

1                                   A bill to be entitled  
2           An act relating to the disposition of  
3           offenders; amending s. 944.1905, F.S.;  
4           requiring that certain inmates who are less  
5           than a specified age be placed in specific  
6           correctional facilities and housed in separate  
7           dormitories; requiring that the Department of  
8           Corrections report to the Legislature on its  
9           compliance with housing youthful offenders;  
10          requiring that certain inmates who are less  
11          than a specified age and who have no prior  
12          juvenile adjudication be placed in facilities  
13          for youthful offenders; providing for the  
14          reassignment of an inmate to the general  
15          population if the inmate threatens the safety  
16          of other inmates or correctional staff;  
17          amending s. 921.0021, F.S.; redefining the term  
18          "prior record" to extend the time during which  
19          the disposition of certain juvenile offenses  
20          are included in an offender's record; providing  
21          an effective date.

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

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25           Section 1. Subsection (5) is added to section  
26   944.1905, Florida Statutes, to read:  
27           944.1905 Initial inmate classification; inmate  
28   reclassification.--The Department of Corrections shall  
29   classify inmates pursuant to an objective classification  
30   scheme. The initial inmate classification questionnaire and  
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1 the inmate reclassification questionnaire must cover both  
2 aggravating and mitigating factors.

3 (5)(a) Notwithstanding any other provision of this  
4 section, the department shall assign to specific correctional  
5 facilities all inmates who are less than 18 years of age and  
6 who are not eligible for and have not been assigned to a  
7 facility for youthful offenders. Any such inmate who is less  
8 than 18 years of age shall be housed in a dormitory that is  
9 separate from inmates who are 18 years of age or older.  
10 Furthermore, the department shall provide any food service,  
11 education, and recreation for such inmate separately from  
12 inmates who are 18 years of age or older. The department shall  
13 report to the Legislature on compliance with this paragraph by  
14 April 1, 2002.

15 (b) Notwithstanding the requirements of s. 958.11, any  
16 inmate who is less than 18 years of age, who was 15 years of  
17 age or younger at the time of his or her offense, and who has  
18 no prior juvenile adjudication must be placed in a facility  
19 for youthful offenders until the inmate is 18 years of age. At  
20 the discretion of the department, such an inmate may be placed  
21 in a facility for youthful offenders until the inmate is 21  
22 years of age.

23 (c) Any inmate who is assigned to a facility under  
24 paragraph (a) or paragraph (b) shall be removed and reassigned  
25 to the general inmate population if his or her behavior  
26 threatens the safety of other inmates or correctional staff.

27 Section 2. Subsection (5) of section 921.0021, Florida  
28 Statutes, is amended to read:

29 921.0021 Definitions.--As used in this chapter, for  
30 any felony offense, except any capital felony, committed on or  
31 after October 1, 1998, the term:

1           (5) "Prior record" means a conviction for a crime  
2 committed by the offender, as an adult or a juvenile, prior to  
3 the time of the primary offense. Convictions by federal,  
4 out-of-state, military, or foreign courts, and convictions for  
5 violations of county or municipal ordinances that incorporate  
6 by reference a penalty under state law, are included in the  
7 offender's prior record. Convictions for offenses committed  
8 by the offender more than 10 years before the primary offense  
9 are not included in the offender's prior record if the  
10 offender has not been convicted of any other crime for a  
11 period of 10 consecutive years from the most recent date of  
12 release from confinement, supervision, or sanction, whichever  
13 is later, to the date of the primary offense. Juvenile  
14 dispositions of offenses committed by the offender within 5 ~~3~~  
15 years before the primary offense are included in the  
16 offender's prior record when the offense would have been a  
17 crime had the offender been an adult rather than a juvenile.  
18 Juvenile dispositions of sexual offenses committed by the  
19 offender which were committed 5 ~~3~~ years or more before the  
20 primary offense are included in the offender's prior record if  
21 the offender has not maintained a conviction-free record,  
22 either as an adult or a juvenile, for a period of 5 ~~3~~  
23 consecutive years from the most recent date of release from  
24 confinement, supervision, or sanction, whichever is later, to  
25 the date of the primary offense.

26           Section 3. This act shall take effect July 1, 2001.  
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