

By the Committee on Criminal Justice; and Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to sentences of inmates; amending s.
3 893.135, F.S.; removing all references to imposing
4 mandatory minimum sentences for defendants convicted
5 of trafficking in controlled substances; amending s.
6 945.091, F.S.; providing legislative intent to
7 encourage the Department of Corrections, to the extent
8 possible, to place inmates in the community to perform
9 paid employment for community work; providing that an
10 inmate may leave the confinement of prison to
11 participate in a supervised reentry program in which
12 the inmate is housed in the community while working at
13 paid employment or participating in other programs
14 that are approved by the department; requiring the
15 inmate to live at a department-approved residence
16 while participating in the supervised reentry program;
17 specifying the conditions for participating in the
18 supervised reentry program; requiring that the
19 department adopt rules to operate the supervised
20 reentry program; providing legislative intent to
21 encourage the department to place inmates in paid
22 employment in the community for not less than 6 months
23 before the inmate's sentence expires; defining the
24 terms "department" and "nonviolent offender";
25 directing the Department of Corrections to develop and
26 administer a reentry program for nonviolent offenders
27 which is intended to divert nonviolent offenders from
28 long periods of incarceration; requiring that the
29 program include intensive substance abuse treatment

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30 and rehabilitative programming; providing for the
31 minimum length of service in the program; providing
32 that any portion of a sentence before placement in the
33 program does not count as progress toward program
34 completion; specifying eligibility criteria for a
35 nonviolent offender to be placed into the reentry
36 program; directing the department to notify the
37 nonviolent offender's sentencing court to obtain
38 approval before the nonviolent offender is placed into
39 the reentry program; requiring the department to
40 notify the state attorney; authorizing the state
41 attorney to file objections to placing the offender
42 into the reentry program within a specified period;
43 requiring the sentencing court to notify the
44 department of the court's decision to approve or
45 disapprove the requested placement within a specified
46 period; providing that failure of the court to timely
47 notify the department of the court's decision
48 constitutes approval by the requested placement;
49 requiring the nonviolent offender to undergo an
50 education assessment and a full substance abuse
51 assessment if admitted into the reentry program;
52 requiring the offender to be enrolled in an adult
53 education program in specified circumstances;
54 requiring that assessments of vocational skills and
55 future career education be provided to the offender;
56 requiring that certain reevaluation be made
57 periodically; providing that the nonviolent offender
58 is subject to the disciplinary rules of the

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department; specifying the reasons for which the offender may be terminated from the reentry program; requiring that the department submit a report to the sentencing court at least 30 days before the nonviolent offender is scheduled to complete the reentry program; setting forth the issues to be addressed in the report; requiring the sentencing court to issue an order modifying the sentence imposed and place the nonviolent offender on drug offender probation if the nonviolent offender's performance is satisfactory; authorizing the court to revoke probation and impose the original sentence in specified circumstances; authorizing the court to require the offender to complete a postadjudicatory drug court program in specified circumstances; directing the department to implement the reentry program using available resources; requiring the department to submit an annual report to the Governor and Legislature detailing the extent of implementation of the reentry program and outlining future goals and recommendations; authorizing the department to enter into contracts with qualified individuals, agencies, or corporations for services for the reentry program; authorizing the department to impose administrative or protective confinement as necessary; authorizing the department to establish a system of incentives within the reentry program which the department may use to promote participation in rehabilitative programs and the orderly operation of institutions and facilities;

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directing the department to develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of nonviolent offenders who successfully complete the reentry program, and to report on recidivism in its annual report of the program; directing the department to adopt rules; amending s. 944.275, F.S.; authorizing the Department of Corrections to grant up to 10 days per month of incentive gain-time applicable to sentences imposed for offenses committed on or after a specified date; providing an exception under certain circumstances; reenacting s. 775.084(4)(k), F.S., relating to violent career criminals, to incorporate the amendment made to s. 944.275, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 893.135, Florida Statutes, is amended to read:

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

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

(a) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 25 pounds of cannabis, or 300 or more cannabis plants, commits a felony of the first degree, which felony shall be known as

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117 "trafficking in cannabis," punishable as provided in s. 775.082,
118 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

119 1. Is in excess of 25 pounds, but less than 2,000 pounds,
120 or is 300 or more cannabis plants, but not more than 2,000
121 cannabis plants, such person shall be ~~sentenced to a mandatory~~
122 ~~minimum term of imprisonment of 3 years, and the defendant shall~~
123 ~~be~~ ordered to pay a fine of \$25,000.

124 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
125 is 2,000 or more cannabis plants, but not more than 10,000
126 cannabis plants, such person shall be ~~sentenced to a mandatory~~
127 ~~minimum term of imprisonment of 7 years, and the defendant shall~~
128 ~~be~~ ordered to pay a fine of \$50,000.

