

By the Committee on Criminal Justice; and Senator Bean

591-00708-16

2016228c1

1 A bill to be entitled
2 An act relating to the mandatory minimum sentences;
3 amending s. 775.087, F.S.; deleting aggravated assault
4 from the list of convictions which carry a minimum
5 term of imprisonment if during the commission of the
6 offense the convicted person possessed a firearm or
7 destructive device; deleting aggravated assault from a
8 list of convictions which carry a minimum term of
9 imprisonment if during the commission of the offense
10 the convicted person possessed a firearm or
11 destructive device; deleting aggravated assault from
12 the list of convictions which carry a minimum term of
13 imprisonment if during the commission of the offense
14 the convicted person possessed a semiautomatic firearm
15 and its high-capacity detachable box magazine or a
16 machine gun; deleting a provision prohibiting a court
17 from imposing the mandatory minimum sentence for a
18 conviction for aggravated assault if the court makes
19 specified written findings; conforming cross-
20 references; amending s. 985.557, F.S.; conforming a
21 cross-reference; reenacting ss. 27.366, 921.0022(2),
22 921.0024(1)(b), and 947.146(3)(b), F.S., relating to
23 legislative intent and policy in cases meeting the
24 criteria of s. 775.087(2) and (3), F.S., the Criminal
25 Punishment Code, the Criminal Punishment Code
26 worksheet, and the Control Release Authority,
27 respectively, to incorporate the amendment made to s.
28 775.087, F.S., in references thereto; providing an
29 effective date.

591-00708-16

2016228c1

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

Section 1. Subsections (2), (3), and (6) of section 775.087, Florida Statutes, are amended to read:

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

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a weapon is an element of the felony, and the conviction was for:

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;
- e. Arson;
- ~~f. Aggravated assault;~~
- f.g. Aggravated battery;
- ~~g.h.~~ Kidnapping;
- ~~h.i.~~ Escape;
- ~~i.j.~~ Aircraft piracy;
- ~~j.k.~~ Aggravated child abuse;
- ~~k.l.~~ Aggravated abuse of an elderly person or disabled adult;
- ~~l.m.~~ Unlawful throwing, placing, or discharging of a destructive device or bomb;
- ~~m.n.~~ Carjacking;
- ~~n.o.~~ Home-invasion robbery;
- ~~o.p.~~ Aggravated stalking;
- ~~p.q.~~ Trafficking in cannabis, trafficking in cocaine,

591-00708-16

2016228c1

59 capital importation of cocaine, trafficking in illegal drugs,
60 capital importation of illegal drugs, trafficking in
61 phencyclidine, capital importation of phencyclidine, trafficking
62 in methaqualone, capital importation of methaqualone,
63 trafficking in amphetamine, capital importation of amphetamine,
64 trafficking in flunitrazepam, trafficking in gamma-
65 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
66 trafficking in Phenethylamines, or other violation of s.
67 893.135(1); or

68 g.~~f.~~ Possession of a firearm by a felon

69
70 and during the commission of the offense, such person actually
71 possessed a "firearm" or "destructive device" as those terms are
72 defined in s. 790.001, shall be sentenced to a minimum term of
73 imprisonment of 10 years, except that a person who is convicted
74 for ~~aggravated assault~~, possession of a firearm by a felon, or
75 burglary of a conveyance shall be sentenced to a minimum term of
76 imprisonment of 3 years if such person possessed a "firearm" or
77 "destructive device" during the commission of the offense.
78 However, if an offender who is convicted of the offense of
79 possession of a firearm by a felon has a previous conviction of
80 committing or attempting to commit a felony listed in s.
81 775.084(1)(b)1. and actually possessed a firearm or destructive
82 device during the commission of the prior felony, the offender
83 shall be sentenced to a minimum term of imprisonment of 10
84 years.

85 2. Any person who is convicted of a felony or an attempt to
86 commit a felony listed in sub-subparagraphs (a)1.a.-p. ~~(a)1.a.-~~
87 ~~q.~~, regardless of whether the use of a weapon is an element of

591-00708-16

2016228c1

88 the felony, and during the course of the commission of the
89 felony such person discharged a "firearm" or "destructive
90 device" as defined in s. 790.001 shall be sentenced to a minimum
91 term of imprisonment of 20 years.

