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1
2 An act relating to the Department of Corrections;
3 amending s. 775.082, F.S.; requiring that the court
4 sentence certain offenders to a nonstate prison
5 sanction unless the court makes written findings that
6 ordering an offender to a nonstate prison sanction
7 could present a danger to the public; creating s.
8 921.00241, F.S.; providing that on or after a
9 specified date a court may divert from the state
10 correctional system certain offenders who otherwise
11 would be sentenced to state prison; providing
12 eligibility criteria for participation in the state
13 prison diversion program if such a program is funded
14 and exists in the circuit; requiring the court to make
15 written findings that the offender meets the
16 eligibility criteria for the diversion program;
17 authorizing the court to order the offender to pay the
18 costs of the prison diversion program if the offender
19 is able to do so; amending s. 944.10, F.S.; exempting
20 certain lease agreements by the department from the
21 requirements for advertisement and competitive bids;
22 providing for the future reversion as of a specified
23 date of the statutory text relating to such lease
24 agreements; creating s. 944.171, F.S.; authorizing the
25 Department of Corrections to contract with county and
26 municipal entities to house inmates committed to the
27 department; authorizing the department to enter into
28 contractual agreements with another state, a political

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29 subdivision of another state, or a vendor in another
30 state to transfer and confine Florida inmates within
31 that state; requiring the reclassification of inmates
32 before a transfer occurs; providing for the contents
33 of the contract; providing that a transferred inmate
34 remains subject to the rules of the Florida Parole
35 Commission; requiring that contracts for the transfer
36 of inmates be procured according to state law;
37 requiring that additional beds authorized under a
38 contract be added to the total capacity of the state
39 correctional system; authorizing the department to
40 adopt rules; amending s. 945.6037, F.S.; increasing
41 the copayment that an inmate must make for a
42 nonemergency visit to a health care provider; creating
43 s. 945.604, F.S.; defining the term "claim" for
44 purposes of the State of Florida Correctional Medical
45 Authority Act; providing for filing and payment of
46 medical claims for payment or underpayment; providing
47 for filing and payment of claims for overpayment;
48 providing for recovery of overpayment of claims;
49 creating s. 945.6041, F.S.; defining terms; limiting
50 the compensation of health care providers that do not
51 have contracts to provide inmate medical services with
52 the department or private correctional facilities;
53 limiting compensation to entities that provide
54 emergency medical transportation services for inmates
55 if those entities do not have a contract with the
56 department or certain private correctional facilities;
57 amending s. 947.1405, F.S.; requiring any person who

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58 has been placed under supervision and is
59 electronically monitored by the department to pay the
60 department for the cost of the electronic monitoring
61 service; requiring that funds collected from the
62 person be deposited into the General Revenue Fund;
63 authorizing the Department of Corrections to exempt a
64 person from the payment of all or any part of the
65 electronic monitoring service cost under certain
66 circumstances; amending s. 948.01, F.S.; requiring
67 that the department disseminate and that the courts
68 use uniform order of supervision forms when placing a
69 defendant on community supervision; amending s.
70 948.09, F.S.; requiring a person to pay the department
71 the cost of electronically monitoring the offender
72 while the offender is placed on supervision; providing
73 for a cost cap on the monitoring service; providing
74 that the department may exempt a person from paying
75 all or any part of the costs of the electronic
76 monitoring service under certain circumstances;
77 amending s. 948.11, F.S.; requiring a person who is
78 electronically monitored on supervision to pay the
79 department for the electronic monitoring services;
80 amending s. 957.09, F.S.; providing that the
81 provisions governing private correctional facilities
82 do not apply to contracts between the department and
83 county and municipal entities, other states, political
84 subdivisions of another state, or correctional
85 management service vendors in another state for the
86 transfer and confinement of state inmates; amending s.

