



488440

LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 945.0912, Florida Statutes, is created
to read:

945.0912 Conditional aging inmate release.-

(1) CREATION.—There is established a conditional aging
inmate release program within the department for the purpose of
determining eligible inmates who are appropriate for such



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11 release, supervising the released inmates, and conducting
12 revocation hearings as provided for in this section. The program
13 must include a panel of at least three people appointed by the
14 secretary or his or her designee for the purpose of determining
15 the appropriateness of conditional aging inmate release and
16 conducting revocation hearings on the inmate releases.

17 (2) ELIGIBILITY.—

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

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

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

28 a. Section 775.33(4).

29 b. Section 782.04(1) or (2).

30 c. Section 782.09.

31 2. Any felony offense that serves as a predicate to
32 registration as a sexual offender in accordance with s.
33 943.0435; or

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

37 (3) REFERRAL FOR CONSIDERATION.—

38 (a)1. Notwithstanding any provision to the contrary, an
39 inmate in the custody of the department who is eligible for



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40 consideration pursuant to subsection (2) must be considered for
41 the conditional aging inmate release program.

42 2. The authority to grant conditional aging inmate release
43 rests solely with the department. An inmate does not have a
44 right to such release.

45 (b) The department must identify inmates who may be
46 eligible for the conditional aging inmate release program. In
47 considering an inmate for conditional aging inmate release, the
48 department may require the production of additional evidence or
49 any other additional investigations that the department deems
50 are necessary for determining the appropriateness of the
51 eligible inmate's release.

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

56 (d) If the case that resulted in the inmate's commitment to
57 the department involved a victim, and the victim specifically
58 requested notification pursuant to s. 16, Art. I of the State
59 Constitution, the department must notify the victim of the
60 inmate's referral to the panel immediately upon identification
61 of the inmate as potentially eligible for release under this
62 section. Additionally, the victim must be afforded the right to
63 be heard regarding the release of the inmate.

64 (4) DETERMINATION OF RELEASE.—

65 (a) Within 45 days after receiving the referral, the panel
66 established in subsection (1) must conduct a hearing to
67 determine whether the inmate is appropriate for conditional
68 aging inmate release.



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69 (b) A majority of the panel members must agree that the
70 inmate is appropriate for release pursuant to this section. If
71 conditional aging inmate release is approved, the inmate must be
72 released by the department to the community within a reasonable
73 amount of time with necessary release conditions imposed
74 pursuant to subsection (5). An inmate who is granted conditional
75 aging inmate release is considered an aging releasee upon
76 release to the community.

77 (c) An inmate who is denied conditional aging inmate
78 release by the panel may have the decision reviewed by the
79 department's general counsel, who must make a recommendation to
80 the secretary. The secretary must review all relevant
81 information and make a final decision about the appropriateness
82 of conditional aging inmate release pursuant to this section.
83 The decision of the secretary is a final administrative decision
84 not subject to appeal. An inmate who is denied conditional aging
85 inmate release may be subsequently reconsidered for such release
86 in a manner prescribed by rule.

87 (5) RELEASE CONDITIONS.—

88 (a) An inmate granted release pursuant to this section is
89 released for a period equal to the length of time remaining on
90 his or her term of imprisonment on the date the release is
91 granted. Such inmate is considered an aging releasee upon
92 release from the department into the community. The aging
93 releasee must comply with all reasonable conditions of release
94 the department imposes, which must include, at a minimum:

95 1. Supervision by an officer trained to handle special
96 offender caseloads.

97 2. Active electronic monitoring, if such monitoring is



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98 determined to be necessary to ensure the safety of the public
99 and the aging releasee's compliance with release conditions.

100 3. Any conditions of community control provided for in s.
101 948.101.

102 4. Any other conditions the department deems appropriate to
103 ensure the safety of the community and compliance by the aging
104 releasee.

105 (b) An aging releasee is considered to be in the care,
106 custody, supervision, and control of the department and remains
107 eligible to earn or lose gain-time in accordance with s. 944.275
108 and department rule. The aging releasee may not be counted in
109 the prison system population, and the aging releasee's approved
110 community-based housing location may not be counted in the
111 capacity figures for the prison system.

112 (6) REVOCATION HEARING AND RECOMMITMENT.—

113 (a)1. An aging releasee's conditional aging inmate release
114 may be revoked for a violation of any condition of the release
115 established by the department, including, but not limited to, a
116 new violation of law.

