

By Senator Powell

24-01196-24

20241572__

1 A bill to be entitled
2 An act relating to criminal rehabilitation; amending
3 s. 921.002, F.S.; revising the legislative intent of
4 the Criminal Punishment Code; specifying that to
5 rehabilitate the offender to transition back to the
6 community successfully is one of the primary purposes
7 of sentencing; reducing the minimum sentence that must
8 be served by a defendant from 85 percent of the
9 sentence to 65 percent; amending s. 944.275, F.S.;
10 revising provisions concerning gain-time to provide
11 for outstanding deed gain-time, good behavior time,
12 and rehabilitation credits; providing requirements for
13 such gain-time and credits; providing for amounts to
14 be awarded; revising limits on the award of gain-time;
15 reducing the minimum sentence that must be served by a
16 defendant from 85 percent of the sentence to 65
17 percent; amending ss. 316.027, 316.1935, 381.004,
18 775.084, 775.0845, 775.0847, 775.0861, 775.0862,
19 775.087, 775.0875, 777.03, 777.04, 784.07, 794.011,
20 794.0115, 794.023, 812.081, 817.568, 831.032, 843.22,
21 874.04, 944.281, 944.473, 944.70, 944.801, and
22 947.005, F.S.; conforming provisions to changes made
23 by the act; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (1) of section 921.002, Florida
28 Statutes, is amended to read:

29 921.002 The Criminal Punishment Code.—The Criminal

24-01196-24

20241572__

30 Punishment Code shall apply to all felony offenses, except
31 capital felonies, committed on or after October 1, 1998.

32 (1) The provision of criminal penalties and of limitations
33 upon the application of such penalties is a matter of
34 predominantly substantive law and, as such, is a matter properly
35 addressed by the Legislature. The Legislature, in the exercise
36 of its authority and responsibility to establish sentencing
37 criteria, to provide for the imposition of criminal penalties,
38 and to make the best use of state prisons so that ~~violent~~
39 criminal offenders are appropriately punished and rehabilitated
40 ~~incarcerated~~, has determined that it is in the best interest of
41 the state to develop, implement, and revise a sentencing policy.
42 The Criminal Punishment Code embodies the principles that:

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

45 (b) The dual purposes ~~primary purpose~~ of sentencing in the
46 criminal justice system are ~~is~~ to punish the offender and
47 rehabilitate the offender to transition back to the community
48 successfully. ~~Rehabilitation is a desired goal of the criminal~~
49 ~~justice system but is subordinate to the goal of punishment.~~

50 (c) The penalty imposed is commensurate with the severity
51 of the primary offense and the circumstances surrounding the
52 primary offense.

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

55 (e) The sentence imposed by the sentencing judge reflects
56 the length of actual time to be served, shortened only by the
57 application of outstanding deed ~~incentive and meritorious gain-~~
58 time, good behavior time, and rehabilitation credits as provided

24-01196-24

20241572__

59 by law, and may not be shortened if the defendant would
60 consequently serve less than 65 ~~85~~ percent of his or her term of
61 imprisonment as provided in s. 944.275(4). The provisions of
62 chapter 947, relating to parole, shall not apply to persons
63 sentenced under the Criminal Punishment Code.

64 (f) Departures below the lowest permissible sentence
65 established by the code must be articulated in writing by the
66 trial court judge and made only when circumstances or factors
67 reasonably justify the mitigation of the sentence. The level of
68 proof necessary to establish facts that support a departure from
69 the lowest permissible sentence is a preponderance of the
70 evidence.

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

75 (h) A sentence may be appealed on the basis that it departs
76 from the Criminal Punishment Code only if the sentence is below
77 the lowest permissible sentence or as enumerated in s.
78 924.06(1).

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

83 Section 2. Section 944.275, Florida Statutes, is amended to
84 read:

85 944.275 Outstanding deed gain-time, good behavior time, and
86 rehabilitation credits.—

87 (1) The department is authorized to grant deductions from

24-01196-24

20241572__

88 sentences in the form of outstanding deed gain-time, good
89 behavior time, and rehabilitation credits in order to encourage
90 satisfactory prisoner behavior, to provide incentive for
91 prisoners to participate in productive activities, and to reward
92 prisoners who perform outstanding deeds or services.

93 (2) (a) The department shall establish for each prisoner
94 sentenced to a term of years a "maximum sentence expiration
95 date," which shall be the date when the sentence or combined
96 sentences imposed on a prisoner will expire. In establishing
97 this date, the department shall reduce the total time to be
98 served by any time lawfully credited.

99 (b) When a prisoner with an established maximum sentence
100 expiration date is sentenced to an additional term or terms
101 without having been released from custody, the department shall
102 extend the maximum sentence expiration date by the length of
103 time imposed in the new sentence or sentences, less lawful
104 credits.

105 (c) When an escaped prisoner or a parole violator is
106 returned to the custody of the department, the maximum sentence
107 expiration date in effect when the escape occurred or the parole
108 was effective shall be extended by the amount of time the
109 prisoner was not in custody plus the time imposed in any new
110 sentence or sentences, but reduced by any lawful credits.

111 (3) (a) The department shall also establish for each
112 prisoner sentenced to a term of years a "tentative release date"
113 which shall be the date projected for the prisoner's release
114 from custody by virtue of outstanding deed gain-time, good
115 behavior time, or rehabilitation credits granted or forfeited as
116 described in this section. The initial tentative release date

24-01196-24

20241572__

117 shall be determined by deducting outstanding deed ~~basic gain-~~
118 time, good behavior time, or rehabilitation credits granted from
119 the maximum sentence expiration date. Outstanding deed ~~Other~~
120 gain-time, good behavior time, and rehabilitation credits shall
121 be applied when granted or restored to make the tentative
122 release date proportionately earlier; and forfeitures of good
123 behavior time ~~gain-time~~, when ordered, shall be applied to make
124 the tentative release date proportionately later.

