

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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 dual 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 shall grant 5 additional days of rehabilitation credits for
 198 successful completion of any other department-approved program,
 199 including inmate-developed programs, or a passing grade in each
 200 online or in-person educational course. Rehabilitation credits

201 awarded under this paragraph shall be retroactive. Under no
 202 circumstances may an inmate receive more than 60 days for
 203 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)1.~~(e)1.~~ Notwithstanding subparagraph (b)1. ~~(b)3.~~, for
 211 sentences imposed for offenses committed on or after October 1,
 212 2014, and before July 1, 2023, the department may not grant
 213 rehabilitation credits ~~incentive gain-time~~ if the offense is a
 214 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
 215 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 216 800.04; s. 825.1025; or s. 847.0135(5).

217 2. Notwithstanding subparagraph (b)1. ~~(b)3.~~, for sentences
 218 imposed for offenses committed on or after July 1, 2023, the
 219 department may not grant rehabilitation credits ~~incentive gain-~~
 220 ~~time~~ if the offense is for committing or attempting, soliciting,
 221 or conspiring to commit a violation of s. 782.04(1)(a)2.c.; s.
 222 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
 223 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
 224 847.0135(5).

225 (g)1.~~(f)~~ An inmate who is subject to this subsection

226 ~~subparagraph (b)3.~~ is not eligible to earn or receive
227 outstanding deed gain-time or good behavior time ~~under paragraph~~
228 ~~(a), paragraph (b), paragraph (c), or paragraph (d) or any other~~
229 ~~type of gain-time~~ in an amount that would cause a sentence to
230 expire, end, or terminate, or that would result in a prisoner's
231 release, before ~~prior to~~ serving a minimum of 85 percent of the
232 sentence imposed. For purposes of this paragraph, credits
233 awarded by the court for time physically incarcerated shall be
234 credited toward satisfaction of 85 percent of the sentence
235 imposed.

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

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

248 (5) When a prisoner is found guilty of an infraction of
249 the laws of this state or the rules of the department, good
250 behavior time not yet vested ~~gain-time~~ may be forfeited

251 according to law after due process. For purposes of this
 252 subsection, good behavior time is deemed vested 2 years after
 253 being granted.

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

258 (b) All outstanding deed ~~incentive and meritorious~~ gain-
 259 time, good behavior time, and rehabilitation credits ~~are~~
 260 granted according to this section.

261 (c) All additional gain-time previously awarded under
 262 former subsections (2) and (3) and all forfeitures ordered prior
 263 to the effective date of the act that created this section shall
 264 remain in effect and be applied in establishing an initial
 265 tentative release date.

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

269 Section 3. Paragraph (f) of subsection (2) of section
 270 316.027, Florida Statutes, is amended to read:

271 316.027 Crash involving death or personal injuries.-

272 (2)

273 (f) For purposes of sentencing under chapter 921 and
 274 determining rehabilitation credit ~~incentive gain-time~~
 275 eligibility under chapter 944, an offense listed in this

276 subsection is ranked one level above the ranking specified in s.
 277 921.0022 or s. 921.0023 for the offense committed if the victim
 278 of the offense was a vulnerable road user.

279 Section 4. Subsection (6) of section 316.1935, Florida
 280 Statutes, is amended to read:

281 316.1935 Fleeing or attempting to elude a law enforcement
 282 officer; aggravated fleeing or eluding.—

283 (6) Notwithstanding s. 948.01, no court may suspend,
 284 defer, or withhold adjudication of guilt or imposition of
 285 sentence for any violation of this section. A person convicted
 286 and sentenced to a mandatory minimum term of incarceration under
 287 paragraph (3)(b) or paragraph (4)(b) is not eligible for
 288 ~~statutory~~ gain-time or credits under s. 944.275 or any form of
 289 discretionary early release, other than pardon or executive
 290 clemency or conditional medical release under s. 947.149, before
 291 ~~prior to~~ serving the mandatory minimum sentence.

292 Section 5. Paragraph (h) of subsection (2) of section
 293 381.004, Florida Statutes, is amended to read:

294 381.004 HIV testing.—

295 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 296 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

297 (h) Paragraph (a) does not apply:

298 1. When testing for sexually transmissible diseases is
 299 required by state or federal law, or by rule, including the
 300 following situations:

301 a. HIV testing pursuant to s. 796.08 of persons convicted
302 of prostitution or of procuring another to commit prostitution.