92 3. Any person who is convicted of a felony or an attempt to
93 commit a felony listed in sub-subparagraphs (a)1.a.-p. ~~(a)1.a.-~~
94 ~~q.~~, regardless of whether the use of a weapon is an element of
95 the felony, and during the course of the commission of the
96 felony such person discharged a "firearm" or "destructive
97 device" as defined in s. 790.001 and, as the result of the
98 discharge, death or great bodily harm was inflicted upon any
99 person, the convicted person shall be sentenced to a minimum
100 term of imprisonment of not less than 25 years and not more than
101 a term of imprisonment of life in prison.

102 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
103 (a)3. does not prevent a court from imposing a longer sentence
104 of incarceration as authorized by law in addition to the minimum
105 mandatory sentence, or from imposing a sentence of death
106 pursuant to other applicable law. Subparagraph (a)1.,
107 subparagraph (a)2., or subparagraph (a)3. does not authorize a
108 court to impose a lesser sentence than otherwise required by
109 law.

110
111 Notwithstanding s. 948.01, adjudication of guilt or imposition
112 of sentence shall not be suspended, deferred, or withheld, and
113 the defendant is not eligible for statutory gain-time under s.
114 944.275 or any form of discretionary early release, other than
115 pardon or executive clemency, or conditional medical release
116 under s. 947.149, prior to serving the minimum sentence.

591-00708-16

2016228c1

117 (c) If the minimum mandatory terms of imprisonment imposed
118 pursuant to this section exceed the maximum sentences authorized
119 by s. 775.082, s. 775.084, or the Criminal Punishment Code under
120 chapter 921, then the mandatory minimum sentence must be
121 imposed. If the mandatory minimum terms of imprisonment pursuant
122 to this section are less than the sentences that could be
123 imposed as authorized by s. 775.082, s. 775.084, or the Criminal
124 Punishment Code under chapter 921, then the sentence imposed by
125 the court must include the mandatory minimum term of
126 imprisonment as required in this section.

127 (d) It is the intent of the Legislature that offenders who
128 actually possess, carry, display, use, threaten to use, or
129 attempt to use firearms or destructive devices be punished to
130 the fullest extent of the law, and the minimum terms of
131 imprisonment imposed pursuant to this subsection shall be
132 imposed for each qualifying felony count for which the person is
133 convicted. The court shall impose any term of imprisonment
134 provided for in this subsection consecutively to any other term
135 of imprisonment imposed for any other felony offense.

136 (3)(a)1. Any person who is convicted of a felony or an
137 attempt to commit a felony, regardless of whether the use of a
138 firearm is an element of the felony, and the conviction was for:

- 139 a. Murder;
140 b. Sexual battery;
141 c. Robbery;
142 d. Burglary;
143 e. Arson;
144 ~~f. Aggravated assault;~~
145 f.g. Aggravated battery;

591-00708-16

2016228c1

146 ~~g.h.~~ Kidnapping;
147 ~~h.i.~~ Escape;
148 ~~i.j.~~ Sale, manufacture, delivery, or intent to sell,
149 manufacture, or deliver any controlled substance;
150 ~~j.k.~~ Aircraft piracy;
151 ~~k.l.~~ Aggravated child abuse;
152 ~~l.m.~~ Aggravated abuse of an elderly person or disabled
153 adult;
154 ~~m.n.~~ Unlawful throwing, placing, or discharging of a
155 destructive device or bomb;
156 ~~n.o.~~ Carjacking;
157 ~~o.p.~~ Home-invasion robbery;
158 ~~p.q.~~ Aggravated stalking; or
159 ~~q.r.~~ Trafficking in cannabis, trafficking in cocaine,
160 capital importation of cocaine, trafficking in illegal drugs,
161 capital importation of illegal drugs, trafficking in
162 phencyclidine, capital importation of phencyclidine, trafficking
163 in methaqualone, capital importation of methaqualone,
164 trafficking in amphetamine, capital importation of amphetamine,
165 trafficking in flunitrazepam, trafficking in gamma-
166 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
167 trafficking in Phenethylamines, or other violation of s.
168 893.135(1);
169
170 and during the commission of the offense, such person possessed
171 a semiautomatic firearm and its high-capacity detachable box
172 magazine or a machine gun as defined in s. 790.001, shall be
173 sentenced to a minimum term of imprisonment of 15 years.
174 2. Any person who is convicted of a felony or an attempt to

591-00708-16

2016228c1

175 commit a felony listed in subparagraph (a)1., regardless of
176 whether the use of a weapon is an element of the felony, and
177 during the course of the commission of the felony such person
178 discharged a semiautomatic firearm and its high-capacity box
179 magazine or a "machine gun" as defined in s. 790.001 shall be
180 sentenced to a minimum term of imprisonment of 20 years.