125 (b) When an initial tentative release date is reestablished
126 because of additional sentences imposed before the prisoner has
127 completely served all prior sentences, any outstanding deed
128 gain-time, good behavior time, or rehabilitation credits granted
129 during service of a prior sentence and not forfeited shall be
130 applied.

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

133 (4) (a) As a means of encouraging satisfactory behavior and
134 developing character traits necessary for successful reentry,
135 the department shall grant good behavior time ~~basic gain-time~~ at
136 the rate of 10 days for each month of each sentence imposed on a
137 prisoner, subject to the following:

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

141 2. Good behavior time ~~Basic gain-time~~ for a partial month
142 shall be prorated on the basis of a 30-day month.

143 3. When a prisoner receives a new maximum sentence
144 expiration date because of additional sentences imposed, good
145 behavior time ~~basic gain-time~~ shall be granted for the amount of

24-01196-24

20241572__

146 time the maximum sentence expiration date was extended.

147 (b) For each month in which an inmate works diligently,
148 participates in training or education, uses time constructively,
149 or otherwise engages in positive activities, the department may
150 grant rehabilitation credits ~~incentive gain-time~~ in accordance
151 with this paragraph. The rate of rehabilitation credits
152 ~~incentive gain-time~~ in effect on the date the inmate committed
153 the offense which resulted in his or her incarceration shall be
154 the inmate's rate of eligibility to earn rehabilitation credits
155 ~~incentive gain-time~~ throughout the period of incarceration and
156 shall not be altered by a subsequent change in the severity
157 level of the offense for which the inmate was sentenced.

158 1. For sentences imposed for offenses committed before
159 ~~prior to~~ January 1, 1994, and after October 1, 1995, up to 20
160 days of rehabilitation credits ~~incentive gain-time~~ may be
161 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
162 be credited and applied monthly.

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

165 a. For offenses ranked in offense severity levels 1 through
166 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
167 of rehabilitation credits ~~incentive gain-time~~ may be granted. If
168 granted, such rehabilitation credits ~~gain-time~~ shall be credited
169 and applied monthly.

170 b. For offenses ranked in offense severity levels 8, 9, and
171 10, under former s. 921.0012 or former s. 921.0013, up to 20
172 days of incentive gain-time may be granted. If granted, such
173 gain-time shall be credited and applied monthly.

174 ~~3. For sentences imposed for offenses committed on or after~~

24-01196-24

20241572__

175 ~~October 1, 1995, the department may grant up to 10 days per~~
176 ~~month of incentive gain-time.~~

177 (c) An inmate who performs some outstanding deed, such as
178 saving a life or assisting in recapturing an escaped inmate, or
179 who in some manner performs an outstanding service that would
180 merit the granting of additional deductions from the term of his
181 or her sentence may be granted outstanding deed meritorious
182 gain-time of from 30 to 60 days per outstanding deed
183 performed.

184 (d) Notwithstanding the monthly maximum awards of
185 rehabilitation credits ~~incentive gain-time~~ under subparagraphs
186 (b)1. ~~and 2. and 3., the education program manager shall~~
187 ~~recommend, and the Department of Corrections shall~~ may grant
188 awards, a one-time award of 60 additional days of rehabilitation
189 credits for successful completion of each of the following:
190 ~~incentive gain-time to an inmate who is otherwise eligible and~~
191 ~~who successfully completes requirements for and is, or has been~~
192 ~~during the current commitment, awarded a high school equivalency~~
193 ~~diploma, college degree, or vocational certificate, drug~~
194 treatment program, mental health treatment program, life skills
195 program, behavioral modification program, reentry program, or
196 equivalent rehabilitative program. Additionally, the department
197 shall grant 5 additional days of rehabilitation credits for
198 successful completion of any other department-approved program,
199 including inmate-developed programs, or a passing grade in each
200 online or in-person educational course. Rehabilitation credits
201 awarded under this paragraph shall be retroactive. Under no
202 ~~circumstances may an inmate receive more than 60 days for~~
203 ~~educational attainment pursuant to this section.~~

24-01196-24

20241572__

204 (e) Notwithstanding the monthly maximum awards of
205 rehabilitation credits under subparagraphs (b)1. and 2., the
206 department may grant 2 additional days per month of good
207 behavior time to prisoners serving sentences for violations of
208 ss. 893.13 and 893.135, and such days granted shall be
209 retroactive.

210 (f)1.~~(e)1.~~ Notwithstanding subparagraph (b)1. ~~(b)3.~~, for
211 sentences imposed for offenses committed on or after October 1,
212 2014, and before July 1, 2023, the department may not grant
213 rehabilitation credits ~~incentive gain-time~~ if the offense is a
214 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
215 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
216 800.04; s. 825.1025; or s. 847.0135(5).

217 2. Notwithstanding subparagraph (b)1. ~~(b)3.~~, for sentences
218 imposed for offenses committed on or after July 1, 2023, the
219 department may not grant rehabilitation credits ~~incentive gain-~~
220 ~~time~~ if the offense is for committing or attempting, soliciting,
221 or conspiring to commit a violation of s. 782.04(1)(a)2.c.; s.
222 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
223 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
224 847.0135(5).

225 (g)1.~~(f)~~ An inmate who is subject to this subsection
226 ~~subparagraph (b)3.~~ is not eligible to earn or receive
227 outstanding deed gain-time or good behavior time ~~under paragraph~~
228 ~~(a), paragraph (b), paragraph (c), or paragraph (d) or any other~~
229 ~~type of gain-time~~ in an amount that would cause a sentence to
230 expire, end, or terminate, or that would result in a prisoner's
231 release, before ~~prior to~~ serving a minimum of 85 percent of the
232 sentence imposed. For purposes of this paragraph, credits

24-01196-24

20241572__

233 awarded by the court for time physically incarcerated shall be
234 credited toward satisfaction of 85 percent of the sentence
235 imposed.