303 b. HIV testing of inmates pursuant to s. 945.355 before
304 their release from prison by reason of parole, accumulation of
305 gain-time or other credits, or expiration of sentence.

306 c. Testing for HIV by a medical examiner in accordance
307 with s. 406.11.

308 d. HIV testing of pregnant women pursuant to s. 384.31.

309 2. To those exceptions provided for blood, plasma, organs,
310 skin, semen, or other human tissue pursuant to s. 381.0041.

311 3. For the performance of an HIV-related test by licensed
312 medical personnel in bona fide medical emergencies if the test
313 results are necessary for medical diagnostic purposes to provide
314 appropriate emergency care or treatment to the person being
315 tested and the patient is unable to consent, as supported by
316 documentation in the medical record. Notification of test
317 results in accordance with paragraph (c) is required.

318 4. For the performance of an HIV-related test by licensed
319 medical personnel for medical diagnosis of acute illness where,
320 in the opinion of the attending physician, providing
321 notification would be detrimental to the patient, as supported
322 by documentation in the medical record, and the test results are
323 necessary for medical diagnostic purposes to provide appropriate
324 care or treatment to the person being tested. Notification of
325 test results in accordance with paragraph (c) is required if it

326 would not be detrimental to the patient. This subparagraph does
327 not authorize the routine testing of patients for HIV infection
328 without notification.

329 5. If HIV testing is performed as part of an autopsy for
330 which consent was obtained pursuant to s. 872.04.

331 6. For the performance of an HIV test upon a defendant
332 pursuant to the victim's request in a prosecution for any type
333 of sexual battery where a blood sample is taken from the
334 defendant voluntarily, pursuant to court order for any purpose,
335 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
336 the results of an HIV test performed shall be disclosed solely
337 to the victim and the defendant, except as provided in ss.
338 775.0877, 951.27, and 960.003.

339 7. If an HIV test is mandated by court order.

340 8. For epidemiological research pursuant to s. 381.0031,
341 for research consistent with institutional review boards created
342 by 45 C.F.R. part 46, or for the performance of an HIV-related
343 test for the purpose of research, if the testing is performed in
344 a manner by which the identity of the test subject is not known
345 and may not be retrieved by the researcher.

346 9. If human tissue is collected lawfully without the
347 consent of the donor for corneal removal as authorized by s.
348 765.5185 or enucleation of the eyes as authorized by s. 765.519.

349 10. For the performance of an HIV test upon an individual
350 who comes into contact with medical personnel in such a way that

351 a significant exposure has occurred during the course of
352 employment, within the scope of practice, or during the course
353 of providing emergency medical assistance to the individual. The
354 term "medical personnel" includes a licensed or certified health
355 care professional; an employee of a health care professional or
356 health care facility; employees of a laboratory licensed under
357 chapter 483; personnel of a blood bank or plasma center; a
358 medical student or other student who is receiving training as a
359 health care professional at a health care facility; and a
360 paramedic or emergency medical technician certified by the
361 department to perform life-support procedures under s. 401.23.

362 a. The occurrence of a significant exposure shall be
363 documented by medical personnel under the supervision of a
364 licensed physician and recorded only in the personnel record of
365 the medical personnel.

366 b. Costs of an HIV test shall be borne by the medical
367 personnel or the employer of the medical personnel. However,
368 costs of testing or treatment not directly related to the
369 initial HIV tests or costs of subsequent testing or treatment
370 may not be borne by the medical personnel or the employer of the
371 medical personnel.

372 c. In order to use the provisions of this subparagraph,
373 the medical personnel must be tested for HIV pursuant to this
374 section or provide the results of an HIV test taken within 6
375 months before the significant exposure if such test results are

376 negative.

377 d. A person who receives the results of an HIV test
378 pursuant to this subparagraph shall maintain the confidentiality
379 of the information received and of the persons tested. Such
380 confidential information is exempt from s. 119.07(1).

381 e. If the source of the exposure is not available and will
382 not voluntarily present himself or herself to a health facility
383 to be tested for HIV, the medical personnel or the employer of
384 such person acting on behalf of the employee may seek a court
385 order directing the source of the exposure to submit to HIV
386 testing. A sworn statement by a physician licensed under chapter
387 458 or chapter 459 that a significant exposure has occurred and
388 that, in the physician's medical judgment, testing is medically
389 necessary to determine the course of treatment constitutes
390 probable cause for the issuance of an order by the court. The
391 results of the test shall be released to the source of the
392 exposure and to the person who experienced the exposure.

