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Section 1. Subsection (1) of section 921.002, Florida Statutes, is amended to read:

921.002 The Criminal Punishment Code.—The Criminal Punishment Code shall apply to all felony offenses, except capital felonies, committed on or after October 1, 1998.

(1) The provision of criminal penalties and of limitations upon the application of such penalties is a matter of predominantly substantive law and, as such, is a matter properly addressed by the Legislature. The Legislature, in the exercise of its authority and responsibility to establish sentencing criteria, to provide for the imposition of criminal penalties, and to make the best use of state prisons so that ~~violent~~ criminal offenders are appropriately punished and rehabilitated ~~incarcerated,~~ has determined that it is in the best interest of the state to develop, implement, and revise a sentencing policy. The Criminal Punishment Code embodies the principles that:

(a) Sentencing is neutral with respect to race, gender, and social and economic status.

(b) The duel purposes ~~primary purpose~~ of sentencing in the criminal justice system are ~~is~~ to punish the offender and rehabilitate the offender to transition back to the community successfully. ~~Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment.~~

(c) The penalty imposed is commensurate with the severity

51 of the primary offense and the circumstances surrounding the
52 primary offense.

53 (d) The severity of the sentence increases with the length
54 and nature of the offender's prior record.

55 (e) The sentence imposed by the sentencing judge reflects
56 the length of actual time to be served, shortened only by the
57 application of outstanding deed incentive and meritorious gain-
58 time, good behavior time, and rehabilitation credits as provided
59 by law, and may not be shortened if the defendant would
60 consequently serve less than 65 ~~85~~ percent of his or her term of
61 imprisonment as provided in s. 944.275(4). The provisions of
62 chapter 947, relating to parole, shall not apply to persons
63 sentenced under the Criminal Punishment Code.

64 (f) Departures below the lowest permissible sentence
65 established by the code must be articulated in writing by the
66 trial court judge and made only when circumstances or factors
67 reasonably justify the mitigation of the sentence. The level of
68 proof necessary to establish facts that support a departure from
69 the lowest permissible sentence is a preponderance of the
70 evidence.

71 (g) The trial court judge may impose a sentence up to and
72 including the statutory maximum for any offense, including an
73 offense that is before the court due to a violation of probation
74 or community control.

75 (h) A sentence may be appealed on the basis that it

76 | departs from the Criminal Punishment Code only if the sentence
77 | is below the lowest permissible sentence or as enumerated in s.
78 | 924.06(1).

79 | (i) Use of incarcerative sanctions is prioritized toward
80 | offenders convicted of serious offenses and certain offenders
81 | who have long prior records, in order to maximize the finite
82 | capacities of state and local correctional facilities.

83 | Section 2. Section 944.275, Florida Statutes, is amended
84 | to read:

85 | 944.275 Outstanding deed gain-time, good behavior time,
86 | and rehabilitation credits.-

87 | (1) The department is authorized to grant deductions from
88 | sentences in the form of outstanding deed gain-time, good
89 | behavior time, and rehabilitation credits in order to encourage
90 | satisfactory prisoner behavior, to provide incentive for
91 | prisoners to participate in productive activities, and to reward
92 | prisoners who perform outstanding deeds or services.

93 | (2) (a) The department shall establish for each prisoner
94 | sentenced to a term of years a "maximum sentence expiration
95 | date," which shall be the date when the sentence or combined
96 | sentences imposed on a prisoner will expire. In establishing
97 | this date, the department shall reduce the total time to be
98 | served by any time lawfully credited.

99 | (b) When a prisoner with an established maximum sentence
100 | expiration date is sentenced to an additional term or terms

101 without having been released from custody, the department shall
102 extend the maximum sentence expiration date by the length of
103 time imposed in the new sentence or sentences, less lawful
104 credits.

105 (c) When an escaped prisoner or a parole violator is
106 returned to the custody of the department, the maximum sentence
107 expiration date in effect when the escape occurred or the parole
108 was effective shall be extended by the amount of time the
109 prisoner was not in custody plus the time imposed in any new
110 sentence or sentences, but reduced by any lawful credits.

111 (3) (a) The department shall also establish for each
112 prisoner sentenced to a term of years a "tentative release date"
113 which shall be the date projected for the prisoner's release
114 from custody by virtue of outstanding deed gain-time, good
115 behavior time, or rehabilitation credits granted or forfeited as
116 described in this section. The initial tentative release date
117 shall be determined by deducting outstanding deed ~~basic~~ gain-
118 time, good behavior time, or rehabilitation credits granted from
119 the maximum sentence expiration date. Outstanding deed ~~Other~~
120 gain-time, good behavior time, and rehabilitation credits shall
121 be applied when granted or restored to make the tentative
122 release date proportionately earlier; and forfeitures of good
123 behavior time ~~gain-time~~, when ordered, shall be applied to make
124 the tentative release date proportionately later.

