

1 A bill to be entitled
2 An act relating to the Department of Corrections;
3 amending s. 110.205, F.S.; exempting specified
4 positions from the career service system; amending s.
5 943.04, F.S.; authorizing the Department of Law
6 Enforcement to issue an investigative demand seeking
7 the production of an inmate's protected health
8 information, medical records, or mental health records
9 under certain circumstances; specifying requirements
10 for the investigative demand; amending s. 944.151,
11 F.S.; revising legislative intent; revising membership
12 requirements for the safety and security review
13 committee appointed by the Department of Corrections;
14 specifying the duties of the committee; requiring the
15 department to direct appropriate staff to complete
16 specified duties of the department; revising
17 scheduling requirements for inspections of state and
18 private correctional institutions and facilities;
19 revising the list of institutions that must be given
20 priority for inspection; revising the list of
21 institutions that must be given priority for certain
22 security audits; revising minimum audit and evaluation
23 requirements; requiring the department to direct
24 appropriate staff to review staffing policies and
25 practices as needed; conforming provisions to changes

26 | made by the act; amending s. 944.17, F.S.; authorizing
27 | the department to receive specified documents
28 | electronically at its discretion; amending s. 944.275,
29 | F.S.; revising the conditions on which an inmate may
30 | be granted a one-time award of 60 additional days of
31 | incentive gain-time by the department; clarifying when
32 | gain-time may be earned; amending s. 944.597, F.S.;
33 | revising provisions relating to training of transport
34 | company's employees before transporting prisoners;
35 | amending s. 945.36, F.S.; exempting employees of a
36 | contracted community correctional center from certain
37 | health testing regulations for the limited purpose of
38 | administering urine screen drug tests on inmates and
39 | releasees; amending s. 958.11, F.S.; deleting a
40 | provision authorizing the department to assign 18-
41 | year-old youthful offenders to the 19-24 age group
42 | facility under certain circumstances; deleting a
43 | condition that all female youth offenders are allowed
44 | to continue to be housed together only until certain
45 | institutions are established or adapted for separation
46 | by age and custody classifications; authorizing
47 | inmates who are 17 years of age or under to be placed
48 | at an adult facility for specified purposes, subject
49 | to certain conditions; authorizing the department to
50 | retain certain youthful offenders until 25 years of

51 age in a facility designated for 18- to 22-year-old
 52 youth offenders under certain circumstances;
 53 conforming provisions to changes made by the act;
 54 amending s. 921.002, F.S.; conforming a cross-
 55 reference; providing an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:

58
 59 Section 1. Paragraph (m) of subsection (2) of section
 60 110.205, Florida Statutes, is amended to read:

61 110.205 Career service; exemptions.—

62 (2) EXEMPT POSITIONS.—The exempt positions that are not
 63 covered by this part include the following:

64 (m) All assistant division director, deputy division
 65 director, and bureau chief positions in any department, and
 66 those positions determined by the department to have managerial
 67 responsibilities comparable to such positions, which include,
 68 but are not limited to:

69 1. Positions in the Department of Health and the
 70 Department of Children and Families which are assigned primary
 71 duties of serving as the superintendent or assistant
 72 superintendent of an institution.

73 2. Positions in the Department of Corrections which are
 74 assigned primary duties of serving as the warden, assistant
 75 warden, colonel, ~~or~~ major, captain, or lieutenant of an

76 | institution or which ~~that~~ are assigned primary duties of serving
77 | as the circuit administrator, ~~or~~ deputy circuit administrator,
78 | correctional probation supervisor, or senior supervisor.

79 | 3. Positions in the Department of Transportation which are
80 | assigned primary duties of serving as regional toll managers and
81 | managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

82 | 4. Positions in the Department of Environmental Protection
83 | which are assigned the duty of an Environmental Administrator or
84 | program administrator.

85 | 5. Positions in the Department of Health which are
86 | assigned the duties of Environmental Administrator, Assistant
87 | County Health Department Director, and County Health Department
88 | Financial Administrator.

89 | 6. Positions in the Department of Highway Safety and Motor
90 | Vehicles which are assigned primary duties of serving as
91 | captains in the Florida Highway Patrol.

92 |
93 | Unless otherwise fixed by law, the department shall set the
94 | salary and benefits of the positions listed in this paragraph in
95 | accordance with the rules established for the Selected Exempt
96 | Service.