393 11. For the performance of an HIV test upon an individual
394 who comes into contact with nonmedical personnel in such a way
395 that a significant exposure has occurred while the nonmedical
396 personnel provides emergency medical assistance during a medical
397 emergency. For the purposes of this subparagraph, a medical
398 emergency means an emergency medical condition outside of a
399 hospital or health care facility that provides physician care.
400 The test may be performed only during the course of treatment

401 for the medical emergency.

402 a. The occurrence of a significant exposure shall be
403 documented by medical personnel under the supervision of a
404 licensed physician and recorded in the medical record of the
405 nonmedical personnel.

406 b. Costs of any HIV test shall be borne by the nonmedical
407 personnel or the employer of the nonmedical personnel. However,
408 costs of testing or treatment not directly related to the
409 initial HIV tests or costs of subsequent testing or treatment
410 may not be borne by the nonmedical personnel or the employer of
411 the nonmedical personnel.

412 c. In order to use the provisions of this subparagraph,
413 the nonmedical personnel shall be tested for HIV pursuant to
414 this section or shall provide the results of an HIV test taken
415 within 6 months before the significant exposure if such test
416 results are negative.

417 d. A person who receives the results of an HIV test
418 pursuant to this subparagraph shall maintain the confidentiality
419 of the information received and of the persons tested. Such
420 confidential information is exempt from s. 119.07(1).

421 e. If the source of the exposure is not available and will
422 not voluntarily present himself or herself to a health facility
423 to be tested for HIV, the nonmedical personnel or the employer
424 of the nonmedical personnel acting on behalf of the employee may
425 seek a court order directing the source of the exposure to

426 submit to HIV testing. A sworn statement by a physician licensed
427 under chapter 458 or chapter 459 that a significant exposure has
428 occurred and that, in the physician's medical judgment, testing
429 is medically necessary to determine the course of treatment
430 constitutes probable cause for the issuance of an order by the
431 court. The results of the test shall be released to the source
432 of the exposure and to the person who experienced the exposure.

433 12. For the performance of an HIV test by the medical
434 examiner or attending physician upon an individual who expired
435 or could not be resuscitated while receiving emergency medical
436 assistance or care and who was the source of a significant
437 exposure to medical or nonmedical personnel providing such
438 assistance or care.

439 a. HIV testing may be conducted only after appropriate
440 medical personnel under the supervision of a licensed physician
441 documents in the medical record of the medical personnel or
442 nonmedical personnel that there has been a significant exposure
443 and that, in accordance with the written protocols based on the
444 National Centers for Disease Control and Prevention guidelines
445 on HIV postexposure prophylaxis and in the physician's medical
446 judgment, the information is medically necessary to determine
447 the course of treatment for the medical personnel or nonmedical
448 personnel.

449 b. Costs of an HIV test performed under this subparagraph
450 may not be charged to the deceased or to the family of the

451 deceased person.

452 c. For this subparagraph to be applicable, the medical
453 personnel or nonmedical personnel must be tested for HIV under
454 this section or must provide the results of an HIV test taken
455 within 6 months before the significant exposure if such test
456 results are negative.

457 d. A person who receives the results of an HIV test
458 pursuant to this subparagraph shall comply with paragraph (e).

459 13. For the performance of an HIV-related test medically
460 indicated by licensed medical personnel for medical diagnosis of
461 a hospitalized infant as necessary to provide appropriate care
462 and treatment of the infant if, after a reasonable attempt, a
463 parent cannot be contacted to provide consent. The medical
464 records of the infant must reflect the reason consent of the
465 parent was not initially obtained. Test results shall be
466 provided to the parent when the parent is located.

467 14. For the performance of HIV testing conducted to
468 monitor the clinical progress of a patient previously diagnosed
469 to be HIV positive.

470 15. For the performance of repeated HIV testing conducted
471 to monitor possible conversion from a significant exposure.

472 Section 6. Paragraph (k) of subsection (4) of section
473 775.084, Florida Statutes, is amended to read:

474 775.084 Violent career criminals; habitual felony
475 offenders and habitual violent felony offenders; three-time

476 | violent felony offenders; definitions; procedure; enhanced
 477 | penalties or mandatory minimum prison terms.—

478 | (4)

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

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

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

494 | Section 7. Paragraph (b) of subsection (1) and subsection
 495 | (2) of section 775.0845, Florida Statutes, are amended to read:

496 | 775.0845 Wearing mask while committing offense;
 497 | reclassification.—The felony or misdemeanor degree of any
 498 | criminal offense, other than a violation of ss. 876.12-876.15,
 499 | shall be reclassified to the next higher degree as provided in
 500 | this section if, while committing the offense, the offender was

501 wearing a hood, mask, or other device that concealed his or her
 502 identity.

