

By the Committee on Criminal Justice; and Senators Brandes and Perry

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1 A bill to be entitled
2 An act relating to conditional aging inmate release;
3 creating s. 945.0912, F.S.; establishing the
4 conditional aging inmate release program within the
5 Department of Corrections; establishing a panel to
6 consider specified matters; providing for program
7 eligibility; requiring that an inmate who meets
8 certain criteria be considered for conditional aging
9 inmate release; providing that the inmate does not
10 have a right to release; requiring the department to
11 identify eligible inmates; requiring the department to
12 refer an inmate to the panel for consideration;
13 providing victim notification requirements under
14 certain circumstances; requiring the panel to conduct
15 a hearing within a specified timeframe; providing
16 requirements for the hearing; providing that an inmate
17 who is approved for conditional aging inmate release
18 must be released from the department's custody within
19 a reasonable amount of time; providing that an inmate
20 is considered an aging releasee upon release from the
21 department into the community; providing a review
22 process for an inmate who is denied release; providing
23 conditions for release; prohibiting an aging releasee
24 or his or her community-based housing from being
25 counted in the prison system population and the prison
26 capacity figures, respectively; providing for the
27 revocation of conditional aging inmate release;
28 requiring the aging releasee to be detained if a
29 violation is based on certain circumstances;

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30 authorizing the aging releasee to be returned to the
31 department if he or she violates any conditions of the
32 release; requiring a majority of the panel to agree on
33 the appropriateness of revocation; authorizing the
34 forfeiture of gain-time if the revocation is based on
35 certain violations; providing a review process for an
36 aging releasee who has his or her released revoked;
37 requiring the aging releasee to be given specified
38 information in certain instances; providing rulemaking
39 authority; amending ss. 316.1935, 775.084, 775.087,
40 784.07, 790.235, 794.0115, 893.135, 921.0024, 944.605,
41 and 944.70, F.S.; conforming cross-references;
42 providing an effective date.
43

44 Be It Enacted by the Legislature of the State of Florida:
45

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

48 945.0912 Conditional aging inmate release.-

49 (1) CREATION.-There is established a conditional aging
50 inmate release program within the department for the purpose of
51 determining eligible inmates who are appropriate for such
52 release, supervising the released inmates, and conducting
53 revocation hearings as provided for in this section. The program
54 must include a panel of at least three people appointed by the
55 secretary or his or her designee for the purpose of determining
56 the appropriateness of conditional aging inmate release and
57 conducting revocation hearings on the inmate releases.

58 (2) ELIGIBILITY.-

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

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

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

69 a. Section 775.33(4).

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

71 c. Section 782.09.

72 2. Any felony offense that serves as a predicate to
73 registration as a sexual offender in accordance with s.
74 943.0435; or

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

78 (3) REFERRAL FOR CONSIDERATION.—

79 (a)1. Notwithstanding any provision to the contrary, an
80 inmate in the custody of the department who is eligible for
81 consideration pursuant to subsection (2) must be considered for
82 the conditional aging inmate release program.

83 2. The authority to grant conditional aging inmate release
84 rests solely with the department. An inmate does not have a
85 right to such release.

86 (b) The department must identify inmates who may be
87 eligible for the conditional aging inmate release program. In

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88 considering an inmate for conditional aging inmate release, the
89 department may require the production of additional evidence or
90 any other additional investigations that the department deems
91 are necessary for determining the appropriateness of the
92 eligible inmate's release.

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

97 (d) If the case that resulted in the inmate's commitment to
98 the department involved a victim, and the victim specifically
99 requested notification pursuant to s. 16, Art. I of the State
100 Constitution, the department must notify the victim of the
101 inmate's referral to the panel immediately upon identification
102 of the inmate as potentially eligible for release under this
103 section. Additionally, the victim must be afforded the right to
104 be heard regarding the release of the inmate.

105 (4) DETERMINATION OF RELEASE.—

106 (a) Within 45 days after receiving the referral, the panel
107 established in subsection (1) must conduct a hearing to
108 determine whether the inmate is appropriate for conditional
109 aging inmate release.

110 (b) A majority of the panel members must agree that the
111 inmate is appropriate for release pursuant to this section. If
112 conditional aging inmate release is approved, the inmate must be
113 released by the department to the community within a reasonable
114 amount of time with necessary release conditions imposed
115 pursuant to subsection (5). An inmate who is granted conditional
116 aging inmate release is considered an aging releasee upon

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117 release to the community.