125 (b) When an initial tentative release date is

126 reestablished because of additional sentences imposed before the
127 prisoner has completely served all prior sentences, any
128 outstanding deed gain-time, good behavior time, or
129 rehabilitation credits granted during service of a prior
130 sentence and not forfeited shall be applied.

131 (c) The tentative release date may not be later than the
132 maximum sentence expiration date.

133 (4) (a) As a means of encouraging satisfactory behavior and
134 developing character traits necessary for successful reentry,
135 the department shall grant good behavior time ~~basic gain-time~~ at
136 the rate of 10 days for each month of each sentence imposed on a
137 prisoner, subject to the following:

138 1. Portions of any sentences to be served concurrently
139 shall be treated as a single sentence when determining good
140 behavior time ~~basic gain-time~~.

141 2. Good behavior time ~~Basic gain-time~~ for a partial month
142 shall be prorated on the basis of a 30-day month.

143 3. When a prisoner receives a new maximum sentence
144 expiration date because of additional sentences imposed, good
145 behavior time ~~basic gain-time~~ shall be granted for the amount of
146 time the maximum sentence expiration date was extended.

147 (b) For each month in which an inmate works diligently,
148 participates in training or education, uses time constructively,
149 or otherwise engages in positive activities, the department may
150 grant rehabilitation credits ~~incentive gain-time~~ in accordance

151 with this paragraph. The rate of rehabilitation credits
152 ~~incentive gain-time~~ in effect on the date the inmate committed
153 the offense which resulted in his or her incarceration shall be
154 the inmate's rate of eligibility to earn rehabilitation credits
155 ~~incentive gain-time~~ throughout the period of incarceration and
156 shall not be altered by a subsequent change in the severity
157 level of the offense for which the inmate was sentenced.

158 1. For sentences imposed for offenses committed before
159 ~~prior to~~ January 1, 1994, and after October 1, 1995, up to 20
160 days of rehabilitation credits ~~incentive gain-time~~ may be
161 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
162 be credited and applied monthly.

163 2. For sentences imposed for offenses committed on or
164 after January 1, 1994, and before October 1, 1995:

165 a. For offenses ranked in offense severity levels 1
166 through 7, under former s. 921.0012 or former s. 921.0013, up to
167 25 days of rehabilitation credits ~~incentive gain-time~~ may be
168 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
169 be credited and applied monthly.

170 b. For offenses ranked in offense severity levels 8, 9,
171 and 10, under former s. 921.0012 or former s. 921.0013, up to 20
172 days of incentive gain-time may be granted. If granted, such
173 gain-time shall be credited and applied monthly.

174 ~~3. For sentences imposed for offenses committed on or~~
175 ~~after October 1, 1995, the department may grant up to 10 days~~

176 | ~~per month of incentive gain-time.~~

177 | (c) An inmate who performs some outstanding deed, such as
178 | saving a life or assisting in recapturing an escaped inmate, or
179 | who in some manner performs an outstanding service that would
180 | merit the granting of additional deductions from the term of his
181 | or her sentence may be granted outstanding deed~~meritorious~~
182 | gain-time of from 30 ~~±~~ to 60 days per outstanding deed
183 | performed.

184 | (d) Notwithstanding the monthly maximum awards of
185 | rehabilitation credits ~~incentive gain-time~~ under subparagraphs
186 | (b)1. ~~and, 2., and 3., the education program manager shall~~
187 | ~~recommend,~~ and the Department of Corrections shall ~~may~~ grant
188 | awards, a one-time award of 60 additional days of rehabilitation
189 | credits for successful completion of each of the following:
190 | ~~incentive gain-time to an inmate who is otherwise eligible and~~
191 | ~~who successfully completes requirements for and is, or has been~~
192 | ~~during the current commitment, awarded a high school equivalency~~
193 | diploma, college degree, or vocational certificate, drug
194 | treatment program, mental health treatment program, life skills
195 | program, behavioral modification program, reentry program, or
196 | equivalent rehabilitative program. Additionally, the Department
197 | of Corrections shall grant 5 additional days of rehabilitation
198 | credits for successful completion of any other department-
199 | approved program, including inmate-developed programs, or a
200 | passing grade in each online or in-person educational course.

201 Rehabilitation credits awarded herein shall be retroactive.
202 ~~Under no circumstances may an inmate receive more than 60 days~~
203 ~~for educational attainment pursuant to this section.~~

204 (e) Notwithstanding the monthly maximum awards of
205 rehabilitation credits under subparagraphs (b)1. and 2., the
206 department may grant 2 additional days per month of good
207 behavior time to prisoners serving sentences for violations of
208 ss. 893.13 and 893.135, and such days granted shall be
209 retroactive.