129 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
130 plants, such person shall be ordered ~~sentenced to a mandatory~~
131 ~~minimum term of imprisonment of 15 calendar years and~~ pay a fine
132 of \$200,000.

133
134 For the purpose of this paragraph, a plant, including, but not
135 limited to, a seedling or cutting, is a "cannabis plant" if it
136 has some readily observable evidence of root formation, such as
137 root hairs. To determine if a piece or part of a cannabis plant
138 severed from the cannabis plant is itself a cannabis plant, the
139 severed piece or part must have some readily observable evidence
140 of root formation, such as root hairs. Callous tissue is not
141 readily observable evidence of root formation. The viability and
142 sex of a plant and the fact that the plant may or may not be a
143 dead harvested plant are not relevant in determining if the
144 plant is a "cannabis plant" or in the charging of an offense
145 under this paragraph. Upon conviction, the court shall impose

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the longest term of imprisonment provided for in this paragraph.

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

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

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

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

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

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175 ~~except pardon or executive clemency or conditional medical~~
176 ~~release under s. 947.149.~~ However, if the court determines that,
177 in addition to committing any act specified in this paragraph:

178 a. The person intentionally killed an individual or
179 counseled, commanded, induced, procured, or caused the
180 intentional killing of an individual and such killing was the
181 result; or

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

184
185 such person commits the capital felony of trafficking in
186 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
187 person sentenced for a capital felony under this paragraph shall
188 also be sentenced to pay the maximum fine provided under
189 subparagraph 1.

190 3. Any person who knowingly brings into this state 300
191 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
192 and who knows that the probable result of such importation would
193 be the death of any person, commits capital importation of
194 cocaine, a capital felony punishable as provided in ss. 775.082
195 and 921.142. Any person sentenced for a capital felony under
196 this paragraph shall also be sentenced to pay the maximum fine
197 provided under subparagraph 1.

198 (c)1. Any person who knowingly sells, purchases,
199 manufactures, delivers, or brings into this state, or who is
200 knowingly in actual or constructive possession of, 4 grams or
201 more of any morphine, opium, oxycodone, hydrocodone,
202 hydromorphone, or any salt, derivative, isomer, or salt of an
203 isomer thereof, including heroin, as described in s.

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893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. ~~A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except~~

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~~pardon or executive clemency or conditional medical release~~
~~under s. 947.149.~~ However, if the court determines that, in
addition to committing any act specified in this paragraph:

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

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

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

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

(d)1. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is

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262 knowingly in actual or constructive possession of, 28 grams or
263 more of phencyclidine or of any mixture containing
264 phencyclidine, as described in s. 893.03(2)(b), commits a felony
265 of the first degree, which felony shall be known as "trafficking
266 in phencyclidine," punishable as provided in s. 775.082, s.
267 775.083, or s. 775.084. If the quantity involved:

268 a. Is 28 grams or more, but less than 200 grams, such
269 person shall be ~~sentenced to a mandatory minimum term of~~
270 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to
271 pay a fine of \$50,000.

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

276 c. Is 400 grams or more, such person shall be ordered
277 ~~sentenced to a mandatory minimum term of imprisonment of 15~~
278 ~~calendar years and~~ pay a fine of \$250,000.

279 2. Any person who knowingly brings into this state 800
280 grams or more of phencyclidine or of any mixture containing
281 phencyclidine, as described in s. 893.03(2)(b), and who knows
282 that the probable result of such importation would be the death
283 of any person commits capital importation of phencyclidine, a
284 capital felony punishable as provided in ss. 775.082 and
285 921.142. Any person sentenced for a capital felony under this
286 paragraph shall also be sentenced to pay the maximum fine
287 provided under subparagraph 1.

288 (e)1. Any person who knowingly sells, purchases,
289 manufactures, delivers, or brings into this state, or who is
290 knowingly in actual or constructive possession of, 200 grams or

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291 more of methaqualone or of any mixture containing methaqualone,
292 as described in s. 893.03(1)(d), commits a felony of the first
293 degree, which felony shall be known as "trafficking in
294 methaqualone," punishable as provided in s. 775.082, s. 775.083,
295 or s. 775.084. If the quantity involved:

296 a. Is 200 grams or more, but less than 5 kilograms, such
297 person shall be ~~sentenced to a mandatory minimum term of~~
298 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to
299 pay a fine of \$50,000.

300 b. Is 5 kilograms or more, but less than 25 kilograms, such
301 person shall be ~~sentenced to a mandatory minimum term of~~
302 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to
303 pay a fine of \$100,000.

