

CS/CS/SB 556 – 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 inmate, because of an existing medical or physical condition, is determined by the department to be an inmate with a debilitating illness, a permanently incapacitated inmate, or a terminally ill inmate. Notwithstanding any other provision of law, an inmate who meets the above criteria may be released from the custody of the department pursuant to this section prior to satisfying 85 percent of his or her term of imprisonment.” Definitions are provided for each 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 12 months.” Also, this bill creates additional eligibility for an “inmate with a debilitating illness,” defined as “an inmate who is determined to be suffering from a significant terminal or nonterminal condition, disease, or syndrome that has rendered the inmate so physically or cognitively impaired, debilitated, or incapacitated as to create a reasonable probability that the inmate does not constitute a danger to himself or herself to others.” This 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 299 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%. However, with responsibilities shifting to DOC, the percentages approved for release could potentially change.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate