

1                   A bill to be entitled  
2           An act relating to criminal rehabilitation; amending  
3           s. 921.002, F.S.; revising the legislative intent of  
4           the Criminal Punishment Code; specifying that to  
5           rehabilitate the offender to transition back to the  
6           community successfully is one of the primary purposes  
7           of sentencing; reducing the minimum sentence that must  
8           be served by a defendant from 85 percent of the  
9           sentence to 72 percent; amending s. 944.275, F.S.;  
10          revising provisions concerning gain-time to provide  
11          for outstanding deed gain-time, good behavior time,  
12          and rehabilitation credits; providing requirements for  
13          such gain-time and credits; providing for amounts to  
14          be awarded; revising limits on the award of gain-time;  
15          reducing the minimum sentence that must be served by a  
16          defendant from 85 percent of the sentence to 72  
17          percent; amending ss. 316.027, 316.1935, 381.004,  
18          775.084, 775.0845, 775.0847, 775.0861, 775.0862,  
19          775.087, 775.0875, 777.03, 777.04, 784.07, 794.011,  
20          794.0115, 794.023, 810.145, 812.081, 817.568, 831.032,  
21          843.22, 874.04, 944.281, 944.473, 944.70, 944.801, and  
22          947.005, F.S.; conforming provisions to changes made  
23          by the act; providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

(b) The 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 72 ~~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, does ~~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 rehabilitation credits ~~incentive gain-time~~ may be  
173 granted. If granted, such gain-time shall be credited and  
174 applied monthly.

175 ~~3. For sentences imposed for offenses committed on or~~

176 ~~after October 1, 1995, the department may grant up to 10 days~~  
177 ~~per month of incentive gain-time.~~

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

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



201 online or in-person educational course. Rehabilitation credits  
202 awarded under this paragraph shall be retroactive. Under no  
203 circumstances may an inmate receive more than 60 days for  
204 educational attainment pursuant to this section.

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

211 (f)1.(e)1. Notwithstanding subparagraph (b)1. (b)3., for  
212 sentences imposed for offenses committed on or after October 1,  
213 2014, and before July 1, 2023, the department may not grant  
214 rehabilitation credits ~~incentive gain time~~ if the offense is a  
215 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.  
216 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
217 800.04; s. 825.1025; or s. 847.0135(5).

218 2. Notwithstanding subparagraph (b)1. (b)3., for sentences  
219 imposed for offenses committed on or after July 1, 2023, the  
220 department may not grant rehabilitation credits ~~incentive gain~~  
221 ~~time~~ if the offense is for committing or attempting, soliciting,  
222 or conspiring to commit a violation of s. 782.04(1)(a)2.c.; s.  
223 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,  
224 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.  
225 847.0135(5).

226        (g)1.~~(f)~~ An inmate who is subject to this subsection  
227 ~~subparagraph (b)3.~~ is not eligible to earn or receive  
228 outstanding deed gain-time or good behavior time ~~under paragraph~~  
229 ~~(a), paragraph (b), paragraph (c), or paragraph (d) or any other~~  
230 ~~type of gain-time~~ in an amount that would cause a sentence to  
231 expire, end, or terminate, or that would result in a prisoner's  
232 release, before ~~prior to~~ serving a minimum of 85 percent of the  
233 sentence imposed. For purposes of this paragraph, credits  
234 awarded by the court for time physically incarcerated shall be  
235 credited toward satisfaction of 85 percent of the sentence  
236 imposed.

237        2. A prisoner who is subject to this subsection may not  
238 accumulate rehabilitation credits as described in paragraph (d)  
239 in an amount that would allow a sentence to expire, end, or  
240 terminate, or that would result in a prisoner's release, before  
241 serving a minimum of 72 percent of the sentence imposed.

242        3. Except as provided by this section, a prisoner may not  
243 accumulate further ~~gain-time~~ awards at any point when the  
244 tentative release date is the same as that date at which the  
245 prisoner will have served 72 ~~85~~ percent of the sentence imposed.  
246 State prisoners sentenced to life imprisonment shall be  
247 incarcerated for the rest of their natural lives, unless granted  
248 pardon or clemency.