304 c. Is 25 kilograms or more, such person shall be ordered
305 ~~sentenced to a mandatory minimum term of imprisonment of 15~~
306 ~~calendar years and~~ pay a fine of \$250,000.

307 2. Any person who knowingly brings into this state 50
308 kilograms or more of methaqualone or of any mixture containing
309 methaqualone, as described in s. 893.03(1)(d), and who knows
310 that the probable result of such importation would be the death
311 of any person commits capital importation of methaqualone, a
312 capital felony punishable as provided in ss. 775.082 and
313 921.142. Any person sentenced for a capital felony under this
314 paragraph shall also be sentenced to pay the maximum fine
315 provided under subparagraph 1.

316 (f)1. Any person who knowingly sells, purchases,
317 manufactures, delivers, or brings into this state, or who is
318 knowingly in actual or constructive possession of, 14 grams or
319 more of amphetamine, as described in s. 893.03(2)(c)2., or

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methamphetamine, as described in s. 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as "trafficking in amphetamine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 14 grams or more, but less than 28 grams, such person shall be ~~sentenced to a mandatory minimum term of imprisonment of 3 years,~~ and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 28 grams or more, but less than 200 grams, such person shall be ~~sentenced to a mandatory minimum term of imprisonment of 7 years,~~ and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 200 grams or more, such person shall be ordered ~~sentenced to a mandatory minimum term of imprisonment of 15 calendar years and~~ pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into this state 400 grams or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment used in the manufacture of amphetamine or methamphetamine, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, a

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capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

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

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

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

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

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state or who is knowingly in actual or constructive possession of 30 kilograms or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits the first degree felony of trafficking in flunitrazepam. ~~A person who has been convicted of~~

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the first degree felony of trafficking in flunitrazepam under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

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

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

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

(h)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 kilogram or more of gamma-hydroxybutyric acid (GHB), as described in s. 893.03(1)(d), or any mixture containing gamma-hydroxybutyric acid (GHB), commits a felony of the first degree, which felony shall be known as "trafficking in gamma-hydroxybutyric acid (GHB)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 1 kilogram or more but less than 5 kilograms, such person shall be ~~sentenced to a mandatory minimum term of~~

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~~imprisonment of 3 years, and the defendant shall be ordered to~~
pay a fine of \$50,000.

b. Is 5 kilograms or more but less than 10 kilograms, such
person shall be ~~sentenced to a mandatory minimum term of~~
~~imprisonment of 7 years, and the defendant shall be ordered to~~
pay a fine of \$100,000.

c. Is 10 kilograms or more, such person shall be ordered
~~sentenced to a mandatory minimum term of imprisonment of 15~~
~~calendar years and~~ pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into
this state 150 kilograms or more of gamma-hydroxybutyric acid
(GHB), as described in s. 893.03(1)(d), or any mixture
containing gamma-hydroxybutyric acid (GHB), and who knows that
the probable result of such manufacture or importation would be
the death of any person commits capital manufacture or
importation of gamma-hydroxybutyric acid (GHB), a capital felony
punishable as provided in ss. 775.082 and 921.142. Any person
sentenced for a capital felony under this paragraph shall also
be sentenced to pay the maximum fine provided under subparagraph
1.

(i)1. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is
knowingly in actual or constructive possession of, 1 kilogram or
more of gamma-butyrolactone (GBL), as described in s.
893.03(1)(d), or any mixture containing gamma-butyrolactone
(GBL), commits a felony of the first degree, which felony shall
be known as "trafficking in gamma-butyrolactone (GBL)," and
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
If the quantity involved:

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436 a. Is 1 kilogram or more but less than 5 kilograms, such
437 person shall be ~~sentenced to a mandatory minimum term of~~
438 ~~imprisonment of 3 years, and the defendant shall be~~ ordered to
439 pay a fine of \$50,000.

440 b. Is 5 kilograms or more but less than 10 kilograms, such
441 person shall be ~~sentenced to a mandatory minimum term of~~
442 ~~imprisonment of 7 years, and the defendant shall be~~ ordered to
443 pay a fine of \$100,000.

444 c. Is 10 kilograms or more, such person shall be ordered
445 ~~sentenced to a mandatory minimum term of imprisonment of 15~~
446 ~~calendar years and~~ pay a fine of \$250,000.

447 2. Any person who knowingly manufactures or brings into the
448 state 150 kilograms or more of gamma-butyrolactone (GBL), as
449 described in s. 893.03(1)(d), or any mixture containing gamma-
450 butyrolactone (GBL), and who knows that the probable result of
451 such manufacture or importation would be the death of any person
452 commits capital manufacture or importation of gamma-
453 butyrolactone (GBL), a capital felony punishable as provided in
454 ss. 775.082 and 921.142. Any person sentenced for a capital
455 felony under this paragraph shall also be sentenced to pay the
456 maximum fine provided under subparagraph 1.