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87 958.045, F.S.; requiring the Department of Corrections
88 to submit a report to the court at least 30 days
89 before a youthful offender is scheduled to complete
90 the basic training program; requiring the court to
91 modify the youthful offender's sentence and place the
92 offender on probation if the youthful offender has
93 successfully completed the basic training program;
94 amending s. 960.292, F.S.; providing for retention of
95 court jurisdiction over certain offenders for a
96 specified period after release from incarceration or
97 supervision for the sole purpose of entering civil
98 restitution orders; amending s. 960.293, F.S.;
99 providing that damages due from an offender for
100 correctional costs be based upon the length of the
101 sentence imposed by the court at the time of
102 sentencing; amending s. 960.297, F.S.; providing a
103 time period in which civil actions for the costs of
104 incarceration may be initiated; providing an effective
105 date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Present subsection (10) of section 775.082,
110 Florida Statutes, is renumbered as subsection (11), and a new
111 subsection (10) is added to that section, to read:

112 775.082 Penalties; applicability of sentencing structures;
113 mandatory minimum sentences for certain reoffenders previously
114 released from prison.—

115 (10) If a defendant is sentenced for an offense committed

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116 on or after July 1, 2009, which is a third-degree felony but not
117 a forcible felony as defined in s. 776.08, and excluding any
118 third-degree felony violation under chapter 810, and if the
119 total sentence points pursuant to s. 921.0024 are 22 points or
120 fewer, the court must sentence the offender to a nonstate prison
121 sanction. However, if the court makes written findings that a
122 nonstate prison sanction could present a danger to the public,
123 the court may sentence the offender to a state correctional
124 facility pursuant to this section.

125 Section 2. Section 921.00241, Florida Statutes, is created
126 to read:

127 921.00241 Prison diversion program.—

128 (1) Notwithstanding s. 921.0024 and effective for offenses
129 committed on or after July 1, 2009, a court may divert from the
130 state correctional system an offender who would otherwise be
131 sentenced to a state facility by sentencing the offender to a
132 nonstate prison sanction as provided in subsection (2). An
133 offender may be sentenced to a nonstate prison sanction if the
134 offender meets all of the following criteria:

135 (a) The offender's primary offense is a felony of the third
136 degree.

137 (b) The offender's total sentence points score, as provided
138 in s. 921.0024, is not more than 48 points, or the offender's
139 total sentence points score is 54 points and six of those points
140 are for a violation of probation, community control, or other
141 community supervision, and do not involve a new violation of
142 law.

143 (c) The offender has not been convicted or previously
144 convicted of a forcible felony as defined in s. 776.08, but

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145 excluding any third-degree felony violation under chapter 810.

146 (d) The offender's primary offense does not require a
147 minimum mandatory sentence.

148 (2) If the court elects to impose a sentence as provided in
149 this section, the court shall sentence the offender to a term of
150 probation, community control, or community supervision with
151 mandatory participation in a prison diversion program of the
152 Department of Corrections if such program is funded and exists
153 in the judicial circuit in which the offender is sentenced. The
154 prison diversion program shall be designed to meet the unique
155 needs of each judicial circuit and of the offender population of
156 that circuit. The program may require residential,
157 nonresidential, or day reporting requirements, substance abuse
158 treatment, employment, restitution, academic or vocational
159 opportunities, or community service work.

160 (3) The court that sentences a defendant to a nonstate
161 prison sanction pursuant to subsection (2) shall make written
162 findings that the defendant meets the criteria in subsection (1)
163 and the sentencing order must indicate that the offender was
164 sentenced to the prison diversion program pursuant to subsection
165 (2). The court may order the offender to pay all or a portion of
166 the costs related to the prison diversion program if the court
167 determines that the offender has the ability to pay.