210 (f)~~(e)~~ Notwithstanding subparagraph (b)1. ~~(b)3.~~, for
211 sentences imposed for offenses committed on or after October 1,
212 2014, the department may not grant rehabilitation credits
213 ~~incentive gain-time~~ if the offense is a violation of s.
214 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or
215 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s.
216 825.1025; or s. 847.0135(5).

217 (g)1.~~(f)~~ An inmate who is subject to this subsection
218 ~~subparagraph (b)3.~~ is not eligible to earn or receive
219 outstanding deed gain-time or good behavior time ~~under paragraph~~
220 ~~(a), paragraph (b), paragraph (c), or paragraph (d) or any other~~
221 ~~type of gain-time~~ in an amount that would cause a sentence to
222 expire, end, or terminate, or that would result in a prisoner's
223 release, before ~~prior to~~ serving a minimum of 85 percent of the
224 sentence imposed. For purposes of this paragraph, credits
225 awarded by the court for time physically incarcerated shall be

226 credited toward satisfaction of 85 percent of the sentence
227 imposed.

228 2. A prisoner who is subject to this subsection may not
229 accumulate rehabilitation credits as described in paragraph (d)
230 in an amount that would allow a sentence to expire, end, or
231 terminate, or that would result in a prisoner's release, before
232 -serving a minimum of 65 percent of the sentence imposed.

233 3. Except as provided by this section, a prisoner may not
234 accumulate further ~~gain-time~~ awards at any point when the
235 tentative release date is the same as that date at which the
236 prisoner will have served 65 ~~85~~ percent of the sentence imposed.
237 State prisoners sentenced to life imprisonment shall be
238 incarcerated for the rest of their natural lives, unless granted
239 pardon or clemency.

240 (5) When a prisoner is found guilty of an infraction of
241 the laws of this state or the rules of the department, good
242 behavior time not yet vested ~~gain-time~~ may be forfeited
243 according to law after due process. For purposes of this
244 subsection, good behavior time is deemed vested 2 years after
245 being granted.

246 (6) (a) Good behavior time ~~Basic gain-time~~ under this
247 section shall be computed on and applied to all sentences
248 imposed for offenses committed on or after July 1, 1978, and
249 before January 1, 1994.

250 (b) All outstanding deed ~~incentive and meritorious gain-~~

251 | time, good behavior time, and rehabilitation credits are ~~is~~
 252 | granted according to this section.

253 | (c) All additional gain-time previously awarded under
 254 | former subsections (2) and (3) and all forfeitures ordered prior
 255 | to the effective date of the act that created this section shall
 256 | remain in effect and be applied in establishing an initial
 257 | tentative release date.

258 | (7) The department shall adopt rules to implement the
 259 | granting, forfeiture, restoration, and deletion of outstanding
 260 | deed gain-time, good behavior time, and rehabilitation credits.

261 | Section 3. Paragraph (f) of subsection (2) of section
 262 | 316.027, Florida Statutes, is amended to read:

263 | 316.027 Crash involving death or personal injuries.—

264 | (2)

265 | (f) For purposes of sentencing under chapter 921 and
 266 | determining rehabilitation credit ~~incentive gain-time~~
 267 | eligibility under chapter 944, an offense listed in this
 268 | subsection is ranked one level above the ranking specified in s.
 269 | 921.0022 or s. 921.0023 for the offense committed if the victim
 270 | of the offense was a vulnerable road user.

271 | Section 4. Subsection (6) of section 316.1935, Florida
 272 | Statutes, is amended to read:

273 | 316.1935 Fleeing or attempting to elude a law enforcement
 274 | officer; aggravated fleeing or eluding.—

275 | (6) Notwithstanding s. 948.01, no court may suspend,

276 defer, or withhold adjudication of guilt or imposition of
277 sentence for any violation of this section. A person convicted
278 and sentenced to a mandatory minimum term of incarceration under
279 paragraph (3) (b) or paragraph (4) (b) is not eligible for
280 statutory gain-time or credits under s. 944.275 or any form of
281 discretionary early release, other than pardon or executive
282 clemency or conditional medical release under s. 947.149, prior
283 to serving the mandatory minimum sentence.

284 Section 5. Paragraph (k) of subsection (4) of section
285 775.084, Florida Statutes, is amended to read:

286 775.084 Violent career criminals; habitual felony
287 offenders and habitual violent felony offenders; three-time
288 violent felony offenders; definitions; procedure; enhanced
289 penalties or mandatory minimum prison terms.—

290 (4)

291 (k)1. A defendant sentenced under this section as a
292 habitual felony offender, a habitual violent felony offender, or
293 a violent career criminal is eligible for rehabilitation credits
294 ~~gain-time~~ granted by the Department of Corrections as provided
295 in s. 944.275(4) (b) .