97 | Section 2. Subsection (6) is added to section 943.04,
98 | Florida Statutes, to read:

99 | 943.04 Criminal Justice Investigations and Forensic
100 | Science Program; creation; investigative, forensic, and related

101 authority.—

102 (6) (a) In furtherance of the duties and responsibilities
103 of the inspector general under s. 944.31, if the Department of
104 Law Enforcement is conducting an investigation or assisting in
105 the investigation of an injury to or death of an inmate which
106 occurs while the inmate is under the custody or control of the
107 Department of Corrections, the department is authorized to,
108 before the initiation of a criminal proceeding relating to such
109 injury or death, issue in writing and serve upon the Department
110 of Corrections an investigative demand seeking the production of
111 the inmate's protected health information, medical records, or
112 mental health records as specified in s. 945.10(1) (a). The
113 department shall use such records for the limited purpose of
114 investigating or assisting in an investigation of an injury to
115 or death of an inmate for which the records were requested. Any
116 records disclosed pursuant to this subsection remain
117 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
118 of the State Constitution in accordance with s. 945.10(2).

119 (b) The investigative demand must be specific and limited
120 in scope to the extent reasonably practicable in light of the
121 purpose for which the protected health information or records
122 are sought and must include a certification that:

- 123 1. The protected health information or records sought are
124 relevant and material to a legitimate law enforcement inquiry;
125 2. There is a clear connection between the investigated

126 incident and the inmate whose protected health information and
127 records are sought; and

128 3. De-identified information could not reasonably be used.

129 Section 3. Section 944.151, Florida Statutes, is amended
130 to read:

131 944.151 Safe operation and security of correctional
132 institutions and facilities.—It is the intent of the Legislature
133 that the Department of Corrections shall be responsible for the
134 safe operation and security of the correctional institutions and
135 facilities. The safe operation and security of the state's
136 correctional institutions and facilities are ~~is~~ critical to
137 ensure public safety and the safety of department employees and
138 offenders, and to contain violent and chronic offenders until
139 offenders are otherwise released from the department's custody
140 pursuant to law. The Secretary of Corrections shall, at a
141 minimum:

142 (1) Appoint appropriate department staff to a safety and
143 security review committee that ~~which~~ shall evaluate new safety
144 and security technology, review and discuss current issues
145 impacting state and private correctional institutions and
146 facilities, and review and discuss other issues as requested by
147 department management., ~~at a minimum, be composed of: the~~
148 ~~inspector general, the statewide security coordinator, the~~
149 ~~regional security coordinators, and three wardens and one~~
150 ~~correctional officer. The security review committee shall:~~

151 (2)(a) Direct appropriate department staff to establish a
152 periodic schedule for the physical inspection of buildings and
153 structures of each state and private correctional institution
154 and facility to determine safety and security deficiencies. In
155 scheduling the inspections, priority shall be given to older
156 institutions and facilities; ~~institutions and facilities~~ that
157 house a large proportion of violent offenders; institutions and
158 facilities that have experienced a significant number of
159 inappropriate incidents of use of force on inmates, assaults on
160 employees, or inmate sexual abuse; ~~and institutions and~~
161 facilities that have experienced a significant number of escapes
162 or escape attempts in the past.

163 (3)(b) Direct appropriate department staff to conduct or
164 cause to be conducted announced and unannounced comprehensive
165 security audits of all state and private correctional
166 institutions and facilities. Priority shall be given to those
167 institutions and facilities that have experienced a significant
168 number of inappropriate incidents of use of force on inmates,
169 assaults on employees, or sexual abuse ~~In conducting the~~
170 ~~security audits, priority shall be given to older institutions,~~
171 ~~institutions that house a large proportion of violent offenders,~~
172 ~~and institutions that have experienced a history of escapes or~~
173 ~~escape attempts.~~ At a minimum, the audit must ~~shall~~ include an
174 evaluation of the physical plant, landscaping, fencing, security
175 alarms and perimeter lighting, and confinement, arsenal, key and

176 lock, and entrance and exit inmate classification and staffing
177 policies. The evaluation of the physical plant policies must
178 include the identification of blind spots or areas where staff
179 or inmates may be isolated and the deployment of video
180 monitoring systems and other appropriate monitoring technologies
181 in such spots or areas. Each correctional institution and
182 facility shall be audited at least annually. The secretary shall
183 annually report the audit ~~general survey~~ findings ~~annually~~ to
184 the Governor and the Legislature.