503 (1)

504 (b) In the case of a misdemeanor of the first degree, the
 505 offense is reclassified to a felony of the third degree. For
 506 purposes of sentencing under chapter 921 and determining
 507 rehabilitation credit ~~incentive gain-time~~ eligibility under
 508 chapter 944, such offense is ranked in level 2 of the offense
 509 severity ranking chart.

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

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

514

515 For purposes of sentencing under chapter 921 and determining
 516 rehabilitation credit ~~incentive gain-time~~ eligibility under
 517 chapter 944, a felony offense that is reclassified under this
 518 subsection is ranked one level above the ranking under former s.
 519 921.0012, former s. 921.0013, s. 921.0022, or s. 921.0023 of the
 520 offense committed.

521 Section 8. Subsection (3) of section 775.0847, Florida
 522 Statutes, is amended, and subsection (2) of that section is
 523 republished, to read:

524 775.0847 Possession or promotion of certain images of
 525 child pornography; reclassification.-

526 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137,
 527 or s. 847.0138 shall be reclassified to the next higher degree
 528 as provided in subsection (3) if:

529 (a) The offender possesses 10 or more images of any form
 530 of child pornography regardless of content; and

531 (b) The content of at least one image contains one or more
 532 of the following:

533 1. A child who is younger than the age of 5.

534 2. Sadomasochistic abuse involving a child.

535 3. Sexual battery involving a child.

536 4. Sexual bestiality involving a child.

537 5. Any motion picture, film, video, or computer-generated
 538 motion picture, film, or video involving a child, regardless of
 539 length and regardless of whether the motion picture, film,
 540 video, or computer-generated motion picture, film, or video
 541 contains sound.

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

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

546

547 For purposes of sentencing under chapter 921 and determining
 548 rehabilitation credit ~~incentive gain-time~~ eligibility under
 549 chapter 944, a felony offense that is reclassified under this
 550 section is ranked one level above the ranking under s. 921.0022

551 or s. 921.0023 of the offense committed.

552 Section 9. Subsection (3) of section 775.0861, Florida
 553 Statutes, is amended to read:

554 775.0861 Offenses against persons on the grounds of
 555 religious institutions; reclassification.—

556 (3)(a) In the case of a misdemeanor of the second degree,
 557 the offense is reclassified to a misdemeanor of the first
 558 degree.

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

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

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

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

569

570 For purposes of sentencing under chapter 921 and determining
 571 rehabilitation credit ~~incentive gain-time~~ eligibility under
 572 chapter 944, a felony offense that is reclassified under this
 573 subsection is ranked one level above the ranking under s.
 574 921.0022 or s. 921.0023 of the offense committed.

575 Section 10. Subsection (3) of section 775.0862, Florida

576 Statutes, is amended to read:

577 775.0862 Sexual offenses against students by authority
578 figures; reclassification.—

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

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

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

585

586 For purposes of sentencing under chapter 921 and determining
587 rehabilitation credit ~~incentive gain-time~~ eligibility under
588 chapter 944, a felony offense that is reclassified under this
589 subsection is ranked one level above the ranking under s.
590 921.0022 or s. 921.0023 of the offense committed.

591 Section 11. Subsection (1) and paragraph (b) of subsection
592 (2) of section 775.087, Florida Statutes, are amended to read:

593 775.087 Possession or use of weapon; aggravated battery;
594 felony reclassification; minimum sentence.—

595 (1) Unless otherwise provided by law, whenever a person is
596 charged with a felony, except a felony in which the use of a
597 weapon or firearm is an essential element, and during the
598 commission of such felony the defendant carries, displays, uses,
599 threatens to use, or attempts to use any weapon or firearm, or
600 during the commission of such felony the defendant commits an

601 aggravated battery, the felony for which the person is charged
602 shall be reclassified as follows:

603 (a) In the case of a felony of the first degree, to a life
604 felony.

605 (b) In the case of a felony of the second degree, to a
606 felony of the first degree.

607 (c) In the case of a felony of the third degree, to a
608 felony of the second degree.

