

1 A bill to be entitled
2 An act relating to inmate conditional release;
3 creating s. 945.0911, F.S.; establishing the
4 conditional medical release program within the
5 Department of Corrections; establishing a panel to
6 consider specified matters; defining terms; providing
7 for program eligibility; requiring an inmate who meets
8 certain criteria to be considered for conditional
9 medical release; providing that the inmate does not
10 have a right to release or to a certain medical
11 evaluation; requiring the department to identify
12 eligible inmates; requiring the department to refer an
13 inmate to the panel for consideration; providing for
14 victim notification in certain circumstances;
15 requiring the panel to conduct a hearing within a
16 specified timeframe; providing requirements for the
17 hearing; providing that an inmate who is approved for
18 conditional medical release must be released from the
19 department in a reasonable amount of time; providing a
20 review process for an inmate who is denied release;
21 providing conditions for release; providing that an
22 inmate is considered a medical releasee upon release
23 from the department into the community; providing that
24 a medical releasee remains in the care, custody,
25 supervision, and control of the department and is

26 | eligible to earn or lose gain-time; prohibiting a
27 | medical releasee or his or her community-based housing
28 | from being counted in the prison system population and
29 | the prison capacity figures, respectively; providing
30 | for the revocation of medical releasee's conditional
31 | medical release; authorizing the medical releasee to
32 | be returned to the department's custody if his or her
33 | medical or physical condition improves; requiring a
34 | majority of the panel members to agree on the
35 | appropriateness of revocation; providing that gain-
36 | time is not forfeited for revocation based on
37 | improvement in the medical releasee's condition;
38 | providing a review process for a medical releasee who
39 | has his or her release revoked; authorizing the
40 | medical releasee to be recommitted if he or she
41 | violates any condition of the release; requiring that
42 | the medical releasee be detained if a violation is
43 | based on certain circumstances; requiring a hearing;
44 | requiring that a majority of the panel members agree
45 | on the appropriateness of revocation; requiring
46 | specified medical releasees to be recommitted to the
47 | department upon the revocation of the conditional
48 | medical release; authorizing the forfeiture of gain-
49 | time if the revocation is based on certain violations;
50 | providing a review process for a medical releasee who

51 has his or her release revoked; requiring that the
52 medical releasee be given specified information in
53 certain instances; requiring the department to notify
54 certain persons within a specified timeframe of an
55 inmate's diagnosis of a terminal medical condition;
56 requiring the department to allow a visit between an
57 inmate and certain persons within 7 days of a
58 diagnosis of a terminal medical condition; requiring
59 the department to initiate the conditional medical
60 release review process immediately upon an inmate's
61 diagnosis of a terminal medical condition; requiring
62 the inmate to consent to release of information in
63 certain circumstances; providing rulemaking authority;
64 creating s. 945.0912, F.S.; establishing the
65 conditional aging inmate release program within the
66 Department of Corrections; establishing a panel to
67 consider specified matters; providing for program
68 eligibility; requiring that an inmate who meets
69 certain criteria be considered for conditional aging
70 inmate release; providing that the inmate does not
71 have a right to release; requiring the department to
72 identify eligible inmates; requiring the department to
73 refer an inmate to the panel for consideration;
74 providing victim notification requirements in certain
75 circumstances; requiring the panel to conduct a

76 hearing within a specified timeframe; providing
77 requirements for the hearing; providing a review
78 process for an inmate who is denied release; providing
79 conditions for release; providing that an aging
80 releasee remains in the care, custody, supervision,
81 and control of the department and is eligible to earn
82 or lose gain-time; prohibiting an aging releasee or
83 his or her community-based housing from being counted
84 in the prison system population and the prison
85 capacity figures, respectively; providing for the
86 revocation of an aging inmate's release; requiring the
87 aging releasee to be detained if a violation is based
88 on certain circumstances; authorizing the aging
89 releasee to be recommitted if he or she violates any
90 condition of the release; requiring a majority of the
91 panel to agree on the appropriateness of revocation;
92 authorizing the forfeiture of gain-time if the
93 revocation is based on certain violations; providing a
94 review process for an inmate who has his or her
95 released revoked; requiring the aging releasee to be
96 given specified information in certain instances;
97 providing rulemaking authority; repealing s. 947.149,
98 F.S., relating to conditional medical release;
99 amending ss. 316.1935, 775.084, 775.087, 784.07,
100 790.235, 794.0115, 893.135, 921.0024, 944.605, 944.70,

101 947.13, and 947.141, F.S.; conforming cross-references
102 to changes made by the act; providing an effective
103 date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. Section 945.0911, Florida Statutes, is created
108 to read:

109 945.0911 Conditional medical release.—

110 (1) CREATION.—There is established a conditional medical
111 release program within the department for the purpose of
112 determining whether release is appropriate for eligible inmates,
113 supervising the released inmates, and conducting revocation
114 hearings as provided for in this section. The establishment of
115 the conditional medical release program must include a panel of
116 at least three people appointed by the secretary or his or her
117 designee for the purpose of determining the appropriateness of
118 conditional medical release and conducting revocation hearings
119 on the inmate releases.

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

121 (a) "Inmate with a debilitating illness" means an inmate
122 who is determined to be suffering from a significant terminal or
123 nonterminal condition, disease, or syndrome that has rendered
124 the inmate so physically or cognitively impaired, debilitated,
125 or incapacitated as to create a reasonable probability that the

126 inmate does not constitute a danger to himself or herself or to
127 others.

128 (b) "Permanently incapacitated inmate" means an inmate who
129 has a condition caused by injury, disease, or illness which, to
130 a reasonable degree of medical certainty, renders the inmate
131 permanently and irreversibly physically incapacitated to the
132 extent that the inmate does not constitute a danger to himself
133 or herself or to others.

134 (c) "Terminally ill inmate" means an inmate who has a
135 condition caused by injury, disease, or illness that, to a
136 reasonable degree of medical certainty, renders the inmate
137 terminally ill to the extent that there can be no recovery,
138 death is expected within 12 months, and the inmate does not
139 constitute a danger to himself or herself or to others.

