

1 A bill to be entitled
2 An act relating to sentencing and incarceration;
3 providing a short title; amending s. 944.275, F.S.;
4 authorizing an award of gain-time for completion of a
5 prison entrepreneurship program; providing limits on
6 certain awards of gain-time; specifying that certain
7 inmates may not receive gain-time in an amount that
8 would prevent them from serving a minimum of 85
9 percent of their sentences; amending s. 948.001, F.S.;
10 revising the definition of "administrative probation";
11 amending s. 948.03, F.S.; requiring that all
12 conditions of probation be included in the Florida
13 Crime Information Center system; amending s. 893.135,
14 F.S.; requiring a court to impose a sentence below the
15 statutory minimum for certain drug trafficking
16 offenses in certain circumstances; amending s. 893.03,
17 F.S.; conforming a cross-reference; providing an
18 effective date.

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

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22 Section 1. This act may be cited as the "Florida First-
23 Step Act."

24 Section 2. Paragraphs (d) and (f) of subsection (4) of
25 section 944.275, Florida Statutes, are amended to read:

26 | 944.275 Gain-time.—

27 | (4)

28 | (d) Notwithstanding the monthly maximum awards of
 29 | incentive gain-time under subparagraphs (b)1., 2., and 3., the
 30 | education program manager shall recommend, and the Department of
 31 | Corrections may grant, a one-time award of 60 additional days of
 32 | incentive gain-time to an inmate who is otherwise eligible and
 33 | who successfully completes requirements for and is, or has been
 34 | during the current commitment, awarded a high school equivalency
 35 | diploma or vocational certificate or has completed a prison
 36 | entrepreneurship program, if one is established under s.

37 | 944.801. Under no circumstances may an inmate receive more than
 38 | 60 days for educational attainment pursuant to this section.

39 | (f) An inmate who is subject to subparagraph (b)3. is not
 40 | eligible to earn or receive gain-time under paragraph (a),
 41 | paragraph (b) or, paragraph (c), ~~or paragraph (d)~~ or any other
 42 | type of gain-time other than under paragraph (d) in an amount
 43 | that would cause a sentence to expire, end, or terminate, or
 44 | that would result in a prisoner's release, prior to serving a
 45 | minimum of 85 percent of the sentence imposed. An inmate who is
 46 | currently serving a sentence for or has been previously
 47 | convicted of a dangerous crime, as defined in s. 907.041, or a
 48 | violation specified as a predicate offense for registration as a
 49 | sexual predator under s. 775.21 or for registration as a sexual
 50 | offender under s. 943.0435, is not eligible to earn or receive

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51 gain-time under paragraph (a), paragraph (b), paragraph (c), or
52 paragraph (d) or any other type of gain-time in an amount that
53 would cause a sentence to expire, end, or terminate, or that
54 would result in a prisoner's release, prior to serving a minimum
55 of 85 percent of the sentence imposed. For purposes of this
56 paragraph, credits awarded by the court for time physically
57 incarcerated shall be credited toward satisfaction of 85 percent
58 of the sentence imposed. Except as provided by this section, a
59 prisoner may not accumulate further gain-time awards at any
60 point when the tentative release date is the same as that date
61 at which the prisoner will have served 85 percent of the
62 sentence imposed. State prisoners sentenced to life imprisonment
63 shall be incarcerated for the rest of their natural lives,
64 unless granted pardon or clemency.

65 Section 3. Subsection (1) of section 948.001, Florida
66 Statutes, is amended to read:

67 948.001 Definitions.—As used in this chapter, the term:

68 (1) "Administrative probation" means a form of no contact,
69 nonreporting supervision that may be imposed by order of the
70 court or through a transfer by the Department of Corrections. ~~A~~
71 ~~court may order administrative probation, or the Department of~~
72 ~~Corrections may transfer an offender to administrative~~
73 ~~probation,~~ as provided in s. 948.013.

74 Section 4. Subsection (3) is added to section 948.03,
75 Florida Statutes, to read:

948.03 Terms and conditions of probation.—

(3) The Department of Corrections shall include all conditions of probation for each probationer, as determined by the court, in the Florida Crime Information Center system.