457 (j)1. Any person who knowingly sells, purchases,
458 manufactures, delivers, or brings into this state, or who is
459 knowingly in actual or constructive possession of, 1 kilogram or
460 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
461 any mixture containing 1,4-Butanediol, commits a felony of the
462 first degree, which felony shall be known as "trafficking in
463 1,4-Butanediol," punishable as provided in s. 775.082, s.
464 775.083, or s. 775.084. If the quantity involved:

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a. Is 1 kilogram or more, but less than 5 kilograms, such person shall be ~~sentenced to a mandatory minimum term of imprisonment of 3 years,~~ and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 5 kilograms or more, but less than 10 kilograms, such person shall be ~~sentenced to a mandatory minimum term of imprisonment of 7 years,~~ and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 10 kilograms or more, such person shall be ordered ~~sentenced to a mandatory minimum term of imprisonment of 15 calendar years~~ and pay a fine of \$500,000.

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of 1,4-Butanediol as described in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of 1,4-Butanediol, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(k)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 10 grams or more of any of the following substances described in s. 893.03(1)(a) or (c):

- a. 3,4-Methylenedioxymethamphetamine (MDMA);
- b. 4-Bromo-2,5-dimethoxyamphetamine;
- c. 4-Bromo-2,5-dimethoxyphenethylamine;

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- d. 2,5-Dimethoxyamphetamine;
- e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- f. N-ethylamphetamine;
- g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- i. 4-methoxyamphetamine;
- j. 4-methoxymethamphetamine;
- k. 4-Methyl-2,5-dimethoxyamphetamine;
- l. 3,4-Methylenedioxy-N-ethylamphetamine;
- m. 3,4-Methylenedioxyamphetamine;
- n. N,N-dimethylamphetamine; or
- o. 3,4,5-Trimethoxyamphetamine,

individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., commits a felony of the first degree, which felony shall be known as "trafficking in Phenethylamines," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the quantity involved:

a. Is 10 grams or more but less than 200 grams, such person shall be ~~sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be~~ ordered to pay a fine of \$50,000.

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

c. Is 400 grams or more, such person shall be ordered ~~sentenced to a mandatory minimum term of imprisonment of 15~~

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~~calendar years and~~ pay a fine of \$250,000.

3. Any person who knowingly manufactures or brings into this state 30 kilograms or more of any of the following substances described in s. 893.03(1)(a) or (c):

- a. 3,4-Methylenedioxymethamphetamine (MDMA);
- b. 4-Bromo-2,5-dimethoxyamphetamine;
- c. 4-Bromo-2,5-dimethoxyphenethylamine;
- d. 2,5-Dimethoxyamphetamine;
- e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- f. N-ethylamphetamine;
- g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- i. 4-methoxyamphetamine;
- j. 4-methoxymethamphetamine;
- k. 4-Methyl-2,5-dimethoxyamphetamine;
- l. 3,4-Methylenedioxy-N-ethylamphetamine;
- m. 3,4-Methylenedioxyamphetamine;
- n. N,N-dimethylamphetamine; or
- o. 3,4,5-Trimethoxyamphetamine,

individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of Phenethylamines, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

(1)1. Any person who knowingly sells, purchases,

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manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 1 gram or more of lysergic acid diethylamide (LSD) as described in s. 893.03(1)(c), or of any mixture containing lysergic acid diethylamide (LSD), commits a felony of the first degree, which felony shall be known as "trafficking in lysergic acid diethylamide (LSD)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 1 gram or more, but less than 5 grams, such person shall be ~~sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be~~ ordered to pay a fine of \$50,000.

b. Is 5 grams or more, but less than 7 grams, such person shall be ~~sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be~~ ordered to pay a fine of \$100,000.

c. Is 7 grams or more, such person shall be ordered ~~sentenced to a mandatory minimum term of imprisonment of 15 calendar years and~~ pay a fine of \$500,000.

2. Any person who knowingly manufactures or brings into this state 7 grams or more of lysergic acid diethylamide (LSD) as described in s. 893.03(1)(c), or any mixture containing lysergic acid diethylamide (LSD), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of lysergic acid diethylamide (LSD), a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

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581 (2) A person acts knowingly under subsection (1) if that
582 person intends to sell, purchase, manufacture, deliver, or bring
583 into this state, or to actually or constructively possess, any
584 of the controlled substances listed in subsection (1),
585 regardless of which controlled substance listed in subsection
586 (1) is in fact sold, purchased, manufactured, delivered, or
587 brought into this state, or actually or constructively
588 possessed.