168 Section 3. Paragraph (a) of subsection (3) of section
169 944.10, Florida Statutes, is amended to read:

170 944.10 Department of Corrections to provide buildings; sale
171 and purchase of land; contracts to provide services and inmate
172 labor.—

173 (3) (a) The department may enter into lease-purchase

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174 agreements to provide correctional facilities for the housing of
175 state inmates. However, no such lease-purchase agreement shall
176 be entered into without specific legislative authorization of
177 that agreement, and funds must be specifically appropriated for
178 each lease-purchase agreement. The facilities provided through
179 such agreements shall meet the program plans and specifications
180 of the department. The department may enter into such lease
181 agreements with private corporations and other governmental
182 entities. However, notwithstanding the provisions of s.
183 255.25(3)(a), the department may not enter into ~~no~~ such lease
184 agreement ~~may be entered into~~ except upon advertisement for and
185 receipt of competitive bids and award to the lowest and best
186 bidder, unless the lease-purchase agreement is entered into with
187 the Department of Management Services, the Florida Correctional
188 Finance Corporation, or the successors or assignees of either.

189 Section 4. The amendments to s. 944.10(3)(a), Florida
190 Statutes, made by this act shall expire July 1, 2010, and the
191 text of that paragraph shall revert to that in existence on June
192 30, 2009, except that any amendments to such text enacted other
193 than by this act shall be preserved and continue to operate to
194 the extent that such amendments are not dependent upon the
195 portions of such text which expire pursuant to this section.

196 Section 5. Section 944.171, Florida Statutes, is created to
197 read:

198 944.171 Housing of inmates.—

199 (1) Notwithstanding s. 944.17, the department may contract
200 with county or municipal facilities for the purpose of housing
201 inmates committed to the department.

202 (a) Notwithstanding ss. 944.17 and 944.1905, before

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203 transferring a state inmate to another facility as authorized
204 under this section, the inmate must be reclassified and scored
205 as to custody risk based on the current offense and not on prior
206 criminal history. Upon return to a state correctional
207 institution, the inmate must be reclassified based on ss. 944.17
208 and 944.1905.

209 (b) Any inmate placed in another facility under this
210 section remains under the jurisdiction of the department.

211 (2) Notwithstanding s. 944.17, the department may enter
212 into contracts with another state, a political subdivision of
213 another state, or a correctional management services vendor in
214 another state for the transfer and confinement in that state of
215 inmates who have been committed to the custody of the
216 department.

217 (a) Any such contract must include:

218 1. A termination date.

219 2. Provisions concerning the costs of inmate maintenance,
220 extraordinary medical and dental expenses, and any participation
221 in or receipt by inmates of rehabilitative or correctional
222 services, facilities, programs, or treatment, including those
223 costs not reasonably included as part of normal maintenance.

224 3. Provisions concerning participation in programs of
225 inmate employment, if any, the disposition or crediting of any
226 payments received by inmates on account of employment, and the
227 crediting of proceeds or disposal of any products resulting from
228 employment.

229 4. Provisions for the delivery and retaking of inmates.

230 5. A provision for a waiver of extradition by the parties
231 to the contract.

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232 6. Retention of jurisdiction of the inmates transferred by
233 Florida.

234 7. Regular reporting procedures concerning Florida inmates
235 by officials of the state, political subdivision, or
236 correctional management services vendor with which the
237 department is contracting.

238 8. Provisions concerning procedures for community
239 supervision, including probation, parole, conditional release,
240 and discharge.

241 9. The same standards of reasonable and humane care as the
242 inmates would receive in an appropriate institution in this
243 state.

244 10. Any other matters that are necessary and appropriate to
245 establish the obligations, responsibilities, and rights of
246 Florida and the state, political subdivision, or correctional
247 management services vendor with which the department is
248 contracting.

249 (b) Inmates from Florida state prisons while in an
250 institution in another state are subject to all the laws and
251 rules concerning the confinement of persons committed for
252 violations of the laws of that state, except that the sentence
253 must be executed consistent with the sentencing and gain-time
254 laws of this state and except as otherwise provided for by any
255 contract entered into under this section.

256 (c) The Florida Parole Commission shall conduct any parole
257 hearing for an inmate confined under a contract pursuant to this
258 section according to the rules of the commission.

