

1 A bill to be entitled
 2 An act relating to parole of nonviolent offenders;
 3 creating s. 947.161, F.S.; providing for release on
 4 parole of nonviolent offenders who have served a
 5 specified minimum period of time; providing for
 6 interviews; providing for retention of jurisdiction by
 7 courts in certain circumstances; amending s. 944.275,
 8 F.S.; conforming provisions to changes made by the
 9 act; 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. Section 947.161, Florida Statutes, is created
 14 to read:

15 947.161 Parole; eligibility; interview; retained
 16 jurisdiction.—

17 (1) Every person who has served 20 years or more in
 18 confinement for his or her first felony offense and whose record
 19 during confinement is good shall, unless otherwise provided by
 20 law, be eligible for interview for parole consideration of his
 21 or her cumulative sentence structure as follows unless he or she
 22 has been convicted of and is currently serving a sentence for
 23 the commission of, an attempt to commit, or a conspiracy to
 24 commit any of the following:

25 (a) An offense specified in s. 775.084(1)(c);

26 (b) An offense that requires a person to register as a
27 sexual predator under s. 775.21 or a sexual offender under s.
28 943.0435;

29 (c) A violation of s. 782.04 relating to murder, excluding
30 s. 782.04(3) relating to felony murder; or

31 (d) A violation of s. 782.07 relating to manslaughter or
32 aggravated manslaughter of specified persons.

33 (2) Notwithstanding ss. 775.021 and 921.16, if an inmate
34 has received a consecutive sentence or sentences imposed by a
35 court or courts of this state, the inmate is eligible for
36 consideration for parole, unless otherwise expressly prohibited
37 by law.

38 (3) A person who has become eligible for an initial parole
39 interview and who may, according to the objective parole
40 guidelines of the commission, be granted parole shall be placed
41 on parole in accordance with this section; except that, in any
42 case of a person convicted of robbery, burglary of a dwelling or
43 burglary of a structure or conveyance in which a human being is
44 present, aggravated assault, aggravated battery, kidnapping,
45 arson, or any felony involving the use of a firearm or other
46 deadly weapon or the use of intentional violence, at the time of
47 sentencing, the judge may enter an order retaining jurisdiction
48 over the offender for review of a commission release order. This
49 jurisdiction of the trial court judge is limited to the first
50 one-third of the maximum sentence imposed. When any person is

51 convicted of two or more felonies and concurrent sentences are
52 imposed, then the jurisdiction of the trial court judge as
53 provided herein applies to the first one-third of the maximum
54 sentence imposed for the highest felony of which the person was
55 convicted. When any person is convicted of two or more felonies
56 and consecutive sentences are imposed, then the jurisdiction of
57 the trial court judge as provided herein applies to one-third of
58 the total consecutive sentences imposed.

59 (a) In retaining jurisdiction, the trial court judge shall
60 state the justification with individual particularity, and such
61 justification shall be made a part of the court record. A copy
62 of such justification shall be delivered to the department
63 together with the commitment issued by the court pursuant to s.
64 944.17.

65 (b) Gain-time, as provided for by law, shall accrue,
66 except that an offender over whom the trial court has retained
67 jurisdiction as provided herein shall not be released during the
68 first one-third of his or her sentence by reason of gain-time.

69 (c) In such a case of retained jurisdiction, the
70 commission, within 30 days after the entry of its release order,
71 shall send notice of its release order to the original
72 sentencing judge and to the appropriate state attorney. The
73 release order shall be made contingent upon entry of an order by
74 the appropriate circuit judge relinquishing jurisdiction as
75 provided for in paragraphs (d) and (f). If the original

76 sentencing judge is no longer in service, such notice shall be
77 sent to the chief judge of the circuit in which the offender was
78 sentenced. The chief judge may designate any circuit judge
79 within the circuit to act in the place of the original
80 sentencing judge. Such notice shall stay the time requirements
81 of s. 947.1745.

82 (d) Within 10 days after receipt of the notice provided
83 for in paragraph (c), the original sentencing judge or his or
84 her replacement shall notify the commission as to whether the
85 court further desires to retain jurisdiction. If the original
86 sentencing judge or his or her replacement does not so notify
87 the commission within the 10-day period or notifies the
88 commission that the court does not desire to retain
89 jurisdiction, the commission may dispose of the matter as it
90 sees fit.