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

600 (4) The state attorney may move the sentencing court to
601 reduce or suspend the sentence of any person who is convicted of
602 a violation of this section and who provides substantial
603 assistance in the identification, arrest, or conviction of any
604 of that person's accomplices, accessories, coconspirators, or
605 principals or of any other person engaged in trafficking in
606 controlled substances. The arresting agency shall be given an
607 opportunity to be heard in aggravation or mitigation in
608 reference to any such motion. Upon good cause shown, the motion
609 may be filed and heard in camera. The judge hearing the motion

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may reduce or suspend, defer, or withhold the sentence or
adjudication of guilt if the judge finds that the defendant
rendered such substantial assistance.

(5) Any person who agrees, conspires, combines, or
confederates with another person to commit any act prohibited by
subsection (1) commits a felony of the first degree and is
punishable as if he or she had actually committed such
prohibited act. Nothing in this subsection shall be construed to
prohibit separate convictions and sentences for a violation of
this subsection and any violation of subsection (1).

(6) A mixture, as defined in s. 893.02, containing any
controlled substance described in this section includes, but is
not limited to, a solution or a dosage unit, including but not
limited to, a pill or tablet, containing a controlled substance.
For the purpose of clarifying legislative intent regarding the
weighing of a mixture containing a controlled substance
described in this section, the weight of the controlled
substance is the total weight of the mixture, including the
controlled substance and any other substance in the mixture.
However, if the mixture is a prescription drug as defined in s.
499.003(43) and the weight of the controlled substance can be
identified using the national drug code, the weight of the
controlled substance may not include any other substance in the
mixture. If there is more than one mixture containing the same
controlled substance, the weight of the controlled substance is
calculated by aggregating the total weight of each mixture.

(7) For the purpose of further clarifying legislative
intent, the Legislature finds that the opinion in *Hayes v.*
State, 750 So. 2d 1 (Fla. 1999) does not correctly construe

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legislative intent. The Legislature finds that the opinions in *State v. Hayes*, 720 So. 2d 1095 (Fla. 4th DCA 1998) and *State v. Baxley*, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe legislative intent.

Section 2. Section 945.091, Florida Statutes, is amended to read:

945.091 Extension of the limits of confinement; supervised reentry; restitution by employed inmates.—

(1) The department may adopt rules permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions and following investigation, risk assessment, and approval by the secretary, or the secretary's designee, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(a) Visit, for a specified period, a specifically designated place or places:

1. For the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released;

2. To otherwise aid in the rehabilitation of the inmate and his or her successful transition into the community; or

3. For another compelling reason consistent with the public interest,

and return to the same or another institution or facility designated by the department ~~of Corrections~~.

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(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency or faith-based service group in the community, while continuing as an inmate of the institution or facility in which the inmate is confined, except during the hours of his or her employment, education, training, or service and traveling thereto and therefrom. An inmate may travel to and from his or her place of employment, education, or training only by means of walking, bicycling, or using public transportation or transportation that is provided by a family member or employer. Contingent upon specific appropriations, the department may transport an inmate in a state-owned vehicle if the inmate is unable to obtain other means of travel to his or her place of employment, education, or training.

1. An inmate may participate in paid employment only during the last 36 months of his or her confinement, unless sooner requested by the Parole Commission or the Control Release Authority. To the extent possible, the department shall place inmates in the community to perform paid employment.

2. While working at paid employment and residing in the facility, an inmate may apply for placement at a contracted substance abuse transition housing program. The transition assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate. If an inmate requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain before ~~prior to~~ such placement.

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697 The department shall ensure that an inmate's faith orientation,
698 or lack thereof, will not be considered in determining admission
699 to a faith-based program and that the program does not attempt
700 to convert an inmate toward a particular faith or religious
701 preference.

702 (c) Participate in a residential or nonresidential
703 rehabilitative program operated by a public or private ~~nonprofit~~
704 agency, including faith-based service groups, with which the
705 department has contracted for the treatment of the ~~such~~ inmate.
706 Sections ~~The provisions of ss.~~ 216.311 and 287.057 ~~shall~~ apply
707 to all contracts between the department and any private entity
708 providing such services. The department shall require the ~~such~~
709 agency to provide appropriate supervision of inmates
710 participating in the ~~such~~ program. The department is authorized
711 to terminate any inmate's participation in the program if the
712 ~~such~~ inmate fails to demonstrate satisfactory progress in the
713 program as established by departmental rules.

714 (d) Participate in a supervised reentry program in which
715 the inmate is housed in the community while working at paid
716 employment or participating in other programs that are approved
717 by the department. The inmate shall reside at a department-
718 approved residence while retaining status as an inmate in the
719 supervised reentry program.