140 (3) ELIGIBILITY.—An inmate is eligible for consideration
141 for release under the conditional medical release program when
142 the inmate, because of an existing medical or physical
143 condition, is determined by the department to be an inmate with
144 a debilitating illness, a permanently incapacitated inmate, or a
145 terminally ill inmate.

146 (4) REFERRAL FOR CONSIDERATION.—

147 (a)1. Notwithstanding any provision of law to the
148 contrary, any inmate in the custody of the department who meets
149 one or more of the eligibility requirements under subsection (3)
150 must be considered for conditional medical release.

151 2. The authority to grant conditional medical release
152 rests solely with the department. An inmate does not have a
153 right to release or to a medical evaluation to determine
154 eligibility for release pursuant to this section.

155 (b) The department must identify inmates who may be
156 eligible for conditional medical release based upon available
157 medical information. In considering an inmate for conditional
158 medical release, the department may require additional medical
159 evidence, including examinations of the inmate, or any other
160 additional investigations the department deems necessary for
161 determining the appropriateness of the eligible inmate's
162 release.

163 (c) The department must refer an inmate to the panel
164 established under subsection (1) for review and determination of
165 conditional medical release upon his or her identification as
166 potentially eligible for release pursuant to this section.

167 (d) If the case that resulted in the inmate's commitment
168 to the department involved a victim, and the victim specifically
169 requested notification pursuant to s. 16, Art. I of the State
170 Constitution, the department must notify the victim of the
171 inmate's referral to the panel immediately upon identification
172 of the inmate as potentially eligible for release under this
173 section. Additionally, the victim must be afforded the right to
174 be heard regarding the release of the inmate.

175 (5) DETERMINATION OF RELEASE.—

176 (a) Within 45 days after receiving the referral, the panel
177 established in subsection (1) must conduct a hearing to
178 determine whether conditional medical release is appropriate for
179 the inmate. Before the hearing, the director of inmate health
180 services or his or her designee must review any relevant
181 information, including, but not limited to, medical evidence,
182 and provide the panel with a recommendation regarding the
183 appropriateness of releasing the inmate pursuant to this
184 section.

185 (b) A majority of the panel members must agree that
186 release pursuant to this section is appropriate for the inmate.
187 If conditional medical release is approved, the inmate must be
188 released by the department to the community within a reasonable
189 amount of time with necessary release conditions imposed
190 pursuant to subsection (6). An inmate who is granted conditional
191 medical release is considered a medical releasee upon release to
192 the community.

193 (c) An inmate who is denied conditional medical release by
194 the panel may have the decision reviewed by the department's
195 general counsel and chief medical officer, who must make a
196 recommendation to the secretary. The secretary must review all
197 relevant information and make a final decision about the
198 appropriateness of conditional medical release pursuant to this
199 section. The decision of the secretary is a final administrative
200 decision not subject to appeal. An inmate who is denied

201 conditional medical release may be subsequently reconsidered for
202 such release in a manner prescribed by department rule.

203 (6) RELEASE CONDITIONS.—

204 (a) An inmate granted release pursuant to this section is
205 released for a period equal to the length of time remaining on
206 his or her term of imprisonment on the date the release is
207 granted. Such inmate is considered a medical releasee upon
208 release from the department into the community. The medical
209 releasee must comply with all reasonable conditions of release
210 the department imposes, which must include, at a minimum:

211 1. Periodic medical evaluations at intervals determined by
212 the department at the time of release.

213 2. Supervision by an officer trained to handle special
214 offender caseloads.

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

218 4. Any conditions of community control provided for in s.
219 948.101.

220 5. Any other conditions the department deems appropriate
221 to ensure the safety of the community and compliance by the
222 medical releasee.

223 (b) A medical releasee is considered to be in the care,
224 custody, supervision, and control of the department and remains
225 eligible to earn or lose gain-time in accordance with s. 944.275

226 and department rule. The medical releasee may not be counted in
227 the prison system population, and the medical releasee's
228 approved community-based housing location may not be counted in
229 the capacity figures for the prison system.

230 (7) REVOCATION HEARING AND RECOMMITMENT.—

231 (a)1. If the medical releasee's supervision officer
232 discovers that the medical or physical condition of the medical
233 releasee has improved to the extent that he or she would no
234 longer be eligible for release under this section, then the
235 conditional medical release may be revoked. The department may
236 order, as prescribed by department rule, that the medical
237 releasee be returned to the custody of the department for a
238 conditional medical release revocation hearing or may allow the
239 medical releasee to remain in the community pending the
240 revocation hearing.

241 2. The revocation hearing must be conducted by the panel
242 established in subsection (1). Before a revocation hearing
243 pursuant to this paragraph, the director of inmate health
244 services or his or her designee must review any medical evidence
245 pertaining to the medical releasee and provide the panel with a
246 recommendation regarding the medical releasee's improvement and
247 current medical or physical condition.

248 3. A majority of the panel members must agree that
249 revocation is appropriate for the medical releasee's conditional
250 medical release to be revoked. If conditional medical release is

251 revoked due to improvement in his or her medical or physical
252 condition, the medical releasee must be recommitted to the
253 department to serve the balance of his or her sentence with
254 credit for the time served on conditional medical release and
255 without forfeiture of any gain-time accrued before recommitment.
256 If the medical releasee whose conditional medical release is
257 revoked due to an improvement in his or her medical or physical
258 condition would otherwise be eligible for parole or any other
259 release program, he or she may be considered for such release
260 program pursuant to law.

261 4. A medical releasee whose conditional medical release is
262 revoked pursuant to this paragraph may have the decision
263 reviewed by the department's general counsel and chief medical
264 officer, who must make a recommendation to the secretary. The
265 secretary must review all relevant information and make a final
266 decision about the appropriateness of the revocation of
267 conditional medical release pursuant to this paragraph. The
268 decision of the secretary is a final administrative decision not
269 subject to appeal.

270 (b)1. The medical releasee's conditional medical release
271 may also be revoked for violation of any release conditions the
272 department establishes, including, but not limited to, a new
273 violation of law.

274 2. If the basis of the violation of release conditions is
275 related to a new violation of law, the medical releasee must be

276 detained without bond until his or her initial appearance at
277 which a judicial determination of probable cause is made. If the
278 judge determines that there was no probable cause for the
279 arrest, the medical releasee may be released. If the judge
280 determines that there was probable cause for the arrest, the
281 judge's determination also constitutes reasonable grounds to
282 believe that the medical releasee violated the conditions of the
283 conditional medical release.

