree.

538 (c) In the case of a felony of the third degree, to a
539 felony of the second degree.

540

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

546 (3)

547 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
548 (a)3. does not prevent a court from imposing a longer sentence
549 of incarceration as authorized by law in addition to the minimum
550 mandatory sentence, or from imposing a sentence of death
551 pursuant to other applicable law. Subparagraph (a)1.,

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552 subparagraph (a)2., or subparagraph (a)3. does not authorize a
553 court to impose a lesser sentence than otherwise required by
554 law.

555
556 Notwithstanding s. 948.01, adjudication of guilt or imposition
557 of sentence shall not be suspended, deferred, or withheld, and
558 the defendant is not eligible for ~~statutory~~ gain-time, as
559 defined in s. 944.02, under s. 944.275 or any form of
560 discretionary early release, other than pardon or executive
561 clemency, or conditional medical release under s. 947.149, prior
562 to serving the minimum sentence.

563 Section 11. Subsection (2) of section 775.0875, Florida
564 Statutes, is amended to read:

565 775.0875 Unlawful taking, possession, or use of law
566 enforcement officer's firearm; crime reclassification;
567 penalties.—

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

571 (a)1. In the case of a felony of the first degree, to a
572 life felony.

573 2. In the case of a felony of the second degree, to a
574 felony of the first degree.

575 3. In the case of a felony of the third degree, to a felony
576 of the second degree.

577
578 For purposes of sentencing under chapter 921 and determining
579 ~~incentive gain-time~~ eligibility for rehabilitation credits under
580 chapter 944, a felony offense that is reclassified under this

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581 paragraph is ranked one level above the ranking under s.
582 921.0022 or s. 921.0023 of the felony offense committed.

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

588 Section 12. Subsection (3) of section 777.03, Florida
589 Statutes, is amended to read:

590 777.03 Accessory after the fact.—

591 (3) Except as otherwise provided in s. 921.0022, for
592 purposes of sentencing under chapter 921 and determining
593 ~~incentive gain-time~~ eligibility for rehabilitation credits under
594 chapter 944, the offense of accessory after the fact is ranked
595 two levels below the ranking under s. 921.0022 or s. 921.0023 of
596 the felony offense committed.

597 Section 13. Section 777.04, Florida Statutes, is amended to
598 read:

599 777.04 Attempts, solicitation, and conspiracy.—

600 (1) A person who attempts to commit an offense prohibited
601 by law and in such attempt does any act toward the commission of
602 such offense, but fails in the perpetration or is intercepted or
603 prevented in the execution thereof, commits the offense of
604 criminal attempt, ranked for purposes of sentencing as provided
605 in subsection (4). Criminal attempt includes the act of an adult
606 who, with intent to commit an offense prohibited by law,
607 allures, seduces, coaxes, or induces a child under the age of 12
608 to engage in an offense prohibited by law.

609 (2) A person who solicits another to commit an offense

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610 prohibited by law and in the course of such solicitation
611 commands, encourages, hires, or requests another person to
612 engage in specific conduct which would constitute such offense
613 or an attempt to commit such offense commits the offense of
614 criminal solicitation, ranked for purposes of sentencing as
615 provided in subsection (4).

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

620 (4) (a) Except as otherwise provided in ss. 104.091(2),
621 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,
622 the offense of criminal attempt, criminal solicitation, or
623 criminal conspiracy is ranked for purposes of sentencing under
624 chapter 921 and determining ~~incentive-gain-time~~ eligibility for
625 rehabilitation credits under chapter 944 one level below the
626 ranking under s. 921.0022 or s. 921.0023 of the offense
627 attempted, solicited, or conspired to. If the criminal attempt,
628 criminal solicitation, or criminal conspiracy is of an offense
629 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,
630 such offense is a misdemeanor of the first degree, punishable as
631 provided in s. 775.082 or s. 775.083.

632 (b) If the offense attempted, solicited, or conspired to is
633 a capital felony, the offense of criminal attempt, criminal
634 solicitation, or criminal conspiracy is a felony of the first
635 degree, punishable as provided in s. 775.082, s. 775.083, or s.
636 775.084.

637 (c) Except as otherwise provided in s. 893.135(5), if the
638 offense attempted, solicited, or conspired to is a life felony

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639 or a felony of the first degree, the offense of criminal
640 attempt, criminal solicitation, or criminal conspiracy is a
641 felony of the second degree, punishable as provided in s.
642 775.082, s. 775.083, or s. 775.084.