236 2. A prisoner who is subject to this subsection may not
237 accumulate rehabilitation credits as described in paragraph (d)
238 in an amount that would allow a sentence to expire, end, or
239 terminate, or that would result in a prisoner's release, before
240 -serving a minimum of 65 percent of the sentence imposed.

241 3. Except as provided by this section, a prisoner may not
242 accumulate further ~~gain-time~~ awards at any point when the
243 tentative release date is the same as that date at which the
244 prisoner will have served 65 ~~85~~ percent of the sentence imposed.
245 State prisoners sentenced to life imprisonment shall be
246 incarcerated for the rest of their natural lives, unless granted
247 pardon or clemency.

248 (5) When a prisoner is found guilty of an infraction of the
249 laws of this state or the rules of the department, good behavior
250 time not yet vested ~~gain-time~~ may be forfeited according to law
251 after due process. For purposes of this subsection, good
252 behavior time is deemed vested 2 years after being granted.

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

257 (b) All outstanding deed incentive and meritorious gain-
258 time, good behavior time, and rehabilitation credits are ~~is~~
259 granted according to this section.

260 (c) All additional gain-time previously awarded under
261 former subsections (2) and (3) and all forfeitures ordered prior

24-01196-24

20241572__

262 to the effective date of the act that created this section shall
263 remain in effect and be applied in establishing an initial
264 tentative release date.

265 (7) The department shall adopt rules to implement the
266 granting, forfeiture, restoration, and deletion of outstanding
267 deed gain-time, good behavior time, and rehabilitation credits.

268 Section 3. Paragraph (f) of subsection (2) of section
269 316.027, Florida Statutes, is amended to read:

270 316.027 Crash involving death or personal injuries.—

271 (2)

272 (f) For purposes of sentencing under chapter 921 and
273 determining rehabilitation credit ~~incentive gain-time~~
274 eligibility under chapter 944, an offense listed in this
275 subsection is ranked one level above the ranking specified in s.
276 921.0022 or s. 921.0023 for the offense committed if the victim
277 of the offense was a vulnerable road user.

278 Section 4. Subsection (6) of section 316.1935, Florida
279 Statutes, is amended to read:

280 316.1935 Fleeing or attempting to elude a law enforcement
281 officer; aggravated fleeing or eluding.—

282 (6) Notwithstanding s. 948.01, no court may suspend, defer,
283 or withhold adjudication of guilt or imposition of sentence for
284 any violation of this section. A person convicted and sentenced
285 to a mandatory minimum term of incarceration under paragraph
286 (3) (b) or paragraph (4) (b) is not eligible for ~~statutory~~ gain-
287 time or credits under s. 944.275 or any form of discretionary
288 early release, other than pardon or executive clemency or
289 conditional medical release under s. 947.149, before ~~prior to~~
290 serving the mandatory minimum sentence.

24-01196-24

20241572__

291 Section 5. Paragraph (h) of subsection (2) of section
292 381.004, Florida Statutes, is amended to read:

293 381.004 HIV testing.—

294 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
295 RESULTS; COUNSELING; CONFIDENTIALITY.—

296 (h) Paragraph (a) does not apply:

297 1. When testing for sexually transmissible diseases is
298 required by state or federal law, or by rule, including the
299 following situations:

300 a. HIV testing pursuant to s. 796.08 of persons convicted
301 of prostitution or of procuring another to commit prostitution.

302 b. HIV testing of inmates pursuant to s. 945.355 before
303 their release from prison by reason of parole, accumulation of
304 gain-time or other credits, or expiration of sentence.

305 c. Testing for HIV by a medical examiner in accordance with
306 s. 406.11.

307 d. HIV testing of pregnant women pursuant to s. 384.31.

308 2. To those exceptions provided for blood, plasma, organs,
309 skin, semen, or other human tissue pursuant to s. 381.0041.

310 3. For the performance of an HIV-related test by licensed
311 medical personnel in bona fide medical emergencies if the test
312 results are necessary for medical diagnostic purposes to provide
313 appropriate emergency care or treatment to the person being
314 tested and the patient is unable to consent, as supported by
315 documentation in the medical record. Notification of test
316 results in accordance with paragraph (c) is required.

317 4. For the performance of an HIV-related test by licensed
318 medical personnel for medical diagnosis of acute illness where,
319 in the opinion of the attending physician, providing

24-01196-24

20241572__

320 notification would be detrimental to the patient, as supported
321 by documentation in the medical record, and the test results are
322 necessary for medical diagnostic purposes to provide appropriate
323 care or treatment to the person being tested. Notification of
324 test results in accordance with paragraph (c) is required if it
325 would not be detrimental to the patient. This subparagraph does
326 not authorize the routine testing of patients for HIV infection
327 without notification.

328 5. If HIV testing is performed as part of an autopsy for
329 which consent was obtained pursuant to s. 872.04.

330 6. For the performance of an HIV test upon a defendant
331 pursuant to the victim's request in a prosecution for any type
332 of sexual battery where a blood sample is taken from the
333 defendant voluntarily, pursuant to court order for any purpose,
334 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
335 the results of an HIV test performed shall be disclosed solely
336 to the victim and the defendant, except as provided in ss.
337 775.0877, 951.27, and 960.003.

338 7. If an HIV test is mandated by court order.

339 8. For epidemiological research pursuant to s. 381.0031,
340 for research consistent with institutional review boards created
341 by 45 C.F.R. part 46, or for the performance of an HIV-related
342 test for the purpose of research, if the testing is performed in
343 a manner by which the identity of the test subject is not known
344 and may not be retrieved by the researcher.

345 9. If human tissue is collected lawfully without the
346 consent of the donor for corneal removal as authorized by s.
347 765.5185 or enucleation of the eyes as authorized by s. 765.519.