117 2. If the basis of the violation of release conditions is
118 related to a new violation of law, the aging releasee must be
119 detained without bond until his or her initial appearance, at
120 which a judicial determination of probable cause is made. If the
121 judge determines that there was no probable cause for the
122 arrest, the aging releasee may be released. If the judge
123 determines that there was probable cause for the arrest, the
124 judge's determination also constitutes reasonable grounds to
125 believe that the aging releasee violated the conditions of the
126 release.



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127 3. The department must order that the aging releasee
128 subject to revocation under this paragraph be returned to
129 department custody for a conditional aging inmate release
130 revocation hearing as prescribed by rule.

131 4. A majority of the panel members must agree that
132 revocation is appropriate for the aging releasee's conditional
133 aging inmate release to be revoked. If conditional aging inmate
134 release is revoked pursuant to this paragraph, the aging
135 releasee must serve the balance of his or her sentence with
136 credit for the actual time served on conditional aging inmate
137 release. The aging releasee's gain-time accrued before
138 recommitment may be forfeited pursuant to s. 944.28(1). If the
139 aging releasee whose conditional aging inmate release is revoked
140 subject to this paragraph would otherwise be eligible for parole
141 or any other release program, he or she may be considered for
142 such release program pursuant to law.

143 5. An aging releasee whose release has been revoked
144 pursuant to this paragraph may have the revocation reviewed by
145 the department's general counsel, who must make a recommendation
146 to the secretary. The secretary must review all relevant
147 information and make a final decision about the appropriateness
148 of the revocation of conditional aging inmate release pursuant
149 to this paragraph. The decision of the secretary is a final
150 administrative decision not subject to appeal.

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

155 1. The alleged violation with which the releasee is



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156 charged.

157 2. The releasee's right to be represented by counsel.
158 However, this subparagraph does not create a right to publicly
159 funded legal counsel.

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

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

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

165 6. The releasee's right of access to all evidence used
166 against the releasee and to confront and cross-examine adverse
167 witnesses.

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

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

171 Section 2. Subsection (6) of section 316.1935, Florida
172 Statutes, is amended to read:

173 316.1935 Fleeing or attempting to elude a law enforcement
174 officer; aggravated fleeing or eluding.—

175 (6) Notwithstanding s. 948.01, no court may suspend, defer,
176 or withhold adjudication of guilt or imposition of sentence for
177 any violation of this section. A person convicted and sentenced
178 to a mandatory minimum term of incarceration under paragraph
179 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-
180 time under s. 944.275 or any form of discretionary early
181 release, other than pardon or executive clemency, ~~or~~ conditional
182 medical release under s. 947.149, or conditional aging inmate
183 release under s. 945.0912, prior to serving the mandatory
184 minimum sentence.



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185 Section 3. Paragraph (k) of subsection (4) of section
186 775.084, Florida Statutes, is amended to read:

187 775.084 Violent career criminals; habitual felony offenders
188 and habitual violent felony offenders; three-time violent felony
189 offenders; definitions; procedure; enhanced penalties or
190 mandatory minimum prison terms.—

191 (4)

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

196 2. For an offense committed on or after October 1, 1995, a
197 defendant sentenced under this section as a violent career
198 criminal is not eligible for any form of discretionary early
199 release, other than pardon or executive clemency, ~~or~~ conditional
200 medical release under ~~granted pursuant to~~ s. 947.149, or
201 conditional aging inmate release under s. 945.0912.

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

207 Section 4. Paragraph (b) of subsection (2) and paragraph
208 (b) of subsection (3) of section 775.087, Florida Statutes, is
209 amended to read:

210 775.087 Possession or use of weapon; aggravated battery;
211 felony reclassification; minimum sentence.—

212 (2)

213 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph



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214 (a)3. does not prevent a court from imposing a longer sentence
215 of incarceration as authorized by law in addition to the minimum
216 mandatory sentence, or from imposing a sentence of death
217 pursuant to other applicable law. Subparagraph (a)1.,
218 subparagraph (a)2., or subparagraph (a)3. does not authorize a
219 court to impose a lesser sentence than otherwise required by
220 law.