643 (d) Except as otherwise provided in s. 104.091(2), s.
644 379.2431(1), s. 828.125(2), or s. 849.25(4), if the offense
645 attempted, solicited, or conspired to is a:

- 646 1. Felony of the second degree;
- 647 2. Burglary that is a felony of the third degree; or
- 648 3. Felony of the third degree ranked in level 3, 4, 5, 6,
649 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

650
651 the offense of criminal attempt, criminal solicitation, or
652 criminal conspiracy is a felony of the third degree, punishable
653 as provided in s. 775.082, s. 775.083, or s. 775.084.

654 (e) Except as otherwise provided in s. 104.091(2), s.
655 379.2431(1), s. 849.25(4), or paragraph (d), if the offense
656 attempted, solicited, or conspired to is a felony of the third
657 degree, the offense of criminal attempt, criminal solicitation,
658 or criminal conspiracy is a misdemeanor of the first degree,
659 punishable as provided in s. 775.082 or s. 775.083.

660 (f) Except as otherwise provided in s. 104.091(2), if the
661 offense attempted, solicited, or conspired to is a misdemeanor
662 of the first or second degree, the offense of criminal attempt,
663 criminal solicitation, or criminal conspiracy is a misdemeanor
664 of the second degree, punishable as provided in s. 775.082 or s.
665 775.083.

666 (5) It is a defense to a charge of criminal attempt,
667 criminal solicitation, or criminal conspiracy that, under

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668 circumstances manifesting a complete and voluntary renunciation
669 of his or her criminal purpose, the defendant:

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

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

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

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

680 794.011 Sexual battery.—

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

685 Section 15. Subsection (2) of section 794.023, Florida
686 Statutes, is amended to read:

687 794.023 Sexual battery by multiple perpetrators;
688 reclassification of offenses.—

689 (2) A violation of s. 794.011 shall be reclassified as
690 provided in this subsection if it is charged and proven by the
691 prosecution that, during the same criminal transaction or
692 episode, more than one person committed an act of sexual battery
693 on the same victim.

694 (a) A felony of the second degree is reclassified to a
695 felony of the first degree.

696 (b) A felony of the first degree is reclassified to a life

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697 felony.

698

699 This subsection does not apply to life felonies or capital
700 felonies. For purposes of sentencing under chapter 921 and
701 determining ~~incentive gain-time~~ eligibility for rehabilitation
702 credits under chapter 944, a felony offense that is reclassified
703 under this subsection is ranked one level above the ranking
704 under s. 921.0022 or s. 921.0023 of the offense committed.

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

707 817.568 Criminal use of personal identification
708 information.—

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

713 (a) A misdemeanor of the first degree is reclassified as a
714 felony of the third degree.

715 (b) A felony of the third degree is reclassified as a
716 felony of the second degree.

717 (c) A felony of the second degree is reclassified as a
718 felony of the first degree.

719

720 For purposes of sentencing under chapter 921 and ~~incentive gain-~~
721 ~~time~~ eligibility for rehabilitation credits under chapter 944, a
722 felony offense that is reclassified under this subsection is
723 ranked one level above the ranking under s. 921.0022 of the
724 felony offense committed, and a misdemeanor offense that is
725 reclassified under this subsection is ranked in level 2 of the

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726 offense severity ranking chart in s. 921.0022.

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

729 831.032 Offenses involving forging or counterfeiting
730 private labels.—

731 (3) (a) Violation of subsection (1) or subsection (2) is a
732 misdemeanor of the first degree, punishable as provided in s.
733 775.082 or s. 775.083, except that:

734 1. A violation of subsection (1) or subsection (2) is a
735 felony of the third degree, punishable as provided in s.
736 775.082, s. 775.083, or s. 775.084, if the offense involves 100
737 or more but less than 1,000 items bearing one or more
738 counterfeit marks or if the goods involved in the offense have a
739 total retail value of more than \$2,500, but less than \$20,000.

740 2. A violation of subsection (1) or subsection (2) is a
741 felony of the second degree, punishable as provided in s.
742 775.082, s. 775.083, or s. 775.084, if the offense involves
743 1,000 or more items bearing one or more counterfeit marks or if
744 the goods involved in the offense have a total retail value of
745 \$20,000 or more.

746 3. A violation of subsection (1) or subsection (2) is a
747 felony of the third degree, punishable as provided in s.
748 775.082, s. 775.083, or s. 775.084 if, during the commission or
749 as a result of the commission of the offense, the person
750 engaging in the offense knowingly or by culpable negligence
751 causes or allows to be caused bodily injury to another.

