

1                                   A bill to be entitled  
 2           An act relating to first-time offender plea deal pilot  
 3           program; creating a first-time offender plea deal  
 4           pilot program; providing eligibility requirements for  
 5           the program; allowing eligible offenders to be  
 6           resentenced in accordance with previously rejected  
 7           plea deals; specifying duties of the Department of  
 8           Corrections; providing for expiration of the program;  
 9           providing an effective date.

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

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 13           Section 1. First-time offender plea deal pilot program.-

14           (1) There is created a pilot program for inmates in the  
 15 custody of the Department of Corrections. To qualify for the  
 16 program an inmate must:

17           (a) Be a first-time felony offender.

18           (b) Have served 20 years or more of his or her sentence.

19           (c) Have been offered a plea bargain prior to trial which  
 20 he or she declined to accept. Such a plea bargain offer must:

21           1. Have provided the inmate with a shorter sentence than  
 22 the sentence the inmate ultimately received.

23           2. Be provable either through documentation or other  
 24 evidence.

25           (d) Maintain eligibility to earn gain-time due to a lack

26 of a disciplinary violation while he or she has been  
27 incarcerated.

28 (e) Not have been convicted for actually killing a victim  
29 or for actually engaging in an act constituting a sexual battery  
30 as defined in s. 794.011(1).

31 (2) Beginning October 1, 2023, an inmate eligible under  
32 subsection (1) may petition either the circuit court which  
33 originally sentenced the inmate or the circuit court in which  
34 the inmate currently resides and request that he or she be  
35 resentenced in accordance with the terms of the qualifying plea  
36 agreement.

37 (3) If the circuit court determines by a preponderance of  
38 the evidence that the inmate is eligible under subsection (1),  
39 the court shall resentence the inmate in accordance with the  
40 terms of sentence in the plea agreement. When the circuit court  
41 determines the inmates eligibility, the Department of  
42 Corrections shall release the inmate or recalculate the release  
43 date accordingly, as appropriate.

44 (4) This section expires September 30, 2025.

45 Section 2. This act shall take effect July 1, 2023.