609

610 For purposes of sentencing under chapter 921 and determining
611 rehabilitation credit ~~incentive gain-time~~ eligibility under
612 chapter 944, a felony offense which is reclassified under this
613 section is ranked one level above the ranking under s. 921.0022
614 or s. 921.0023 of the felony offense committed.

615 (2)

616 (b) Subparagraph (a)1., subparagraph (a)2., or
617 subparagraph (a)3. does not prevent a court from imposing a
618 longer sentence of incarceration as authorized by law in
619 addition to the minimum mandatory sentence, or from imposing a
620 sentence of death pursuant to other applicable law. Subparagraph
621 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
622 authorize a court to impose a lesser sentence than otherwise
623 required by law.

624 Notwithstanding s. 948.01, adjudication of guilt or imposition
625 of sentence shall not be suspended, deferred, or withheld, and

626 the defendant is not eligible for ~~statutory~~ gain-time or credits
 627 under s. 944.275 or any form of discretionary early release,
 628 other than pardon or executive clemency, or conditional medical
 629 release under s. 947.149, prior to serving the minimum sentence.

630 Section 12. Subsection (2) of section 775.0875, Florida
 631 Statutes, is amended to read:

632 775.0875 Unlawful taking, possession, or use of law
 633 enforcement officer's firearm; crime reclassification;
 634 penalties.—

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

638 (a)1. In the case of a felony of the first degree, to a
 639 life felony.

640 2. In the case of a felony of the second degree, to a
 641 felony of the first degree.

642 3. In the case of a felony of the third degree, to a
 643 felony of the second degree.

644
 645 For purposes of sentencing under chapter 921 and determining
 646 rehabilitation credit ~~incentive gain-time~~ eligibility under
 647 chapter 944, a felony offense that is reclassified under this
 648 paragraph is ranked one level above the ranking under s.
 649 921.0022 or s. 921.0023 of the felony offense committed.

650 (b) In the case of a misdemeanor, to a felony of the third

651 degree. For purposes of sentencing under chapter 921 and
652 determining rehabilitation credit ~~incentive gain-time~~
653 eligibility under chapter 944, such offense is ranked in level 2
654 of the offense severity ranking chart.

655 Section 13. Subsection (3) of section 777.03, Florida
656 Statutes, is amended to read:

657 777.03 Accessory after the fact.—

658 (3) Except as otherwise provided in s. 921.0022, for
659 purposes of sentencing under chapter 921 and determining
660 rehabilitation credit ~~incentive gain-time~~ eligibility under
661 chapter 944, the offense of accessory after the fact is ranked
662 two levels below the ranking under s. 921.0022 or s. 921.0023 of
663 the felony offense committed.

664 Section 14. Paragraph (a) of subsection (4) of section
665 777.04, Florida Statutes, is amended to read:

666 777.04 Attempts, solicitation, and conspiracy.—

667 (4)(a) Except as otherwise provided in ss. 104.091(2),
668 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,
669 the offense of criminal attempt, criminal solicitation, or
670 criminal conspiracy is ranked for purposes of sentencing under
671 chapter 921 and determining rehabilitation credit ~~incentive~~
672 ~~gain-time~~ eligibility under chapter 944 one level below the
673 ranking under s. 921.0022 or s. 921.0023 of the offense
674 attempted, solicited, or conspired to. If the criminal attempt,
675 criminal solicitation, or criminal conspiracy is of an offense

676 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,
 677 such offense is a misdemeanor of the first degree, punishable as
 678 provided in s. 775.082 or s. 775.083.

679 Section 15. Subsection (3) of section 784.07, Florida
 680 Statutes, is amended to read:

681 784.07 Assault or battery of law enforcement officers and
 682 other specified personnel; reclassification of offenses; minimum
 683 sentences.—

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

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

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

694
 695 Notwithstanding s. 948.01, adjudication of guilt or imposition
 696 of sentence shall not be suspended, deferred, or withheld, and
 697 the defendant is not eligible for ~~statutory~~ gain-time or credits
 698 under s. 944.275 or any form of discretionary early release,
 699 other than pardon or executive clemency, or conditional medical
 700 release under s. 947.149, prior to serving the minimum sentence.

701 Section 16. Paragraphs (a) and (b) of subsection (7) of
 702 section 794.011, Florida Statutes, are amended to read:

703 794.011 Sexual battery.—

704 (7)(a) A person who is convicted of committing a sexual
 705 battery on or after October 1, 1992, is not eligible for ~~base~~
 706 gain-time or credits under s. 944.275.