752 4. A violation of subsection (1) or subsection (2) is a
753 felony of the second degree, punishable as provided in s.
754 775.082, s. 775.083, or s. 775.084 if, during the commission or

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755 as a result of the commission of the offense, the person
756 engaging in the offense knowingly or by culpable negligence
757 causes or allows to be caused serious bodily injury to another.

758 5. A violation of subsection (1) or subsection (2) is a
759 felony of the first degree, punishable as provided in s.
760 775.082, s. 775.083, or s. 775.084 if, during the commission or
761 as a result of the commission of the offense, the person
762 engaging in the offense knowingly or by culpable negligence
763 causes or allows to be caused death to another.

764 (b) For any person who, having previously been convicted
765 for an offense under this section, is subsequently convicted for
766 another offense under this section, such subsequent offense
767 shall be reclassified as follows:

768 1. In the case of a felony of the second degree, to a
769 felony of the first degree.

770 2. In the case of a felony of the third degree, to a felony
771 of the second degree.

772 3. In the case of a misdemeanor of the first degree, to a
773 felony of the third degree. For purposes of sentencing under
774 chapter 921 and determining incentive gain-time eligibility
775 under chapter 944, such offense is ranked in level 4 of the
776 offense severity ranking chart.

777
778 For purposes of sentencing under chapter 921 and determining
779 ~~incentive gain-time~~ eligibility for rehabilitation credits under
780 chapter 944, a felony offense that is reclassified under this
781 paragraph is ranked one level above the ranking under s.
782 921.0022 or s. 921.0023 of the felony offense committed.

783 (c) In lieu of a fine otherwise authorized by law, when any

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784 person has been convicted of an offense under this section, the
785 court may fine the person up to three times the retail value of
786 the goods seized, manufactured, or sold, whichever is greater,
787 and may enter orders awarding court costs and the costs of
788 investigation and prosecution, reasonably incurred. The court
789 shall hold a hearing to determine the amount of the fine
790 authorized by this paragraph.

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

799 Section 18. Subsection (2) of section 843.22, Florida
800 Statutes, is amended to read:

801 843.22 Traveling across county lines with intent to commit
802 a burglary.—

803 (2) If a person who commits a burglary travels any distance
804 with the intent to commit the burglary in a county in this state
805 other than the person's county of residence, the degree of the
806 burglary shall be reclassified to the next higher degree if the
807 purpose of the person's travel is to thwart law enforcement
808 attempts to track the items stolen in the burglary. For purposes
809 of sentencing under chapter 921 and determining ~~incentive gain-~~
810 ~~time~~ eligibility for rehabilitation credits under chapter 944, a
811 burglary that is reclassified under this section is ranked one
812 level above the ranking specified in s. 921.0022 or s. 921.0023

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813 for the burglary committed.

814 Section 19. Section 874.04, Florida Statutes, is amended to
815 read:

816 874.04 Gang-related offenses; enhanced penalties.—Upon a
817 finding by the factfinder that the defendant committed the
818 charged offense for the purpose of benefiting, promoting, or
819 furthering the interests of a criminal gang, the penalty for any
820 felony or misdemeanor, or any delinquent act or violation of law
821 which would be a felony or misdemeanor if committed by an adult,
822 may be enhanced. Penalty enhancement affects the applicable
823 statutory maximum penalty only. Each of the findings required as
824 a basis for such sentence shall be found beyond a reasonable
825 doubt. The enhancement will be as follows:

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

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

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

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

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

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842 For purposes of sentencing under chapter 921 and determining
843 ~~incentive gain-time~~ eligibility for rehabilitation credits under
844 chapter 944, such felony offense is ranked as provided in s.
845 921.0022 or s. 921.0023, and without regard to the penalty
846 enhancement in this subsection.

847 Section 20. Section 944.281, Florida Statutes, is amended
848 to read:

849 944.281 Ineligibility to earn gain-time due to disciplinary
850 action.—The department may declare that a prisoner who commits a
851 violation of any law of the state or rule or regulation of the
852 department or institution on or after January 1, 1996, and who
853 is found guilty pursuant to s. 944.28(2), shall not be eligible
854 to earn rehabilitation credits ~~incentive gain-time~~ for up to 6
855 months following the month in which the violation occurred. The
856 department shall adopt rules to administer the provisions of
857 this section.