296 2. For an offense committed on or after October 1, 1995, a
297 defendant sentenced under this section as a violent career
298 criminal is not eligible for any form of discretionary early
299 release, other than pardon or executive clemency, or conditional
300 medical release granted pursuant to s. 947.149.

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

306 Section 6. Paragraph (b) of subsection (1) and subsection
307 (2) of section 775.0845, Florida Statutes, are amended to read:

308 775.0845 Wearing mask while committing offense;
309 reclassification.—The felony or misdemeanor degree of any
310 criminal offense, other than a violation of ss. 876.12-876.15,
311 shall be reclassified to the next higher degree as provided in
312 this section if, while committing the offense, the offender was
313 wearing a hood, mask, or other device that concealed his or her
314 identity.

315 (1)

316 (b) In the case of a misdemeanor of the first degree, the
317 offense is reclassified to a felony of the third degree. For
318 purposes of sentencing under chapter 921 and determining
319 rehabilitation credit ~~incentive gain-time~~ eligibility under
320 chapter 944, such offense is ranked in level 2 of the offense
321 severity ranking chart.

322 (2) (a) In the case of a felony of the third degree, the
323 offense is reclassified to a felony of the second degree.

324 (b) In the case of a felony of the second degree, the
325 offense is reclassified to a felony of the first degree.

326
327 For purposes of sentencing under chapter 921 and determining
328 rehabilitation credit ~~incentive gain-time~~ eligibility under
329 chapter 944, a felony offense that is reclassified under this
330 subsection is ranked one level above the ranking under former s.
331 921.0012, former s. 921.0013, s. 921.0022, or s. 921.0023 of the
332 offense committed.

333 Section 7. Subsection (3) of section 775.0847, Florida
334 Statutes, is amended to read:

335 775.0847 Possession or promotion of certain images of
336 child pornography; reclassification.—

337 (3) (a) In the case of a felony of the third degree, the
338 offense is reclassified to a felony of the second degree.

339 (b) In the case of a felony of the second degree, the
340 offense is reclassified to a felony of the first degree.

341
342 For purposes of sentencing under chapter 921 and determining
343 rehabilitation credit ~~incentive gain-time~~ eligibility under
344 chapter 944, a felony offense that is reclassified under this
345 section is ranked one level above the ranking under s. 921.0022
346 or s. 921.0023 of the offense committed.

347 Section 8. Subsection (3) of section 775.0861, Florida
348 Statutes, is amended to read:

349 775.0861 Offenses against persons on the grounds of
350 religious institutions; reclassification.—

351 (3) (a) In the case of a misdemeanor of the second degree,
 352 the offense is reclassified to a misdemeanor of the first
 353 degree.

354 (b) In the case of a misdemeanor of the first degree, the
 355 offense is reclassified to a felony of the third degree. For
 356 purposes of sentencing under chapter 921, such offense is ranked
 357 in level 2 of the offense severity ranking chart.

358 (c) In the case of a felony of the third degree, the
 359 offense is reclassified to a felony of the second degree.

360 (d) In the case of a felony of the second degree, the
 361 offense is reclassified to a felony of the first degree.

362 (e) In the case of a felony of the first degree, the
 363 offense is reclassified to a life felony.

364
 365 For purposes of sentencing under chapter 921 and determining
 366 rehabilitation credit ~~incentive gain-time~~ eligibility under
 367 chapter 944, a felony offense that is reclassified under this
 368 subsection is ranked one level above the ranking under s.
 369 921.0022 or s. 921.0023 of the offense committed.

370 Section 9. Subsection (3) of section 775.0862, Florida
 371 Statutes, is amended to read:

372 775.0862 Sexual offenses against students by authority
 373 figures; reclassification.—

374 (3) (a) In the case of a felony of the third degree, the
 375 offense is reclassified to a felony of the second degree.

376 (b) In the case of a felony of the second degree, the
 377 offense is reclassified to a felony of the first degree.

378 (c) In the case of a felony of the first degree, the
 379 offense is reclassified to a life felony.

380

381 For purposes of sentencing under chapter 921 and determining
 382 rehabilitation credit ~~incentive gain time~~ eligibility under
 383 chapter 944, a felony offense that is reclassified under this
 384 subsection is ranked one level above the ranking under s.
 385 921.0022 or s. 921.0023 of the offense committed.