249        (5) When a prisoner is found guilty of an infraction of  
250 the laws of this state or the rules of the department, good

251 behavior time not yet vested ~~gain-time~~ may be forfeited  
252 according to law after due process. For purposes of this  
253 subsection, good behavior time is deemed vested 2 years after  
254 being granted.

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

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

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

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

270 **Section 3. Paragraph (f) of subsection (2) of section**  
271 **316.027, Florida Statutes, is amended to read:**

272 316.027 Crash involving death or personal injuries.—

273 (2)

274 (f) For purposes of sentencing under chapter 921 and  
275 determining rehabilitation credit ~~incentive gain-time~~

276 eligibility under chapter 944, an offense listed in this  
277 subsection is ranked one level above the ranking specified in s.  
278 921.0022 or s. 921.0023 for the offense committed if the victim  
279 of the offense was a vulnerable road user.

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

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

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

293 **Section 5. Paragraph (h) of subsection (2) of section**  
294 **381.004, Florida Statutes, is amended to read:**

295 381.004 HIV testing.—

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

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

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

301 following situations:

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

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

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

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

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

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

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

326 test results in accordance with paragraph (c) is required if it  
327 would not be detrimental to the patient. This subparagraph does  
328 not authorize the routine testing of patients for HIV infection  
329 without notification.

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

332 6. For the performance of an HIV test upon a defendant  
333 pursuant to the victim's request in a prosecution for any type  
334 of sexual battery where a blood sample is taken from the  
335 defendant voluntarily, pursuant to court order for any purpose,  
336 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,  
337 the results of an HIV test performed shall be disclosed solely  
338 to the victim and the defendant, except as provided in ss.  
339 775.0877, 951.27, and 960.003.

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

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

347 9. If human tissue is collected lawfully without the  
348 consent of the donor for corneal removal as authorized by s.  
349 765.5185 or enucleation of the eyes as authorized by s. 765.519.

350 10. For the performance of an HIV test upon an individual

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

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

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

373 |       c. In order to use the provisions of this subparagraph,  
374 | the medical personnel must be tested for HIV pursuant to this  
375 | section or provide the results of an HIV test taken within 6

376 months before the significant exposure if such test results are  
377 negative.

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

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

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



401 The test may be performed only during the course of treatment  
402 for the medical emergency.

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

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

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

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

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

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

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

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

450 b. Costs of an HIV test performed under this subparagraph

451 may not be charged to the deceased or to the family of the  
452 deceased person.

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

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

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

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

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

473 **Section 6. Paragraph (k) of subsection (4) of section**  
474 **775.084, Florida Statutes, is amended to read:**

475 775.084 Violent career criminals; habitual felony

476 offenders and habitual violent felony offenders; three-time  
477 violent felony offenders; definitions; procedure; enhanced  
478 penalties or mandatory minimum prison terms.—

479 (4)

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

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

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

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

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

501 this section if, while committing the offense, the offender was  
502 wearing a hood, mask, or other device that concealed his or her  
503 identity.

504 (1)

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

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

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

515

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

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

525 775.0847 Possession or promotion of certain images of

526 child pornography; reclassification.—

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

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

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

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

535 2. Sadomasochistic abuse involving a child.

536 3. Sexual battery involving a child.

537 4. Sexual bestiality involving a child.

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

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

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

547

548 For purposes of sentencing under chapter 921 and determining  
549 rehabilitation credit ~~incentive gain-time~~ eligibility under  
550 chapter 944, a felony offense that is reclassified under this

551 section is ranked one level above the ranking under s. 921.0022  
 552 or s. 921.0023 of the offense committed.

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

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

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

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

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

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

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

570  
 571 For purposes of sentencing under chapter 921 and determining  
 572 rehabilitation credit ~~incentive gain-time~~ eligibility under  
 573 chapter 944, a felony offense that is reclassified under this  
 574 subsection is ranked one level above the ranking under s.  
 575 921.0022 or s. 921.0023 of the offense committed.

