

By Senator Powell

24-01131-23

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1                   A bill to be entitled  
2       An act relating to the first-time offender plea deal  
3       pilot program; creating a first-time offender plea  
4       deal pilot program; providing eligibility requirements  
5       for the program; allowing eligible offenders to be  
6       resentenced in accordance with a previously declined  
7       plea agreement; specifying duties of the Department of  
8       Corrections; providing for expiration of the program;  
9       providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. First-time offender plea deal pilot program.—

14       (1) There is created a pilot program for inmates in the  
15 custody of the Department of Corrections. To qualify for the  
16 program an inmate must:

17           (a) Be a first-time felony offender.

18           (b) Have served 20 years or more of his or her sentence.

19           (c) Have been offered a plea agreement before trial which  
20 he or she declined to accept. Such a plea agreement must:

21           1. Have provided the inmate with a shorter sentence than  
22 the sentence the inmate ultimately received; and

23           2. Be provable either through documentation or other  
24 evidence.

25           (d) Maintain eligibility to earn gain-time due to a lack of  
26 a disciplinary violation while he or she has been incarcerated.

27           (e) Not have been convicted for actually killing a victim  
28 or for actually engaging in an act constituting a sexual battery  
29 as defined in s. 794.011(1).

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30           (2) Beginning October 1, 2023, an inmate eligible under  
31 subsection (1) may petition either the circuit court that  
32 originally sentenced the inmate or the circuit court that has  
33 jurisdiction over the area in which the inmate currently resides  
34 and may request that he or she be resentenced in accordance with  
35 the terms of the declined plea agreement.

36           (3) If the circuit court determines by a preponderance of  
37 the evidence that the inmate is eligible under subsection (1),  
38 the court must resentence the inmate in accordance with the  
39 terms of sentence in the plea agreement. When the circuit court  
40 determines the inmate's eligibility, the Department of  
41 Corrections shall release the inmate or recalculate the release  
42 date accordingly, as appropriate.

43           (4) This section expires September 30, 2025.

44           Section 2. This act shall take effect July 1, 2023.