221

222 Notwithstanding s. 948.01, adjudication of guilt or imposition
223 of sentence shall not be suspended, deferred, or withheld, and
224 the defendant is not eligible for statutory gain-time under s.
225 944.275 or any form of discretionary early release, other than
226 pardon or executive clemency, ~~or~~ conditional medical release
227 under s. 947.149, or conditional aging inmate release under s.
228 945.0912, prior to serving the minimum sentence.

229 (3)

230 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
231 (a)3. does not prevent a court from imposing a longer sentence
232 of incarceration as authorized by law in addition to the minimum
233 mandatory sentence, or from imposing a sentence of death
234 pursuant to other applicable law. Subparagraph (a)1.,
235 subparagraph (a)2., or subparagraph (a)3. does not authorize a
236 court to impose a lesser sentence than otherwise required by
237 law.

238

239 Notwithstanding s. 948.01, adjudication of guilt or imposition
240 of sentence shall not be suspended, deferred, or withheld, and
241 the defendant is not eligible for statutory gain-time under s.
242 944.275 or any form of discretionary early release, other than



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243 pardon or executive clemency, ~~or~~ conditional medical release
244 under s. 947.149, or conditional aging inmate release under s.
245 945.0912, prior to serving the minimum sentence.

246 Section 5. Subsection (3) of section 784.07, Florida
247 Statutes, is amended to read:

248 784.07 Assault or battery of law enforcement officers,
249 firefighters, emergency medical care providers, public transit
250 employees or agents, or other specified officers;
251 reclassification of offenses; minimum sentences.—

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

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

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

262
263 Notwithstanding s. 948.01, adjudication of guilt or imposition
264 of sentence shall not be suspended, deferred, or withheld, and
265 the defendant is not eligible for statutory gain-time under s.
266 944.275 or any form of discretionary early release, other than
267 pardon or executive clemency, ~~or~~ conditional medical release
268 under s. 947.149, or conditional aging inmate release under s.
269 945.0912, prior to serving the minimum sentence.

270 Section 6. Subsection (1) of section 790.235, Florida
271 Statutes, is amended to read:



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272 790.235 Possession of firearm or ammunition by violent
273 career criminal unlawful; penalty.—

274 (1) Any person who meets the violent career criminal
275 criteria under s. 775.084(1)(d), regardless of whether such
276 person is or has previously been sentenced as a violent career
277 criminal, who owns or has in his or her care, custody,
278 possession, or control any firearm, ammunition, or electric
279 weapon or device, or carries a concealed weapon, including a
280 tear gas gun or chemical weapon or device, commits a felony of
281 the first degree, punishable as provided in s. 775.082, s.
282 775.083, or s. 775.084. A person convicted of a violation of
283 this section shall be sentenced to a mandatory minimum of 15
284 years' imprisonment; however, if the person would be sentenced
285 to a longer term of imprisonment under s. 775.084(4)(d), the
286 person must be sentenced under that provision. A person
287 convicted of a violation of this section is not eligible for any
288 form of discretionary early release, other than pardon,
289 executive clemency, ~~or~~ conditional medical release under s.
290 947.149, or conditional aging inmate release under s. 945.0912.

291 Section 7. Subsection (7) of section 794.0115, Florida
292 Statutes, is amended to read:

293 794.0115 Dangerous sexual felony offender; mandatory
294 sentencing.—

295 (7) A defendant sentenced to a mandatory minimum term of
296 imprisonment under this section is not eligible for statutory
297 gain-time under s. 944.275 or any form of discretionary early
298 release, other than pardon or executive clemency, ~~or~~ conditional
299 medical release under s. 947.149, or conditional aging inmate
300 release under s. 945.0912, before serving the minimum sentence.



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301 Section 8. Paragraphs (b), (c), and (g) of subsection (1)
302 and subsection (3) of section 893.135, Florida Statutes, are
303 amended to read:

304 893.135 Trafficking; mandatory sentences; suspension or
305 reduction of sentences; conspiracy to engage in trafficking.—

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

308 (b)1. Any person who knowingly sells, purchases,
309 manufactures, delivers, or brings into this state, or who is
310 knowingly in actual or constructive possession of, 28 grams or
311 more of cocaine, as described in s. 893.03(2)(a)4., or of any
312 mixture containing cocaine, but less than 150 kilograms of
313 cocaine or any such mixture, commits a felony of the first
314 degree, which felony shall be known as "trafficking in cocaine,"
315 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
316 If the quantity involved:

317 a. Is 28 grams or more, but less than 200 grams, such
318 person shall be sentenced to a mandatory minimum term of
319 imprisonment of 3 years, and the defendant shall be ordered to
320 pay a fine of \$50,000.