185 ~~(c) Adopt and enforce minimum security standards and~~
186 ~~policies that include, but are not limited to:~~

- 187 1. ~~Random monitoring of outgoing telephone calls by~~
188 ~~inmates.~~
- 189 2. ~~Maintenance of current photographs of all inmates.~~
- 190 3. ~~Daily inmate counts at varied intervals.~~
- 191 4. ~~Use of canine units, where appropriate.~~
- 192 5. ~~Use of escape alarms and perimeter lighting.~~
- 193 6. ~~Florida Crime Information Center/National Crime~~
194 ~~Information Center capabilities.~~
- 195 7. ~~Employment background investigations.~~

196 ~~(d) Annually make written prioritized budget~~
197 ~~recommendations to the secretary that identify critical security~~
198 ~~deficiencies at major correctional institutions.~~

199 (4)(e) Direct appropriate department staff to investigate
200 and evaluate the usefulness and dependability of existing safety

201 and security technology at state and private correctional ~~the~~
 202 institutions and facilities, investigate and evaluate new
 203 available safety and security technology, ~~available~~ and make
 204 periodic written recommendations to the secretary on the
 205 discontinuation or purchase of various safety and security
 206 devices.

207 (5) ~~(f)~~ Direct appropriate department staff to contract, if
 208 deemed necessary, with security personnel, consulting engineers,
 209 architects, or other safety and security experts the department
 210 ~~committee~~ deems necessary for safety and security audits and
 211 ~~security~~ consultant services.

212 (6) ~~(g)~~ Direct appropriate department staff, in conjunction
 213 with the regional offices, to establish a periodic schedule for
 214 conducting announced and unannounced escape simulation drills.

215 (7) ~~(2)~~ Direct appropriate department staff to maintain and
 216 produce quarterly reports with accurate escape statistics. For
 217 the purposes of these reports, the term "escape" includes all
 218 possible types of escape, regardless of prosecution by the state
 219 attorney, and includes including ~~including~~ offenders who walk away from
 220 nonsecure community facilities.

221 (8) ~~(3)~~ Direct appropriate department staff to adopt,
 222 enforce, and annually evaluate the emergency escape response
 223 procedures, which must shall ~~shall~~ at a minimum include the immediate
 224 notification and inclusion of local and state law enforcement
 225 through a mutual aid agreement.

226 (9) Direct appropriate department staff to review staffing
 227 policies and practices as needed.

228 (10) Direct appropriate department staff to adopt and
 229 enforce minimum safety and security standards and policies that
 230 include, but are not limited to:

231 (a) Random monitoring of outgoing telephone calls by
 232 inmates.

233 (b) Maintenance of current photographs of all inmates.

234 (c) Daily inmate counts at varied intervals.

235 (d) Use of canine units, where appropriate.

236 (e) Use of escape alarms and perimeter lighting.

237 (f) Use of the Florida Crime Information Center and
 238 National Crime Information Center capabilities.

239 (g) Employment background investigations.

240 (11)-(4) Direct appropriate department staff to submit in
 241 the annual legislative budget request a prioritized summary of
 242 critical safety and security deficiencies and repair and
 243 renovation security needs.

244 Section 4. Subsection (5) of section 944.17, Florida
 245 Statutes, is amended to read:

246 944.17 Commitments and classification; transfers.—

247 (5) The department shall also refuse to accept a person
 248 into the state correctional system unless the following
 249 documents are presented in a completed form by the sheriff or
 250 chief correctional officer, or a designated representative, to

251 | the officer in charge of the reception process. The department
 252 | may, at its discretion, receive such documents electronically:

253 | (a) The uniform commitment and judgment and sentence forms
 254 | as described in subsection (4).

255 | (b) The sheriff's certificate as described in s. 921.161.

256 | (c) A certified copy of the indictment or information
 257 | relating to the offense for which the person was convicted.

258 | (d) A copy of the probable cause affidavit for each
 259 | offense identified in the current indictment or information.

260 | (e) A copy of the Criminal Punishment Code scoresheet and
 261 | any attachments thereto prepared pursuant to Rule 3.701, Rule
 262 | 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
 263 | any other rule pertaining to the preparation of felony
 264 | sentencing scoresheets.

265 | (f) A copy of the restitution order or the reasons by the
 266 | court for not requiring restitution pursuant to s. 775.089(1).

267 | (g) The name and address of any victim, if available.

268 | (h) A printout of a current criminal history record as
 269 | provided through an FCIC/NCIC printer.

270 | (i) Any available health assessments including medical,
 271 | mental health, and dental, including laboratory or test
 272 | findings; custody classification; disciplinary and adjustment;
 273 | and substance abuse assessment and treatment information which
 274 | may have been developed during the period of incarceration
 275 | before ~~prior to~~ the transfer of the person to the department's

276 custody. Available information shall be transmitted on standard
277 forms developed by the department.