284 3. The department must order that the medical releasee
285 subject to revocation under this paragraph be returned to
286 department custody for a conditional medical release revocation
287 hearing.

288 4. A majority of the panel members must agree that
289 revocation is appropriate for the medical releasee's conditional
290 medical release to be revoked. If conditional medical release is
291 revoked pursuant to this paragraph, the medical releasee must
292 serve the balance of his or her sentence with credit for the
293 actual time served on conditional medical release. The
294 releasee's gain-time accrued before recommitment may be
295 forfeited pursuant to s. 944.28(1). If the medical releasee
296 whose conditional medical release is revoked subject to this
297 paragraph would otherwise be eligible for parole or any other
298 release program, he or she may be considered for such release
299 program pursuant to law.

300 5. A medical releasee whose conditional medical release

301 has been revoked pursuant to this paragraph may have the
302 revocation reviewed by the department's general counsel, who
303 must make a recommendation to the secretary. The secretary must
304 review all relevant information and make a final decision about
305 the appropriateness of the revocation of conditional medical
306 release pursuant to this paragraph. The decision of the
307 secretary is a final administrative decision not subject to
308 appeal.

309 (c) If the medical releasee subject to revocation under
310 paragraph (a) or paragraph (b) elects to proceed with a
311 revocation hearing, the medical releasee must be informed orally
312 and in writing of the following:

313 1. The alleged basis for the pending revocation proceeding
314 against the releasee.

315 2. The releasee's right to be represented by counsel.
316 However, this subparagraph does not create a right to publicly
317 funded legal counsel.

318 3. The releasee's right to be heard in person.

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

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

323 6. The releasee's right of access to all evidence used to
324 support the revocation proceeding against the releasee and to
325 confront and cross-examine adverse witnesses.

326 7. The releasee's right to waive the revocation hearing.
 327 (8) SPECIAL REQUIREMENTS UPON AN INMATE'S DIAGNOSIS OF A
 328 TERMINAL CONDITION.—

329 (a) If an inmate is diagnosed with a terminal medical
 330 condition that makes him or her eligible for consideration for
 331 release under paragraph (2) (c) while in the custody of the
 332 department, subject to confidentiality requirements, the
 333 department must:

334 1. Notify the inmate's family or next of kin, and
 335 attorney, if applicable, of such diagnosis within 72 hours of
 336 the diagnosis.

337 2. Provide the inmate's family, including extended family,
 338 with an opportunity to visit the inmate in person within 7 days
 339 upon such diagnosis.

340 3. Initiate a review for conditional medical release as
 341 provided for in this section immediately upon such diagnosis.

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

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

348 Section 2. Section 945.0912, Florida Statutes, is created
 349 to read:

350 945.0912 Conditional aging release.—

351 (1) CREATION.—There is established a conditional aging
352 inmate release program within the department for the purpose of
353 determining eligible inmates who are appropriate for such
354 release, supervising the released inmates, and conducting
355 revocation hearings as provided for in this section. The program
356 must include a panel of at least three people appointed by the
357 secretary or his or her designee for the purpose of determining
358 the appropriateness of conditional aging inmate release and
359 conducting revocation hearings on the inmate releases.

360 (2) ELIGIBILITY.—

361 (a) An inmate is eligible for consideration for release
362 under the conditional aging inmate release program when the
363 inmate has reached 70 years of age and has served at least 10
364 years on his or her term of imprisonment.

365 (b) An inmate may not be considered for release through
366 the program if he or she has ever been found guilty of,
367 regardless of adjudication, or entered a plea of nolo contendere
368 or guilty to, or has been adjudicated delinquent for committing:

369 1. A violation of any of the following sections which
370 results in the actual killing of a human being:

- 371 a. Section 775.33(4).
372 b. Section 782.04(1) or (2).
373 c. Section 782.09.

374 2. Any felony offense that serves as a predicate to
375 registration as a sexual offender in accordance with s.

376 943.0435; or

377 3. Any similar offense committed in another jurisdiction
378 which would be an offense listed in this paragraph if it had
379 been committed in violation of the laws of this state.

380 (3) REFERRAL FOR CONSIDERATION.—

381 (a)1. Notwithstanding any provision of law to the
382 contrary, an inmate in the custody of the department who is
383 eligible for consideration pursuant to subsection (2) must be
384 considered for conditional aging inmate release.

385 2. The authority to grant conditional aging inmate release
386 rests solely with the department. An inmate does not have a
387 right to such release.

388 (b) The department must identify inmates who may be
389 eligible for conditional aging inmate release. In considering an
390 inmate for conditional aging inmate release under the program,
391 the department may require the production of additional evidence
392 or any other additional investigations that the department deems
393 are necessary for determining the appropriateness of the
394 eligible inmate's release.

395 (c) The department must refer an inmate to the panel
396 established under subsection (1) for review and determination of
397 conditional aging inmate release upon his or her identification
398 as potentially eligible for release pursuant to this section.

399 (d) If the case that resulted in the inmate's commitment
400 to the department involved a victim, and the victim specifically

401 requested notification pursuant to s. 16, Art. I of the State
402 Constitution, the department must notify the victim of the
403 inmate's referral to the panel immediately upon identification
404 of the inmate as potentially eligible for release under this
405 section. Additionally, the victim must be afforded the right to
406 be heard regarding the release of the inmate.

407 (4) DETERMINATION OF RELEASE.—

408 (a) Within 45 days after receiving the referral, the panel
409 established in subsection (1) must conduct a hearing to
410 determine whether the inmate is appropriate for conditional
411 aging inmate release.

412 (b) A majority of the panel members must agree that the
413 inmate is appropriate for release pursuant to this section.

414 (c) An inmate who is denied conditional aging inmate
415 release by the panel may have the decision reviewed by the
416 department's general counsel, who must make a recommendation to
417 the secretary. The secretary must review all relevant
418 information and make a final decision about the appropriateness
419 of conditional aging inmate release pursuant to this section.
420 The decision of the secretary is a final administrative decision
421 not subject to appeal. An inmate who is denied conditional aging
422 inmate release may be subsequently reconsidered for such release
423 in a manner prescribed by rule.