91 (e) Upon receipt of notice of intent to retain
92 jurisdiction from the original sentencing judge or his or her
93 replacement, the commission shall, within 10 days, forward to
94 the court its release order, the findings of fact, the parole
95 hearing examiner's report and recommendation, and all supporting
96 information upon which its release order was based.

97 (f) Within 30 days after receipt of the items listed in
98 paragraph (e), the original sentencing judge or his or her
99 replacement shall review the order, findings, and evidence; and,
100 if the judge finds that the order of the commission is not based

101 on competent substantial evidence or that the parole is not in
102 the best interest of the community or the inmate, the court
103 shall vacate the original parole release order and order the
104 release of the inmate with electronic monitoring. The judge or
105 his or her replacement shall notify the commission of the
106 decision of the court, and, if the release order is vacated,
107 such notification shall contain the evidence relied on and the
108 reasons for denial. A copy of such notice shall be sent to the
109 inmate.

110 (g) The decision of the original sentencing judge or, in
111 his or her absence, the chief judge of the circuit to vacate any
112 parole release order as provided in this section is not
113 appealable. Each inmate whose parole release order has been
114 vacated by the court shall be reinterviewed within 2 years after
115 the date of receipt of the vacated release order and every 2
116 years thereafter, or earlier by order of the court retaining
117 jurisdiction. However, each inmate whose parole release order
118 has been vacated by the court and who has been:

- 119 1. Convicted of kidnapping or attempted kidnapping;
120 2. Convicted of robbery, burglary of a dwelling, burglary
121 of a structure or conveyance, or breaking and entering, or the
122 attempt thereof of any of these crimes, in which a human being
123 is present and a sexual act is attempted or completed; or
124 3. Sentenced to a 25-year minimum mandatory sentence
125 previously provided in s. 775.082,

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127 shall be reinterviewed once within 7 years after the date of
128 receipt of the vacated release order and once every 7 years
129 thereafter, if the commission finds that it is not reasonable to
130 expect that parole would be granted during the following years
131 and states the bases for the finding in writing. For an inmate
132 who is within 7 years of his or her tentative release date, the
133 commission may establish a reinterview date before the 7-year
134 schedule.

135 (h) An inmate whose parole release order has been vacated
136 by the court may not be given a presumptive parole release date
137 during the period of retention of jurisdiction by the court.
138 During such period, a new effective parole release date may be
139 authorized at the discretion of the commission without further
140 interview unless an interview is requested by no fewer than two
141 commissioners. Any such new effective parole release date must
142 be reviewed in accordance with paragraphs (c)-(g).

143 (4) Within 90 days after any interview for parole, the
144 inmate shall be advised of the presumptive parole release date.
145 Subsequent to the establishment of the presumptive parole
146 release date, the commission may, at its discretion, review the
147 official record or conduct additional interviews with the
148 inmate. However, the presumptive parole release date may not be
149 changed except for reasons of institutional conduct or the
150 acquisition of new information not available at the time of the

151 initial interview.

152 Section 2. Paragraph (f) of subsection (4) of section
153 944.275, Florida Statutes, is amended to read:

154 944.275 Gain-time.—

155 (4)

156 (f) An inmate who is subject to subparagraph (b)3. is not
157 eligible to earn or receive gain-time under paragraph (a),
158 paragraph (b), paragraph (c), or paragraph (d) or any other type
159 of gain-time in an amount that would cause a sentence to expire,
160 end, or terminate, or that would result in a prisoner's release,
161 prior to serving a minimum of 85 percent of the sentence
162 imposed. For purposes of this paragraph, credits awarded by the
163 court for time physically incarcerated shall be credited toward
164 satisfaction of 85 percent of the sentence imposed. Except as
165 provided by this section, a prisoner may not accumulate further
166 gain-time awards at any point when the tentative release date is
167 the same as that date at which the prisoner will have served 85
168 percent of the sentence imposed. Except as provided in s.
169 947.161, state prisoners sentenced to life imprisonment shall be
170 incarcerated for the rest of their natural lives, unless granted
171 pardon or clemency.

172 Section 3. This act shall take effect July 1, 2024.