

1                   A bill to be entitled  
2       An act relating to conditional geriatric release;  
3       creating s. 947.148, F.S.; requiring the Florida  
4       Commission on Offender Review, in conjunction with the  
5       Department of Corrections, to establish the  
6       conditional geriatric release program; specifying  
7       eligibility for the program; authorizing persons  
8       sentenced to the custody of the department to apply to  
9       the commission to be considered for conditional  
10      geriatric release within a specified time before  
11      reaching eligibility; specifying that a person does  
12      not have a right to conditional geriatric release;  
13      requiring the commission to consider any evidence  
14      relevant to public safety; authorizing the commission  
15      to consider the continued cost to the department to  
16      house the inmate; specifying that the commission has  
17      the sole discretion to determine whether to grant  
18      conditional geriatric release; authorizing the  
19      revocation of conditional geriatric release for  
20      violations of any conditions of release; requiring  
21      rulemaking; amending ss. 947.13 and 947.141, F.S.;  
22      conforming provisions to changes made by the act;  
23      providing an effective date.

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

26  
27       **Section 1. Section 947.148, Florida Statutes, is created**  
28 **to read:**

29       947.148 Conditional geriatric release.—

30       (1) The commission shall, in conjunction with the  
31 department, establish the conditional geriatric release program.  
32 A person in the department's custody is eligible for  
33 consideration for release under the conditional geriatric  
34 release program when he or she is 65 years of age or older, has  
35 served a minimum of 15 years of his or her sentence in the  
36 department's custody, and is not under a sentence of death.

37       (2) Notwithstanding any provision to the contrary, a  
38 person sentenced to the custody of the department may apply to  
39 the commission to be considered for conditional geriatric  
40 release up to 2 years before reaching eligibility. The  
41 commission may grant a request for conditional geriatric release  
42 before the person reaches eligibility status, but a person may  
43 not be released until the date he or she becomes eligible.

44       (3) A person does not have a right to conditional  
45 geriatric release.

46       (4) In determining whether to grant release under this  
47 section, the commission shall consider any evidence relevant to  
48 public safety, including, but not limited to, all of the  
49 following:

50       (a) The underlying offense.

51        (b) An inmate's criminal history record.

52        (c) An inmate's disciplinary record while incarcerated.

53        (d) Indications of rehabilitation.

54        (e) An inmate's physical and mental health, including his  
55 or her mobility.

56        (f) An inmate's prospects and support system upon release.

57  
58 The commission may also consider the continued cost to the  
59 department to house the inmate; however, no such consideration  
60 can outweigh public safety threats.

61        (5) The authority to determine whether to grant  
62 conditional geriatric release and establish additional  
63 conditions of conditional geriatric release rests solely within  
64 the discretion of the commission, in accordance with this  
65 section.

66        (6) The conditional geriatric release term of an inmate  
67 released under this section is for the remainder of the inmate's  
68 sentence, without diminution of sentence for good behavior.

69        (7) Conditional geriatric release may be revoked in  
70 accordance with s. 947.141 for a violation of any condition of  
71 the release established by the commission, and the releasee's  
72 gain-time may be forfeited pursuant to s. 944.28(1).

73        (8) The department and the commission shall adopt rules to  
74 administer this section.

75        **Section 2. Paragraph (h) of subsection (1) of section**

76 **947.13, Florida Statutes, is amended to read:**

77 947.13 Powers and duties of commission.—

78 (1) The commission shall have the powers and perform the  
79 duties of:

80 (h) Determining what persons will be released on  
81 conditional geriatric release under s. 947.148 or conditional  
82 medical release under s. 947.149, establishing the conditions of  
83 conditional geriatric release or conditional medical release,  
84 and determining whether a person has violated the conditions of  
85 conditional geriatric release or conditional medical release and  
86 taking action with respect to such a violation.

87 **Section 3. Section 947.141, Florida Statutes, is amended**  
88 **to read:**

89 947.141 Violations of conditional release, control  
90 release, conditional geriatric release, or conditional medical  
91 release or addiction-recovery supervision.—

92 (1) If a member of the commission or a duly authorized  
93 representative of the commission has reasonable grounds to  
94 believe that an offender who is on release supervision under s.  
95 947.1405, s. 947.146, s. 947.148, s. 947.149, or s. 944.4731 has  
96 violated the terms and conditions of the release in a material  
97 respect, such member or representative may cause a warrant to be  
98 issued for the arrest of the releasee; if the offender was found  
99 to be a sexual predator, the warrant must be issued.

100 (2) Upon the arrest on a felony charge of an offender who

101 is on release supervision under s. 947.1405, s. 947.146, s.  
102 947.148, s. 947.149, or s. 944.4731, the offender must be  
103 detained without bond until the initial appearance of the  
104 offender at which a judicial determination of probable cause is  
105 made. If the trial court judge determines that there was no  
106 probable cause for the arrest, the offender may be released. If  
107 the trial court judge determines that there was probable cause  
108 for the arrest, such determination also constitutes reasonable  
109 grounds to believe that the offender violated the conditions of  
110 the release. Within 24 hours after the trial court judge's  
111 finding of probable cause, the detention facility administrator  
112 or designee shall notify the commission and the department of  
113 the finding and transmit to each a facsimile copy of the  
114 probable cause affidavit or the sworn offense report upon which  
115 the trial court judge's probable cause determination is based.  
116 The offender must continue to be detained without bond for a  
117 period not exceeding 72 hours excluding weekends and holidays  
118 after the date of the probable cause determination, pending a  
119 decision by the commission whether to issue a warrant charging  
120 the offender with violation of the conditions of release. Upon  
121 the issuance of the commission's warrant, the offender must  
122 continue to be held in custody pending a revocation hearing held  
123 in accordance with this section.