181 3. Any person who is convicted of a felony or an attempt to
182 commit a felony listed in subparagraph (a)1., regardless of
183 whether the use of a weapon is an element of the felony, and
184 during the course of the commission of the felony such person
185 discharged a semiautomatic firearm and its high-capacity box
186 magazine or a "machine gun" as defined in s. 790.001 and, as the
187 result of the discharge, death or great bodily harm was
188 inflicted upon any person, the convicted person shall be
189 sentenced to a minimum term of imprisonment of not less than 25
190 years and not more than a term of imprisonment of life in
191 prison.

192 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
193 (a)3. does not prevent a court from imposing a longer sentence
194 of incarceration as authorized by law in addition to the minimum
195 mandatory sentence, or from imposing a sentence of death
196 pursuant to other applicable law. Subparagraph (a)1.,
197 subparagraph (a)2., or subparagraph (a)3. does not authorize a
198 court to impose a lesser sentence than otherwise required by
199 law.

200
201 Notwithstanding s. 948.01, adjudication of guilt or imposition
202 of sentence shall not be suspended, deferred, or withheld, and
203 the defendant is not eligible for statutory gain-time under s.

591-00708-16

2016228c1

204 944.275 or any form of discretionary early release, other than
205 pardon or executive clemency, or conditional medical release
206 under s. 947.149, prior to serving the minimum sentence.

207 (c) If the minimum mandatory terms of imprisonment imposed
208 pursuant to this section exceed the maximum sentences authorized
209 by s. 775.082, s. 775.084, or the Criminal Punishment Code under
210 chapter 921, then the mandatory minimum sentence must be
211 imposed. If the mandatory minimum terms of imprisonment pursuant
212 to this section are less than the sentences that could be
213 imposed as authorized by s. 775.082, s. 775.084, or the Criminal
214 Punishment Code under chapter 921, then the sentence imposed by
215 the court must include the mandatory minimum term of
216 imprisonment as required in this section.

217 (d) It is the intent of the Legislature that offenders who
218 possess, carry, display, use, threaten to use, or attempt to use
219 a semiautomatic firearm and its high-capacity detachable box
220 magazine or a machine gun as defined in s. 790.001 be punished
221 to the fullest extent of the law, and the minimum terms of
222 imprisonment imposed pursuant to this subsection shall be
223 imposed for each qualifying felony count for which the person is
224 convicted. The court shall impose any term of imprisonment
225 provided for in this subsection consecutively to any other term
226 of imprisonment imposed for any other felony offense.

227 (e) As used in this subsection, the term:

228 1. "High-capacity detachable box magazine" means any
229 detachable box magazine, for use in a semiautomatic firearm,
230 which is capable of being loaded with more than 20 centerfire
231 cartridges.

232 2. "Semiautomatic firearm" means a firearm which is capable

591-00708-16

2016228c1

233 of firing a series of rounds by separate successive depressions
234 of the trigger and which uses the energy of discharge to perform
235 a portion of the operating cycle.

236 ~~(6) Notwithstanding s. 27.366, the sentencing court shall~~
237 ~~not impose the mandatory minimum sentence required by subsection~~
238 ~~(2) or subsection (3) for a conviction for aggravated assault if~~
239 ~~the court makes written findings that:~~

240 ~~(a) The defendant had a good faith belief that the~~
241 ~~aggravated assault was justifiable pursuant to chapter 776.~~

242 ~~(b) The aggravated assault was not committed in the course~~
243 ~~of committing another criminal offense.~~

244 ~~(c) The defendant does not pose a threat to public safety.~~

245 ~~(d) The totality of the circumstances involved in the~~
246 ~~offense do not justify the imposition of such sentence.~~

247 Section 2. Paragraph (d) of subsection (2) of section
248 985.557, Florida Statutes, is amended to read:

249 985.557 Direct filing of an information; discretionary and
250 mandatory criteria.—

251 (2) MANDATORY DIRECT FILE.—

252 (d)1. With respect to any child who was 16 or 17 years of
253 age at the time the alleged offense was committed, the state
254 attorney shall file an information if the child has been charged
255 with committing or attempting to commit an offense listed in s.
256 775.087(2)(a)1.a.-p. ~~s. 775.087(2)(a)1.a.-q.~~, and, during the
257 commission of or attempt to commit the offense, the child:

258 a. Actually possessed a firearm or destructive device, as
259 those terms are defined in s. 790.001.