259 (d) Contracts under this section shall be procured in
260 accordance with s. 287.057.

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261 (3) Any beds contracted under this section shall be added
262 to the total capacity of the correctional system as defined in
263 s. 944.023, notwithstanding any law to the contrary.

264 (4) In making placements authorized by this section, the
265 department shall consider, to the extent possible, the proximity
266 of the receiving facility to the inmate's family, consistent
267 with s. 944.8031.

268 (5) The Department of Corrections may adopt rules to
269 administer this section.

270 Section 6. Paragraph (a) of subsection (1) of section
271 945.6037, Florida Statutes, is amended to read:

272 945.6037 Nonemergency health care; inmate copayments.—

273 (1) (a) ~~Effective October 1, 1997,~~ For each nonemergency
274 visit by an inmate to a health care provider which ~~visit~~ is
275 initiated by the inmate, the inmate must make a copayment of \$5
276 ~~\$4~~. A copayment may not be charged for the required initial
277 medical history and physical examination of the inmate.

278 Section 7. Section 945.604, Florida Statutes, is created to
279 read:

280 945.604 Medical claims.—

281 (1) DEFINITION OF "CLAIM."—As used in this section, for a
282 noninstitutional health care provider the term "claim" means a
283 paper or electronic billing instrument submitted to the
284 department which consists of the HCFA 1500 data set, or its
285 successor, and has all mandatory entries for a physician
286 licensed under chapter 458, chapter 459, chapter 460, chapter
287 461, or chapter 463 or a psychologist licensed under chapter
288 490, or any appropriate billing instrument that has all
289 mandatory entries for any other noninstitutional health care

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290 provider. For an institutional health care provider, the term
291 "claim" means a paper or electronic billing instrument submitted
292 to the department which consists of the UB-92 data set, or its
293 successor, with entries stated as mandatory by the National
294 Uniform Billing Committee.

295 (2) SUBMISSION DATE.—Claims for payment or underpayment are
296 considered submitted on the date the claim for payment is mailed
297 or electronically transferred to the department by the health
298 care provider. Claims for overpayment are considered submitted
299 on the date the claim for overpayment is mailed or
300 electronically transferred to the health care provider by the
301 department.

302 (3) CLAIMS FOR PAYMENT OR UNDERPAYMENT.—

303 (a) Claims for payment or underpayment must be submitted to
304 the department within 6 months after the following have
305 occurred:

306 1. The discharge of the inmate for inpatient services
307 rendered to the inmate or the date of service for outpatient
308 services rendered to the inmate; and

309 2. The health care provider has been furnished with the
310 correct name and address of the department.

311 (b) Claims for payment or underpayment must not duplicate a
312 claim previously submitted unless it is determined the original
313 claim was not received or is otherwise lost.

314 (c) The department is not obligated to pay claims for
315 payment or underpayment which were not submitted in accordance
316 with paragraph (a).

317 (4) CLAIMS FOR OVERPAYMENT.—

318 (a) If the department determines that it has made an

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319 overpayment to a health care provider for services rendered to
320 an inmate, it must make a claim for such overpayment to the
321 provider's designated location. The department shall provide a
322 written or electronic statement specifying the basis for
323 overpayment. The department must identify the claim or claims,
324 or overpayment claim portion thereof, for which a claim for
325 overpayment is submitted.

326 (b) The department must submit a claim for overpayment to a
327 health care provider within 30 months after the department's
328 payment of the claim, except that claims for overpayment may be
329 submitted beyond that time from providers convicted of fraud
330 pursuant to s. 817.234.

331 (c) Health care providers are not obligated to pay claims
332 for overpayment which were not submitted in accordance with
333 paragraph (b).

334 (d) A health care provider must pay, deny, or contest the
335 department's claim for overpayment within 40 days after the
336 receipt of the claim for overpayment.