707 (b) Notwithstanding paragraph (a), for sentences imposed
 708 for offenses committed on or after July 1, 2023, a person who is
 709 convicted of committing or attempting, soliciting, or conspiring
 710 to commit a sexual battery in violation of this section is not
 711 eligible for ~~base~~ gain-time or credits under s. 944.275.

712 Section 17. Subsection (7) of section 794.0115, Florida
 713 Statutes, is amended to read:

714 794.0115 Dangerous sexual felony offender; mandatory
 715 sentencing.—

716 (7) A defendant sentenced to a mandatory minimum term of
 717 imprisonment under this section is not eligible for ~~statutory~~
 718 gain-time or credits under s. 944.275 or any form of
 719 discretionary early release, other than pardon or executive
 720 clemency, or conditional medical release under s. 947.149,
 721 before serving the minimum sentence.

722 Section 18. Subsection (2) of section 794.023, Florida
 723 Statutes, is amended to read:

724 794.023 Sexual battery by multiple perpetrators;
 725 reclassification of offenses.—

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

731 (a) A felony of the second degree is reclassified to a
 732 felony of the first degree.

733 (b) A felony of the first degree is reclassified to a life
 734 felony.

735

736 This subsection does not apply to life felonies or capital
 737 felonies. For purposes of sentencing under chapter 921 and
 738 determining rehabilitation credit ~~incentive gain-time~~
 739 eligibility under chapter 944, a felony offense that is
 740 reclassified under this subsection is ranked one level above the
 741 ranking under s. 921.0022 or s. 921.0023 of the offense
 742 committed.

743 Section 19. Subsection (4) of section 812.081, Florida
 744 Statutes, is amended to read:

745 812.081 Theft of or trafficking in trade secrets;
 746 definitions; penalties; providing to foreign entities;
 747 restitution.—

748 (4) Whenever a person is charged with a violation of this
 749 section which was committed with the intent to benefit a foreign
 750 government, a foreign agent, or a foreign instrumentality, the

751 offense for which the person is charged shall be reclassified as
 752 follows:

753 (a) In the case of theft of a trade secret, from a felony
 754 of the third degree to a felony of the second degree.

755 (b) In the case of trafficking in trade secrets, from a
 756 felony of the second degree to a felony of the first degree.

757
 758 For purposes of sentencing under chapter 921 and determining
 759 incentive gain-time or credit eligibility under chapter 944, a
 760 felony offense that is reclassified under this subsection is
 761 ranked one level above the ranking under s. 921.0022 of the
 762 offense committed.

763 Section 20. Subsection (5) of section 817.568, Florida
 764 Statutes, is amended to read:

765 817.568 Criminal use of personal identification
 766 information.—

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

771 (a) A misdemeanor of the first degree is reclassified as a
 772 felony of the third degree.

773 (b) A felony of the third degree is reclassified as a
 774 felony of the second degree.

775 (c) A felony of the second degree is reclassified as a

776 felony of the first degree.

777

778 For purposes of sentencing under chapter 921 and rehabilitation
 779 credit ~~incentive gain-time~~ eligibility under chapter 944, a
 780 felony offense that is reclassified under this subsection is
 781 ranked one level above the ranking under s. 921.0022 of the
 782 felony offense committed, and a misdemeanor offense that is
 783 reclassified under this subsection is ranked in level 2 of the
 784 offense severity ranking chart in s. 921.0022.

785 Section 21. Subsection (3) of section 831.032, Florida
 786 Statutes, is amended to read:

787 831.032 Offenses involving forging or counterfeiting
 788 private labels.—

789 (3)(a) Violation of subsection (1) or subsection (2) is a
 790 misdemeanor of the first degree, punishable as provided in s.
 791 775.082 or s. 775.083, except that:

792 1. A violation of subsection (1) or subsection (2) is a
 793 felony of the third degree, punishable as provided in s.
 794 775.082, s. 775.083, or s. 775.084, if the offense involves 100
 795 or more but less than 1,000 items bearing one or more
 796 counterfeit marks or if the goods involved in the offense have a
 797 total retail value of more than \$2,500, but less than \$20,000.

798 2. A violation of subsection (1) or subsection (2) is a
 799 felony of the second degree, punishable as provided in s.
 800 775.082, s. 775.083, or s. 775.084, if the offense involves

801 1,000 or more items bearing one or more counterfeit marks or if
 802 the goods involved in the offense have a total retail value of
 803 \$20,000 or more.