118 (c) An inmate who is denied conditional aging inmate
119 release by the panel may have the decision reviewed by the
120 department's general counsel, who must make a recommendation to
121 the secretary. The secretary must review all relevant
122 information and make a final decision about the appropriateness
123 of conditional aging inmate release pursuant to this section.
124 The decision of the secretary is a final administrative decision
125 not subject to appeal. An inmate who is denied conditional aging
126 inmate release may be subsequently reconsidered for such release
127 in a manner prescribed by rule.

128 (5) RELEASE CONDITIONS.—

129 (a) An inmate granted release pursuant to this section is
130 released for a period equal to the length of time remaining on
131 his or her term of imprisonment on the date the release is
132 granted. Such inmate is considered an aging releasee upon
133 release from the department into the community. The aging
134 releasee must comply with all reasonable conditions of release
135 the department imposes, which must include, at a minimum:

136 1. Supervision by an officer trained to handle special
137 offender caseloads.

138 2. Active electronic monitoring, if such monitoring is
139 determined to be necessary to ensure the safety of the public
140 and the aging releasee's compliance with release conditions.

141 3. Any conditions of community control provided for in s.
142 948.101.

143 4. Any other conditions the department deems appropriate to
144 ensure the safety of the community and compliance by the aging
145 releasee.

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146 (b) An aging releasee is considered to be in the care,
147 custody, supervision, and control of the department and remains
148 eligible to earn or lose gain-time in accordance with s. 944.275
149 and department rule. The aging releasee may not be counted in
150 the prison system population, and the aging releasee's approved
151 community-based housing location may not be counted in the
152 capacity figures for the prison system.

153 (6) REVOCATION HEARING AND RECOMMITMENT.—

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

158 2. If the basis of the violation of release conditions is
159 related to a new violation of law, the aging releasee must be
160 detained without bond until his or her initial appearance, at
161 which a judicial determination of probable cause is made. If the
162 judge determines that there was no probable cause for the
163 arrest, the aging releasee may be released. If the judge
164 determines that there was probable cause for the arrest, the
165 judge's determination also constitutes reasonable grounds to
166 believe that the aging releasee violated the conditions of the
167 release.

168 3. The department must order that the aging releasee
169 subject to revocation under this paragraph be returned to
170 department custody for a conditional aging inmate release
171 revocation hearing as prescribed by rule.

172 4. A majority of the panel members must agree that
173 revocation is appropriate for the aging releasee's conditional
174 aging inmate release to be revoked. If conditional aging inmate

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175 release is revoked pursuant to this paragraph, the aging
176 releasee must serve the balance of his or her sentence with
177 credit for the actual time served on conditional aging inmate
178 release. The aging releasee's gain-time accrued before
179 recommitment may be forfeited pursuant to s. 944.28(1). If the
180 aging releasee whose conditional aging inmate release is revoked
181 subject to this paragraph would otherwise be eligible for parole
182 or any other release program, he or she may be considered for
183 such release program pursuant to law.

184 5. An aging releasee whose release has been revoked
185 pursuant to this paragraph may have the revocation reviewed by
186 the department's general counsel, who must make a recommendation
187 to the secretary. The secretary must review all relevant
188 information and make a final decision about the appropriateness
189 of the revocation of conditional aging inmate release pursuant
190 to this paragraph. The decision of the secretary is a final
191 administrative decision not subject to appeal.

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

196 1. The alleged violation with which the releasee is
197 charged.

198 2. The releasee's right to be represented by counsel.
199 However, this subparagraph does not create a right to publicly
200 funded legal counsel.

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

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

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

206 6. The releasee's right of access to all evidence used
207 against the releasee and to confront and cross-examine adverse
208 witnesses.

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

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

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

214 316.1935 Fleeing or attempting to elude a law enforcement
215 officer; aggravated fleeing or eluding.—

216 (6) Notwithstanding s. 948.01, no court may suspend, defer,
217 or withhold adjudication of guilt or imposition of sentence for
218 any violation of this section. A person convicted and sentenced
219 to a mandatory minimum term of incarceration under paragraph
220 (3) (b) or paragraph (4) (b) is not eligible for statutory gain-
221 time under s. 944.275 or any form of discretionary early
222 release, other than pardon or executive clemency, ~~or~~ conditional
223 medical release under s. 947.149, or conditional aging inmate
224 release under s. 945.0912, prior to serving the mandatory
225 minimum sentence.