Section 5. Subsections (6) and (7) of section 893.135, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

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

(6) Notwithstanding any other provision of law, for an offense under this section the court shall impose a sentence pursuant to chapter 921 without regard to any statutory minimum sentence, if the court finds at sentencing, after the State Attorney has been afforded the opportunity to make a recommendation, that:

(a) The defendant has not previously been convicted of a violation of a dangerous crime as defined in s. 907.041, or a violation specified as a predicate offense for registration as a sexual predator under s. 775.21 or for registration as a sexual offender under s. 943.0435;

(b) The defendant did not use violence or credible threats of violence or possess a firearm or other dangerous weapon or induce another participant to do so in connection with the offense;

101 (c) The offense did not result in death or serious bodily
102 injury to any person;

103 (d) The defendant was not engaged in a continuing criminal
104 enterprise, as defined in s. 893.20; and

105 (e) Not later than the time of the sentencing hearing, the
106 defendant has truthfully provided to the state all information
107 and evidence the defendant has concerning the offense or
108 offenses that were part of the same course of conduct or of a
109 common scheme or plan. The fact that the defendant has no
110 relevant or useful other information to provide or that the
111 state is already aware of the information shall not preclude a
112 determination by the court that the defendant has complied with
113 this requirement.

114 Section 6. Paragraph (c) of subsection (3) of section
115 893.03, Florida Statutes, is amended to read:

116 893.03 Standards and schedules.—The substances enumerated
117 in this section are controlled by this chapter. The controlled
118 substances listed or to be listed in Schedules I, II, III, IV,
119 and V are included by whatever official, common, usual,
120 chemical, trade name, or class designated. The provisions of
121 this section shall not be construed to include within any of the
122 schedules contained in this section any excluded drugs listed
123 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
124 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
125 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted

126 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
127 Anabolic Steroid Products."

128 (3) SCHEDULE III.—A substance in Schedule III has a
129 potential for abuse less than the substances contained in
130 Schedules I and II and has a currently accepted medical use in
131 treatment in the United States, and abuse of the substance may
132 lead to moderate or low physical dependence or high
133 psychological dependence or, in the case of anabolic steroids,
134 may lead to physical damage. The following substances are
135 controlled in Schedule III:

136 (c) Unless specifically excepted or unless listed in
137 another schedule, any material, compound, mixture, or
138 preparation containing limited quantities of any of the
139 following controlled substances or any salts thereof:

140 1. Not more than 1.8 grams of codeine per 100 milliliters
141 or not more than 90 milligrams per dosage unit, with an equal or
142 greater quantity of an isoquinoline alkaloid of opium.

143 2. Not more than 1.8 grams of codeine per 100 milliliters
144 or not more than 90 milligrams per dosage unit, with recognized
145 therapeutic amounts of one or more active ingredients which are
146 not controlled substances.

147 3. Not more than 300 milligrams of hydrocodone per 100
148 milliliters or not more than 15 milligrams per dosage unit, with
149 a fourfold or greater quantity of an isoquinoline alkaloid of
150 opium.

151 4. Not more than 300 milligrams of hydrocodone per 100
152 milliliters or not more than 15 milligrams per dosage unit, with
153 recognized therapeutic amounts of one or more active ingredients
154 that are not controlled substances.

155 5. Not more than 1.8 grams of dihydrocodeine per 100
156 milliliters or not more than 90 milligrams per dosage unit, with
157 recognized therapeutic amounts of one or more active ingredients
158 which are not controlled substances.

159 6. Not more than 300 milligrams of ethylmorphine per 100
160 milliliters or not more than 15 milligrams per dosage unit, with
161 one or more active, nonnarcotic ingredients in recognized
162 therapeutic amounts.

163 7. Not more than 50 milligrams of morphine per 100
164 milliliters or per 100 grams, with recognized therapeutic
165 amounts of one or more active ingredients which are not
166 controlled substances.

167
168 For purposes of charging a person with a violation of s. 893.135
169 involving any controlled substance described in subparagraph 3.
170 or subparagraph 4., the controlled substance is a Schedule III
171 controlled substance pursuant to this paragraph but the weight
172 of the controlled substance per milliliters or per dosage unit
173 is not relevant to the charging of a violation of s. 893.135.
174 The weight of the controlled substance shall be determined
175 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

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Section 7. This act shall take effect July 1, 2020.