576           **Section 10. Subsection (3) of section 775.0862, Florida**  
 577 **Statutes, is amended to read:**

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

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

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

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

586

587 For purposes of sentencing under chapter 921 and determining  
 588 rehabilitation credit ~~incentive gain-time~~ eligibility under  
 589 chapter 944, a felony offense that is reclassified under this  
 590 subsection is ranked one level above the ranking under s.  
 591 921.0022 or s. 921.0023 of the offense committed.

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

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

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



601 during the commission of such felony the defendant commits an  
602 aggravated battery, the felony for which the person is charged  
603 shall be reclassified as follows:

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

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

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

610

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

616 (2)

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

625 Notwithstanding s. 948.01, adjudication of guilt or imposition

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

632 **Section 12. Subsection (2) of section 775.0875, Florida**  
633 **Statutes, is amended to read:**

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

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

640 (a)1. In the case of a felony of the first degree, to a  
641 life felony.

642 2. In the case of a felony of the second degree, to a  
643 felony of the first degree.

644 3. In the case of a felony of the third degree, to a  
645 felony of the second degree.

646

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

651 921.0022 or s. 921.0023 of the felony offense committed.

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

657 **Section 13. Subsection (3) of section 777.03, Florida**  
658 **Statutes, is amended to read:**

659 777.03 Accessory after the fact.—

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

666 **Section 14. Paragraph (a) of subsection (4) of section**  
667 **777.04, Florida Statutes, is amended to read:**

668 777.04 Attempts, solicitation, and conspiracy.—

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

676 attempted, solicited, or conspired to. If the criminal attempt,  
677 criminal solicitation, or criminal conspiracy is of an offense  
678 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,  
679 such offense is a misdemeanor of the first degree, punishable as  
680 provided in s. 775.082 or s. 775.083.

681 **Section 15. Subsection (3) of section 784.07, Florida**  
682 **Statutes, is amended to read:**

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

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

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

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

696  
697 Notwithstanding s. 948.01, adjudication of guilt or imposition  
698 of sentence shall not be suspended, deferred, or withheld, and  
699 the defendant is not eligible for ~~statutory~~ gain-time or credits  
700 under s. 944.275 or any form of discretionary early release,

701 other than pardon or executive clemency, or conditional medical  
 702 release under s. 947.149, before ~~prior to~~ serving the minimum  
 703 sentence.

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

706 794.011 Sexual battery.—

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

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

715 **Section 17. Subsection (7) of section 794.0115, Florida**  
 716 **Statutes, is amended to read:**

717 794.0115 Dangerous sexual felony offender; mandatory  
 718 sentencing.—

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

725 **Section 18. Subsection (2) of section 794.023, Florida**

726 **Statutes, is amended to read:**

727       794.023 Sexual battery by multiple perpetrators;  
728 reclassification of offenses.—

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

734       (a) A felony of the second degree is reclassified to a  
735 felony of the first degree.

736       (b) A felony of the first degree is reclassified to a life  
737 felony.

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

746       **Section 19. Subsection (7) of section 810.145, Florida**  
747 **Statutes, is amended to read:**

748       810.145 Digital voyeurism.—

749       (7) (a) A person who violates this section and who has  
750 previously been convicted of or adjudicated delinquent for any

751 violation of this section commits a felony of the second degree,  
752 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

753 (b) If a person who is 19 years or age or older commits a  
754 violation of this section and is a family or household member of  
755 the victim or holds a position of authority or trust with the  
756 victim, the court shall reclassify the felony to the next higher  
757 degree as follows:

758 1. A felony of the third degree is reclassified as a  
759 felony of the second degree.

760 2. A felony of the second degree is reclassified as a  
761 felony of the first degree.

762

763 For purposes of sentencing under chapter 921 and incentive gain-  
764 time or credit eligibility under chapter 944, a felony that is  
765 reclassified under this subsection is ranked one level above the  
766 ranking under s. 921.0022 of the felony offense committed.

767 **Section 20. Subsection (4) of section 812.081, Florida**  
768 **Statutes, is amended to read:**

769 812.081 Theft of or trafficking in trade secrets;  
770 definitions; penalties; providing to foreign entities;  
771 restitution.-

772 (4) Whenever a person is charged with a violation of this  
773 section which was committed with the intent to benefit a foreign  
774 government, a foreign agent, or a foreign instrumentality, the  
775 offense for which the person is charged shall be reclassified as

776 follows:

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

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

781

782 For purposes of sentencing under chapter 921 and determining  
783 incentive gain-time or credit eligibility under chapter 944, a  
784 felony offense that is reclassified under this subsection is  
785 ranked one level above the ranking under s. 921.0022 of the  
786 offense committed.