348 10. For the performance of an HIV test upon an individual

24-01196-24

20241572__

349 who comes into contact with medical personnel in such a way that
350 a significant exposure has occurred during the course of
351 employment, within the scope of practice, or during the course
352 of providing emergency medical assistance to the individual. The
353 term "medical personnel" includes a licensed or certified health
354 care professional; an employee of a health care professional or
355 health care facility; employees of a laboratory licensed under
356 chapter 483; personnel of a blood bank or plasma center; a
357 medical student or other student who is receiving training as a
358 health care professional at a health care facility; and a
359 paramedic or emergency medical technician certified by the
360 department to perform life-support procedures under s. 401.23.

361 a. The occurrence of a significant exposure shall be
362 documented by medical personnel under the supervision of a
363 licensed physician and recorded only in the personnel record of
364 the medical personnel.

365 b. Costs of an HIV test shall be borne by the medical
366 personnel or the employer of the medical personnel. However,
367 costs of testing or treatment not directly related to the
368 initial HIV tests or costs of subsequent testing or treatment
369 may not be borne by the medical personnel or the employer of the
370 medical personnel.

371 c. In order to use the provisions of this subparagraph, the
372 medical personnel must be tested for HIV pursuant to this
373 section or provide the results of an HIV test taken within 6
374 months before the significant exposure if such test results are
375 negative.

376 d. A person who receives the results of an HIV test
377 pursuant to this subparagraph shall maintain the confidentiality

24-01196-24

20241572__

378 of the information received and of the persons tested. Such
379 confidential information is exempt from s. 119.07(1).

380 e. If the source of the exposure is not available and will
381 not voluntarily present himself or herself to a health facility
382 to be tested for HIV, the medical personnel or the employer of
383 such person acting on behalf of the employee may seek a court
384 order directing the source of the exposure to submit to HIV
385 testing. A sworn statement by a physician licensed under chapter
386 458 or chapter 459 that a significant exposure has occurred and
387 that, in the physician's medical judgment, testing is medically
388 necessary to determine the course of treatment constitutes
389 probable cause for the issuance of an order by the court. The
390 results of the test shall be released to the source of the
391 exposure and to the person who experienced the exposure.

392 11. For the performance of an HIV test upon an individual
393 who comes into contact with nonmedical personnel in such a way
394 that a significant exposure has occurred while the nonmedical
395 personnel provides emergency medical assistance during a medical
396 emergency. For the purposes of this subparagraph, a medical
397 emergency means an emergency medical condition outside of a
398 hospital or health care facility that provides physician care.
399 The test may be performed only during the course of treatment
400 for the medical emergency.

401 a. The occurrence of a significant exposure shall be
402 documented by medical personnel under the supervision of a
403 licensed physician and recorded in the medical record of the
404 nonmedical personnel.

405 b. Costs of any HIV test shall be borne by the nonmedical
406 personnel or the employer of the nonmedical personnel. However,

24-01196-24

20241572__

407 costs of testing or treatment not directly related to the
408 initial HIV tests or costs of subsequent testing or treatment
409 may not be borne by the nonmedical personnel or the employer of
410 the nonmedical personnel.

411 c. In order to use the provisions of this subparagraph, the
412 nonmedical personnel shall be tested for HIV pursuant to this
413 section or shall provide the results of an HIV test taken within
414 6 months before the significant exposure if such test results
415 are negative.

416 d. A person who receives the results of an HIV test
417 pursuant to this subparagraph shall maintain the confidentiality
418 of the information received and of the persons tested. Such
419 confidential information is exempt from s. 119.07(1).

420 e. If the source of the exposure is not available and will
421 not voluntarily present himself or herself to a health facility
422 to be tested for HIV, the nonmedical personnel or the employer
423 of the nonmedical personnel acting on behalf of the employee may
424 seek a court order directing the source of the exposure to
425 submit to HIV testing. A sworn statement by a physician licensed
426 under chapter 458 or chapter 459 that a significant exposure has
427 occurred and that, in the physician's medical judgment, testing
428 is medically necessary to determine the course of treatment
429 constitutes probable cause for the issuance of an order by the
430 court. The results of the test shall be released to the source
431 of the exposure and to the person who experienced the exposure.

432 12. For the performance of an HIV test by the medical
433 examiner or attending physician upon an individual who expired
434 or could not be resuscitated while receiving emergency medical
435 assistance or care and who was the source of a significant

24-01196-24

20241572__

436 exposure to medical or nonmedical personnel providing such
437 assistance or care.

438 a. HIV testing may be conducted only after appropriate
439 medical personnel under the supervision of a licensed physician
440 documents in the medical record of the medical personnel or
441 nonmedical personnel that there has been a significant exposure
442 and that, in accordance with the written protocols based on the
443 National Centers for Disease Control and Prevention guidelines
444 on HIV postexposure prophylaxis and in the physician's medical
445 judgment, the information is medically necessary to determine
446 the course of treatment for the medical personnel or nonmedical
447 personnel.

448 b. Costs of an HIV test performed under this subparagraph
449 may not be charged to the deceased or to the family of the
450 deceased person.

451 c. For this subparagraph to be applicable, the medical
452 personnel or nonmedical personnel must be tested for HIV under
453 this section or must provide the results of an HIV test taken
454 within 6 months before the significant exposure if such test
455 results are negative.

456 d. A person who receives the results of an HIV test
457 pursuant to this subparagraph shall comply with paragraph (e).

458 13. For the performance of an HIV-related test medically
459 indicated by licensed medical personnel for medical diagnosis of
460 a hospitalized infant as necessary to provide appropriate care
461 and treatment of the infant if, after a reasonable attempt, a
462 parent cannot be contacted to provide consent. The medical
463 records of the infant must reflect the reason consent of the
464 parent was not initially obtained. Test results shall be

24-01196-24

20241572__

465 provided to the parent when the parent is located.

466 14. For the performance of HIV testing conducted to monitor
467 the clinical progress of a patient previously diagnosed to be
468 HIV positive.

469 15. For the performance of repeated HIV testing conducted
470 to monitor possible conversion from a significant exposure.