260 b. Discharged a firearm or destructive device, as described
261 in s. 775.087(2)(a)2.

591-00708-16

2016228c1

262 c. Discharged a firearm or destructive device, as described
263 in s. 775.087(2)(a)3., and, as a result of the discharge, death
264 or great bodily harm was inflicted upon any person.

265 2. Upon transfer, any child who is:

266 a. Charged under sub-subparagraph 1.a. and who has been
267 previously adjudicated or had adjudication withheld for a
268 forcible felony offense or any offense involving a firearm, or
269 who has been previously placed in a residential commitment
270 program, shall be subject to sentencing under s. 775.087(2)(a),
271 notwithstanding s. 985.565.

272 b. Charged under sub-subparagraph 1.b. or sub-subparagraph
273 1.c., shall be subject to sentencing under s. 775.087(2)(a),
274 notwithstanding s. 985.565.

275 3. Upon transfer, any child who is charged under this
276 paragraph, but who does not meet the requirements specified in
277 subparagraph 2., shall be sentenced under s. 985.565; however,
278 if the court imposes a juvenile sanction, the court must commit
279 the child to a high-risk or maximum-risk juvenile facility.

280 4. This paragraph shall not apply if the state attorney has
281 good cause to believe that exceptional circumstances exist that
282 preclude the just prosecution of the child in adult court.

283 5. The Department of Corrections shall make every
284 reasonable effort to ensure that any child 16 or 17 years of age
285 who is convicted and sentenced under this paragraph be
286 completely separated such that there is no physical contact with
287 adult offenders in the facility, to the extent that it is
288 consistent with chapter 958.

289 Section 3. For the purpose of incorporating the amendment
290 made by this act to section 775.087, Florida Statutes, in a

591-00708-16

2016228c1

291 reference thereto, section 27.366, Florida Statutes, is
292 reenacted to read:

293 27.366 Legislative intent and policy in cases meeting
294 criteria of s. 775.087(2) and (3).—It is the intent of the
295 Legislature that convicted criminal offenders who meet the
296 criteria in s. 775.087(2) and (3) be sentenced to the minimum
297 mandatory prison terms provided therein. It is the intent of the
298 Legislature to establish zero tolerance of criminals who use,
299 threaten to use, or avail themselves of firearms in order to
300 commit crimes and thereby demonstrate their lack of value for
301 human life. It is also the intent of the Legislature that
302 prosecutors should appropriately exercise their discretion in
303 those cases in which the offenders' possession of the firearm is
304 incidental to the commission of a crime and not used in
305 furtherance of the crime, used in order to commit the crime, or
306 used in preparation to commit the crime. For every case in which
307 the offender meets the criteria in this act and does not receive
308 the mandatory minimum prison sentence, the state attorney must
309 explain the sentencing deviation in writing and place such
310 explanation in the case file maintained by the state attorney.

311 Section 4. For the purpose of incorporating the amendment
312 made by this act to section 775.087, Florida Statutes, in a
313 reference thereto, subsection (2) of section 921.0022, Florida
314 Statutes, is reenacted to read:

315 921.0022 Criminal Punishment Code; offense severity ranking
316 chart.—

317 (2) The offense severity ranking chart has 10 offense
318 levels, ranked from least severe, which are level 1 offenses, to
319 most severe, which are level 10 offenses, and each felony

591-00708-16

2016228c1

320 offense is assigned to a level according to the severity of the
321 offense. For purposes of determining which felony offenses are
322 specifically listed in the offense severity ranking chart and
323 which severity level has been assigned to each of these
324 offenses, the numerical statutory references in the left column
325 of the chart and the felony degree designations in the middle
326 column of the chart are controlling; the language in the right
327 column of the chart is provided solely for descriptive purposes.
328 Reclassification of the degree of the felony through the
329 application of s. 775.0845, s. 775.0861, s. 775.0862, s.
330 775.087, s. 775.0875, s. 794.023, or any other law that provides
331 an enhanced penalty for a felony offense, to any offense listed
332 in the offense severity ranking chart in this section shall not
333 cause the offense to become unlisted and is not subject to the
334 provisions of s. 921.0023.