787 **Section 21. Subsection (5) of section 817.568, Florida**  
788 **Statutes, is amended to read:**

789 817.568 Criminal use of personal identification  
790 information.—

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

795 (a) A misdemeanor of the first degree is reclassified as a  
796 felony of the third degree.

797 (b) A felony of the third degree is reclassified as a  
798 felony of the second degree.

799 (c) A felony of the second degree is reclassified as a  
800 felony of the first degree.



801  
802 For purposes of sentencing under chapter 921 and rehabilitation  
803 credit ~~incentive-gain-time~~ eligibility under chapter 944, a  
804 felony offense that is reclassified under this subsection is  
805 ranked one level above the ranking under s. 921.0022 of the  
806 felony offense committed, and a misdemeanor offense that is  
807 reclassified under this subsection is ranked in level 2 of the  
808 offense severity ranking chart in s. 921.0022.

809 **Section 22. Paragraph (b) of subsection (3) of section**  
810 **831.032, Florida Statutes, is amended to read:**

811 831.032 Offenses involving forging or counterfeiting  
812 private labels.—

813 (3)

814 (b) For any person who, having previously been convicted  
815 for an offense under this section, is subsequently convicted for  
816 another offense under this section, such subsequent offense  
817 shall be reclassified as follows:

818 1. In the case of a felony of the second degree, to a  
819 felony of the first degree.

820 2. In the case of a felony of the third degree, to a  
821 felony of the second degree.

822 3. In the case of a misdemeanor of the first degree, to a  
823 felony of the third degree. For purposes of sentencing under  
824 chapter 921 and determining rehabilitation credit ~~incentive~~  
825 ~~gain-time~~ eligibility under chapter 944, such offense is ranked

826 in level 4 of the offense severity ranking chart.

827

828 For purposes of sentencing under chapter 921 and determining  
829 rehabilitation credit ~~incentive gain time~~ eligibility under  
830 chapter 944, a felony offense that is reclassified under this  
831 paragraph is ranked one level above the ranking under s.  
832 921.0022 or s. 921.0023 of the felony offense committed.

833 **Section 23. Subsection (2) of section 843.22, Florida**  
834 **Statutes, is amended to read:**

835 843.22 Traveling across county lines with intent to commit  
836 a burglary.—

837 (2) If a person who commits a burglary travels any  
838 distance with the intent to commit the burglary in a county in  
839 this state other than the person's county of residence, the  
840 degree of the burglary shall be reclassified to the next higher  
841 degree. For purposes of sentencing under chapter 921 and  
842 determining rehabilitation credit ~~incentive gain time~~  
843 eligibility under chapter 944, a burglary that is reclassified  
844 under this section is ranked one level above the ranking  
845 specified in s. 921.0022 or s. 921.0023 for the burglary  
846 committed.

847 **Section 24. Paragraph (b) of subsection (1) and subsection**  
848 **(2) of section 874.04, Florida Statutes, are amended to read:**

849 874.04 Gang-related offenses; enhanced penalties.—Upon a  
850 finding by the factfinder that the defendant committed the

851 charged offense for the purpose of benefiting, promoting, or  
852 furthering the interests of a criminal gang, the penalty for any  
853 felony or misdemeanor, or any delinquent act or violation of law  
854 which would be a felony or misdemeanor if committed by an adult,  
855 may be enhanced. Penalty enhancement affects the applicable  
856 statutory maximum penalty only. Each of the findings required as  
857 a basis for such sentence shall be found beyond a reasonable  
858 doubt. The enhancement will be as follows:

859 (1)

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

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

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

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

873

874 For purposes of sentencing under chapter 921 and determining  
875 rehabilitation credit ~~incentive gain-time~~ eligibility under

876 chapter 944, such felony offense is ranked as provided in s.  
877 921.0022 or s. 921.0023, and without regard to the penalty  
878 enhancement in this subsection.

