

By Senator Brandes

24-00545-17

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1                                   A bill to be entitled  
2       An act relating to sentencing; creating s. 950.021,  
3       F.S.; authorizing a court to sentence certain  
4       offenders to a county jail for up to 24 months if the  
5       offender meets specified criteria and if the county  
6       has a contract with the Department of Corrections;  
7       providing contractual requirements; requiring specific  
8       appropriations; providing for such appropriations;  
9       requiring validation of per diem rates; providing an  
10      effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14       Section 1. Section 950.021, Florida Statutes, is created to  
15      read:

16       950.021 Sentencing of offenders to county jail.-

17       (1) Notwithstanding s. 921.0024 or any other provision of  
18 law, and effective for offenses committed on or after July 1,  
19 2017, a court may sentence an offender to a term in the county  
20 jail in the county where the offense was committed for up to 24  
21 months if the offender meets all of the following criteria:

22       (a) The offender's total sentence points score, as provided  
23 in s. 921.0024, is more than 44 points but no more than 60  
24 points.

25       (b) The offender's primary offense is not a forcible felony  
26 as defined in s. 776.08; however, an offender whose primary  
27 offense is a third degree felony under chapter 810 is eligible  
28 to be sentenced to a county jail under this paragraph.

29       (c) The offender's primary offense is not punishable by a

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30 minimum mandatory sentence of more than 24 months.

31 (2) (a) The court may only sentence an offender to a county  
32 jail pursuant to this section if there is a contractual  
33 agreement between the chief correctional officer of that county  
34 and the Department of Corrections.

35 (b) If the chief correctional officer of a county requests  
36 the Department of Corrections to enter into a contract that  
37 allows offenders to be sentenced to the county jail pursuant to  
38 subsection (1), subject to the restrictions of this paragraph  
39 and subsections (3) and (6), the Department of Corrections must  
40 enter into such a contract. The contract must specifically  
41 establish the maximum number of beds and the validated per diem  
42 rate. The contract must provide for per diem reimbursement for  
43 occupied inmate days based on the contracting county's most  
44 recent annual adult male custody or adult female custody per  
45 diem rates, not to exceed \$60 per inmate.

46 (3) A contract under this section is contingent upon a  
47 specific appropriation in the General Appropriations Act.  
48 Contracts shall be awarded by the Department of Corrections on a  
49 first-come, first-served basis up to the maximum appropriation  
50 allowable in the General Appropriations Act for this purpose.  
51 The maximum appropriation allowable consists of funds  
52 appropriated in or transferred to the specific appropriation in  
53 the Inmates Sentenced to County Jail appropriation category.  
54 Prior to any transferred appropriation under this section, the  
55 Inmates Sentenced to County Jail appropriation category provides  
56 for an estimated incremental appropriation for county jail beds  
57 contracted under this section in excess of the Department of  
58 Corrections' per diem for adult male and female inmates.

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59       (4) The Department of Corrections shall transfer funds  
60 pursuant to s. 216.177 from other appropriation categories  
61 within the Adult Male Custody Operations or Adult and Youthful  
62 Offender Female Custody Operations budget entities to the  
63 Inmates Sentenced to County Jail appropriation category in an  
64 amount necessary to satisfy the requirements of each executed  
65 contract, but not to exceed the Department of Corrections'  
66 average total per diem published for the preceding fiscal year  
67 for adult male custody or adult and youthful offender female  
68 custody inmates for each county jail bed contracted.

69       (5) The Department of Corrections shall assume maximum  
70 annual value of each contract when determining the full use of  
71 funds appropriated and must ensure that the maximum  
72 appropriation allowable is not exceeded.

73       (6) All contractual per diem rates under this section as  
74 well as the per diem rates used by the Department of Corrections  
75 must be validated by the Auditor General before payments are  
76 made.

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