335 Section 5. For the purpose of incorporating the amendment
336 made by this act to section 775.087, Florida Statutes, in a
337 reference thereto, paragraph (b) of subsection (1) of section
338 921.0024, Florida Statutes, is reenacted to read:

339 921.0024 Criminal Punishment Code; worksheet computations;
340 scoresheets.-

341 (1)

342 (b) WORKSHEET KEY:

343

344 Legal status points are assessed when any form of legal status
345 existed at the time the offender committed an offense before the
346 court for sentencing. Four (4) sentence points are assessed for
347 an offender's legal status.

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591-00708-16

2016228c1

349 Community sanction violation points are assessed when a
350 community sanction violation is before the court for sentencing.
351 Six (6) sentence points are assessed for each community sanction
352 violation and each successive community sanction violation,
353 unless any of the following apply:

354 1. If the community sanction violation includes a new
355 felony conviction before the sentencing court, twelve (12)
356 community sanction violation points are assessed for the
357 violation, and for each successive community sanction violation
358 involving a new felony conviction.

359 2. If the community sanction violation is committed by a
360 violent felony offender of special concern as defined in s.
361 948.06:

362 a. Twelve (12) community sanction violation points are
363 assessed for the violation and for each successive violation of
364 felony probation or community control where:

365 I. The violation does not include a new felony conviction;
366 and

367 II. The community sanction violation is not based solely on
368 the probationer or offender's failure to pay costs or fines or
369 make restitution payments.

370 b. Twenty-four (24) community sanction violation points are
371 assessed for the violation and for each successive violation of
372 felony probation or community control where the violation
373 includes a new felony conviction.

374
375 Multiple counts of community sanction violations before the
376 sentencing court shall not be a basis for multiplying the
377 assessment of community sanction violation points.

591-00708-16

2016228c1

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379 Prior serious felony points: If the offender has a primary
380 offense or any additional offense ranked in level 8, level 9, or
381 level 10, and one or more prior serious felonies, a single
382 assessment of thirty (30) points shall be added. For purposes of
383 this section, a prior serious felony is an offense in the
384 offender's prior record that is ranked in level 8, level 9, or
385 level 10 under s. 921.0022 or s. 921.0023 and for which the
386 offender is serving a sentence of confinement, supervision, or
387 other sanction or for which the offender's date of release from
388 confinement, supervision, or other sanction, whichever is later,
389 is within 3 years before the date the primary offense or any
390 additional offense was committed.

391

392 Prior capital felony points: If the offender has one or more
393 prior capital felonies in the offender's criminal record, points
394 shall be added to the subtotal sentence points of the offender
395 equal to twice the number of points the offender receives for
396 the primary offense and any additional offense. A prior capital
397 felony in the offender's criminal record is a previous capital
398 felony offense for which the offender has entered a plea of nolo
399 contendere or guilty or has been found guilty; or a felony in
400 another jurisdiction which is a capital felony in that
401 jurisdiction, or would be a capital felony if the offense were
402 committed in this state.

403

404 Possession of a firearm, semiautomatic firearm, or machine gun:
405 If the offender is convicted of committing or attempting to
406 commit any felony other than those enumerated in s. 775.087(2)

591-00708-16

2016228c1

407 while having in his or her possession: a firearm as defined in
408 s. 790.001(6), an additional eighteen (18) sentence points are
409 assessed; or if the offender is convicted of committing or
410 attempting to commit any felony other than those enumerated in
411 s. 775.087(3) while having in his or her possession a
412 semiautomatic firearm as defined in s. 775.087(3) or a machine
413 gun as defined in s. 790.001(9), an additional twenty-five (25)
414 sentence points are assessed.

415

416 Sentencing multipliers:

417

418 Drug trafficking: If the primary offense is drug trafficking
419 under s. 893.135, the subtotal sentence points are multiplied,
420 at the discretion of the court, for a level 7 or level 8
421 offense, by 1.5. The state attorney may move the sentencing
422 court to reduce or suspend the sentence of a person convicted of
423 a level 7 or level 8 offense, if the offender provides
424 substantial assistance as described in s. 893.135(4).