124       (3) Within 45 days after notice to the Florida Commission  
125 on Offender Review of the arrest of a releasee charged with a

126 violation of the terms and conditions of conditional release,  
127 control release, conditional geriatric release, conditional  
128 medical release, or addiction-recovery supervision, the releasee  
129 must be afforded a hearing conducted by a commissioner or a duly  
130 authorized representative thereof. If the releasee elects to  
131 proceed with a hearing, the releasee must be informed orally and  
132 in writing of the following:

133 (a) The alleged violation with which the releasee is  
134 charged.

135 (b) The releasee's right to be represented by counsel.

136 (c) The releasee's right to be heard in person.

137 (d) The releasee's right to secure, present, and compel  
138 the attendance of witnesses relevant to the proceeding.

139 (e) The releasee's right to produce documents on the  
140 releasee's own behalf.

141 (f) The releasee's right of access to all evidence used  
142 against the releasee and to confront and cross-examine adverse  
143 witnesses.

144 (g) The releasee's right to waive the hearing.

145 (4) Within a reasonable time following the hearing, the  
146 commissioner or the commissioner's duly authorized  
147 representative who conducted the hearing shall make findings of  
148 fact in regard to the alleged violation. A panel of no fewer  
149 than two commissioners shall enter an order determining whether  
150 the charge of violation of conditional release, control release,

151 conditional geriatric release, conditional medical release, or  
152 addiction-recovery supervision has been sustained based upon the  
153 findings of fact presented by the hearing commissioner or  
154 authorized representative. By such order, the panel may revoke  
155 conditional release, control release, conditional geriatric  
156 release, conditional medical release, or addiction-recovery  
157 supervision and thereby return the releasee to prison to serve  
158 the sentence imposed, reinstate the original order granting the  
159 release, or enter such other order as it considers proper.  
160 Effective for inmates whose offenses were committed on or after  
161 July 1, 1995, the panel may order the placement of a releasee,  
162 upon a finding of violation pursuant to this subsection, into a  
163 local detention facility as a condition of supervision.

164 (5) Effective for inmates whose offenses were committed on  
165 or after July 1, 1995, notwithstanding the provisions of ss.  
166 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and  
167 951.23, or any other law to the contrary, by such order as  
168 provided in subsection (4), the panel, upon a finding of guilt,  
169 may, as a condition of continued supervision, place the releasee  
170 in a local detention facility for a period of incarceration not  
171 to exceed 22 months. Prior to the expiration of the term of  
172 incarceration, or upon recommendation of the chief correctional  
173 officer of that county, the commission shall cause inquiry into  
174 the inmate's release plan and custody status in the detention  
175 facility and consider whether to restore the inmate to

176 supervision, modify the conditions of supervision, or enter an  
177 order of revocation, thereby causing the return of the inmate to  
178 prison to serve the sentence imposed. The provisions of this  
179 section do not prohibit the panel from entering such other order  
180 or conducting any investigation that it deems proper. The  
181 commission may only place a person in a local detention facility  
182 pursuant to this section if there is a contractual agreement  
183 between the chief correctional officer of that county and the  
184 Department of Corrections. The agreement must provide for a per  
185 diem reimbursement for each person placed under this section,  
186 which is payable by the Department of Corrections for the  
187 duration of the offender's placement in the facility. This  
188 section does not limit the commission's ability to place a  
189 person in a local detention facility for less than 1 year.

190 (6) Whenever a conditional release, control release,  
191 conditional geriatric release, conditional medical release, or  
192 addiction-recovery supervision is revoked by a panel of no fewer  
193 than two commissioners and the releasee is ordered to be  
194 returned to prison, the releasee, by reason of the misconduct,  
195 shall be deemed to have forfeited all gain-time or commutation  
196 of time for good conduct, as provided for by law, earned up to  
197 the date of release. However, if a conditional medical release  
198 is revoked due to the improved medical or physical condition of  
199 the releasee, the releasee shall not forfeit gain-time accrued  
200 before the date of conditional medical release. This subsection



201 does not deprive the prisoner of the right to gain-time or  
202 commutation of time for good conduct, as provided by law, from  
203 the date of return to prison.

204       (7) If a law enforcement officer has probable cause to  
205 believe that an offender who is on release supervision under s.  
206 947.1405, s. 947.146, s. 947.148, s. 947.149, or s. 944.4731 has  
207 violated the terms and conditions of his or her release by  
208 committing a felony offense, the officer shall arrest the  
209 offender without a warrant, and a warrant need not be issued in  
210 the case.

211       **Section 4.** This act shall take effect July 1, 2026.