720 1. An inmate may participate in the supervised reentry
721 program only during the last 14 months of his or her
722 confinement.

723 2. An inmate may participate in the supervised reentry
724 program only after residing at a work release center for at
725 least 6 months.

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726 3. Supervised reentry program participants must comply with
727 reporting, drug testing, and other requirements established by
728 the department.

729 4. An inmate who fails to abide by the conditions set forth
730 in the supervised reentry program is subject to removal from the
731 program and to disciplinary action.

732 5. An inmate in the supervised reentry program may travel
733 to and from his or her department-approved activities only by
734 means of transportation approved by the department.

735 6. The inmate must pay the department for the cost of his
736 or her supervision in accordance with rules set forth by the
737 department. The inmate shall also pay the cost of any treatment
738 program in which he or she is participating.

739 7. An inmate is subject to the rules of conduct established
740 by the department and, after a violation, may have sanctions
741 imposed against him or her, including loss of privileges,
742 restrictions, disciplinary confinement, forfeiture of gain-time
743 or the right to earn gain-time in the future, and program
744 termination.

745 8. An inmate participating in the supervised reentry
746 program may not be included in the bed count for purposes of
747 determining total capacity as defined in s. 944.023(1).

748 9. The department shall adopt rules for the operation of
749 the supervised reentry program.

750 (2) In order for participating inmates to acquire
751 meaningful work skills and develop an employment history, the
752 department is encouraged to approve an inmate's participation in
753 paid employment programs under paragraphs (1)(b)-(d) in such a
754 manner that the inmate moves into the community not less than 6

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months before the expiration of the inmate's sentence.

(3)~~(2)~~ Each inmate who demonstrates college-level aptitudes by satisfactory evidence of successful completion of college-level academic coursework may be provided the opportunity to participate in college-level academic programs that ~~which~~ may be offered at community colleges or universities. The inmate is personally responsible for the payment of all student fees incurred.

(4)~~(3)~~ The department may adopt regulations as to the eligibility of inmates for the extension of confinement, the disbursement of any earnings of these inmates, or the entering into of agreements between itself and any city or county or federal agency for the housing of these inmates in a local place of confinement. However, a ~~no~~ person convicted of sexual battery pursuant to s. 794.011 is not eligible for any extension of the limits of confinement under this section.

(5)~~(4)~~ The willful failure of an inmate to remain within the extended limits of his or her confinement or to return within the time prescribed to the place of confinement designated by the department is ~~shall be deemed as~~ an escape from the custody of the department and is ~~shall be~~ punishable as prescribed by law.

(6)~~(5)~~ ~~The provisions of~~ This section does ~~shall~~ not be ~~deemed to~~ authorize any inmate who has been convicted of any murder, manslaughter, sexual battery, robbery, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes, to attend any classes at any state community college or any university that

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784 ~~which~~ is a part of the State University System.

785 (7)~~(6)~~ (a) The department shall require inmates working at
786 paid employment as provided in paragraph (1) (b) or paragraph
787 (1) (d) to use a portion of the employment proceeds to provide
788 restitution to the aggrieved party for the damage or loss caused
789 by the offense of the inmate, in an amount to be determined by
790 the department, unless the department finds clear and compelling
791 reasons not to order such restitution. If restitution or partial
792 restitution is not ordered, the department shall state on the
793 record in detail the reasons therefor.

794 (b) An offender who is required to provide restitution or
795 reparation may petition the circuit court to amend the amount of
796 restitution or reparation required or to revise the schedule of
797 repayment established by the department or the Parole
798 Commission.

799 (8)~~(7)~~ The department shall document and account for all
800 forms for disciplinary reports for inmates placed on extended
801 limits of confinement, which shall include, but are not ~~be~~
802 limited to, all violations of rules of conduct, the rule or
803 rules violated, the nature of punishment administered, the
804 authority ordering such punishment, and the duration of time
805 during which the inmate was subjected to confinement.

806 (9)~~(8)~~ (a) The department may ~~is authorized to~~ levy fines
807 only through disciplinary reports and only against inmates
808 placed on extended limits of confinement. Major and minor
809 infractions and their respective punishments for inmates placed
810 on extended limits of confinement shall be defined by the rules
811 of the department, provided that a ~~any~~ fine may ~~shall~~ not exceed
812 \$50 for each infraction deemed to be minor and \$100 for each

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infracton deemed to be major. Such fines shall be deposited in the General Revenue Fund, and a receipt shall be given to the inmate.

(b) When the chief correctional officer determines that a fine would be an appropriate punishment for a violation of the rules of the department, both the determination of guilt and the amount of the fine shall be determined by the disciplinary committee pursuant to the method prescribed in s. 944.28(2)(c).