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

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

328 2. Any person who knowingly sells, purchases, manufactures,
329 delivers, or brings into this state, or who is knowingly in



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330 actual or constructive possession of, 150 kilograms or more of
331 cocaine, as described in s. 893.03(2)(a)4., commits the first
332 degree felony of trafficking in cocaine. A person who has been
333 convicted of the first degree felony of trafficking in cocaine
334 under this subparagraph shall be punished by life imprisonment
335 and is ineligible for any form of discretionary early release
336 except pardon or executive clemency, ~~or~~ conditional medical
337 release under s. 947.149, or conditional aging inmate release
338 under s. 945.0912. However, if the court determines that, in
339 addition to committing any act specified in this paragraph:

340 a. The person intentionally killed an individual or
341 counseled, commanded, induced, procured, or caused the
342 intentional killing of an individual and such killing was the
343 result; or

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

346
347 such person commits the capital felony of trafficking in
348 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
349 person sentenced for a capital felony under this paragraph shall
350 also be sentenced to pay the maximum fine provided under
351 subparagraph 1.

352 3. Any person who knowingly brings into this state 300
353 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
354 and who knows that the probable result of such importation would
355 be the death of any person, commits capital importation of
356 cocaine, a capital felony punishable as provided in ss. 775.082
357 and 921.142. Any person sentenced for a capital felony under
358 this paragraph shall also be sentenced to pay the maximum fine



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359 provided under subparagraph 1.

360 (c)1. A person who knowingly sells, purchases,
361 manufactures, delivers, or brings into this state, or who is
362 knowingly in actual or constructive possession of, 4 grams or
363 more of any morphine, opium, hydromorphone, or any salt,
364 derivative, isomer, or salt of an isomer thereof, including
365 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
366 (3)(c)4., or 4 grams or more of any mixture containing any such
367 substance, but less than 30 kilograms of such substance or
368 mixture, commits a felony of the first degree, which felony
369 shall be known as "trafficking in illegal drugs," punishable as
370 provided in s. 775.082, s. 775.083, or s. 775.084. If the
371 quantity involved:

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

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

378 c. Is 28 grams or more, but less than 30 kilograms, such
379 person shall be sentenced to a mandatory minimum term of
380 imprisonment of 25 years and shall be ordered to pay a fine of
381 \$500,000.

382 2. A person who knowingly sells, purchases, manufactures,
383 delivers, or brings into this state, or who is knowingly in
384 actual or constructive possession of, 28 grams or more of
385 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
386 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
387 grams or more of any mixture containing any such substance,



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388 commits a felony of the first degree, which felony shall be
389 known as "trafficking in hydrocodone," punishable as provided in
390 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

391 a. Is 28 grams or more, but less than 50 grams, such person
392 shall be sentenced to a mandatory minimum term of imprisonment
393 of 3 years and shall be ordered to pay a fine of \$50,000.

394 b. Is 50 grams or more, but less than 100 grams, such
395 person shall be sentenced to a mandatory minimum term of
396 imprisonment of 7 years and shall be ordered to pay a fine of
397 \$100,000.

398 c. Is 100 grams or more, but less than 300 grams, such
399 person shall be sentenced to a mandatory minimum term of
400 imprisonment of 15 years and shall be ordered to pay a fine of
401 \$500,000.

402 d. Is 300 grams or more, but less than 30 kilograms, such
403 person shall be sentenced to a mandatory minimum term of
404 imprisonment of 25 years and shall be ordered to pay a fine of
405 \$750,000.