471 Section 6. Paragraph (k) of subsection (4) of section
472 775.084, Florida Statutes, is amended to read:

473 775.084 Violent career criminals; habitual felony offenders
474 and habitual violent felony offenders; three-time violent felony
475 offenders; definitions; procedure; enhanced penalties or
476 mandatory minimum prison terms.—

477 (4)

478 (k)1. A defendant sentenced under this section as a
479 habitual felony offender, a habitual violent felony offender, or
480 a violent career criminal is eligible for rehabilitation credits
481 ~~gain-time~~ granted by the Department of Corrections as provided
482 in s. 944.275(4) (b).

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

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

493 Section 7. Paragraph (b) of subsection (1) and subsection

24-01196-24

20241572__

494 (2) of section 775.0845, Florida Statutes, are amended to read:

495 775.0845 Wearing mask while committing offense;
496 reclassification.—The felony or misdemeanor degree of any
497 criminal offense, other than a violation of ss. 876.12-876.15,
498 shall be reclassified to the next higher degree as provided in
499 this section if, while committing the offense, the offender was
500 wearing a hood, mask, or other device that concealed his or her
501 identity.

502 (1)

503 (b) In the case of a misdemeanor of the first degree, the
504 offense is reclassified to a felony of the third degree. For
505 purposes of sentencing under chapter 921 and determining
506 rehabilitation credit ~~incentive gain-time~~ eligibility under
507 chapter 944, such offense is ranked in level 2 of the offense
508 severity ranking chart.

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

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

513

514 For purposes of sentencing under chapter 921 and determining
515 rehabilitation credit ~~incentive gain-time~~ eligibility under
516 chapter 944, a felony offense that is reclassified under this
517 subsection is ranked one level above the ranking under former s.
518 921.0012, former s. 921.0013, s. 921.0022, or s. 921.0023 of the
519 offense committed.

520 Section 8. Subsection (3) of section 775.0847, Florida
521 Statutes, is amended, and subsection (2) of that section is
522 republished, to read:

24-01196-24

20241572__

523 775.0847 Possession or promotion of certain images of child
524 pornography; reclassification.—

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

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

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

532 1. A child who is younger than the age of 5.

533 2. Sadomasochistic abuse involving a child.

534 3. Sexual battery involving a child.

535 4. Sexual bestiality involving a child.

536 5. Any motion picture, film, video, or computer-generated
537 motion picture, film, or video involving a child, regardless of
538 length and regardless of whether the motion picture, film,
539 video, or computer-generated motion picture, film, or video
540 contains sound.

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

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

545

546 For purposes of sentencing under chapter 921 and determining
547 rehabilitation credit ~~incentive gain-time~~ eligibility under
548 chapter 944, a felony offense that is reclassified under this
549 section is ranked one level above the ranking under s. 921.0022
550 or s. 921.0023 of the offense committed.

551 Section 9. Subsection (3) of section 775.0861, Florida

24-01196-24

20241572__

552 Statutes, is amended to read:

553 775.0861 Offenses against persons on the grounds of
554 religious institutions; reclassification.—

555 (3) (a) In the case of a misdemeanor of the second degree,
556 the offense is reclassified to a misdemeanor of the first
557 degree.

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

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

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

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

568

569 For purposes of sentencing under chapter 921 and determining
570 rehabilitation credit ~~incentive gain time~~ eligibility under
571 chapter 944, a felony offense that is reclassified under this
572 subsection is ranked one level above the ranking under s.
573 921.0022 or s. 921.0023 of the offense committed.

574 Section 10. Subsection (3) of section 775.0862, Florida
575 Statutes, is amended to read:

576 775.0862 Sexual offenses against students by authority
577 figures; reclassification.—

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

580 (b) In the case of a felony of the second degree, the

24-01196-24

20241572__

581 offense is reclassified to a felony of the first degree.

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

584

585 For purposes of sentencing under chapter 921 and determining
586 rehabilitation credit ~~incentive gain time~~ eligibility under
587 chapter 944, a felony offense that is reclassified under this
588 subsection is ranked one level above the ranking under s.
589 921.0022 or s. 921.0023 of the offense committed.

590 Section 11. Subsection (1) and paragraph (b) of subsection
591 (2) of section 775.087, Florida Statutes, are amended to read:

592 775.087 Possession or use of weapon; aggravated battery;
593 felony reclassification; minimum sentence.-

594 (1) Unless otherwise provided by law, whenever a person is
595 charged with a felony, except a felony in which the use of a
596 weapon or firearm is an essential element, and during the
597 commission of such felony the defendant carries, displays, uses,
598 threatens to use, or attempts to use any weapon or firearm, or
599 during the commission of such felony the defendant commits an
600 aggravated battery, the felony for which the person is charged
601 shall be reclassified as follows:

602 (a) In the case of a felony of the first degree, to a life
603 felony.

604 (b) In the case of a felony of the second degree, to a
605 felony of the first degree.

606 (c) In the case of a felony of the third degree, to a
607 felony of the second degree.

608

609 For purposes of sentencing under chapter 921 and determining

24-01196-24

20241572__

610 rehabilitation credit ~~incentive gain-time~~ eligibility under
611 chapter 944, a felony offense which is reclassified under this
612 section is ranked one level above the ranking under s. 921.0022
613 or s. 921.0023 of the felony offense committed.

614 (2)

615 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
616 (a)3. does not prevent a court from imposing a longer sentence
617 of incarceration as authorized by law in addition to the minimum
618 mandatory sentence, or from imposing a sentence of death
619 pursuant to other applicable law. Subparagraph (a)1.,
620 subparagraph (a)2., or subparagraph (a)3. does not authorize a
621 court to impose a lesser sentence than otherwise required by
622 law.

623

624 Notwithstanding s. 948.01, adjudication of guilt or imposition
625 of sentence shall not be suspended, deferred, or withheld, and
626 the defendant is not eligible for ~~statutory~~ gain-time or credits
627 under s. 944.275 or any form of discretionary early release,
628 other than pardon or executive clemency, or conditional medical
629 release under s. 947.149, prior to serving the minimum sentence.

