

## Committee Substitute for Senate Bill No. 2046

An act relating to sentencing; amending s. 921.16, F.S.; prohibiting a court from directing that a sentence be served coterminously with a sentence imposed by another court or a court of another state; removing provisions providing for notification to another jurisdiction in the event of a coterminous sentence; providing an effective date.

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

Section 1. Section 921.16, Florida Statutes, is amended to read:

921.16 When sentences to be concurrent and when consecutive.—

(1) A defendant convicted of two or more offenses charged in the same indictment, information, or affidavit or in consolidated indictments, informations, or affidavits shall serve the sentences of imprisonment concurrently unless the court directs that two or more of the sentences be served consecutively. Sentences of imprisonment for offenses not charged in the same indictment, information, or affidavit shall be served consecutively unless the court directs that two or more of the sentences be served concurrently. Any sentence for sexual battery as defined in chapter 794 or murder as defined in s. 782.04 must be imposed consecutively to any other sentence for sexual battery or murder which arose out of a separate criminal episode or transaction.

(2) A county court or circuit court of this state may direct that the sentence imposed by such court be served concurrently with a sentence imposed by a court of another state or of the United States or, for purposes of this section, concurrently with a sentence to be imposed in another jurisdiction. In such case, the Department of Corrections may designate the correctional institution of the other jurisdiction as the place for reception and confinement of such person and may also designate the place in Florida for reception and confinement of such person in the event that confinement in the other jurisdiction terminates before the expiration of the Florida sentence. The sheriff shall forward commitment papers and other documents specified in s. 944.17 to the department. Upon imposing such a sentence, the court shall notify the Parole Commission as to the jurisdiction in which the sentence is to be served. Any prisoner so released to another jurisdiction shall be eligible for consideration for parole by the Parole Commission pursuant to the provisions of chapter 947, except that the commission shall determine the presumptive parole release date and the effective parole release date by requesting such person's file from the receiving jurisdiction. Upon receiving such records, the commission shall determine these release dates based on the relevant information in that file and shall give credit toward reduction of the Florida sentence for gain-time granted by the jurisdiction where the inmate is serving the sentence. The Parole Commission may concur with the parole release decision of the jurisdiction granting parole and accepting supervision.

~~(3) A county court or circuit court of this state may not direct that the sentence imposed by such court be served coterminously with a sentence imposed by another court of this state or imposed by a court of another state. In the event the court directs the Florida sentence to be coterminous as well as concurrent with a sentence in another jurisdiction, the department shall notify the other jurisdiction of the department's interest in the offender until the offender has satisfied the commitment in the other jurisdiction, or the Florida sentence has expired, whichever occurs first. This interest does not prevent or interfere with any program participation approved by the other jurisdiction, nor does it prohibit parole or any similar release granted by the other jurisdiction. If the offender is paroled by the other jurisdiction, or the sentence is otherwise interrupted prior to satisfaction, the department shall maintain an interest until supervision is terminated or the sentence has been satisfied.~~

Section 2. This act shall take effect October 1, 2003, and shall apply to offenses committed on or after that date.

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.