804 3. A violation of subsection (1) or subsection (2) is a
 805 felony of the third degree, punishable as provided in s.
 806 775.082, s. 775.083, or s. 775.084 if, during the commission or
 807 as a result of the commission of the offense, the person
 808 engaging in the offense knowingly or by culpable negligence
 809 causes or allows to be caused bodily injury to another.

810 4. A violation of subsection (1) or subsection (2) is a
 811 felony of the second degree, punishable as provided in s.
 812 775.082, s. 775.083, or s. 775.084 if, during the commission or
 813 as a result of the commission of the offense, the person
 814 engaging in the offense knowingly or by culpable negligence
 815 causes or allows to be caused serious bodily injury to another.

816 5. A violation of subsection (1) or subsection (2) is a
 817 felony of the first degree, punishable as provided in s.
 818 775.082, s. 775.083, or s. 775.084 if, during the commission or
 819 as a result of the commission of the offense, the person
 820 engaging in the offense knowingly or by culpable negligence
 821 causes or allows to be caused death to another.

822 (b) For any person who, having previously been convicted
 823 for an offense under this section, is subsequently convicted for
 824 another offense under this section, such subsequent offense
 825 shall be reclassified as follows:

826 1. In the case of a felony of the second degree, to a
827 felony of the first degree.

828 2. In the case of a felony of the third degree, to a
829 felony of the second degree.

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

835
836 For purposes of sentencing under chapter 921 and determining
837 rehabilitation credit ~~incentive gain-time~~ eligibility under
838 chapter 944, a felony offense that is reclassified under this
839 paragraph is ranked one level above the ranking under s.
840 921.0022 or s. 921.0023 of the felony offense committed.

841 (c) In lieu of a fine otherwise authorized by law, when
842 any person has been convicted of an offense under this section,
843 the court may fine the person up to three times the retail value
844 of the goods seized, manufactured, or sold, whichever is
845 greater, and may enter orders awarding court costs and the costs
846 of investigation and prosecution, reasonably incurred. The court
847 shall hold a hearing to determine the amount of the fine
848 authorized by this paragraph.

849 (d) When a person is convicted of an offense under this
850 section, the court, pursuant to s. 775.089, shall order the

851 person to pay restitution to the trademark owner and any other
852 victim of the offense. In determining the value of the property
853 loss to the trademark owner, the court shall include expenses
854 incurred by the trademark owner in the investigation or
855 prosecution of the offense as well as the disgorgement of any
856 profits realized by a person convicted of the offense.

857 Section 22. Subsection (2) of section 843.22, Florida
858 Statutes, is amended to read:

859 843.22 Traveling across county lines with intent to commit
860 a burglary.—

861 (2) If a person who commits a burglary travels any
862 distance with the intent to commit the burglary in a county in
863 this state other than the person's county of residence, the
864 degree of the burglary shall be reclassified to the next higher
865 degree. For purposes of sentencing under chapter 921 and
866 determining rehabilitation credit ~~incentive gain-time~~
867 eligibility under chapter 944, a burglary that is reclassified
868 under this section is ranked one level above the ranking
869 specified in s. 921.0022 or s. 921.0023 for the burglary
870 committed.

871 Section 23. Paragraph (b) of subsection (1) and subsection
872 (2) of section 874.04, Florida Statutes, are amended to read:

873 874.04 Gang-related offenses; enhanced penalties.—Upon a
874 finding by the factfinder that the defendant committed the
875 charged offense for the purpose of benefiting, promoting, or

876 furthering the interests of a criminal gang, the penalty for any
877 felony or misdemeanor, or any delinquent act or violation of law
878 which would be a felony or misdemeanor if committed by an adult,
879 may be enhanced. Penalty enhancement affects the applicable
880 statutory maximum penalty only. Each of the findings required as
881 a basis for such sentence shall be found beyond a reasonable
882 doubt. The enhancement will be as follows:

883 (1)

884 (b) A misdemeanor of the first degree may be punished as
885 if it were a felony of the third degree. For purposes of
886 sentencing under chapter 921 and determining rehabilitation
887 credit ~~incentive gain-time~~ eligibility under chapter 944, such
888 offense is ranked in level 1 of the offense severity ranking
889 chart. The criminal gang multiplier in s. 921.0024 does not
890 apply to misdemeanors enhanced under this paragraph.