386 Section 10. Subsection (1) and paragraph (b) of subsection
 387 (2) of section 775.087, Florida Statutes, are amended to read:

388 775.087 Possession or use of weapon; aggravated battery;
 389 felony reclassification; minimum sentence.—

390 (1) Unless otherwise provided by law, whenever a person is
 391 charged with a felony, except a felony in which the use of a
 392 weapon or firearm is an essential element, and during the
 393 commission of such felony the defendant carries, displays, uses,
 394 threatens to use, or attempts to use any weapon or firearm, or
 395 during the commission of such felony the defendant commits an
 396 aggravated battery, the felony for which the person is charged
 397 shall be reclassified as follows:

398 (a) In the case of a felony of the first degree, to a life
 399 felony.

400 (b) In the case of a felony of the second degree, to a

401 felony of the first degree.

402 (c) In the case of a felony of the third degree, to a
 403 felony of the second degree.

404
 405 For purposes of sentencing under chapter 921 and determining
 406 rehabilitation credit ~~incentive gain-time~~ eligibility under
 407 chapter 944, a felony offense which is reclassified under this
 408 section is ranked one level above the ranking under s. 921.0022
 409 or s. 921.0023 of the felony offense committed.

410 (2)

411 (b) Subparagraph (a)1., subparagraph (a)2., or
 412 subparagraph (a)3. does not prevent a court from imposing a
 413 longer sentence of incarceration as authorized by law in
 414 addition to the minimum mandatory sentence, or from imposing a
 415 sentence of death pursuant to other applicable law. Subparagraph
 416 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
 417 authorize a court to impose a lesser sentence than otherwise
 418 required by law.

419 Notwithstanding s. 948.01, adjudication of guilt or imposition
 420 of sentence shall not be suspended, deferred, or withheld, and
 421 the defendant is not eligible for statutory gain-time or credits
 422 under s. 944.275 or any form of discretionary early release,
 423 other than pardon or executive clemency, or conditional medical
 424 release under s. 947.149, prior to serving the minimum sentence.

425 Section 11. Subsection (2) of section 775.0875, Florida

426 Statutes, is amended to read:

427 775.0875 Unlawful taking, possession, or use of law
428 enforcement officer's firearm; crime reclassification;
429 penalties.—

430 (2) If a person violates subsection (1) and commits any
431 other crime involving the firearm taken from the law enforcement
432 officer, such crime shall be reclassified as follows:

433 (a)1. In the case of a felony of the first degree, to a
434 life felony.

435 2. In the case of a felony of the second degree, to a
436 felony of the first degree.

437 3. In the case of a felony of the third degree, to a
438 felony of the second degree.

439

440 For purposes of sentencing under chapter 921 and determining
441 rehabilitation credit ~~incentive gain-time~~ eligibility under
442 chapter 944, a felony offense that is reclassified under this
443 paragraph is ranked one level above the ranking under s.
444 921.0022 or s. 921.0023 of the felony offense committed.

445 (b) In the case of a misdemeanor, to a felony of the third
446 degree. For purposes of sentencing under chapter 921 and
447 determining rehabilitation credit ~~incentive gain-time~~
448 eligibility under chapter 944, such offense is ranked in level 2
449 of the offense severity ranking chart.

450 Section 12. Subsection (3) of section 777.03, Florida

451 Statutes, is amended to read:

452 777.03 Accessory after the fact.—

453 (3) Except as otherwise provided in s. 921.0022, for
454 purposes of sentencing under chapter 921 and determining
455 rehabilitation credit ~~incentive gain-time~~ eligibility under
456 chapter 944, the offense of accessory after the fact is ranked
457 two levels below the ranking under s. 921.0022 or s. 921.0023 of
458 the felony offense committed.

459 Section 13. Paragraph (a) of subsection (4) of section
460 777.04, Florida Statutes, is amended to read:

461 777.04 Attempts, solicitation, and conspiracy.—

462 (4) (a) Except as otherwise provided in ss. 104.091(2),
463 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,
464 the offense of criminal attempt, criminal solicitation, or
465 criminal conspiracy is ranked for purposes of sentencing under
466 chapter 921 and determining rehabilitation credit ~~incentive~~
467 ~~gain-time~~ eligibility under chapter 944 one level below the
468 ranking under s. 921.0022 or s. 921.0023 of the offense
469 attempted, solicited, or conspired to. If the criminal attempt,
470 criminal solicitation, or criminal conspiracy is of an offense
471 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,
472 such offense is a misdemeanor of the first degree, punishable as
473 provided in s. 775.082 or s. 775.083.