(c) The department shall adopt ~~develop~~ rules defining the policies and procedures for the administering of such fines.

Section 3. Nonviolent offender reentry program.—

(1) As used in this section, the term:

(a) "Department" means the Department of Corrections.

(b) "Nonviolent offender" means an offender who has:

1. Been convicted of a third-degree felony offense that is not a forcible felony as defined in s. 776.08, Florida Statutes; and

2. Not been convicted of any offense that requires a person to register as a sexual offender pursuant to s. 943.0435, Florida Statutes.

(2)(a) The department shall develop and administer a reentry program for nonviolent offenders. The reentry program must include prison-based substance abuse treatment, general education development and adult basic education courses, vocational training, training in decisionmaking and personal development, and other rehabilitation programs.

(b) The reentry program is intended to divert nonviolent offenders from long periods of incarceration when a reduced period of incarceration followed by participation in intensive

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substance abuse treatment and rehabilitative programming could produce the same deterrent effect, rehabilitate the offender, and reduce recidivism.

(c) The nonviolent offender shall serve at least 120 days in the reentry program. The offender may not count any portion of his or her sentence served before placement in the reentry program as progress toward program completion.

(d) A reentry program may be operated in a secure area in or adjacent to an adult institution.

(3) (a) Upon receiving a potential reentry program participant, the department shall screen the nonviolent offender for eligibility criteria to participate in the reentry program. In order to participate, a nonviolent offender must have served at least one-half of his or her original sentence and must have been identified as having a need for substance abuse treatment. When screening a nonviolent offender, the department shall consider the offender's criminal history and the possible rehabilitative benefits that substance abuse treatment, educational programming, vocational training, and other rehabilitative programming might have on the offender.

(b) If a nonviolent offender meets the eligibility criteria and space is available in the reentry program, the department shall request the sentencing court to approve the offender's participation in the reentry program.

(c) 1. The department shall notify the state attorney that the offender is being considered for placement in the reentry program. The notice must explain to the state attorney that a proposed reduced period of incarceration, followed by participation in substance abuse treatment and other

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871 rehabilitative programming, could produce the same deterrent
872 effect otherwise expected from a lengthy incarceration.

873 2. The notice must also state that the state attorney may
874 notify the sentencing court in writing of any objection the
875 state attorney might have if the nonviolent offender is placed
876 in the reentry program. The state attorney must notify the
877 sentencing court of his or her objections within 14 days after
878 receiving the notice.

879 (d) The sentencing court shall notify the department in
880 writing of the court's decision to approve or disapprove the
881 requested placement of the nonviolent offender no later than 28
882 days after the court receives the department's request to place
883 the offender in the reentry program. Failure to notify the
884 department of the court's decision within the 28-day period
885 constitutes approval to place the offender into the reentry
886 program.

887 (4) After the nonviolent offender is admitted into the
888 reentry program, he or she shall undergo a full substance abuse
889 assessment to determine his or her substance abuse treatment
890 needs. The offender shall also have an educational assessment,
891 which shall be accomplished using the Test of Adult Basic
892 Education or any other testing instrument approved by the
893 Department of Education. Each offender who has not obtained a
894 high school diploma shall be enrolled in an adult education
895 program designed to aid the offender in improving his or her
896 academic skills and earn a high school diploma. Further
897 assessments of the offender's vocational skills and future
898 career education shall be provided to the offender as needed. A
899 periodic reevaluation shall be made in order to assess the

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900 progress of each offender.

901 (5) (a) If a nonviolent offender becomes unmanageable, the
902 department may revoke the offender's gain-time and place the
903 offender in disciplinary confinement in accordance with
904 department rule. Except as provided in paragraph (b), the
905 offender shall be readmitted to the reentry program after
906 completing the ordered discipline. Any period of time during
907 which the offender is unable to participate in the reentry
908 program shall be excluded from the specified time requirements
909 in the reentry program.

910 (b) The department may terminate an offender from the
911 reentry program if:

912 1. The offender commits or threatens to commit a violent
913 act;

914 2. The department determines that the offender is unable to
915 participate in the reentry program due to the offender's medical
916 condition;

917 3. The offender's sentence is modified or expires;

918 4. The department reassigns the offender's classification
919 status; or

920 5. The department determines that removing the offender
921 from the reentry program is in the best interest of the offender
922 or the security of the institution.

923 (6) (a) The department shall submit a report to the court at
924 least 30 days before the nonviolent offender is scheduled to
925 complete the reentry program. The report must describe the
926 offender's performance in the reentry program. If the
927 performance is satisfactory, the court shall issue an order
928 modifying the sentence imposed and place the offender on drug

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offender probation subject to the offender's successful completion of the remainder of the reentry program. The term of drug offender probation may include placement in a community residential or nonresidential substance abuse treatment facility under the jurisdiction of the department or the Department of Children and Family Services or any public or private entity providing such services. If the nonviolent offender violates the conditions of drug offender probation, the court may revoke probation and impose any sentence that it might have originally imposed.