337 (e) A health care provider that denies or contests the
338 department's claim for overpayment or any portion of a claim
339 shall notify the department, in writing, within 40 days after
340 the provider receives the claim. The notice that the claim for
341 overpayment is denied or contested must identify the contested
342 portion of the claim and the specific reason for contesting or
343 denying the claim and, if contested, must include a request for
344 additional information.

345 (f) All contested claims for overpayment must be paid or
346 denied within 120 days after receipt of the claim. Failure to
347 pay or deny the claim for overpayment within 140 days after

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348 receipt creates an uncontestable obligation to pay the claim.

349 (g) The department may not reduce payment to the health
350 care provider for other services unless the provider agrees to
351 the reduction or fails to respond to the department's claim for
352 overpayment as required by this subsection.

353 (5) NONWAIVER OF PROVISIONS.—The provisions of this section
354 may not be waived, voided, or nullified by contract.

355 Section 8. Section 945.6041, Florida Statutes, is created
356 to read:

357 945.6041 Inmate medical services.—

358 (1) As used in this section, the term:

359 (a) "Emergency medical transportation services" includes,
360 but is not limited to, services rendered by ambulances,
361 emergency medical services vehicles, and air ambulances as those
362 terms are defined in s. 401.23.

363 (b) "Health care provider" has the same meaning as provided
364 in s. 766.105.

365 (2) Compensation to a health care provider to provide
366 inmate medical services may not exceed 110 percent of the
367 Medicare allowable rate if the health care provider does not
368 have a contract to provide services with the department or the
369 private correctional facility, as defined in s. 944.710, which
370 houses the inmate. However, compensation to a health care
371 provider may not exceed 125 percent of the Medicare allowable
372 rate if:

373 (a) The health care provider does not have a contract to
374 provide services with the department or the private correctional
375 facility, as defined in s. 944.710, which houses the inmate; and

376 (b) The health care provider reported a negative operating

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377 margin for the previous year to the Agency for Health Care
378 Administration through hospital-audited financial data.

379 (3) Compensation to an entity to provide emergency medical
380 transportation services for inmates may not exceed 110 percent
381 of the Medicare allowable rate if the entity does not have a
382 contract with the department or a private correctional facility,
383 as defined in s. 944.710, to provide the services.

384 (4) This section does not apply to charges for medical
385 services provided at a hospital operated by the department.

386 Section 9. Paragraph (b) of subsection (7) of section
387 947.1405, Florida Statutes, is amended to read:

388 947.1405 Conditional release program.—

389 (7)

390 (b) For a releasee whose crime was committed on or after
391 October 1, 1997, in violation of chapter 794, s. 800.04, s.
392 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
393 conditional release supervision, in addition to any other
394 provision of this subsection, the commission shall impose the
395 following additional conditions of conditional release
396 supervision:

397 1. As part of a treatment program, participation in a
398 minimum of one annual polygraph examination to obtain
399 information necessary for risk management and treatment and to
400 reduce the sex offender's denial mechanisms. The polygraph
401 examination must be conducted by a polygrapher trained
402 specifically in the use of the polygraph for the monitoring of
403 sex offenders, where available, and at the expense of the sex
404 offender. The results of the ~~polygraph~~ examination may ~~shall~~ not
405 be used as evidence in a hearing to prove that a violation of

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406 supervision has occurred.

407 2. Maintenance of a driving log and a prohibition against
408 driving a motor vehicle alone without the prior approval of the
409 supervising officer.

410 3. A prohibition against obtaining or using a post office
411 box without the prior approval of the supervising officer.

412 4. If there was sexual contact, a submission to, at the
413 probationer's or community controllee's expense, an HIV test
414 with the results to be released to the victim or the victim's
415 parent or guardian.

416 5. Electronic monitoring of any form when ordered by the
417 commission. Any person who has been placed under supervision and
418 is electronically monitored by the department must pay the
419 department for the cost of the electronic monitoring service at
420 a rate that may not exceed the full cost of the monitoring
421 service. Funds collected under this subparagraph shall be
422 deposited into the General Revenue Fund. The department may
423 exempt a person from the payment of all or any part of the
424 electronic monitoring service cost if the department finds that
425 any of the factors listed in s. 948.09(3) exist.