474 Section 14. Subsection (3) of section 784.07, Florida
475 Statutes, is amended to read:

476 784.07 Assault or battery of law enforcement officers,
 477 firefighters, emergency medical care providers, public transit
 478 employees or agents, or other specified officers;
 479 reclassification of offenses; minimum sentences.—

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

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

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

490
 491 Notwithstanding s. 948.01, adjudication of guilt or imposition
 492 of sentence shall not be suspended, deferred, or withheld, and
 493 the defendant is not eligible for statutory gain-time or credits
 494 under s. 944.275 or any form of discretionary early release,
 495 other than pardon or executive clemency, or conditional medical
 496 release under s. 947.149, prior to serving the minimum sentence.

497 Section 15. Subsection (7) of section 794.011, Florida
 498 Statutes, is amended to read:

499 794.011 Sexual battery.—

500 (7) A person who is convicted of committing a sexual

501 battery on or after October 1, 1992, is not eligible for ~~basic~~
 502 gain-time or credits under s. 944.275. This subsection may be
 503 cited as the "Junny Rios-Martinez, Jr. Act of 1992."

504 Section 16. Subsection (2) of section 794.023, Florida
 505 Statutes, is amended to read:

506 794.023 Sexual battery by multiple perpetrators;
 507 reclassification of offenses.—

508 (2) A violation of s. 794.011 shall be reclassified as
 509 provided in this subsection if it is charged and proven by the
 510 prosecution that, during the same criminal transaction or
 511 episode, more than one person committed an act of sexual battery
 512 on the same victim.

513 (a) A felony of the second degree is reclassified to a
 514 felony of the first degree.

515 (b) A felony of the first degree is reclassified to a life
 516 felony.

517
 518 This subsection does not apply to life felonies or capital
 519 felonies. For purposes of sentencing under chapter 921 and
 520 determining rehabilitation credit incentive ~~gain-time~~
 521 eligibility under chapter 944, a felony offense that is
 522 reclassified under this subsection is ranked one level above the
 523 ranking under s. 921.0022 or s. 921.0023 of the offense
 524 committed.

525 Section 17. Subsection (5) of section 817.568, Florida

526 Statutes, is amended to read:

527 817.568 Criminal use of personal identification
528 information.—

529 (5) If an offense prohibited under this section was
530 facilitated or furthered by the use of a public record, as
531 defined in s. 119.011, the offense is reclassified to the next
532 higher degree as follows:

533 (a) A misdemeanor of the first degree is reclassified as a
534 felony of the third degree.

535 (b) A felony of the third degree is reclassified as a
536 felony of the second degree.

537 (c) A felony of the second degree is reclassified as a
538 felony of the first degree.

539

540 For purposes of sentencing under chapter 921 and rehabilitation
541 credit ~~incentive gain-time~~ eligibility under chapter 944, a
542 felony offense that is reclassified under this subsection is
543 ranked one level above the ranking under s. 921.0022 of the
544 felony offense committed, and a misdemeanor offense that is
545 reclassified under this subsection is ranked in level 2 of the
546 offense severity ranking chart in s. 921.0022.

547 Section 18. Subsection (3) of section 831.032, Florida
548 Statutes, is amended to read:

549 831.032 Offenses involving forging or counterfeiting
550 private labels.—

551 (3) (a) Violation of subsection (1) or subsection (2) is a
552 misdemeanor of the first degree, punishable as provided in s.
553 775.082 or s. 775.083, except that:

554 1. A violation of subsection (1) or subsection (2) is a
555 felony of the third degree, punishable as provided in s.
556 775.082, s. 775.083, or s. 775.084, if the offense involves 100
557 or more but less than 1,000 items bearing one or more
558 counterfeit marks or if the goods involved in the offense have a
559 total retail value of more than \$2,500, but less than \$20,000.

560 2. A violation of subsection (1) or subsection (2) is a
561 felony of the second degree, punishable as provided in s.
562 775.082, s. 775.083, or s. 775.084, if the offense involves
563 1,000 or more items bearing one or more counterfeit marks or if
564 the goods involved in the offense have a total retail value of
565 \$20,000 or more.

566 3. A violation of subsection (1) or subsection (2) is a
567 felony of the third degree, punishable as provided in s.
568 775.082, s. 775.083, or s. 775.084 if, during the commission or
569 as a result of the commission of the offense, the person
570 engaging in the offense knowingly or by culpable negligence
571 causes or allows to be caused bodily injury to another.

572 4. A violation of subsection (1) or subsection (2) is a
573 felony of the second degree, punishable as provided in s.
574 775.082, s. 775.083, or s. 775.084 if, during the commission or
575 as a result of the commission of the offense, the person

576 engaging in the offense knowingly or by culpable negligence
 577 causes or allows to be caused serious bodily injury to another.