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

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

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

897

898 For purposes of sentencing under chapter 921 and determining
899 rehabilitation credit ~~incentive gain-time~~ eligibility under
900 chapter 944, such felony offense is ranked as provided in s.

901 921.0022 or s. 921.0023, and without regard to the penalty
 902 enhancement in this subsection.

903 Section 24. Section 944.281, Florida Statutes, is amended
 904 to read:

905 944.281 Ineligibility to earn gain-time due to
 906 disciplinary action.—The department may declare that a prisoner
 907 who commits a violation of any law of the state or rule or
 908 regulation of the department or institution on or after January
 909 1, 1996, and who is found guilty pursuant to s. 944.28(2), shall
 910 not be eligible to earn rehabilitation credits ~~incentive gain-~~
 911 ~~time~~ for up to 6 months following the month in which the
 912 violation occurred. The department shall adopt rules to
 913 administer ~~the provisions of~~ this section.

914 Section 25. Subsection (1) of section 944.473, Florida
 915 Statutes, is amended to read:

916 944.473 Inmate substance abuse testing program.—

917 (1) RULES AND PROCEDURES.—The department shall establish
 918 programs for random and reasonable suspicion drug and alcohol
 919 testing by urinalysis or other noninvasive procedure for inmates
 920 to effectively identify those inmates abusing drugs, alcohol, or
 921 both. The department shall also adopt rules relating to fair,
 922 economical, and accurate operations and procedures of a random
 923 inmate substance abuse testing program and a reasonable
 924 suspicion substance abuse testing program by urinalysis or other
 925 noninvasive procedure which enumerate penalties for positive

926 test results, including but not limited to the forfeiture of
 927 both basic and rehabilitation credits ~~incentive gain-time~~, and
 928 which do not limit the number of times an inmate may be tested
 929 in any one fiscal or calendar year.

930 Section 26. Paragraph (b) of subsection (1) of section
 931 944.70, Florida Statutes, is amended to read:

932 944.70 Conditions for release from incarceration.—

933 (1)

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

936 1. Upon expiration of the person's sentence;

937 2. Upon expiration of the person's sentence as reduced by
 938 accumulated outstanding deed meritorious or rehabilitation
 939 credit ~~incentive gain-time~~;

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

941 4. Upon placement in a conditional release program
 942 pursuant to s. 947.1405 or a conditional medical release program
 943 pursuant to s. 947.149; or

944 5. Upon the granting of control release, including
 945 emergency control release, pursuant to s. 947.146.

946 Section 27. Paragraphs (i) and (j) of subsection (3) of
 947 section 944.801, Florida Statutes, are amended to read:

948 944.801 Education for state prisoners.—

949 (3) The responsibilities of the Correctional Education
 950 Program shall be to:

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

960 1. Upon completion of the 150 hours of instruction, the
961 inmate shall be retested and, if a composite test score of
962 functional literacy is not attained, the department is
963 authorized to require the inmate to remain in the instructional
964 program.

965 2. Highest priority of inmate participation shall be
966 focused on youthful offenders and those inmates nearing release
967 from the correctional system.

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

970 a. Is serving a life sentence or is under sentence of
971 death.

972 b. Is specifically exempted for security or health
973 reasons.

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

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

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

980 4. The Department of Corrections shall provide classes to
 981 accommodate those inmates assigned to correctional or public
 982 work programs after normal working hours. The department shall
 983 develop a plan to provide academic and vocational classes on a
 984 more frequent basis and at times that accommodate the increasing
 985 number of inmates with work assignments, to the extent that
 986 resources permit.

987 5. If an inmate attends and actively participates in the
 988 150 hours of instruction, the Department of Corrections may
 989 grant a one-time award of up to 6 additional days of
 990 rehabilitation credit ~~incentive gain-time~~, which must be
 991 credited and applied as provided by law. Active participation
 992 means, at a minimum, that the inmate is attentive, responsive,
 993 cooperative, and completes assigned work.

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

997 Section 28. Subsection (15) of section 947.005, Florida
 998 Statutes, is amended to read:

999 947.005 Definitions.—As used in this chapter, unless the
 1000 context clearly indicates otherwise:

HB 235

2024

1001 (15) "Tentative release date" means the date projected for
1002 the prisoner's release from custody by virtue of gain-time and
1003 credits granted or forfeited pursuant to s. 944.275(3)(a).
1004 Section 29. This act shall take effect July 1, 2024.