226 Section 3. Paragraph (k) of subsection (4) of section
227 775.084, Florida Statutes, is amended to read:

228 775.084 Violent career criminals; habitual felony offenders
229 and habitual violent felony offenders; three-time violent felony
230 offenders; definitions; procedure; enhanced penalties or
231 mandatory minimum prison terms.—

232 (4)

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

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

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

248 Section 4. Paragraph (b) of subsection (2) and paragraph
249 (b) of subsection (3) of section 775.087, Florida Statutes, are
250 amended to read:

251 775.087 Possession or use of weapon; aggravated battery;
252 felony reclassification; minimum sentence.-

253 (2)

254 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
255 (a)3. does not prevent a court from imposing a longer sentence
256 of incarceration as authorized by law in addition to the minimum
257 mandatory sentence, or from imposing a sentence of death
258 pursuant to other applicable law. Subparagraph (a)1.,
259 subparagraph (a)2., or subparagraph (a)3. does not authorize a
260 court to impose a lesser sentence than otherwise required by
261 law.

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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

(3)

271

(b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
272 (a)3. does not prevent a court from imposing a longer sentence
273 of incarceration as authorized by law in addition to the minimum
274 mandatory sentence, or from imposing a sentence of death
275 pursuant to other applicable law. Subparagraph (a)1.,
276 subparagraph (a)2., or subparagraph (a)3. does not authorize a
277 court to impose a lesser sentence than otherwise required by
278 law.

279

280 Notwithstanding s. 948.01, adjudication of guilt or imposition
281 of sentence shall not be suspended, deferred, or withheld, and
282 the defendant is not eligible for statutory gain-time under s.
283 944.275 or any form of discretionary early release, other than
284 pardon or executive clemency, ~~or~~ conditional medical release
285 under s. 947.149, or conditional aging inmate release under s.
286 945.0912, prior to serving the minimum sentence.

287

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

289

784.07 Assault or battery of law enforcement officers,
290 firefighters, emergency medical care providers, public transit

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291 employees or agents, or other specified officers;
292 reclassification of offenses; minimum sentences.-

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

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

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

303

304 Notwithstanding s. 948.01, adjudication of guilt or imposition
305 of sentence shall not be suspended, deferred, or withheld, and
306 the defendant is not eligible for statutory gain-time under s.
307 944.275 or any form of discretionary early release, other than
308 pardon or executive clemency, ~~or~~ conditional medical release
309 under s. 947.149, or conditional aging inmate release under s.
310 945.0912, prior to serving the minimum sentence.

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

313 790.235 Possession of firearm or ammunition by violent
314 career criminal unlawful; penalty.-

315 (1) Any person who meets the violent career criminal
316 criteria under s. 775.084(1)(d), regardless of whether such
317 person is or has previously been sentenced as a violent career
318 criminal, who owns or has in his or her care, custody,
319 possession, or control any firearm, ammunition, or electric

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320 weapon or device, or carries a concealed weapon, including a
321 tear gas gun or chemical weapon or device, commits a felony of
322 the first degree, punishable as provided in s. 775.082, s.
323 775.083, or s. 775.084. A person convicted of a violation of
324 this section shall be sentenced to a mandatory minimum of 15
325 years' imprisonment; however, if the person would be sentenced
326 to a longer term of imprisonment under s. 775.084(4)(d), the
327 person must be sentenced under that provision. A person
328 convicted of a violation of this section is not eligible for any
329 form of discretionary early release, other than pardon,
330 executive clemency, ~~or~~ conditional medical release under s.
331 947.149, or conditional aging inmate release under s. 945.0912.

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

334 794.0115 Dangerous sexual felony offender; mandatory
335 sentencing.—

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

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

345 893.135 Trafficking; mandatory sentences; suspension or
346 reduction of sentences; conspiracy to engage in trafficking.—

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

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349 (b)1. Any person who knowingly sells, purchases,
350 manufactures, delivers, or brings into this state, or who is
351 knowingly in actual or constructive possession of, 28 grams or
352 more of cocaine, as described in s. 893.03(2)(a)4., or of any
353 mixture containing cocaine, but less than 150 kilograms of
354 cocaine or any such mixture, commits a felony of the first
355 degree, which felony shall be known as "trafficking in cocaine,"
356 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
357 If the quantity involved:

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

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

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

369 2. Any person who knowingly sells, purchases, manufactures,
370 delivers, or brings into this state, or who is knowingly in
371 actual or constructive possession of, 150 kilograms or more of
372 cocaine, as described in s. 893.03(2)(a)4., commits the first
373 degree felony of trafficking in cocaine. A person who has been
374 convicted of the first degree felony of trafficking in cocaine
375 under this subparagraph shall be punished by life imprisonment
376 and is ineligible for any form of discretionary early release
377 except pardon or executive clemency, or ~~or~~ conditional medical