425

426 Law enforcement protection: If the primary offense is a
427 violation of the Law Enforcement Protection Act under s.
428 775.0823(2), (3), or (4), the subtotal sentence points are
429 multiplied by 2.5. If the primary offense is a violation of s.
430 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
431 are multiplied by 2.0. If the primary offense is a violation of
432 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
433 Protection Act under s. 775.0823(10) or (11), the subtotal
434 sentence points are multiplied by 1.5.

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591-00708-16

2016228c1

436 Grand theft of a motor vehicle: If the primary offense is grand
437 theft of the third degree involving a motor vehicle and in the
438 offender's prior record, there are three or more grand thefts of
439 the third degree involving a motor vehicle, the subtotal
440 sentence points are multiplied by 1.5.

441
442 Offense related to a criminal gang: If the offender is convicted
443 of the primary offense and committed that offense for the
444 purpose of benefiting, promoting, or furthering the interests of
445 a criminal gang as defined in s. 874.03, the subtotal sentence
446 points are multiplied by 1.5. If applying the multiplier results
447 in the lowest permissible sentence exceeding the statutory
448 maximum sentence for the primary offense under chapter 775, the
449 court may not apply the multiplier and must sentence the
450 defendant to the statutory maximum sentence.

451
452 Domestic violence in the presence of a child: If the offender is
453 convicted of the primary offense and the primary offense is a
454 crime of domestic violence, as defined in s. 741.28, which was
455 committed in the presence of a child under 16 years of age who
456 is a family or household member as defined in s. 741.28(3) with
457 the victim or perpetrator, the subtotal sentence points are
458 multiplied by 1.5.

459
460 Adult-on-minor sex offense: If the offender was 18 years of age
461 or older and the victim was younger than 18 years of age at the
462 time the offender committed the primary offense, and if the
463 primary offense was an offense committed on or after October 1,
464 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the

591-00708-16

2016228c1

465 violation involved a victim who was a minor and, in the course
466 of committing that violation, the defendant committed a sexual
467 battery under chapter 794 or a lewd act under s. 800.04 or s.
468 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
469 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
470 800.04; or s. 847.0135(5), the subtotal sentence points are
471 multiplied by 2.0. If applying the multiplier results in the
472 lowest permissible sentence exceeding the statutory maximum
473 sentence for the primary offense under chapter 775, the court
474 may not apply the multiplier and must sentence the defendant to
475 the statutory maximum sentence.

476 Section 6. For the purpose of incorporating the amendment
477 made by this act to section 775.087, Florida Statutes, in a
478 reference thereto, paragraph (b) of subsection (3) of section
479 947.146, Florida Statutes, is reenacted to read:

480 947.146 Control Release Authority.—

481 (3) Within 120 days prior to the date the state
482 correctional system is projected pursuant to s. 216.136 to
483 exceed 99 percent of total capacity, the authority shall
484 determine eligibility for and establish a control release date
485 for an appropriate number of parole ineligible inmates committed
486 to the department and incarcerated within the state who have
487 been determined by the authority to be eligible for
488 discretionary early release pursuant to this section. In
489 establishing control release dates, it is the intent of the
490 Legislature that the authority prioritize consideration of
491 eligible inmates closest to their tentative release date. The
492 authority shall rely upon commitment data on the offender
493 information system maintained by the department to initially

591-00708-16

2016228c1

494 identify inmates who are to be reviewed for control release
495 consideration. The authority may use a method of objective risk
496 assessment in determining if an eligible inmate should be
497 released. Such assessment shall be a part of the department's
498 management information system. However, the authority shall have
499 sole responsibility for determining control release eligibility,
500 establishing a control release date, and effectuating the
501 release of a sufficient number of inmates to maintain the inmate
502 population between 99 percent and 100 percent of total capacity.
503 Inmates who are ineligible for control release are inmates who
504 are parole eligible or inmates who:

505 (b) Are serving the mandatory minimum portion of a sentence
506 enhanced under s. 775.087(2) or (3), or s. 784.07(3);

507
508 In making control release eligibility determinations under this
509 subsection, the authority may rely on any document leading to or
510 generated during the course of the criminal proceedings,
511 including, but not limited to, any presentence or postsentence
512 investigation or any information contained in arrest reports
513 relating to circumstances of the offense.

514 Section 7. This act shall take effect July 1, 2016.