406 3. A person who knowingly sells, purchases, manufactures,
407 delivers, or brings into this state, or who is knowingly in
408 actual or constructive possession of, 7 grams or more of
409 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
410 thereof, or 7 grams or more of any mixture containing any such
411 substance, commits a felony of the first degree, which felony
412 shall be known as "trafficking in oxycodone," punishable as
413 provided in s. 775.082, s. 775.083, or s. 775.084. If the
414 quantity involved:

415 a. Is 7 grams or more, but less than 14 grams, such person
416 shall be sentenced to a mandatory minimum term of imprisonment



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417 of 3 years and shall be ordered to pay a fine of \$50,000.
418 b. Is 14 grams or more, but less than 25 grams, such person
419 shall be sentenced to a mandatory minimum term of imprisonment
420 of 7 years and shall be ordered to pay a fine of \$100,000.
421 c. Is 25 grams or more, but less than 100 grams, such
422 person shall be sentenced to a mandatory minimum term of
423 imprisonment of 15 years and shall be ordered to pay a fine of
424 \$500,000.
425 d. Is 100 grams or more, but less than 30 kilograms, such
426 person shall be sentenced to a mandatory minimum term of
427 imprisonment of 25 years and shall be ordered to pay a fine of
428 \$750,000.
429 4.a. A person who knowingly sells, purchases, manufactures,
430 delivers, or brings into this state, or who is knowingly in
431 actual or constructive possession of, 4 grams or more of:
432 (I) Alfentanil, as described in s. 893.03(2)(b)1.;
433 (II) Carfentanil, as described in s. 893.03(2)(b)6.;
434 (III) Fentanyl, as described in s. 893.03(2)(b)9.;
435 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;
436 (V) A fentanyl derivative, as described in s.
437 893.03(1)(a)62.;
438 (VI) A controlled substance analog, as described in s.
439 893.0356, of any substance described in sub-sub-subparagraphs
440 (I)-(V); or
441 (VII) A mixture containing any substance described in sub-
442 sub-subparagraphs (I)-(VI),
443
444 commits a felony of the first degree, which felony shall be
445 known as "trafficking in fentanyl," punishable as provided in s.



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446 775.082, s. 775.083, or s. 775.084.

447 b. If the quantity involved under sub-subparagraph a.:

448 (I) Is 4 grams or more, but less than 14 grams, such person
449 shall be sentenced to a mandatory minimum term of imprisonment
450 of 3 years, and shall be ordered to pay a fine of \$50,000.

451 (II) Is 14 grams or more, but less than 28 grams, such
452 person shall be sentenced to a mandatory minimum term of
453 imprisonment of 15 years, and shall be ordered to pay a fine of
454 \$100,000.

455 (III) Is 28 grams or more, such person shall be sentenced
456 to a mandatory minimum term of imprisonment of 25 years, and
457 shall be ordered to pay a fine of \$500,000.

458 5. A person who knowingly sells, purchases, manufactures,
459 delivers, or brings into this state, or who is knowingly in
460 actual or constructive possession of, 30 kilograms or more of
461 any morphine, opium, oxycodone, hydrocodone, codeine,
462 hydromorphone, or any salt, derivative, isomer, or salt of an
463 isomer thereof, including heroin, as described in s.
464 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
465 more of any mixture containing any such substance, commits the
466 first degree felony of trafficking in illegal drugs. A person
467 who has been convicted of the first degree felony of trafficking
468 in illegal drugs under this subparagraph shall be punished by
469 life imprisonment and is ineligible for any form of
470 discretionary early release except pardon or executive clemency,
471 ~~or~~ conditional medical release under s. 947.149, or conditional
472 aging inmate release under s. 945.0912. However, if the court
473 determines that, in addition to committing any act specified in
474 this paragraph:



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475 a. The person intentionally killed an individual or
476 counseled, commanded, induced, procured, or caused the
477 intentional killing of an individual and such killing was the
478 result; or

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

481
482 such person commits the capital felony of trafficking in illegal
483 drugs, punishable as provided in ss. 775.082 and 921.142. A
484 person sentenced for a capital felony under this paragraph shall
485 also be sentenced to pay the maximum fine provided under
486 subparagraph 1.

487 6. A person who knowingly brings into this state 60
488 kilograms or more of any morphine, opium, oxycodone,
489 hydrocodone, codeine, hydromorphone, or any salt, derivative,
490 isomer, or salt of an isomer thereof, including heroin, as
491 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
492 60 kilograms or more of any mixture containing any such
493 substance, and who knows that the probable result of such
494 importation would be the death of a person, commits capital
495 importation of illegal drugs, a capital felony punishable as
496 provided in ss. 775.082 and 921.142. A person sentenced for a
497 capital felony under this paragraph shall also be sentenced to
498 pay the maximum fine provided under subparagraph 1.

