

HB 837 – 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.” 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 or 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 approximately 140 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

This bill also creates s. 945.0912, F.S., establishing “a conditional aging inmate release program within the department for the purpose of determining eligible inmates who are appropriate for such release, supervising the released inmates, and conducting revocation hearings as provided for in this section.” An inmate becomes eligible for this program when the inmate “has reached 70 years of age and has served at least 10 years on his or her term of imprisonment.” However, an inmate may not be considered for release through the program “if he or she has ever been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent for committing” a list of offenses involving the killing of a human being or serving as predicates to registration as a sexual offender. Furthermore, an inmate who is eligible for consideration as a candidate for conditional aging inmate release must be considered for this program.

Per DOC, currently there are 160 inmates potentially eligible under the criteria outlined in the bill. However, given the multiple steps involving both the consideration of additional evidence/investigations and the right of victims to be heard, as well as an initial majority decision by a panel and the final decision by the Secretary for those who

are denied by the panel, it is not known how many of the potentially eligible inmates would be part of this program.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

**CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL:
Negative Significant**

Requested by: House