424 (5) RELEASE CONDITIONS.—

425 (a) An inmate granted release pursuant to this section is

426 released for a period equal to the length of time remaining on
427 his or her term of imprisonment on the date the release is
428 granted. The aging releasee must comply with all reasonable
429 conditions of release the department imposes, which must
430 include, at a minimum:

431 1. Supervision by an officer trained to handle special
432 offender caseloads.

433 2. Active electronic monitoring, if such monitoring is
434 determined to be necessary to ensure the safety of the public
435 and the releasee's compliance with release conditions.

436 3. Any conditions of community control provided for in s.
437 948.101.

438 4. Any other conditions the department deems appropriate
439 to ensure the safety of the community and compliance by the
440 aging releasee.

441 (b) An aging releasee is considered to be in the care,
442 custody, supervision, and control of the department and remains
443 eligible to earn or lose gain-time in accordance with s. 944.275
444 and department rule. The aging releasee may not be counted in
445 the prison system population, and the aging releasee's approved
446 community-based housing location may not be counted in the
447 capacity figures for the prison system.

448 (6) REVOCATION HEARING AND RECOMMITMENT.—

449 (a)1. An inmate's conditional aging inmate release may be
450 revoked for a violation of any condition of the release

451 established by the department, including, but not limited to, a
452 new violation of law.

453 2. If the basis of the violation of release conditions is
454 related to a new violation of law, the aging releasee must be
455 detained without bond until his or her initial appearance, at
456 which a judicial determination of probable cause is made. If the
457 judge determines that there was no probable cause for the
458 arrest, the aging releasee may be released. If the judge
459 determines that there was probable cause for the arrest, the
460 judge's determination also constitutes reasonable grounds to
461 believe that the offender violated the conditions of the
462 release.

463 3. The department must order that the aging releasee
464 subject to revocation under this paragraph be returned to
465 department custody for a conditional aging inmate release
466 revocation hearing as prescribed by rule.

467 4. A majority of the panel members must agree that
468 revocation is appropriate for the aging releasee's conditional
469 release. If conditional release is revoked pursuant to this
470 paragraph, the aging releasee must serve the balance of his or
471 her sentence with credit for the actual time served on
472 conditional aging inmate release. The releasee's gain-time
473 accrued before recommitment may be forfeited pursuant to s.
474 944.28(1). If the inmate whose conditional aging inmate release
475 is revoked subject to this paragraph would otherwise be eligible

476 for parole or any other release program, he or she may be
477 considered for such release program pursuant to law.

478 5. An aging releasee whose release has been revoked
479 pursuant to this paragraph may have the revocation reviewed by
480 the department's general counsel, who must make a recommendation
481 to the secretary. The secretary must review all relevant
482 information and make a final decision about the appropriateness
483 of the revocation of conditional aging inmate release pursuant
484 to this paragraph. The decision of the secretary is a final
485 administrative decision not subject to appeal.

486 (b) If the aging releasee subject to revocation under
487 paragraph (a) elects to proceed with a hearing, the releasee
488 must be informed orally and in writing of the following:

489 1. The alleged violation with which the releasee is
490 charged.

491 2. The releasee's right to be represented by counsel.
492 However, this subparagraph does not create a right to publicly
493 funded legal counsel.

494 3. The releasee's right to be heard in person.

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

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

499 6. The releasee's right of access to all evidence used
500 against the releasee and to confront and cross-examine adverse

501 witnesses.

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

503 (7) RULEMAKING AUTHORITY.—The department may adopt rules
 504 as necessary to implement this section.

505 Section 3. Section 947.149, Florida Statutes, is repealed.

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

508 316.1935 Fleeing or attempting to elude a law enforcement
 509 officer; aggravated fleeing or eluding.—

510 (6) Notwithstanding s. 948.01, no court may suspend,
 511 defer, or withhold adjudication of guilt or imposition of
 512 sentence for any violation of this section. A person convicted
 513 and sentenced to a mandatory minimum term of incarceration under
 514 paragraph (3) (b) or paragraph (4) (b) is not eligible for
 515 statutory gain-time under s. 944.275 or any form of
 516 discretionary early release, other than pardon or executive
 517 clemency or conditional medical release under s. 945.0911 ~~s.~~
 518 ~~947.149~~, prior to serving the mandatory minimum sentence.

519 Section 5. Paragraph (k) of subsection (4) of section
 520 775.084, Florida Statutes, is amended to read:

521 775.084 Violent career criminals; habitual felony
 522 offenders and habitual violent felony offenders; three-time
 523 violent felony offenders; definitions; procedure; enhanced
 524 penalties or mandatory minimum prison terms.—

525 (4)

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

530 2. For an offense committed on or after October 1, 1995, a
 531 defendant sentenced under this section as a violent career
 532 criminal is not eligible for any form of discretionary early
 533 release, other than pardon or executive clemency, or conditional
 534 medical release granted pursuant to s. 945.0911 ~~s. 947.149~~.

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

540 Section 6. Paragraph (b) of subsection (2) and paragraph
 541 (b) of subsection (3) of section 775.087, Florida Statutes, are
 542 amended to read:

543 775.087 Possession or use of weapon; aggravated battery;
 544 felony reclassification; minimum sentence.—

545 (2)

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

551 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
552 authorize a court to impose a lesser sentence than otherwise
553 required by law.

554

555 Notwithstanding s. 948.01, adjudication of guilt or imposition
556 of sentence shall not be suspended, deferred, or withheld, and
557 the defendant is not eligible for statutory gain-time under s.
558 944.275 or any form of discretionary early release, other than
559 pardon or executive clemency, or conditional medical release
560 under s. 945.0911 ~~s. 947.149~~, prior to serving the minimum
561 sentence.

562 (3)

563 (b) Subparagraph (a)1., subparagraph (a)2., or
564 subparagraph (a)3. does not prevent a court from imposing a
565 longer sentence of incarceration as authorized by law in
566 addition to the minimum mandatory sentence, or from imposing a
567 sentence of death pursuant to other applicable law. Subparagraph
568 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
569 authorize a court to impose a lesser sentence than otherwise
570 required by law.

571

572 Notwithstanding s. 948.01, adjudication of guilt or imposition
573 of sentence shall not be suspended, deferred, or withheld, and
574 the defendant is not eligible for statutory gain-time under s.
575 944.275 or any form of discretionary early release, other than

576 | pardon or executive clemency, or conditional medical release
 577 | under s. 945.0911 ~~s. 947.149~~, prior to serving the minimum
 578 | sentence.

579 | Section 7. Subsection (3) of section 784.07, Florida
 580 | Statutes, is amended to read:

581 | 784.07 Assault or battery of law enforcement officers,
 582 | firefighters, emergency medical care providers, public transit
 583 | employees or agents, or other specified officers;
 584 | reclassification of offenses; minimum sentences.—

585 | (3) Any person who is convicted of a battery under
 586 | paragraph (2)(b) and, during the commission of the offense, such
 587 | person possessed:

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

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

595 |
 596 | Notwithstanding s. 948.01, adjudication of guilt or imposition
 597 | of sentence shall not be suspended, deferred, or withheld, and
 598 | the defendant is not eligible for statutory gain-time under s.
 599 | 944.275 or any form of discretionary early release, other than
 600 | pardon or executive clemency, or conditional medical release

601 under s. 945.0911 ~~s. 947.149~~, prior to serving the minimum
 602 sentence.

603 Section 8. Subsection (1) of section 790.235, Florida
 604 Statutes, is amended to read:

605 790.235 Possession of firearm or ammunition by violent
 606 career criminal unlawful; penalty.—

607 (1) Any person who meets the violent career criminal
 608 criteria under s. 775.084(1)(d), regardless of whether such
 609 person is or has previously been sentenced as a violent career
 610 criminal, who owns or has in his or her care, custody,
 611 possession, or control any firearm, ammunition, or electric
 612 weapon or device, or carries a concealed weapon, including a
 613 tear gas gun or chemical weapon or device, commits a felony of
 614 the first degree, punishable as provided in s. 775.082, s.
 615 775.083, or s. 775.084. A person convicted of a violation of
 616 this section shall be sentenced to a mandatory minimum of 15
 617 years' imprisonment; however, if the person would be sentenced
 618 to a longer term of imprisonment under s. 775.084(4)(d), the
 619 person must be sentenced under that provision. A person
 620 convicted of a violation of this section is not eligible for any
 621 form of discretionary early release, other than pardon,
 622 executive clemency, or conditional medical release under s.
 623 945.0911 ~~s. 947.149~~.

624 Section 9. Subsection (7) of section 794.0115, Florida
 625 Statutes, is amended to read:

626 794.0115 Dangerous sexual felony offender; mandatory
 627 sentencing.—

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

634 Section 10. Paragraphs (b), (c), and (g) of subsection (1)
 635 and subsection (3) of section 893.135, Florida Statutes, are
 636 amended to read:

637 893.135 Trafficking; mandatory sentences; suspension or
 638 reduction of sentences; conspiracy to engage in trafficking.—

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

641 (b)1. Any person who knowingly sells, purchases,
 642 manufactures, delivers, or brings into this state, or who is
 643 knowingly in actual or constructive possession of, 28 grams or
 644 more of cocaine, as described in s. 893.03(2)(a)4., or of any
 645 mixture containing cocaine, but less than 150 kilograms of
 646 cocaine or any such mixture, commits a felony of the first
 647 degree, which felony shall be known as "trafficking in cocaine,"
 648 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 649 If the quantity involved:

650 a. Is 28 grams or more, but less than 200 grams, such

651 person shall be sentenced to a mandatory minimum term of
652 imprisonment of 3 years, and the defendant shall be ordered to
653 pay a fine of \$50,000.

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

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

661 2. Any person who knowingly sells, purchases,
662 manufactures, delivers, or brings into this state, or who is
663 knowingly in actual or constructive possession of, 150 kilograms
664 or more of cocaine, as described in s. 893.03(2)(a)4., commits
665 the first degree felony of trafficking in cocaine. A person who
666 has been convicted of the first degree felony of trafficking in
667 cocaine under this subparagraph shall be punished by life
668 imprisonment and is ineligible for any form of discretionary
669 early release except pardon or executive clemency or conditional
670 medical release under s. 945.0911 ~~s. 947.149~~. However, if the
671 court determines that, in addition to committing any act
672 specified in this paragraph:

673 a. The person intentionally killed an individual or
674 counseled, commanded, induced, procured, or caused the
675 intentional killing of an individual and such killing was the

676 result; or

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

679

680 such person commits the capital felony of trafficking in
681 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
682 person sentenced for a capital felony under this paragraph shall
683 also be sentenced to pay the maximum fine provided under
684 subparagraph 1.

685 3. Any person who knowingly brings into this state 300
686 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
687 and who knows that the probable result of such importation would
688 be the death of any person, commits capital importation of
689 cocaine, a capital felony punishable as provided in ss. 775.082
690 and 921.142. Any person sentenced for a capital felony under
691 this paragraph shall also be sentenced to pay the maximum fine
692 provided under subparagraph 1.

693 (c)1. A person who knowingly sells, purchases,
694 manufactures, delivers, or brings into this state, or who is
695 knowingly in actual or constructive possession of, 4 grams or
696 more of any morphine, opium, hydromorphone, or any salt,
697 derivative, isomer, or salt of an isomer thereof, including
698 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
699 (3)(c)4., or 4 grams or more of any mixture containing any such
700 substance, but less than 30 kilograms of such substance or

701 mixture, commits a felony of the first degree, which felony
702 shall be known as "trafficking in illegal drugs," punishable as
703 provided in s. 775.082, s. 775.083, or s. 775.084. If the
704 quantity involved:

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

708 b. Is 14 grams or more, but less than 28 grams, such
709 person shall be sentenced to a mandatory minimum term of
710 imprisonment of 15 years and shall be ordered to pay a fine of
711 \$100,000.

712 c. Is 28 grams or more, but less than 30 kilograms, such
713 person shall be sentenced to a mandatory minimum term of
714 imprisonment of 25 years and shall be ordered to pay a fine of
715 \$500,000.

716 2. A person who knowingly sells, purchases, manufactures,
717 delivers, or brings into this state, or who is knowingly in
718 actual or constructive possession of, 28 grams or more of
719 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
720 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
721 grams or more of any mixture containing any such substance,
722 commits a felony of the first degree, which felony shall be
723 known as "trafficking in hydrocodone," punishable as provided in
724 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

725 a. Is 28 grams or more, but less than 50 grams, such

726 person shall be sentenced to a mandatory minimum term of
727 imprisonment of 3 years and shall be ordered to pay a fine of
728 \$50,000.

729 b. Is 50 grams or more, but less than 100 grams, such
730 person shall be sentenced to a mandatory minimum term of
731 imprisonment of 7 years and shall be ordered to pay a fine of
732 \$100,000.

733 c. Is 100 grams or more, but less than 300 grams, such
734 person shall be sentenced to a mandatory minimum term of
735 imprisonment of 15 years and shall be ordered to pay a fine of
736 \$500,000.

737 d. Is 300 grams or more, but less than 30 kilograms, such
738 person shall be sentenced to a mandatory minimum term of
739 imprisonment of 25 years and shall be ordered to pay a fine of
740 \$750,000.

741 3. A person who knowingly sells, purchases, manufactures,
742 delivers, or brings into this state, or who is knowingly in
743 actual or constructive possession of, 7 grams or more of
744 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
745 thereof, or 7 grams or more of any mixture containing any such
746 substance, commits a felony of the first degree, which felony
747 shall be known as "trafficking in oxycodone," punishable as
748 provided in s. 775.082, s. 775.083, or s. 775.084. If the
749 quantity involved:

750 a. Is 7 grams or more, but less than 14 grams, such person

751 shall be sentenced to a mandatory minimum term of imprisonment
752 of 3 years and shall be ordered to pay a fine of \$50,000.

753 b. Is 14 grams or more, but less than 25 grams, such
754 person shall be sentenced to a mandatory minimum term of
755 imprisonment of 7 years and shall be ordered to pay a fine of
756 \$100,000.

757 c. Is 25 grams or more, but less than 100 grams, such
758 person shall be sentenced to a mandatory minimum term of
759 imprisonment of 15 years and shall be ordered to pay a fine of
760 \$500,000.

761 d. Is 100 grams or more, but less than 30 kilograms, such
762 person shall be sentenced to a mandatory minimum term of
763 imprisonment of 25 years and shall be ordered to pay a fine of
764 \$750,000.

765 4.a. A person who knowingly sells, purchases,
766 manufactures, delivers, or brings into this state, or who is
767 knowingly in actual or constructive possession of, 4 grams or
768 more of:

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

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

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

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

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

774 893.03(1)(a)62.;

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

776 893.0356, of any substance described in sub-sub-subparagraphs
 777 (I)-(V); or
 778 (VII) A mixture containing any substance described in sub-
 779 sub-subparagraphs (I)-(VI),
 780
 781 commits a felony of the first degree, which felony shall be
 782 known as "trafficking in fentanyl," punishable as provided in s.
 783 775.082, s. 775.083, or s. 775.084.
 784 b. If the quantity involved under sub-subparagraph a.:
 785 (I) Is 4 grams or more, but less than 14 grams, such
 786 person shall be sentenced to a mandatory minimum term of
 787 imprisonment of 3 years, and shall be ordered to pay a fine of
 788 \$50,000.
 789 (II) Is 14 grams or more, but less than 28 grams, such
 790 person shall be sentenced to a mandatory minimum term of
 791 imprisonment of 15 years, and shall be ordered to pay a fine of
 792 \$100,000.
 793 (III) Is 28 grams or more, such person shall be sentenced
 794 to a mandatory minimum term of imprisonment of 25 years, and
 795 shall be ordered to pay a fine of \$500,000.
 796 5. A person who knowingly sells, purchases, manufactures,
 797 delivers, or brings into this state, or who is knowingly in
 798 actual or constructive possession of, 30 kilograms or more of
 799 any morphine, opium, oxycodone, hydrocodone, codeine,
 800 hydromorphone, or any salt, derivative, isomer, or salt of an

801 isomer thereof, including heroin, as described in s.
802 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
803 more of any mixture containing any such substance, commits the
804 first degree felony of trafficking in illegal drugs. A person
805 who has been convicted of the first degree felony of trafficking
806 in illegal drugs under this subparagraph shall be punished by
807 life imprisonment and is ineligible for any form of
808 discretionary early release except pardon or executive clemency
809 or conditional medical release under s. 945.0911 ~~s. 947.149~~.
810 However, if the court determines that, in addition to committing
811 any act specified in this paragraph:
812 a. The person intentionally killed an individual or
813 counseled, commanded, induced, procured, or caused the
814 intentional killing of an individual and such killing was the
815 result; or
816 b. The person's conduct in committing that act led to a
817 natural, though not inevitable, lethal result,
818
819 such person commits the capital felony of trafficking in illegal
820 drugs, punishable as provided in ss. 775.082 and 921.142. A
821 person sentenced for a capital felony under this paragraph shall
822 also be sentenced to pay the maximum fine provided under
823 subparagraph 1.
824 6. A person who knowingly brings into this state 60
825 kilograms or more of any morphine, opium, oxycodone,

826 hydrocodone, codeine, hydromorphone, or any salt, derivative,
827 isomer, or salt of an isomer thereof, including heroin, as
828 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
829 60 kilograms or more of any mixture containing any such
830 substance, and who knows that the probable result of such
831 importation would be the death of a person, commits capital
832 importation of illegal drugs, a capital felony punishable as
833 provided in ss. 775.082 and 921.142. A person sentenced for a
834 capital felony under this paragraph shall also be sentenced to
835 pay the maximum fine provided under subparagraph 1.

836 (g)1. Any person who knowingly sells, purchases,
837 manufactures, delivers, or brings into this state, or who is
838 knowingly in actual or constructive possession of, 4 grams or
839 more of flunitrazepam or any mixture containing flunitrazepam as
840 described in s. 893.03(1)(a) commits a felony of the first
841 degree, which felony shall be known as "trafficking in
842 flunitrazepam," punishable as provided in s. 775.082, s.
843 775.083, or s. 775.084. If the quantity involved:

844 a. Is 4 grams or more but less than 14 grams, such person
845 shall be sentenced to a mandatory minimum term of imprisonment
846 of 3 years, and the defendant shall be ordered to pay a fine of
847 \$50,000.

848 b. Is 14 grams or more but less than 28 grams, such person
849 shall be sentenced to a mandatory minimum term of imprisonment
850 of 7 years, and the defendant shall be ordered to pay a fine of

851 \$100,000.

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

855 2. Any person who knowingly sells, purchases,
856 manufactures, delivers, or brings into this state or who is
857 knowingly in actual or constructive possession of 30 kilograms
858 or more of flunitrazepam or any mixture containing flunitrazepam
859 as described in s. 893.03(1)(a) commits the first degree felony
860 of trafficking in flunitrazepam. A person who has been convicted
861 of the first degree felony of trafficking in flunitrazepam under
862 this subparagraph shall be punished by life imprisonment and is
863 ineligible for any form of discretionary early release except
864 pardon or executive clemency or conditional medical release
865 under s. 945.0911 ~~s. 947.149~~. However, if the court determines
866 that, in addition to committing any act specified in this
867 paragraph:

868 a. The person intentionally killed an individual or
869 counseled, commanded, induced, procured, or caused the
870 intentional killing of an individual and such killing was the
871 result; or

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

874

875 such person commits the capital felony of trafficking in

876 flunitrazepam, punishable as provided in ss. 775.082 and
877 921.142. Any person sentenced for a capital felony under this
878 paragraph shall also be sentenced to pay the maximum fine
879 provided under subparagraph 1.

880 (3) Notwithstanding the provisions of s. 948.01, with
881 respect to any person who is found to have violated this
882 section, adjudication of guilt or imposition of sentence shall
883 not be suspended, deferred, or withheld, nor shall such person
884 be eligible for parole prior to serving the mandatory minimum
885 term of imprisonment prescribed by this section. A person
886 sentenced to a mandatory minimum term of imprisonment under this
887 section is not eligible for any form of discretionary early
888 release, except pardon or executive clemency or conditional
889 medical release under s. 945.0911 ~~s. 947.149~~, prior to serving
890 the mandatory minimum term of imprisonment.

891 Section 11. Subsection (2) of section 921.0024, Florida
892 Statutes, is amended to read:

893 921.0024 Criminal Punishment Code; worksheet computations;
894 scoresheets.—

895 (2) The lowest permissible sentence is the minimum
896 sentence that may be imposed by the trial court, absent a valid
897 reason for departure. The lowest permissible sentence is any
898 nonstate prison sanction in which the total sentence points
899 equals or is less than 44 points, unless the court determines
900 within its discretion that a prison sentence, which may be up to

901 the statutory maximums for the offenses committed, is
 902 appropriate. When the total sentence points exceeds 44 points,
 903 the lowest permissible sentence in prison months shall be
 904 calculated by subtracting 28 points from the total sentence
 905 points and decreasing the remaining total by 25 percent. The
 906 total sentence points shall be calculated only as a means of
 907 determining the lowest permissible sentence. The permissible
 908 range for sentencing shall be the lowest permissible sentence up
 909 to and including the statutory maximum, as defined in s.
 910 775.082, for the primary offense and any additional offenses
 911 before the court for sentencing. The sentencing court may impose
 912 such sentences concurrently or consecutively. However, any
 913 sentence to state prison must exceed 1 year. If the lowest
 914 permissible sentence under the code exceeds the statutory
 915 maximum sentence as provided in s. 775.082, the sentence
 916 required by the code must be imposed. If the total sentence
 917 points are greater than or equal to 363, the court may sentence
 918 the offender to life imprisonment. An offender sentenced to life
 919 imprisonment under this section is not eligible for any form of
 920 discretionary early release, except executive clemency or
 921 conditional medical release under s. 945.0911 ~~s. 947.149~~.

922 Section 12. Paragraph (b) of subsection (7) of section
 923 944.605, Florida Statutes, is amended to read:

924 944.605 Inmate release; notification; identification
 925 card.—

926 (7)

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

928 1. The department determines have a valid driver license

929 or state identification card, except that the department shall

930 provide these inmates with a replacement state identification

931 card or replacement driver license, if necessary.

932 2. Have an active detainer, unless the department

933 determines that cancellation of the detainer is likely or that

934 the incarceration for which the detainer was issued will be less

935 than 12 months in duration.

936 3. Are released due to an emergency release or a

937 conditional medical release under s. 945.0911 ~~s. 947.149~~.

938 4. Are not in the physical custody of the department at or

939 within 180 days before release.

940 5. Are subject to sex offender residency restrictions, and

941 who, upon release under such restrictions, do not have a

942 qualifying address.

943 Section 13. Paragraph (b) of subsection (1) of section

944 944.70, Florida Statutes, is amended to read:

945 944.70 Conditions for release from incarceration.—

946 (1)

947 (b) A person who is convicted of a crime committed on or

948 after January 1, 1994, may be released from incarceration only:

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

950 2. Upon expiration of the person's sentence as reduced by

951 accumulated meritorious or incentive gain-time;

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

953 4. Upon placement in a conditional release program

954 pursuant to s. 947.1405 or a conditional medical release program

955 pursuant to s. 945.0911 ~~s. 947.149~~; or

956 5. Upon the granting of control release, including

957 emergency control release, pursuant to s. 947.146.

958 Section 14. Paragraph (h) of subsection (1) of section

959 947.13, Florida Statutes, is amended to read:

960 947.13 Powers and duties of commission.—

961 (1) The commission shall have the powers and perform the

962 duties of:

963 ~~(h) Determining what persons will be released on~~

964 ~~conditional medical release under s. 947.149, establishing the~~

965 ~~conditions of conditional medical release, and determining~~

966 ~~whether a person has violated the conditions of conditional~~

967 ~~medical release and taking action with respect to such a~~

968 ~~violation.~~

969 Section 15. Section 947.141, Florida Statutes, is amended

970 to read:

971 947.141 Violations of conditional release, control

972 release, ~~or conditional medical release~~ or addiction-recovery

973 supervision.—

974 (1) If a member of the commission or a duly authorized

975 representative of the commission has reasonable grounds to

976 believe that an offender who is on release supervision under s.
977 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731 has violated
978 the terms and conditions of the release in a material respect,
979 such member or representative may cause a warrant to be issued
980 for the arrest of the releasee; if the offender was found to be
981 a sexual predator, the warrant must be issued.