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378 release under s. 947.149, or conditional aging inmate release
379 under s. 945.0912. However, if the court determines that, in
380 addition to committing any act specified in this paragraph:

381 a. The person intentionally killed an individual or
382 counseled, commanded, induced, procured, or caused the
383 intentional killing of an individual and such killing was the
384 result; or

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

387
388 such person commits the capital felony of trafficking in
389 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
390 person sentenced for a capital felony under this paragraph shall
391 also be sentenced to pay the maximum fine provided under
392 subparagraph 1.

393 3. Any person who knowingly brings into this state 300
394 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
395 and who knows that the probable result of such importation would
396 be the death of any person, commits capital importation of
397 cocaine, a capital felony punishable as provided in ss. 775.082
398 and 921.142. Any person sentenced for a capital felony under
399 this paragraph shall also be sentenced to pay the maximum fine
400 provided under subparagraph 1.

401 (c)1. A person who knowingly sells, purchases,
402 manufactures, delivers, or brings into this state, or who is
403 knowingly in actual or constructive possession of, 4 grams or
404 more of any morphine, opium, hydromorphone, or any salt,
405 derivative, isomer, or salt of an isomer thereof, including
406 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or

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407 (3)(c)4., or 4 grams or more of any mixture containing any such
408 substance, but less than 30 kilograms of such substance or
409 mixture, commits a felony of the first degree, which felony
410 shall be known as "trafficking in illegal drugs," punishable as
411 provided in s. 775.082, s. 775.083, or s. 775.084. If the
412 quantity involved:

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

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

419 c. Is 28 grams or more, but less than 30 kilograms, such
420 person shall be sentenced to a mandatory minimum term of
421 imprisonment of 25 years and shall be ordered to pay a fine of
422 \$500,000.

423 2. A person who knowingly sells, purchases, manufactures,
424 delivers, or brings into this state, or who is knowingly in
425 actual or constructive possession of, 28 grams or more of
426 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
427 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
428 grams or more of any mixture containing any such substance,
429 commits a felony of the first degree, which felony shall be
430 known as "trafficking in hydrocodone," punishable as provided in
431 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

435 b. Is 50 grams or more, but less than 100 grams, such

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436 person shall be sentenced to a mandatory minimum term of
437 imprisonment of 7 years and shall be ordered to pay a fine of
438 \$100,000.

439 c. Is 100 grams or more, but less than 300 grams, such
440 person shall be sentenced to a mandatory minimum term of
441 imprisonment of 15 years and shall be ordered to pay a fine of
442 \$500,000.

443 d. Is 300 grams or more, but less than 30 kilograms, such
444 person shall be sentenced to a mandatory minimum term of
445 imprisonment of 25 years and shall be ordered to pay a fine of
446 \$750,000.

447 3. A person who knowingly sells, purchases, manufactures,
448 delivers, or brings into this state, or who is knowingly in
449 actual or constructive possession of, 7 grams or more of
450 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
451 thereof, or 7 grams or more of any mixture containing any such
452 substance, commits a felony of the first degree, which felony
453 shall be known as "trafficking in oxycodone," punishable as
454 provided in s. 775.082, s. 775.083, or s. 775.084. If the
455 quantity involved:

456 a. Is 7 grams or more, but less than 14 grams, such person
457 shall be sentenced to a mandatory minimum term of imprisonment
458 of 3 years and shall be ordered to pay a fine of \$50,000.

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

462 c. Is 25 grams or more, but less than 100 grams, such
463 person shall be sentenced to a mandatory minimum term of
464 imprisonment of 15 years and shall be ordered to pay a fine of

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465 \$500,000.

466 d. Is 100 grams or more, but less than 30 kilograms, such
467 person shall be sentenced to a mandatory minimum term of
468 imprisonment of 25 years and shall be ordered to pay a fine of
469 \$750,000.

470 4.a. A person who knowingly sells, purchases, manufactures,
471 delivers, or brings into this state, or who is knowingly in
472 actual or constructive possession of, 4 grams or more of:

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

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

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

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

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

478 893.03(1)(a)62.;

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

480 893.0356, of any substance described in sub-sub-subparagraphs

481 (I)-(V); or

482 (VII) A mixture containing any substance described in sub-
483 sub-subparagraphs (I)-(VI),

484

485 commits a felony of the first degree, which felony shall be
486 known as "trafficking in fentanyl," punishable as provided in s.
487 775.082, s. 775.083, or s. 775.084.