499 (g)1. Any person who knowingly sells, purchases,
500 manufactures, delivers, or brings into this state, or who is
501 knowingly in actual or constructive possession of, 4 grams or
502 more of flunitrazepam or any mixture containing flunitrazepam as
503 described in s. 893.03(1)(a) commits a felony of the first



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504 degree, which felony shall be known as "trafficking in
505 flunitrazepam," punishable as provided in s. 775.082, s.
506 775.083, or s. 775.084. If the quantity involved:

507 a. Is 4 grams or more but less than 14 grams, such person
508 shall be sentenced to a mandatory minimum term of imprisonment
509 of 3 years, and the defendant shall be ordered to pay a fine of
510 \$50,000.

511 b. Is 14 grams or more but less than 28 grams, such person
512 shall be sentenced to a mandatory minimum term of imprisonment
513 of 7 years, and the defendant shall be ordered to pay a fine of
514 \$100,000.

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

518 2. Any person who knowingly sells, purchases, manufactures,
519 delivers, or brings into this state or who is knowingly in
520 actual or constructive possession of 30 kilograms or more of
521 flunitrazepam or any mixture containing flunitrazepam as
522 described in s. 893.03(1)(a) commits the first degree felony of
523 trafficking in flunitrazepam. A person who has been convicted of
524 the first degree felony of trafficking in flunitrazepam under
525 this subparagraph shall be punished by life imprisonment and is
526 ineligible for any form of discretionary early release except
527 pardon or executive clemency, ~~or~~ conditional medical release
528 under s. 947.149, or conditional aging inmate release under s.
529 945.0912. However, if the court determines that, in addition to
530 committing any act specified in this paragraph:

531 a. The person intentionally killed an individual or
532 counseled, commanded, induced, procured, or caused the



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533 intentional killing of an individual and such killing was the
534 result; or

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

537

538 such person commits the capital felony of trafficking in
539 flunitrazepam, punishable as provided in ss. 775.082 and
540 921.142. Any person sentenced for a capital felony under this
541 paragraph shall also be sentenced to pay the maximum fine
542 provided under subparagraph 1.

543 (3) Notwithstanding the provisions of s. 948.01, with
544 respect to any person who is found to have violated this
545 section, adjudication of guilt or imposition of sentence shall
546 not be suspended, deferred, or withheld, nor shall such person
547 be eligible for parole prior to serving the mandatory minimum
548 term of imprisonment prescribed by this section. A person
549 sentenced to a mandatory minimum term of imprisonment under this
550 section is not eligible for any form of discretionary early
551 release, except pardon or executive clemency, ~~or~~ conditional
552 medical release under s. 947.149, or conditional aging inmate
553 release under s. 945.0912, prior to serving the mandatory
554 minimum term of imprisonment.

555 Section 9. Subsection (2) of section 921.0024, Florida
556 Statutes, is amended to read:

557 921.0024 Criminal Punishment Code; worksheet computations;
558 scoresheets.—

559 (2) The lowest permissible sentence is the minimum sentence
560 that may be imposed by the trial court, absent a valid reason
561 for departure. The lowest permissible sentence is any nonstate



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562 | prison sanction in which the total sentence points equals or is
563 | less than 44 points, unless the court determines within its
564 | discretion that a prison sentence, which may be up to the
565 | statutory maximums for the offenses committed, is appropriate.
566 | When the total sentence points exceeds 44 points, the lowest
567 | permissible sentence in prison months shall be calculated by
568 | subtracting 28 points from the total sentence points and
569 | decreasing the remaining total by 25 percent. The total sentence
570 | points shall be calculated only as a means of determining the
571 | lowest permissible sentence. The permissible range for
572 | sentencing shall be the lowest permissible sentence up to and
573 | including the statutory maximum, as defined in s. 775.082, for
574 | the primary offense and any additional offenses before the court
575 | for sentencing. The sentencing court may impose such sentences
576 | concurrently or consecutively. However, any sentence to state
577 | prison must exceed 1 year. If the lowest permissible sentence
578 | under the code exceeds the statutory maximum sentence as
579 | provided in s. 775.082, the sentence required by the code must
580 | be imposed. If the total sentence points are greater than or
581 | equal to 363, the court may sentence the offender to life
582 | imprisonment. An offender sentenced to life imprisonment under
583 | this section is not eligible for any form of discretionary early
584 | release, except executive clemency, ~~or~~ conditional medical
585 | release under s. 947.149, or conditional aging inmate release
586 | under s. 945.0912.

