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A bill to be entitled
 An act relating to sentencing; creating s. 950.021,
 F.S.; authorizing a court to sentence certain
 offenders to a county jail for up to 24 months if the
 county has a contract with the Department of
 Corrections; prohibiting an offender from receiving
 gain-time or other sentence credit that would result
 in the offender serving less than 85 percent of the
 offender's sentence; providing contractual
 requirements; requiring specific appropriations;
 providing for such appropriations; requiring
 validation of per diem rates; providing an effective
 date.

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

Section 1. Section 950.021, Florida Statutes, is created
 to read:

950.021 Sentencing of offenders to county jail.—

(1) Notwithstanding s. 921.0024 or any other provision of
 law, and effective for offenses committed on or after July 1,
 2017, a court may sentence an offender to a term in the county
 jail in the county where the offense was committed for up to 24
 months if the offender meets all of the following criteria:

(a) The offender's total sentence points score, as

26 provided in s. 921.0024, is more than 44 points but no more than
27 60 points.

28 (b) The offender's primary offense is not a forcible
29 felony as defined in s. 776.08, except that an offender whose
30 primary offense is a third degree felony under chapter 810 is
31 eligible to be sentenced to a county jail under this paragraph.

32 (c) The offender's primary offense is not punishable by a
33 minimum mandatory sentence of more than 24 months.

34 (2) An offender sentenced to county jail under this
35 section may not receive gain-time or other sentence credit in an
36 amount that would cause the offender's sentence to expire, end,
37 or terminate, or that would result in the offender's release,
38 prior to serving a minimum of 85 percent of the sentence
39 imposed.

40 (3) (a) The court may only sentence an offender to a county
41 jail pursuant to this section if there is a contractual
42 agreement between the chief correctional officer of that county
43 and the Department of Corrections.

44 (b) If the chief correctional officer of a county requests
45 the Department of Corrections to enter into a contract that
46 allows offenders to be sentenced to the county jail pursuant to
47 subsection (1), subject to the restrictions of this paragraph
48 and subsections (4) and (7), the Department of Corrections must
49 enter into such a contract. The contract shall specifically
50 establish the maximum number of beds and the validated per diem

51 rate. The contract shall provide for per diem reimbursement for
52 occupied inmate days based on the contracting county's most
53 recent annual adult male custody or adult female custody per
54 diem rates, not to exceed \$60 per inmate.

55 (4) A contract under this section is contingent upon a
56 specific appropriation in the General Appropriations Act.
57 Contracts shall be awarded by the Department of Corrections on a
58 first-come, first-served basis up to the maximum appropriation
59 allowable in the General Appropriations Act for this purpose.
60 The maximum appropriation allowable consists of funds
61 appropriated in or transferred to the specific appropriation in
62 the Inmates Sentenced to County Jail appropriation category.
63 Prior to any transferred appropriation under this section, the
64 Inmates Sentenced to County Jail appropriation category provides
65 for estimated incremental appropriation for county jail beds
66 contracted under this section in excess of the Department of
67 Corrections' per diem for adult male and female inmates.

68 (5) The Department of Corrections shall transfer funds
69 pursuant to s. 216.177 from other appropriation categories
70 within the Adult Male Custody Operations or Adult and Youthful
71 Offender Female Custody Operations budget entities to the
72 Inmates Sentenced to County Jail appropriation category in an
73 amount necessary to satisfy the requirements of each executed
74 contract, but not to exceed the Department of Corrections'
75 average total per diem published for the preceding fiscal year

76 for adult male custody or adult and youthful offender female
77 custody inmates for each county jail bed contracted.

78 (6) The Department of Corrections shall assume maximum
79 annual value of each contract when determining the full use of
80 funds appropriated and to ensure that the maximum appropriation
81 allowable is not exceeded.

82 (7) All contractual per diem rates under this section as
83 well as the per diem rates used by the Department of Corrections
84 must be validated by the Auditor General before payments are
85 made.

86 Section 2. This act shall take effect July 1, 2017.