426 Section 10. Subsection (1) of section 948.01, Florida
427 Statutes, is amended to read:

428 948.01 When court may place defendant on probation or into
429 community control.-

430 (1) Any state court ~~of the state~~ having original
431 jurisdiction of criminal actions may at a time to be determined
432 by the court, ~~either~~ with or without an adjudication of the
433 guilt of the defendant, hear and determine the question of the
434 probation of a defendant in a criminal case, except for an

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435 offense punishable by death, who has been found guilty by the
436 verdict of a jury, has entered a plea of guilty or a plea of
437 nolo contendere, or has been found guilty by the court trying
438 the case without a jury.

439 (a) If the court places the defendant on probation or into
440 community control for a felony, the department shall provide
441 immediate supervision by an officer employed in compliance with
442 the minimum qualifications for officers as provided in s.
443 943.13. ~~In no circumstances shall~~ A private entity may not
444 provide probationary or supervision services to felony or
445 misdemeanor offenders sentenced or placed on probation or other
446 supervision by the circuit court.

447 (b) The department, in consultation with the Office of the
448 State Courts Administrator, shall develop and disseminate to the
449 courts uniform order of supervision forms by July 1 of each year
450 or as necessary. The courts shall use the uniform order of
451 supervision forms provided by the department for all persons
452 placed on community supervision.

453 Section 11. Subsection (2) of section 948.09, Florida
454 Statutes, is amended to read:

455 948.09 Payment for cost of supervision and rehabilitation.-

456 (2) Any person being electronically monitored by the
457 department as a result of being placed ~~placement~~ on supervision
458 ~~community control~~ shall ~~be required to pay~~ the department for
459 electronic monitoring services at a rate ~~as a surcharge an~~
460 ~~amount~~ that may not exceed the full cost of the monitoring
461 service in addition to the cost of supervision ~~fee~~ as directed
462 by the sentencing court. The funds collected under this
463 subsection ~~surcharge~~ shall be deposited in the General Revenue

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464 Fund. The department may exempt a person from paying all or any
465 part of the costs of the electronic monitoring service if it
466 finds that any of the factors listed in subsection (3) exist.

467 Section 12. Subsections (5) and (6) of section 948.11,
468 Florida Statutes, are amended to read:

469 948.11 Electronic monitoring devices.—

470 (5) Any person being electronically monitored by the
471 department as a result of being placed ~~placement~~ on supervision
472 ~~community control~~ shall ~~be required to pay the department for~~
473 the electronic monitoring services ~~a surcharge~~ as provided in s.
474 948.09(2).

475 (6) For probationers, community controllees, or conditional
476 releasees who have current or prior convictions for violent or
477 sexual offenses, the department, in carrying out a court or
478 commission order to electronically monitor an offender, must use
479 a system that actively monitors and identifies the offender's
480 location and timely reports or records the offender's presence
481 near or within a crime scene or in a prohibited area or the
482 offender's departure from specified geographic limitations.
483 Procurement of electronic monitoring services under this
484 subsection shall be by competitive procurement in accordance
485 with invitation to bid as defined in s. 287.057.

486 Section 13. Section 957.09, Florida Statutes, is amended to
487 read:

488 957.09 Applicability of chapter to other provisions of
489 law.—

490 (1)(a) Any offense that if committed at a state
491 correctional facility would be a crime is ~~shall be~~ a crime if
492 committed by or with regard to inmates at private correctional

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493 facilities operated pursuant to a contract entered into under
494 this chapter.

495 (b) All laws relating to commutation of sentences, release
496 and parole eligibility, and the award of sentence credits ~~shall~~
497 apply to inmates incarcerated in a private correctional facility
498 operated pursuant to a contract entered into under this chapter.