630 Section 12. Subsection (2) of section 775.0875, Florida
631 Statutes, is amended to read:

632 775.0875 Unlawful taking, possession, or use of law
633 enforcement officer's firearm; crime reclassification;
634 penalties.—

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

638 (a)1. In the case of a felony of the first degree, to a

24-01196-24

20241572__

639 life felony.

640 2. In the case of a felony of the second degree, to a
641 felony of the first degree.

642 3. In the case of a felony of the third degree, to a felony
643 of the second degree.

644

645 For purposes of sentencing under chapter 921 and determining
646 rehabilitation credit ~~incentive gain-time~~ eligibility under
647 chapter 944, a felony offense that is reclassified under this
648 paragraph is ranked one level above the ranking under s.
649 921.0022 or s. 921.0023 of the felony offense committed.

650 (b) In the case of a misdemeanor, to a felony of the third
651 degree. For purposes of sentencing under chapter 921 and
652 determining rehabilitation credit ~~incentive gain-time~~
653 eligibility under chapter 944, such offense is ranked in level 2
654 of the offense severity ranking chart.

655 Section 13. Subsection (3) of section 777.03, Florida
656 Statutes, is amended to read:

657 777.03 Accessory after the fact.—

658 (3) Except as otherwise provided in s. 921.0022, for
659 purposes of sentencing under chapter 921 and determining
660 rehabilitation credit ~~incentive gain-time~~ eligibility under
661 chapter 944, the offense of accessory after the fact is ranked
662 two levels below the ranking under s. 921.0022 or s. 921.0023 of
663 the felony offense committed.

664 Section 14. Paragraph (a) of subsection (4) of section
665 777.04, Florida Statutes, is amended to read:

666 777.04 Attempts, solicitation, and conspiracy.—

667 (4) (a) Except as otherwise provided in ss. 104.091(2),

24-01196-24

20241572__

668 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,
669 the offense of criminal attempt, criminal solicitation, or
670 criminal conspiracy is ranked for purposes of sentencing under
671 chapter 921 and determining rehabilitation credit ~~incentive~~
672 ~~gain-time~~ eligibility under chapter 944 one level below the
673 ranking under s. 921.0022 or s. 921.0023 of the offense
674 attempted, solicited, or conspired to. If the criminal attempt,
675 criminal solicitation, or criminal conspiracy is of an offense
676 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,
677 such offense is a misdemeanor of the first degree, punishable as
678 provided in s. 775.082 or s. 775.083.

679 Section 15. Subsection (3) of section 784.07, Florida
680 Statutes, is amended to read:

681 784.07 Assault or battery of law enforcement officers and
682 other specified personnel; reclassification of offenses; minimum
683 sentences.—

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

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

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

694
695 Notwithstanding s. 948.01, adjudication of guilt or imposition
696 of sentence shall not be suspended, deferred, or withheld, and

24-01196-24

20241572__

697 the defendant is not eligible for ~~statutory~~ gain-time or credits
698 under s. 944.275 or any form of discretionary early release,
699 other than pardon or executive clemency, or conditional medical
700 release under s. 947.149, prior to serving the minimum sentence.

701 Section 16. Paragraphs (a) and (b) of subsection (7) of
702 section 794.011, Florida Statutes, are amended to read:

703 794.011 Sexual battery.—

704 (7) (a) A person who is convicted of committing a sexual
705 battery on or after October 1, 1992, is not eligible for ~~basic~~
706 gain-time or credits under s. 944.275.

707 (b) Notwithstanding paragraph (a), for sentences imposed
708 for offenses committed on or after July 1, 2023, a person who is
709 convicted of committing or attempting, soliciting, or conspiring
710 to commit a sexual battery in violation of this section is not
711 eligible for ~~basic~~ gain-time or credits under s. 944.275.

712 Section 17. Subsection (7) of section 794.0115, Florida
713 Statutes, is amended to read:

714 794.0115 Dangerous sexual felony offender; mandatory
715 sentencing.—

716 (7) A defendant sentenced to a mandatory minimum term of
717 imprisonment under this section is not eligible for ~~statutory~~
718 gain-time or credits under s. 944.275 or any form of
719 discretionary early release, other than pardon or executive
720 clemency, or conditional medical release under s. 947.149,
721 before serving the minimum sentence.

722 Section 18. Subsection (2) of section 794.023, Florida
723 Statutes, is amended to read:

724 794.023 Sexual battery by multiple perpetrators;
725 reclassification of offenses.—

24-01196-24

20241572__

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

731 (a) A felony of the second degree is reclassified to a
732 felony of the first degree.

733 (b) A felony of the first degree is reclassified to a life
734 felony.

735

736 This subsection does not apply to life felonies or capital
737 felonies. For purposes of sentencing under chapter 921 and
738 determining rehabilitation credit ~~incentive gain-time~~
739 eligibility under chapter 944, a felony offense that is
740 reclassified under this subsection is ranked one level above the
741 ranking under s. 921.0022 or s. 921.0023 of the offense
742 committed.

743 Section 19. Subsection (4) of section 812.081, Florida
744 Statutes, is amended to read:

745 812.081 Theft of or trafficking in trade secrets;
746 definitions; penalties; providing to foreign entities;
747 restitution.-

748 (4) Whenever a person is charged with a violation of this
749 section which was committed with the intent to benefit a foreign
750 government, a foreign agent, or a foreign instrumentality, the
751 offense for which the person is charged shall be reclassified as
752 follows:

753 (a) In the case of theft of a trade secret, from a felony
754 of the third degree to a felony of the second degree.

24-01196-24

20241572__

755 (b) In the case of trafficking in trade secrets, from a
756 felony of the second degree to a felony of the first degree.

757
758 For purposes of sentencing under chapter 921 and determining
759 incentive gain-time or credit eligibility under chapter 944, a
760 felony offense that is reclassified under this subsection is
761 ranked one level above the ranking under s. 921.0022 of the
762 offense committed.