587 | Section 10. Paragraph (b) of subsection (7) of section
588 | 944.605, Florida Statutes, is amended to read:

589 | 944.605 Inmate release; notification; identification card.-
590 | (7)



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591 (b) Paragraph (a) does not apply to inmates who:
592 1. The department determines have a valid driver license or
593 state identification card, except that the department shall
594 provide these inmates with a replacement state identification
595 card or replacement driver license, if necessary.
596 2. Have an active detainer, unless the department
597 determines that cancellation of the detainer is likely or that
598 the incarceration for which the detainer was issued will be less
599 than 12 months in duration.
600 3. Are released due to an emergency release, ~~or~~ a
601 conditional medical release under s. 947.149, or conditional
602 aging inmate release under s. 945.0912.
603 4. Are not in the physical custody of the department at or
604 within 180 days before release.
605 5. Are subject to sex offender residency restrictions, and
606 who, upon release under such restrictions, do not have a
607 qualifying address.
608 Section 11. Subsection (1) of section 944.70, Florida
609 Statutes, is amended to read:
610 944.70 Conditions for release from incarceration.—
611 (1)(a) A person who is convicted of a crime committed on or
612 after October 1, 1983, but before January 1, 1994, may be
613 released from incarceration only:
614 1. Upon expiration of the person's sentence;
615 2. Upon expiration of the person's sentence as reduced by
616 accumulated gain-time;
617 3. As directed by an executive order granting clemency;
618 4. Upon attaining the provisional release date;
619 5. Upon placement in a conditional release program pursuant



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620 to s. 947.1405; or

621 6. Upon the granting of control release pursuant to s.
622 947.146.

623 (b) A person who is convicted of a crime committed on or
624 after January 1, 1994, may be released from incarceration only:

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

626 2. Upon expiration of the person's sentence as reduced by
627 accumulated meritorious or incentive gain-time;

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

629 4. Upon placement in a conditional release program pursuant
630 to s. 947.1405, ~~or~~ a conditional medical release program
631 pursuant to s. 947.149, or a conditional aging inmate release
632 program pursuant to s. 945.0912; or

633 5. Upon the granting of control release, including
634 emergency control release, pursuant to s. 947.146.

635 Section 12. This act shall take effect October 1, 2020.

636

637 ===== T I T L E A M E N D M E N T =====

638 And the title is amended as follows:

639 Delete everything before the enacting clause
640 and insert:

641 A bill to be entitled
642 An act relating to conditional aging inmate release;
643 creating s. 945.0912, F.S.; establishing the
644 conditional aging inmate release program within the
645 Department of Corrections; establishing a panel to
646 consider specified matters; providing for program
647 eligibility; requiring that an inmate who meets
648 certain criteria be considered for conditional aging



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649 inmate release; providing that the inmate does not
650 have a right to release; requiring the department to
651 identify eligible inmates; requiring the department to
652 refer an inmate to the panel for consideration;
653 providing victim notification requirements under
654 certain circumstances; requiring the panel to conduct
655 a hearing within a specified timeframe; providing
656 requirements for the hearing; providing that an inmate
657 who is approved for conditional aging inmate release
658 must be released from the department's custody within
659 a reasonable amount of time; providing that an inmate
660 is considered an aging releasee upon release from the
661 department into the community; providing a review
662 process for an inmate who is denied release; providing
663 conditions for release; prohibiting an aging releasee
664 or his or her community-based housing from being
665 counted in the prison system population and the prison
666 capacity figures, respectively; providing for the
667 revocation of conditional aging inmate release;
668 requiring the aging releasee to be detained if a
669 violation is based on certain circumstances;
670 authorizing the aging releasee to be returned to the
671 department if he or she violates any conditions of the
672 release; requiring a majority of the panel to agree on
673 the appropriateness of revocation; authorizing the
674 forfeiture of gain-time if the revocation is based on
675 certain violations; providing a review process for an
676 aging releasee who has his or her released revoked;
677 requiring the aging releasee to be given specified



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678 information in certain instances; providing rulemaking
679 authority; amending ss. 316.1935, 775.084, 775.087,
680 784.07, 790.235, 794.0115, 893.135, 921.0024, 944.605,
681 and 944.70, F.S.; conforming cross-references to
682 changes made by the act; providing an effective date.