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

860 944.473 Inmate substance abuse testing program.—

861 (1) RULES AND PROCEDURES.—The department shall establish
862 programs for random and reasonable suspicion drug and alcohol
863 testing by urinalysis or other noninvasive procedure for inmates
864 to effectively identify those inmates abusing drugs, alcohol, or
865 both. The department shall also adopt rules relating to fair,
866 economical, and accurate operations and procedures of a random
867 inmate substance abuse testing program and a reasonable
868 suspicion substance abuse testing program by urinalysis or other
869 noninvasive procedure which enumerate penalties for positive
870 test results, including but not limited to the forfeiture of

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871 both good behavior time and rehabilitation credits ~~basic and~~
872 ~~incentive gain time~~, and which do not limit the number of times
873 an inmate may be tested in any one fiscal or calendar year.

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

876 944.70 Conditions for release from incarceration.—

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

- 880 1. Upon expiration of the person's sentence;
- 881 2. Upon expiration of the person's sentence as reduced by
882 accumulated gain-time;
- 883 3. As directed by an executive order granting clemency;
- 884 4. Upon attaining the provisional release date;
- 885 5. Upon placement in a conditional release program pursuant
886 to s. 947.1405; or
- 887 6. Upon the granting of control release pursuant to s.
888 947.146.

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

- 891 1. Upon expiration of the person's sentence;
- 892 2. Upon expiration of the person's sentence as reduced by
893 accumulated rehabilitation credits and outstanding deed awards
894 ~~meritorious or incentive gain time~~;
- 895 3. As directed by an executive order granting clemency;
- 896 4. Upon placement in a conditional release program pursuant
897 to s. 947.1405 or a conditional medical release program pursuant
898 to s. 947.149; or
- 899 5. Upon the granting of control release, including

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900 emergency control release, pursuant to s. 947.146.

901 Section 23. For the purpose of incorporating the amendment
902 made by this act to section 944.275, Florida Statutes, in a
903 reference thereto, paragraph (k) of subsection (4) of section
904 775.084, Florida Statutes, is reenacted to read:

905 775.084 Violent career criminals; habitual felony offenders
906 and habitual violent felony offenders; three-time violent felony
907 offenders; definitions; procedure; enhanced penalties or
908 mandatory minimum prison terms.-

909 (4)

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

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

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

924 Section 24. For the purpose of incorporating the amendment
925 made by this act to section 944.275, Florida Statutes, in
926 references thereto, paragraph (v) of subsection (2) and
927 paragraph (e) of subsection (3) of section 900.05, Florida
928 Statutes, are reenacted to read:

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929 900.05 Criminal justice data collection.—

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

931 (v) "Gain-time credit earned" means a credit of time
932 awarded to an inmate in a county detention facility in
933 accordance with s. 951.21 or a state correctional institution or
934 facility in accordance with s. 944.275.

935 (3) DATA COLLECTION AND REPORTING.—An entity required to
936 collect data in accordance with this subsection shall collect
937 the specified data and report them in accordance with this
938 subsection to the Department of Law Enforcement on a monthly
939 basis.

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

942 1. Information related to each inmate, including:

943 a. Identifying information, including name, date of birth,
944 race, ethnicity, gender, case number, and identification number
945 assigned by the department.

946 b. Highest education level.

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

949 d. Current institution placement and the security level
950 assigned to the institution.

951 e. Custody level assignment.

952 f. Qualification for a flag designation as defined in this
953 section, including sexual offender flag, habitual offender flag,
954 habitual violent felony offender flag, prison releasee
955 reoffender flag, three-time violent felony offender flag,
956 violent career criminal flag, gang affiliation flag, or
957 concurrent or consecutive sentence flag.

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958 g. County that committed the prisoner to the custody of the
959 department.

960 h. Whether the reason for admission to the department is
961 for a new conviction or a violation of probation, community
962 control, or parole. For an admission for a probation, community
963 control, or parole violation, the department shall report
964 whether the violation was technical or based on a new violation
965 of law.

966 i. Specific statutory citation for which the inmate was
967 committed to the department, including, for an inmate convicted
968 of drug trafficking under s. 893.135, the statutory citation for
969 each specific drug trafficked.

970 j. Length of sentence served.

971 k. Length of concurrent or consecutive sentences served.

972 l. Tentative release date.

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

974 n. Prior incarceration within the state.

975 o. Disciplinary violation and action.

976 p. Participation in rehabilitative or educational programs
977 while in the custody of the department.