763 Section 20. Subsection (5) of section 817.568, Florida
764 Statutes, is amended to read:

765 817.568 Criminal use of personal identification
766 information.—

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

771 (a) A misdemeanor of the first degree is reclassified as a
772 felony of the third degree.

773 (b) A felony of the third degree is reclassified as a
774 felony of the second degree.

775 (c) A felony of the second degree is reclassified as a
776 felony of the first degree.

777
778 For purposes of sentencing under chapter 921 and rehabilitation
779 credit ~~incentive gain-time~~ eligibility under chapter 944, a
780 felony offense that is reclassified under this subsection is
781 ranked one level above the ranking under s. 921.0022 of the
782 felony offense committed, and a misdemeanor offense that is
783 reclassified under this subsection is ranked in level 2 of the

24-01196-24

20241572__

784 offense severity ranking chart in s. 921.0022.

785 Section 21. Subsection (3) of section 831.032, Florida
786 Statutes, is amended to read:

787 831.032 Offenses involving forging or counterfeiting
788 private labels.—

789 (3) (a) Violation of subsection (1) or subsection (2) is a
790 misdemeanor of the first degree, punishable as provided in s.
791 775.082 or s. 775.083, except that:

792 1. A violation of subsection (1) or subsection (2) is a
793 felony of the third degree, punishable as provided in s.
794 775.082, s. 775.083, or s. 775.084, if the offense involves 100
795 or more but less than 1,000 items bearing one or more
796 counterfeit marks or if the goods involved in the offense have a
797 total retail value of more than \$2,500, but less than \$20,000.

798 2. A violation of subsection (1) or subsection (2) is a
799 felony of the second degree, punishable as provided in s.
800 775.082, s. 775.083, or s. 775.084, if the offense involves
801 1,000 or more items bearing one or more counterfeit marks or if
802 the goods involved in the offense have a total retail value of
803 \$20,000 or more.

804 3. A violation of subsection (1) or subsection (2) is a
805 felony of the third degree, punishable as provided in s.
806 775.082, s. 775.083, or s. 775.084 if, during the commission or
807 as a result of the commission of the offense, the person
808 engaging in the offense knowingly or by culpable negligence
809 causes or allows to be caused bodily injury to another.

810 4. A violation of subsection (1) or subsection (2) is a
811 felony of the second degree, punishable as provided in s.
812 775.082, s. 775.083, or s. 775.084 if, during the commission or

24-01196-24

20241572__

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

816 5. A violation of subsection (1) or subsection (2) is a
817 felony of the first degree, punishable as provided in s.
818 775.082, s. 775.083, or s. 775.084 if, during the commission or
819 as a result of the commission of the offense, the person
820 engaging in the offense knowingly or by culpable negligence
821 causes or allows to be caused death to another.

822 (b) For any person who, having previously been convicted
823 for an offense under this section, is subsequently convicted for
824 another offense under this section, such subsequent offense
825 shall be reclassified as follows:

826 1. In the case of a felony of the second degree, to a
827 felony of the first degree.

828 2. In the case of a felony of the third degree, to a felony
829 of the second degree.

830 3. In the case of a misdemeanor of the first degree, to a
831 felony of the third degree. For purposes of sentencing under
832 chapter 921 and determining rehabilitation credit incentive
833 ~~gain-time~~ eligibility under chapter 944, such offense is ranked
834 in level 4 of the offense severity ranking chart.

835
836 For purposes of sentencing under chapter 921 and determining
837 rehabilitation credit incentive ~~gain-time~~ eligibility under
838 chapter 944, a felony offense that is reclassified under this
839 paragraph is ranked one level above the ranking under s.
840 921.0022 or s. 921.0023 of the felony offense committed.

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

24-01196-24

20241572__

842 person has been convicted of an offense under this section, the
843 court may fine the person up to three times the retail value of
844 the goods seized, manufactured, or sold, whichever is greater,
845 and may enter orders awarding court costs and the costs of
846 investigation and prosecution, reasonably incurred. The court
847 shall hold a hearing to determine the amount of the fine
848 authorized by this paragraph.

849 (d) When a person is convicted of an offense under this
850 section, the court, pursuant to s. 775.089, shall order the
851 person to pay restitution to the trademark owner and any other
852 victim of the offense. In determining the value of the property
853 loss to the trademark owner, the court shall include expenses
854 incurred by the trademark owner in the investigation or
855 prosecution of the offense as well as the disgorgement of any
856 profits realized by a person convicted of the offense.

857 Section 22. Subsection (2) of section 843.22, Florida
858 Statutes, is amended to read:

859 843.22 Traveling across county lines with intent to commit
860 a burglary.—

861 (2) If a person who commits a burglary travels any distance
862 with the intent to commit the burglary in a county in this state
863 other than the person's county of residence, the degree of the
864 burglary shall be reclassified to the next higher degree. For
865 purposes of sentencing under chapter 921 and determining
866 rehabilitation credit ~~incentive gain time~~ eligibility under
867 chapter 944, a burglary that is reclassified under this section
868 is ranked one level above the ranking specified in s. 921.0022
869 or s. 921.0023 for the burglary committed.

870 Section 23. Paragraph (b) of subsection (1) and subsection

24-01196-24

20241572__

871 (2) of section 874.04, Florida Statutes, are amended to read:

872 874.04 Gang-related offenses; enhanced penalties.—Upon a
873 finding by the factfinder that the defendant committed the
874 charged offense for the purpose of benefiting, promoting, or
875 furthering the interests of a criminal gang, the penalty for any
876 felony or misdemeanor, or any delinquent act or violation of law
877 which would be a felony or misdemeanor if committed by an adult,
878 may be enhanced. Penalty enhancement affects the applicable
879 statutory maximum penalty only. Each of the findings required as
880 a basis for such sentence shall be found beyond a reasonable
881 doubt. The enhancement will be as follows:

882 (1)

883 (b) A misdemeanor of the first degree may be punished as if
884 it were a felony of the third degree. For purposes of sentencing
885 under chapter 921 and determining rehabilitation credit
886 ~~incentive gain-time~~ eligibility under chapter 944, such offense
887 is ranked in level 1 of the offense severity ranking chart. The
888 criminal gang multiplier in s. 921.0024 does not apply to
889 misdemeanors enhanced under this paragraph.

