

SB 784 – Inmate Conditional Medical Release

This bill creates s. 945.0911, F.S., establishing a conditional medical release program within the Florida Department of Corrections and stating that “an inmate is eligible for consideration for release under the conditional medical release program when the department determines the inmate to be permanently incapacitated or terminally ill because of an existing medical or physical condition. Notwithstanding any other law, an inmate who meets this eligibility criteria may be released from the custody of the department pursuant to this section before serving 85 percent of his or her term of imprisonment.” Definitions are provided for both of these terms. “Permanently incapacitated inmate” and “terminally ill inmate” currently exist under s. 947.149, F.S., though the newly created statute replaces the requirement that death be imminent for a terminally ill inmate, adding that death “is expected within 6 months.” This potentially expands the pool of those eligible for conditional medical release. Finally, by repealing s. 947.149, F.S., it is no longer FCOR’s responsibility to determine which eligible inmates are released, but rather DOC’s responsibility.

Per DOC, there are approximately 120 inmates currently fitting the criteria described in the bill. In the past, FCOR approved on average 40% of eligible inmates per calendar year under current conditional medical release (2014 through 2016). In FY 18-19, approval was at 56%, and in FY 19-20, approval was at 51%. In FY 20-21, approval was 47%. However, with responsibilities shifting to DOC, the percentages approved for release could potentially change.

CONFERENCE ADOPTED ESTIMATE: **Negative Indeterminate**

- **Due to higher volume in the first year and potentially lower volumes in subsequent years.**

Requested by: Senate