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

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

492 (II) Is 14 grams or more, but less than 28 grams, such
493 person shall be sentenced to a mandatory minimum term of

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494 imprisonment of 15 years, and shall be ordered to pay a fine of
495 \$100,000.

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

499 5. A person who knowingly sells, purchases, manufactures,
500 delivers, or brings into this state, or who is knowingly in
501 actual or constructive possession of, 30 kilograms or more of
502 any morphine, opium, oxycodone, hydrocodone, codeine,
503 hydromorphone, or any salt, derivative, isomer, or salt of an
504 isomer thereof, including heroin, as described in s.
505 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
506 more of any mixture containing any such substance, commits the
507 first degree felony of trafficking in illegal drugs. A person
508 who has been convicted of the first degree felony of trafficking
509 in illegal drugs under this subparagraph shall be punished by
510 life imprisonment and is ineligible for any form of
511 discretionary early release except pardon or executive clemency,
512 ~~or~~ conditional medical release under s. 947.149, or conditional
513 aging inmate release under s. 945.0912. However, if the court
514 determines that, in addition to committing any act specified in
515 this paragraph:

516 a. The person intentionally killed an individual or
517 counseled, commanded, induced, procured, or caused the
518 intentional killing of an individual and such killing was the
519 result; or

520 b. The person's conduct in committing that act led to a
521 natural, though not inevitable, lethal result,
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523 such person commits the capital felony of trafficking in illegal
524 drugs, punishable as provided in ss. 775.082 and 921.142. A
525 person sentenced for a capital felony under this paragraph shall
526 also be sentenced to pay the maximum fine provided under
527 subparagraph 1.

528 6. A person who knowingly brings into this state 60
529 kilograms or more of any morphine, opium, oxycodone,
530 hydrocodone, codeine, hydromorphone, or any salt, derivative,
531 isomer, or salt of an isomer thereof, including heroin, as
532 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
533 60 kilograms or more of any mixture containing any such
534 substance, and who knows that the probable result of such
535 importation would be the death of a person, commits capital
536 importation of illegal drugs, a capital felony punishable as
537 provided in ss. 775.082 and 921.142. A person sentenced for a
538 capital felony under this paragraph shall also be sentenced to
539 pay the maximum fine provided under subparagraph 1.

540 (g)1. Any person who knowingly sells, purchases,
541 manufactures, delivers, or brings into this state, or who is
542 knowingly in actual or constructive possession of, 4 grams or
543 more of flunitrazepam or any mixture containing flunitrazepam as
544 described in s. 893.03(1)(a) commits a felony of the first
545 degree, which felony shall be known as "trafficking in
546 flunitrazepam," punishable as provided in s. 775.082, s.
547 775.083, or s. 775.084. If the quantity involved:

548 a. Is 4 grams or more but less than 14 grams, such person
549 shall be sentenced to a mandatory minimum term of imprisonment
550 of 3 years, and the defendant shall be ordered to pay a fine of
551 \$50,000.

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552 b. Is 14 grams or more but less than 28 grams, such person
553 shall be sentenced to a mandatory minimum term of imprisonment
554 of 7 years, and the defendant shall be ordered to pay a fine of
555 \$100,000.

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

559 2. Any person who knowingly sells, purchases, manufactures,
560 delivers, or brings into this state or who is knowingly in
561 actual or constructive possession of 30 kilograms or more of
562 flunitrazepam or any mixture containing flunitrazepam as
563 described in s. 893.03(1)(a) commits the first degree felony of
564 trafficking in flunitrazepam. A person who has been convicted of
565 the first degree felony of trafficking in flunitrazepam under
566 this subparagraph shall be punished by life imprisonment and is
567 ineligible for any form of discretionary early release except
568 pardon or executive clemency, ~~or~~ conditional medical release
569 under s. 947.149, or conditional aging inmate release under s.
570 945.0912. However, if the court determines that, in addition to
571 committing any act specified in this paragraph:

572 a. The person intentionally killed an individual or
573 counseled, commanded, induced, procured, or caused the
574 intentional killing of an individual and such killing was the
575 result; or

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

578

579 such person commits the capital felony of trafficking in
580 flunitrazepam, punishable as provided in ss. 775.082 and

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581 921.142. Any person sentenced for a capital felony under this
582 paragraph shall also be sentenced to pay the maximum fine
583 provided under subparagraph 1.