578 5. A violation of subsection (1) or subsection (2) is a
 579 felony of the first degree, punishable as provided in s.
 580 775.082, s. 775.083, or s. 775.084 if, during the commission or
 581 as a result of the commission of the offense, the person
 582 engaging in the offense knowingly or by culpable negligence
 583 causes or allows to be caused death to another.

584 (b) For any person who, having previously been convicted
 585 for an offense under this section, is subsequently convicted for
 586 another offense under this section, such subsequent offense
 587 shall be reclassified as follows:

588 1. In the case of a felony of the second degree, to a
 589 felony of the first degree.

590 2. In the case of a felony of the third degree, to a
 591 felony of the second degree.

592 3. In the case of a misdemeanor of the first degree, to a
 593 felony of the third degree. For purposes of sentencing under
 594 chapter 921 and determining rehabilitation credit ~~incentive~~
 595 ~~gain-time~~ eligibility under chapter 944, such offense is ranked
 596 in level 4 of the offense severity ranking chart.

597
 598 For purposes of sentencing under chapter 921 and determining
 599 rehabilitation credit ~~incentive gain-time~~ eligibility under
 600 chapter 944, a felony offense that is reclassified under this

601 paragraph is ranked one level above the ranking under s.
602 921.0022 or s. 921.0023 of the felony offense committed.

603 (c) In lieu of a fine otherwise authorized by law, when
604 any person has been convicted of an offense under this section,
605 the court may fine the person up to three times the retail value
606 of the goods seized, manufactured, or sold, whichever is
607 greater, and may enter orders awarding court costs and the costs
608 of investigation and prosecution, reasonably incurred. The court
609 shall hold a hearing to determine the amount of the fine
610 authorized by this paragraph.

611 (d) When a person is convicted of an offense under this
612 section, the court, pursuant to s. 775.089, shall order the
613 person to pay restitution to the trademark owner and any other
614 victim of the offense. In determining the value of the property
615 loss to the trademark owner, the court shall include expenses
616 incurred by the trademark owner in the investigation or
617 prosecution of the offense as well as the disgorgement of any
618 profits realized by a person convicted of the offense.

619 Section 19. Subsection (2) of section 843.22, Florida
620 Statutes, is amended to read:

621 843.22 Traveling across county lines with intent to commit
622 a burglary.—

623 (2) If a person who commits a burglary travels any
624 distance with the intent to commit the burglary in a county in
625 this state other than the person's county of residence, the

626 degree of the burglary shall be reclassified to the next higher
627 degree if the purpose of the person's travel is to thwart law
628 enforcement attempts to track the items stolen in the burglary.
629 For purposes of sentencing under chapter 921 and determining
630 rehabilitation credit ~~incentive gain-time~~ eligibility under
631 chapter 944, a burglary that is reclassified under this section
632 is ranked one level above the ranking specified in s. 921.0022
633 or s. 921.0023 for the burglary committed.

634 Section 20. Paragraph (b) of subsection (1) and subsection
635 (2) of section 874.04, Florida Statutes, are amended to read:

636 874.04 Gang-related offenses; enhanced penalties.—Upon a
637 finding by the factfinder that the defendant committed the
638 charged offense for the purpose of benefiting, promoting, or
639 furthering the interests of a criminal gang, the penalty for any
640 felony or misdemeanor, or any delinquent act or violation of law
641 which would be a felony or misdemeanor if committed by an adult,
642 may be enhanced. Penalty enhancement affects the applicable
643 statutory maximum penalty only. Each of the findings required as
644 a basis for such sentence shall be found beyond a reasonable
645 doubt. The enhancement will be as follows:

646 (1)

647 (b) A misdemeanor of the first degree may be punished as
648 if it were a felony of the third degree. For purposes of
649 sentencing under chapter 921 and determining rehabilitation
650 credit ~~incentive gain-time~~ eligibility under chapter 944, such

651 offense is ranked in level 1 of the offense severity ranking
652 chart. The criminal gang multiplier in s. 921.0024 does not
653 apply to misdemeanors enhanced under this paragraph.

654 (2) (a) A felony of the third degree may be punished as if
655 it were a felony of the second degree.

656 (b) A felony of the second degree may be punished as if it
657 were a felony of the first degree.

658 (c) A felony of the first degree may be punished as if it
659 were a life felony.

660

661 For purposes of sentencing under chapter 921 and determining
662 rehabilitation credit ~~incentive gain-time~~ eligibility under
663 chapter 944, such felony offense is ranked as provided in s.
664 921.0022 or s. 921.0023, and without regard to the penalty
665 enhancement in this subsection.