499 (2) The provisions of this chapter are supplemental to the
500 provisions of ss. 944.105 and 944.710-944.719. However, in any
501 conflict between a provision of this chapter and a provision of
502 such other sections, the provision of this chapter shall
503 prevail.

504 (3) The provisions of law governing the participation of
505 minority business enterprises are applicable to this chapter.

506 (4) The provisions of this chapter do not apply to
507 contracts between the department and county and municipal
508 entities, other states, political subdivisions of another state,
509 or correctional management service vendors in another state for
510 the transfer and confinement of state inmates.

511 Section 14. Paragraph (c) of subsection (5) of section
512 958.045, Florida Statutes, is amended to read:

513 958.045 Youthful offender basic training program.—

514 (5)

515 (c) The portion of the sentence served before ~~prior to~~
516 placement in the basic training program may not be counted
517 toward program completion. The department shall submit a report
518 to the court at least 30 days before the youthful offender is
519 scheduled to complete the basic training program. The report
520 must describe the offender's performance in the basic training
521 program. If the youthful offender's performance is satisfactory,

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522 the court shall issue an order modifying the sentence imposed
523 and place the offender on probation subject to the offender
524 successfully completing the remainder of the basic training
525 program. ~~Upon the offender's completion of the basic training~~
526 ~~program, the department shall submit a report to the court that~~
527 ~~describes the offender's performance. If the offender's~~
528 ~~performance has been satisfactory, the court shall issue an~~
529 ~~order modifying the sentence imposed and placing the offender on~~
530 ~~probation.~~ The term of probation may include placement in a
531 community residential program. If the offender violates the
532 conditions of probation, the court may revoke probation and
533 impose any sentence that it might have originally imposed.

534 Section 15. Subsection (2) of section 960.292, Florida
535 Statutes, is amended to read:

536 960.292 Enforcement of the civil restitution lien through
537 civil restitution lien order.—The civil restitution lien shall
538 be made enforceable by means of a civil restitution lien order.

539 (2) Upon motion by the state, upon petition of the local
540 subdivision, crime victim, or aggrieved party, or on its own
541 motion, the court in which the convicted offender is convicted
542 shall enter civil restitution lien orders in favor of crime
543 victims, the state, its local subdivisions, and other aggrieved
544 parties. The court shall retain continuing jurisdiction over the
545 convicted offender for the sole purpose of entering civil
546 restitution lien orders for the duration of the sentence and up
547 to 5 years from release from incarceration or supervision,
548 whichever occurs later.

549 Section 16. Paragraph (b) of subsection (2) of section
550 960.293, Florida Statutes, is amended to read:

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551 960.293 Determination of damages and losses.—

552 (2) Upon conviction, a convicted offender is liable to the
553 state and its local subdivisions for damages and losses for
554 incarceration costs and other correctional costs.

555 (b) If the conviction is for an offense other than a
556 capital or life felony, a liquidated damage amount of \$50 per
557 day of the convicted offender's sentence shall be assessed
558 against the convicted offender and in favor of the state or its
559 local subdivisions. Damages shall be based upon the length of
560 the sentence imposed by the court at the time of sentencing.

561 Section 17. Section 960.297, Florida Statutes, is amended
562 to read:

563 960.297 Authorization for governmental right of restitution
564 for costs of incarceration.—

565 (1) The state and its local subdivisions, in a separate
566 civil action or as counterclaim in any civil action, may seek
567 recovery of the damages and losses set forth in s. 960.293.

568 (2) For those convicted offenders convicted before July 1,
569 1994, the state and its local subdivisions, in a separate civil
570 action or as a counterclaim in any civil action, may seek
571 recovery of the damages and losses set forth in s. 960.293, for
572 the convicted offender's remaining sentence after July 1, 1994.

573 (3) Civil actions authorized by this section may be
574 commenced at any time during the offender's incarceration and up
575 to 5 years after the date of the offender's release from
576 incarceration or supervision, whichever occurs later.

577 Section 18. This act shall take effect July 1, 2009.