879 **Section 25. Section 944.281, Florida Statutes, is amended**  
880 **to read:**

881 944.281 Ineligibility to earn gain-time due to  
882 disciplinary action.—The department may declare that a prisoner  
883 who commits a violation of any law of the state or rule or  
884 regulation of the department or institution on or after January  
885 1, 1996, and who is found guilty pursuant to s. 944.28(2), shall  
886 not be eligible to earn rehabilitation credits ~~incentive gain-~~  
887 ~~time~~ for up to 6 months following the month in which the  
888 violation occurred. The department shall adopt rules to  
889 administer ~~the provisions of~~ this section.

890 **Section 26. Subsection (1) of section 944.473, Florida**  
891 **Statutes, is amended to read:**

892 944.473 Inmate substance abuse testing program.—

893 (1) RULES AND PROCEDURES.—The department shall establish  
894 programs for random and reasonable suspicion drug and alcohol  
895 testing by urinalysis or other noninvasive procedure for inmates  
896 to effectively identify those inmates abusing drugs, alcohol, or  
897 both. The department shall also adopt rules relating to fair,  
898 economical, and accurate operations and procedures of a random  
899 inmate substance abuse testing program and a reasonable  
900 suspicion substance abuse testing program by urinalysis or other

901 noninvasive procedure which enumerate penalties for positive  
 902 test results, including but not limited to the forfeiture of  
 903 rehabilitation credits ~~both basic and incentive gain-time~~, and  
 904 which do not limit the number of times an inmate may be tested  
 905 in any one fiscal or calendar year.

906 **Section 27. Paragraph (b) of subsection (1) of section**  
 907 **944.70, Florida Statutes, is amended to read:**

908 944.70 Conditions for release from incarceration.—

909 (1)

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

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

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

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

917 4. Upon placement in a conditional release program  
 918 pursuant to s. 947.1405 or a conditional medical release program  
 919 pursuant to s. 947.149; or

920 5. Upon the granting of control release, including  
 921 emergency control release, pursuant to s. 947.146.

922 **Section 28. Paragraphs (i) and (j) of subsection (3) of**  
 923 **section 944.801, Florida Statutes, are amended to read:**

924 944.801 Education for state prisoners.—

925 (3) The responsibilities of the Correctional Education

926 Program shall be to:

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

936 1. Upon completion of the 150 hours of instruction, the  
937 inmate shall be retested and, if a composite test score of  
938 functional literacy is not attained, the department is  
939 authorized to require the inmate to remain in the instructional  
940 program.

941 2. Highest priority of inmate participation shall be  
942 focused on youthful offenders and those inmates nearing release  
943 from the correctional system.

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

946 a. Is serving a life sentence or is under sentence of  
947 death.

948 b. Is specifically exempted for security or health  
949 reasons.

950 c. Is housed at a community correctional center, road

951 | prison, work camp, or vocational center.

952 |         d. Attains a functional literacy level after attendance in  
953 | fewer than 150 hours of adult basic education instruction.

954 |         e. Is unable to enter such instruction because of  
955 | insufficient facilities, staff, or classroom capacity.

956 |         4. The Department of Corrections shall provide classes to  
957 | accommodate those inmates assigned to correctional or public  
958 | work programs after normal working hours. The department shall  
959 | develop a plan to provide academic and vocational classes on a  
960 | more frequent basis and at times that accommodate the increasing  
961 | number of inmates with work assignments, to the extent that  
962 | resources permit.

963 |         5. If an inmate attends and actively participates in the  
964 | 150 hours of instruction, the Department of Corrections may  
965 | grant a one-time award of up to 6 additional days of  
966 | rehabilitation credit ~~incentive gain-time~~, which must be  
967 | credited and applied as provided by law. Active participation  
968 | means, at a minimum, that the inmate is attentive, responsive,  
969 | cooperative, and completes assigned work.

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

973 |         **Section 29. Subsection (15) of section 947.005, Florida**  
974 | **Statutes, is amended to read:**

975 |         947.005 Definitions.—As used in this chapter, unless the

976 | context clearly indicates otherwise:

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

980 |       **Section 30.** This act shall take effect July 1, 2025.