982 (2) Upon the arrest on a felony charge of an offender who
983 is on release supervision under s. 947.1405, s. 947.146, ~~s.~~
984 ~~947.149~~, or s. 944.4731, the offender must be detained without
985 bond until the initial appearance of the offender at which a
986 judicial determination of probable cause is made. If the trial
987 court judge determines that there was no probable cause for the
988 arrest, the offender may be released. If the trial court judge
989 determines that there was probable cause for the arrest, such
990 determination also constitutes reasonable grounds to believe
991 that the offender violated the conditions of the release. Within
992 24 hours after the trial court judge's finding of probable
993 cause, the detention facility administrator or designee shall
994 notify the commission and the department of the finding and
995 transmit to each a facsimile copy of the probable cause
996 affidavit or the sworn offense report upon which the trial court
997 judge's probable cause determination is based. The offender must
998 continue to be detained without bond for a period not exceeding
999 72 hours excluding weekends and holidays after the date of the
1000 probable cause determination, pending a decision by the

1001 commission whether to issue a warrant charging the offender with
1002 violation of the conditions of release. Upon the issuance of the
1003 commission's warrant, the offender must continue to be held in
1004 custody pending a revocation hearing held in accordance with
1005 this section.

1006 (3) Within 45 days after notice to the Florida Commission
1007 on Offender Review of the arrest of a releasee charged with a
1008 violation of the terms and conditions of conditional release,
1009 control release, ~~conditional medical release~~, or addiction-
1010 recovery supervision, the releasee must be afforded a hearing
1011 conducted by a commissioner or a duly authorized representative
1012 thereof. If the releasee elects to proceed with a hearing, the
1013 releasee must be informed orally and in writing of the
1014 following:

1015 (a) The alleged violation with which the releasee is
1016 charged.

1017 (b) The releasee's right to be represented by counsel.

1018 (c) The releasee's right to be heard in person.

1019 (d) The releasee's right to secure, present, and compel
1020 the attendance of witnesses relevant to the proceeding.

1021 (e) The releasee's right to produce documents on the
1022 releasee's own behalf.

1023 (f) The releasee's right of access to all evidence used
1024 against the releasee and to confront and cross-examine adverse
1025 witnesses.

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1026 (g) The releasee's right to waive the hearing.

1027 (4) Within a reasonable time following the hearing, the
1028 commissioner or the commissioner's duly authorized
1029 representative who conducted the hearing shall make findings of
1030 fact in regard to the alleged violation. A panel of no fewer
1031 than two commissioners shall enter an order determining whether
1032 the charge of violation of conditional release, control release,
1033 ~~conditional medical release,~~ or addiction-recovery supervision
1034 has been sustained based upon the findings of fact presented by
1035 the hearing commissioner or authorized representative. By such
1036 order, the panel may revoke conditional release, control
1037 release, ~~conditional medical release,~~ or addiction-recovery
1038 supervision and thereby return the releasee to prison to serve
1039 the sentence imposed, reinstate the original order granting the
1040 release, or enter such other order as it considers proper.
1041 Effective for inmates whose offenses were committed on or after
1042 July 1, 1995, the panel may order the placement of a releasee,
1043 upon a finding of violation pursuant to this subsection, into a
1044 local detention facility as a condition of supervision.

1045 (5) Effective for inmates whose offenses were committed on
1046 or after July 1, 1995, notwithstanding the provisions of ss.
1047 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
1048 951.23, or any other law to the contrary, by such order as
1049 provided in subsection (4), the panel, upon a finding of guilt,
1050 may, as a condition of continued supervision, place the releasee

1051 in a local detention facility for a period of incarceration not
1052 to exceed 22 months. Prior to the expiration of the term of
1053 incarceration, or upon recommendation of the chief correctional
1054 officer of that county, the commission shall cause inquiry into
1055 the inmate's release plan and custody status in the detention
1056 facility and consider whether to restore the inmate to
1057 supervision, modify the conditions of supervision, or enter an
1058 order of revocation, thereby causing the return of the inmate to
1059 prison to serve the sentence imposed. The provisions of this
1060 section do not prohibit the panel from entering such other order
1061 or conducting any investigation that it deems proper. The
1062 commission may only place a person in a local detention facility
1063 pursuant to this section if there is a contractual agreement
1064 between the chief correctional officer of that county and the
1065 Department of Corrections. The agreement must provide for a per
1066 diem reimbursement for each person placed under this section,
1067 which is payable by the Department of Corrections for the
1068 duration of the offender's placement in the facility. This
1069 section does not limit the commission's ability to place a
1070 person in a local detention facility for less than 1 year.

1071 (6) Whenever a conditional release, control release,
1072 ~~conditional medical release,~~ or addiction-recovery supervision
1073 is revoked by a panel of no fewer than two commissioners and the
1074 releasee is ordered to be returned to prison, the releasee, by
1075 reason of the misconduct, shall be deemed to have forfeited all

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1076 gain-time or commutation of time for good conduct, as provided
1077 for by law, earned up to the date of release. ~~However, if a~~
1078 ~~conditional medical release is revoked due to the improved~~
1079 ~~medical or physical condition of the releasee, the releasee~~
1080 ~~shall not forfeit gain-time accrued before the date of~~
1081 ~~conditional medical release.~~ This subsection does not deprive
1082 the prisoner of the right to gain-time or commutation of time
1083 for good conduct, as provided by law, from the date of return to
1084 prison.

1085 (7) If a law enforcement officer has probable cause to
1086 believe that an offender who is on release supervision under s.
1087 947.1405, s. 947.146, s. 945.0911, s. 945.0912 ~~s. 947.149~~, or s.
1088 944.4731 has violated the terms and conditions of his or her
1089 release by committing a felony offense, the officer shall arrest
1090 the offender without a warrant, and a warrant need not be issued
1091 in the case.

1092 Section 16. This act shall take effect October 1, 2020.