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

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

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

896

897 For purposes of sentencing under chapter 921 and determining
898 rehabilitation credit ~~incentive gain-time~~ eligibility under
899 chapter 944, such felony offense is ranked as provided in s.

24-01196-24

20241572__

900 921.0022 or s. 921.0023, and without regard to the penalty
901 enhancement in this subsection.

902 Section 24. Section 944.281, Florida Statutes, is amended
903 to read:

904 944.281 Ineligibility to earn gain-time due to disciplinary
905 action.—The department may declare that a prisoner who commits a
906 violation of any law of the state or rule or regulation of the
907 department or institution on or after January 1, 1996, and who
908 is found guilty pursuant to s. 944.28(2), shall not be eligible
909 to earn rehabilitation credits ~~incentive gain-time~~ for up to 6
910 months following the month in which the violation occurred. The
911 department shall adopt rules to administer ~~the provisions of~~
912 this section.

913 Section 25. Subsection (1) of section 944.473, Florida
914 Statutes, is amended to read:

915 944.473 Inmate substance abuse testing program.—

916 (1) RULES AND PROCEDURES.—The department shall establish
917 programs for random and reasonable suspicion drug and alcohol
918 testing by urinalysis or other noninvasive procedure for inmates
919 to effectively identify those inmates abusing drugs, alcohol, or
920 both. The department shall also adopt rules relating to fair,
921 economical, and accurate operations and procedures of a random
922 inmate substance abuse testing program and a reasonable
923 suspicion substance abuse testing program by urinalysis or other
924 noninvasive procedure which enumerate penalties for positive
925 test results, including but not limited to the forfeiture of
926 both basic and rehabilitation credits ~~incentive gain-time~~, and
927 which do not limit the number of times an inmate may be tested
928 in any one fiscal or calendar year.

24-01196-24

20241572__

929 Section 26. Paragraph (b) of subsection (1) of section
930 944.70, Florida Statutes, is amended to read:
931 944.70 Conditions for release from incarceration.—
932 (1)
933 (b) A person who is convicted of a crime committed on or
934 after January 1, 1994, may be released from incarceration only:
935 1. Upon expiration of the person's sentence;
936 2. Upon expiration of the person's sentence as reduced by
937 accumulated outstanding deed meritorious or rehabilitation
938 credit incentive gain-time;
939 3. As directed by an executive order granting clemency;
940 4. Upon placement in a conditional release program pursuant
941 to s. 947.1405 or a conditional medical release program pursuant
942 to s. 947.149; or
943 5. Upon the granting of control release, including
944 emergency control release, pursuant to s. 947.146.
945 Section 27. Paragraphs (i) and (j) of subsection (3) of
946 section 944.801, Florida Statutes, are amended to read:
947 944.801 Education for state prisoners.—
948 (3) The responsibilities of the Correctional Education
949 Program shall be to:
950 (i) Ensure that every inmate who has 2 years or more
951 remaining to serve on his or her sentence at the time that he or
952 she is received at an institution and who lacks basic and
953 functional literacy skills as defined in s. 1004.02 attends not
954 fewer than 150 hours of sequential instruction in a correctional
955 adult basic education program. The basic and functional literacy
956 level of an inmate shall be determined by the average composite
957 test score obtained on a test approved for this purpose by the

24-01196-24

20241572__

958 State Board of Education.

959 1. Upon completion of the 150 hours of instruction, the
960 inmate shall be retested and, if a composite test score of
961 functional literacy is not attained, the department is
962 authorized to require the inmate to remain in the instructional
963 program.

964 2. Highest priority of inmate participation shall be
965 focused on youthful offenders and those inmates nearing release
966 from the correctional system.

967 3. An inmate shall be required to attend the 150 hours of
968 adult basic education instruction unless such inmate:

969 a. Is serving a life sentence or is under sentence of
970 death.

971 b. Is specifically exempted for security or health reasons.

972 c. Is housed at a community correctional center, road
973 prison, work camp, or vocational center.

974 d. Attains a functional literacy level after attendance in
975 fewer than 150 hours of adult basic education instruction.

976 e. Is unable to enter such instruction because of
977 insufficient facilities, staff, or classroom capacity.

978 4. The Department of Corrections shall provide classes to
979 accommodate those inmates assigned to correctional or public
980 work programs after normal working hours. The department shall
981 develop a plan to provide academic and vocational classes on a
982 more frequent basis and at times that accommodate the increasing
983 number of inmates with work assignments, to the extent that
984 resources permit.

985 5. If an inmate attends and actively participates in the
986 150 hours of instruction, the Department of Corrections may

24-01196-24

20241572__

987 grant a one-time award of up to 6 additional days of
988 rehabilitation credit ~~incentive gain-time~~, which must be
989 credited and applied as provided by law. Active participation
990 means, at a minimum, that the inmate is attentive, responsive,
991 cooperative, and completes assigned work.

992 (j) Recommend the award of additional rehabilitation credit
993 ~~incentive gain-time~~ for inmates who receive a high school
994 equivalency diploma or a vocational certificate.

995 Section 28. Subsection (15) of section 947.005, Florida
996 Statutes, is amended to read:

997 947.005 Definitions.—As used in this chapter, unless the
998 context clearly indicates otherwise:

999 (15) "Tentative release date" means the date projected for
1000 the prisoner's release from custody by virtue of gain-time and
1001 credits granted or forfeited pursuant to s. 944.275(3)(a).

1002 Section 29. This act shall take effect July 1, 2024.