978 q. Digitized sentencing scoresheet prepared in accordance
979 with s. 921.0024.

980 2. Information about each state correctional institution or
981 facility, including:

982 a. Budget for each state correctional institution or
983 facility.

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

986 c. Daily number of correctional officers for each state

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987 correctional institution or facility.

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

990 a. Identifying information for each person supervised by
991 the department on probation or community control, including his
992 or her name, date of birth, race, ethnicity, gender, case
993 number, and department-assigned case number.

994 b. Length of probation or community control sentence
995 imposed and amount of time that has been served on such
996 sentence.

997 c. Projected termination date for probation or community
998 control.

999 d. Revocation of probation or community control due to a
1000 violation, including whether the revocation is due to a
1001 technical violation of the conditions of supervision or from the
1002 commission of a new law violation.

1003 4. Per diem rates for:

1004 a. Prison bed.

1005 b. Probation.

1006 c. Community control.

1007

1008 This information only needs to be reported once annually at the
1009 time the most recent per diem rate is published.

1010 Section 25. For the purpose of incorporating the amendment
1011 made by this act to section 944.275, Florida Statutes, in a
1012 reference thereto, subsection (1) of section 944.605, Florida
1013 Statutes, is reenacted to read:

1014 944.605 Inmate release; notification; identification card.-

1015 (1) Within 6 months before the release of an inmate from

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1016 the custody of the Department of Corrections or a private
1017 correctional facility by expiration of sentence under s.
1018 944.275, any release program provided by law, or parole under
1019 chapter 947, or as soon as possible if the offender is released
1020 earlier than anticipated, notification of such anticipated
1021 release date shall be made known by the Department of
1022 Corrections to the chief judge of the circuit in which the
1023 offender was sentenced, the appropriate state attorney, the
1024 original arresting law enforcement agency, the Department of Law
1025 Enforcement, and the sheriff as chief law enforcement officer of
1026 the county in which the inmate plans to reside. In addition,
1027 unless otherwise requested by the victim, the victim's parent or
1028 guardian if the victim is a minor, the lawful representative of
1029 the victim or of the victim's parent or guardian if the victim
1030 is a minor, the victim's next of kin in the case of a homicide,
1031 the state attorney or the Department of Corrections, whichever
1032 is appropriate, shall notify such person within 6 months before
1033 the inmate's release, or as soon as possible if the offender is
1034 released earlier than anticipated, when the name and address of
1035 such victim, or the name and address of the parent, guardian,
1036 next of kin, or lawful representative of the victim has been
1037 furnished to the agency. The state attorney shall provide the
1038 latest address documented for the victim, or for the victim's
1039 parent, guardian, next of kin, or lawful representative, as
1040 applicable, to the sheriff with the other documents required by
1041 law for the delivery of inmates to those agencies for service of
1042 sentence. Upon request, within 30 days after an inmate is
1043 approved for community work release, the state attorney, the
1044 victim, the victim's parent or guardian if the victim is a

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1045 minor, the victim's next of kin in the case of a homicide, or
1046 the lawful representative of the victim or of the victim's
1047 parent or guardian if the victim is a minor shall be notified
1048 that the inmate has been approved for community work release.
1049 This section does not imply any repeal or modification of any
1050 provision of law relating to notification of victims.

1051 Section 26. For the purpose of incorporating the amendment
1052 made by this act to section 944.275, Florida Statutes, in a
1053 reference thereto, subsection (6) of section 944.607, Florida
1054 Statutes, is reenacted to read:

1055 944.607 Notification to Department of Law Enforcement of
1056 information on sexual offenders.—

1057 (6) The information provided to the Department of Law
1058 Enforcement must include:

1059 (a) The information obtained from the sexual offender under
1060 subsection (4);

1061 (b) The sexual offender's most current address, place of
1062 permanent, temporary, or transient residence within the state or
1063 out of state, and address, location or description, and dates of
1064 any current or known future temporary residence within the state
1065 or out of state, while the sexual offender is under supervision
1066 in this state, including the name of the county or municipality
1067 in which the offender permanently or temporarily resides, or has
1068 a transient residence, and address, location or description, and
1069 dates of any current or known future temporary residence within
1070 the state or out of state, and, if known, the intended place of
1071 permanent, temporary, or transient residence, and address,
1072 location or description, and dates of any current or known
1073 future temporary residence within the state or out of state upon

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1074 satisfaction of all sanctions;

1075 (c) The legal status of the sexual offender and the
1076 scheduled termination date of that legal status;