584 (3) Notwithstanding the provisions of s. 948.01, with
585 respect to any person who is found to have violated this
586 section, adjudication of guilt or imposition of sentence shall
587 not be suspended, deferred, or withheld, nor shall such person
588 be eligible for parole prior to serving the mandatory minimum
589 term of imprisonment prescribed by this section. A person
590 sentenced to a mandatory minimum term of imprisonment under this
591 section is not eligible for any form of discretionary early
592 release, except pardon or executive clemency, ~~or~~ conditional
593 medical release under s. 947.149, or conditional aging inmate
594 release under s. 945.0912, prior to serving the mandatory
595 minimum term of imprisonment.

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

598 921.0024 Criminal Punishment Code; worksheet computations;
599 scoresheets.—

600 (2) The lowest permissible sentence is the minimum sentence
601 that may be imposed by the trial court, absent a valid reason
602 for departure. The lowest permissible sentence is any nonstate
603 prison sanction in which the total sentence points equals or is
604 less than 44 points, unless the court determines within its
605 discretion that a prison sentence, which may be up to the
606 statutory maximums for the offenses committed, is appropriate.
607 When the total sentence points exceeds 44 points, the lowest
608 permissible sentence in prison months shall be calculated by
609 subtracting 28 points from the total sentence points and

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610 decreasing the remaining total by 25 percent. The total sentence
 611 points shall be calculated only as a means of determining the
 612 lowest permissible sentence. The permissible range for
 613 sentencing shall be the lowest permissible sentence up to and
 614 including the statutory maximum, as defined in s. 775.082, for
 615 the primary offense and any additional offenses before the court
 616 for sentencing. The sentencing court may impose such sentences
 617 concurrently or consecutively. However, any sentence to state
 618 prison must exceed 1 year. If the lowest permissible sentence
 619 under the code exceeds the statutory maximum sentence as
 620 provided in s. 775.082, the sentence required by the code must
 621 be imposed. If the total sentence points are greater than or
 622 equal to 363, the court may sentence the offender to life
 623 imprisonment. An offender sentenced to life imprisonment under
 624 this section is not eligible for any form of discretionary early
 625 release, except executive clemency, or conditional medical
 626 release under s. 947.149, or conditional aging inmate release
 627 under s. 945.0912.

628 Section 10. Paragraph (b) of subsection (7) of section
 629 944.605, Florida Statutes, is amended to read:

630 944.605 Inmate release; notification; identification card.-
 631 (7)

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

633 1. The department determines have a valid driver license or
 634 state identification card, except that the department shall
 635 provide these inmates with a replacement state identification
 636 card or replacement driver license, if necessary.

637 2. Have an active detainer, unless the department
 638 determines that cancellation of the detainer is likely or that

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639 the incarceration for which the detainer was issued will be less
640 than 12 months in duration.

641 3. Are released due to an emergency release, ~~or~~ a
642 conditional medical release under s. 947.149, or conditional
643 aging inmate release under s. 945.0912.

644 4. Are not in the physical custody of the department at or
645 within 180 days before release.

646 5. Are subject to sex offender residency restrictions, and
647 who, upon release under such restrictions, do not have a
648 qualifying address.

649 Section 11. Subsection (1) of section 944.70, Florida
650 Statutes, is amended to read:

651 944.70 Conditions for release from incarceration.—

652 (1) (a) A person who is convicted of a crime committed on or
653 after October 1, 1983, but before January 1, 1994, may be
654 released from incarceration only:

- 655 1. Upon expiration of the person's sentence;
- 656 2. Upon expiration of the person's sentence as reduced by
657 accumulated gain-time;
- 658 3. As directed by an executive order granting clemency;
- 659 4. Upon attaining the provisional release date;
- 660 5. Upon placement in a conditional release program pursuant
661 to s. 947.1405; or
- 662 6. Upon the granting of control release pursuant to s.
663 947.146.

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

- 666 1. Upon expiration of the person's sentence;
- 667 2. Upon expiration of the person's sentence as reduced by

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668 accumulated meritorious or incentive gain-time;

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

670 4. Upon placement in a conditional release program pursuant
671 to s. 947.1405, ~~or~~ a conditional medical release program
672 pursuant to s. 947.149, or a conditional aging inmate release
673 program pursuant to s. 945.0912; or

674 5. Upon the granting of control release, including
675 emergency control release, pursuant to s. 947.146.

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