666 Section 21. Section 944.281, Florida Statutes, is amended
667 to read:

668 944.281 Ineligibility to earn gain-time due to
669 disciplinary action.—The department may declare that a prisoner
670 who commits a violation of any law of the state or rule or
671 regulation of the department or institution on or after January
672 1, 1996, and who is found guilty pursuant to s. 944.28(2), shall
673 not be eligible to earn rehabilitation credits ~~incentive gain-~~
674 ~~time~~ for up to 6 months following the month in which the
675 violation occurred. The department shall adopt rules to

676 administer ~~the provisions of~~ this section.

677 Section 22. Subsection (1) of section 944.473, Florida
678 Statutes, is amended to read:

679 944.473 Inmate substance abuse testing program.—

680 (1) RULES AND PROCEDURES.—The department shall establish
681 programs for random and reasonable suspicion drug and alcohol
682 testing by urinalysis or other noninvasive procedure for inmates
683 to effectively identify those inmates abusing drugs, alcohol, or
684 both. The department shall also adopt rules relating to fair,
685 economical, and accurate operations and procedures of a random
686 inmate substance abuse testing program and a reasonable
687 suspicion substance abuse testing program by urinalysis or other
688 noninvasive procedure which enumerate penalties for positive
689 test results, including but not limited to the forfeiture of
690 both basic and rehabilitation credits ~~incentive gain time~~, and
691 which do not limit the number of times an inmate may be tested
692 in any one fiscal or calendar year.

693 Section 23. Paragraph (b) of subsection (1) of section
694 944.70, Florida Statutes, is amended to read:

695 944.70 Conditions for release from incarceration.—

696 (1)

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

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

701 accumulated outstanding deed ~~meritorious~~ or rehabilitation
702 credit incentive gain time;

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

704 4. Upon placement in a conditional release program
705 pursuant to s. 947.1405 or a conditional medical release program
706 pursuant to s. 947.149; or

707 5. Upon the granting of control release, including
708 emergency control release, pursuant to s. 947.146.

709 Section 24. Paragraphs (i) and (j) of subsection (3) of
710 section 944.801, Florida Statutes, are amended to read:

711 944.801 Education for state prisoners.—

712 (3) The responsibilities of the Correctional Education
713 Program shall be to:

714 (i) Ensure that every inmate who has 2 years or more
715 remaining to serve on his or her sentence at the time that he or
716 she is received at an institution and who lacks basic and
717 functional literacy skills as defined in s. 1004.02 attends not
718 fewer than 150 hours of sequential instruction in a correctional
719 adult basic education program. The basic and functional literacy
720 level of an inmate shall be determined by the average composite
721 test score obtained on a test approved for this purpose by the
722 State Board of Education.

723 1. Upon completion of the 150 hours of instruction, the
724 inmate shall be retested and, if a composite test score of
725 functional literacy is not attained, the department is

726 authorized to require the inmate to remain in the instructional
727 program.

728 2. Highest priority of inmate participation shall be
729 focused on youthful offenders and those inmates nearing release
730 from the correctional system.

731 3. An inmate shall be required to attend the 150 hours of
732 adult basic education instruction unless such inmate:

733 a. Is serving a life sentence or is under sentence of
734 death.

735 b. Is specifically exempted for security or health
736 reasons.

737 c. Is housed at a community correctional center, road
738 prison, work camp, or vocational center.

739 d. Attains a functional literacy level after attendance in
740 fewer than 150 hours of adult basic education instruction.

741 e. Is unable to enter such instruction because of
742 insufficient facilities, staff, or classroom capacity.

743 4. The Department of Corrections shall provide classes to
744 accommodate those inmates assigned to correctional or public
745 work programs after normal working hours. The department shall
746 develop a plan to provide academic and vocational classes on a
747 more frequent basis and at times that accommodate the increasing
748 number of inmates with work assignments, to the extent that
749 resources permit.

750 5. If an inmate attends and actively participates in the

751 150 hours of instruction, the Department of Corrections may
752 grant a one-time award of up to 6 additional days of
753 rehabilitation credit ~~incentive gain-time~~, which must be
754 credited and applied as provided by law. Active participation
755 means, at a minimum, that the inmate is attentive, responsive,
756 cooperative, and completes assigned work.

757 (j) Recommend the award of additional rehabilitation
758 credit ~~incentive gain-time~~ for inmates who receive a high school
759 equivalency diploma or a vocational certificate.

760 Section 25. Subsection (15) of section 947.005, Florida
761 Statutes, is amended to read:

762 947.005 Definitions.—As used in this chapter, unless the
763 context clearly indicates otherwise:

764 (15) "Tentative release date" means the date projected for
765 the prisoner's release from custody by virtue of gain-time and
766 credits granted or forfeited pursuant to s. 944.275(3)(a).

767 Section 26. This act shall take effect July 1, 2021.