1077 (d) The location of, and local telephone number for, any
1078 Department of Corrections' office that is responsible for
1079 supervising the sexual offender;

1080 (e) An indication of whether the victim of the offense that
1081 resulted in the offender's status as a sexual offender was a
1082 minor;

1083 (f) The offense or offenses at conviction which resulted in
1084 the determination of the offender's status as a sex offender;
1085 and

1086 (g) A digitized photograph of the sexual offender which
1087 must have been taken within 60 days before the offender is
1088 released from the custody of the department or a private
1089 correctional facility by expiration of sentence under s. 944.275
1090 or must have been taken by January 1, 1998, or within 60 days
1091 after the onset of the department's supervision of any sexual
1092 offender who is on probation, community control, conditional
1093 release, parole, provisional release, or control release or who
1094 is supervised by the department under the Interstate Compact
1095 Agreement for Probationers and Parolees. If the sexual offender
1096 is in the custody of a private correctional facility, the
1097 facility shall take a digitized photograph of the sexual
1098 offender within the time period provided in this paragraph and
1099 shall provide the photograph to the department.

1100

1101 If any information provided by the department changes during the
1102 time the sexual offender is under the department's control,

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1103 custody, or supervision, including any change in the offender's
1104 name by reason of marriage or other legal process, the
1105 department shall, in a timely manner, update the information and
1106 provide it to the Department of Law Enforcement in the manner
1107 prescribed in subsection (2).

1108 Section 27. For the purpose of incorporating the amendment
1109 made by this act to section 944.275, Florida Statutes, in a
1110 reference thereto, subsection (15) of section 947.005, Florida
1111 Statutes, is reenacted to read:

1112 947.005 Definitions.—As used in this chapter, unless the
1113 context clearly indicates otherwise:

1114 (15) "Tentative release date" means the date projected for
1115 the prisoner's release from custody by virtue of gain-time
1116 granted or forfeited pursuant to s. 944.275(3) (a).

1117 Section 28. For the purpose of incorporating the amendment
1118 made by this act to section 944.275, Florida Statutes, in a
1119 reference thereto, paragraph (a) of subsection (6) of section
1120 985.4815, Florida Statutes, is reenacted to read:

1121 985.4815 Notification to Department of Law Enforcement of
1122 information on juvenile sexual offenders.—

1123 (6) (a) The information provided to the Department of Law
1124 Enforcement must include the following:

1125 1. The information obtained from the sexual offender under
1126 subsection (4).

1127 2. The sexual offender's most current address and place of
1128 permanent, temporary, or transient residence within the state or
1129 out of state, and address, location or description, and dates of
1130 any current or known future temporary residence within the state
1131 or out of state, while the sexual offender is in the care or

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1132 custody or under the jurisdiction or supervision of the
1133 department in this state, including the name of the county or
1134 municipality in which the offender permanently or temporarily
1135 resides, or has a transient residence, and address, location or
1136 description, and dates of any current or known future temporary
1137 residence within the state or out of state; and, if known, the
1138 intended place of permanent, temporary, or transient residence,
1139 and address, location or description, and dates of any current
1140 or known future temporary residence within the state or out of
1141 state upon satisfaction of all sanctions.

1142 3. The legal status of the sexual offender and the
1143 scheduled termination date of that legal status.

1144 4. The location of, and local telephone number for, any
1145 department office that is responsible for supervising the sexual
1146 offender.

1147 5. An indication of whether the victim of the offense that
1148 resulted in the offender's status as a sexual offender was a
1149 minor.

1150 6. The offense or offenses at adjudication and disposition
1151 that resulted in the determination of the offender's status as a
1152 sex offender.

1153 7. A digitized photograph of the sexual offender, which
1154 must have been taken within 60 days before the offender was
1155 released from the custody of the department or a private
1156 correctional facility by expiration of sentence under s.
1157 944.275, or within 60 days after the onset of the department's
1158 supervision of any sexual offender who is on probation,
1159 postcommitment probation, residential commitment, nonresidential
1160 commitment, licensed child-caring commitment, community control,

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1161 conditional release, parole, provisional release, or control
1162 release or who is supervised by the department under the
1163 Interstate Compact Agreement for Probationers and Parolees. If
1164 the sexual offender is in the custody of a private correctional
1165 facility, the facility shall take a digitized photograph of the
1166 sexual offender within the time period provided in this
1167 subparagraph and shall provide the photograph to the department.

1168 Section 29. This act shall take effect July 1, 2022.