(b) If an offender being released pursuant to paragraph (a) intends to reside in a county that has established a postadjudicatory drug court program as described in s. 397.334, Florida Statutes, the sentencing court may require the offender to successfully complete the postadjudicatory drug court program as a condition of drug offender probation. The original sentencing court shall relinquish jurisdiction of the offender's case to the postadjudicatory drug court program until the offender is no longer active in the program, the case is returned to the sentencing court due to the offender's termination from the program for failure to comply with the terms thereof, or the offender's sentence is completed. If transferred to a postadjudicatory drug court program, the offender shall comply with all conditions and orders of the program.

(7) The department shall implement the reentry program to the fullest extent feasible within available resources.

(8) The department shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the

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House of Representatives detailing the extent of implementation of the reentry program and outlining future goals and any recommendation the department has for future legislative action.

(9) The department may enter into performance-based contracts with qualified individuals, agencies, or corporations for the provision of any or all of the services for the reentry program.

(10) A nonviolent offender in the reentry program is subject to rules of conduct established by the department and may have sanctions imposed, including loss of privileges, restrictions, disciplinary confinement, alteration of release plans, or other program modifications in keeping with the nature and gravity of the program violation. Administrative or protective confinement, as necessary, may be imposed.

(11) The department may establish a system of incentives within the reentry program which the department may use to promote participation in rehabilitative programs and the orderly operation of institutions and facilities.

(12) The department shall develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of nonviolent offenders who successfully complete the reentry program, and shall report the recidivism rate in its annual report of the program.

(13) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer the reentry program.

Section 4. Paragraph (b) of subsection (4) of section 944.275, Florida Statutes, is amended to read:

944.275 Gain-time.—

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(4)

(b) For each month in which an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the department may grant incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate committed the offense which resulted in his or her incarceration shall be the inmate's rate of eligibility to earn incentive gain-time throughout the period of incarceration and shall not be altered by a subsequent change in the severity level of the offense for which the inmate was sentenced.

1. For sentences imposed for offenses committed prior to January 1, 1994, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

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

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

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

3. For sentences imposed for offenses committed on or after October 1, 1995, the department may grant up to 10 days per month of incentive gain-time, except that no prisoner is eligible to earn any type of gain-time in an amount that would

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1016 cause a sentence to expire, end, or terminate, or that would
1017 result in a prisoner's release, prior to serving a minimum of 85
1018 percent of the sentence imposed. For purposes of this
1019 subparagraph, credits awarded by the court for time physically
1020 incarcerated shall be credited toward satisfaction of 85 percent
1021 of the sentence imposed. Except as provided by this section, a
1022 prisoner shall not accumulate further gain-time awards at any
1023 point when the tentative release date is the same as that date
1024 at which the prisoner will have served 85 percent of the
1025 sentence imposed. State prisoners sentenced to life imprisonment
1026 shall be incarcerated for the rest of their natural lives,
1027 unless granted pardon or clemency.

1028 4. For sentences imposed for offenses committed on or after
1029 October 1, 2011, the department may grant up to 10 days per
1030 month of incentive gain-time, except that a prisoner is not
1031 eligible to earn gain-time in an amount that would cause a
1032 sentence to expire, end, or terminate, or would result in a
1033 prisoner's release, before serving the following minimum
1034 percentage of sentence imposed:

1035 a. Ninety-two percent of the sentenced imposed for a
1036 prisoner sentenced for committing a violent offense and who has
1037 one or more prior felony convictions.

1038 b. Eighty-seven percent of the sentenced imposed for a
1039 prisoner sentenced for committing a violent offense and who has
1040 no prior felony convictions.

1041 c. Eighty-five percent of the sentenced imposed for a
1042 prisoner sentenced for committing a nonviolent offense and who
1043 has one or more prior felony convictions.

1044 d. Sixty-five percent of the sentenced imposed for a

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prisoner sentenced for committing a nonviolent offense and who
has no prior felony convictions.

For the purposes of this subparagraph, the term "violent
offense" has the same meaning as the term "forcible felony" as
defined in s. 776.08.

Section 5. For the purpose of incorporating the amendment
made by this act to section 944.275, Florida Statutes, in a
reference thereto, paragraph (k) of subsection (4) of section
775.084, Florida Statutes, is reenacted to read:

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

(4)

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

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

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

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Section 6. This act shall take effect October 1, 2011.