278
279 In addition, the sheriff or other officer having such person in
280 charge shall also deliver with the foregoing documents any
281 available presentence investigation reports as described in s.
282 921.231 and any attached documents. After a prisoner is admitted
283 into the state correctional system, the department may request
284 such additional records relating to the prisoner as it considers
285 necessary from the clerk of the court, the Department of
286 Children and Families, or any other state or county agency for
287 the purpose of determining the prisoner's proper custody
288 classification, gain-time eligibility, or eligibility for early
289 release programs. An agency that receives such a request from
290 the department must provide the information requested. The
291 department may, at its discretion, receive such information
292 electronically.

293 Section 5. Paragraphs (b) and (d) of subsection (4) of
294 section 944.275, Florida Statutes, are amended, and paragraph
295 (f) is added to that subsection, to read:

296 944.275 Gain-time.—

297 (4)

298 (b) For each month in which an inmate works diligently,
299 participates in training, uses time constructively, or otherwise
300 engages in positive activities, the department may grant

301 incentive gain-time in accordance with this paragraph. The rate
302 of incentive gain-time in effect on the date the inmate
303 committed the offense which resulted in his or her incarceration
304 shall be the inmate's rate of eligibility to earn incentive
305 gain-time throughout the period of incarceration and shall not
306 be altered by a subsequent change in the severity level of the
307 offense for which the inmate was sentenced.

308 1. For sentences imposed for offenses committed prior to
309 January 1, 1994, up to 20 days of incentive gain-time may be
310 granted. If granted, such gain-time shall be credited and
311 applied monthly.

312 2. For sentences imposed for offenses committed on or
313 after January 1, 1994, and before October 1, 1995:

314 a. For offenses ranked in offense severity levels 1
315 through 7, under former s. 921.0012 or former s. 921.0013, up to
316 25 days of incentive gain-time may be granted. If granted, such
317 gain-time shall be credited and applied monthly.

318 b. For offenses ranked in offense severity levels 8, 9,
319 and 10, under former s. 921.0012 or former s. 921.0013, up to 20
320 days of incentive gain-time may be granted. If granted, such
321 gain-time shall be credited and applied monthly.

322 3. For sentences imposed for offenses committed on or
323 after October 1, 1995, the department may grant up to 10 days
324 per month of incentive gain-time, ~~except that no prisoner is~~
325 ~~eligible to earn any type of gain-time in an amount that would~~

326 ~~cause a sentence to expire, end, or terminate, or that would~~
327 ~~result in a prisoner's release, prior to serving a minimum of 85~~
328 ~~percent of the sentence imposed. For purposes of this~~
329 ~~subparagraph, credits awarded by the court for time physically~~
330 ~~incarcerated shall be credited toward satisfaction of 85 percent~~
331 ~~of the sentence imposed. Except as provided by this section, a~~
332 ~~prisoner shall not accumulate further gain-time awards at any~~
333 ~~point when the tentative release date is the same as that date~~
334 ~~at which the prisoner will have served 85 percent of the~~
335 ~~sentence imposed. State prisoners sentenced to life imprisonment~~
336 ~~shall be incarcerated for the rest of their natural lives,~~
337 ~~unless granted pardon or clemency.~~

338 (d) Notwithstanding the monthly maximum awards of
339 incentive gain-time under subparagraphs (b)1., and 2., and 3.,
340 the education program manager shall recommend, and the
341 Department of Corrections may grant, a one-time award of 60
342 additional days of incentive gain-time to an inmate who is
343 otherwise eligible and who successfully completes requirements
344 for and is, or has been during the current commitment, awarded a
345 high school equivalency diploma or vocational certificate. Under
346 no circumstances may an inmate receive more than 60 days for
347 educational attainment pursuant to this section.

348 (f) An inmate who is subject to subparagraph (b)3. is not
349 eligible to earn or receive gain-time under paragraph (a),
350 paragraph (b), paragraph (c), or paragraph (d) or any other type

351 of gain-time in an amount that would cause a sentence to expire,
352 end, or terminate, or that would result in a prisoner's release,
353 prior to serving a minimum of 85 percent of the sentence
354 imposed. For purposes of this paragraph, credits awarded by the
355 court for time physically incarcerated shall be credited toward
356 satisfaction of 85 percent of the sentence imposed. Except as
357 provided by this section, a prisoner may not accumulate further
358 gain-time awards at any point when the tentative release date is
359 the same as that date at which the prisoner will have served 85
360 percent of the sentence imposed. State prisoners sentenced to
361 life imprisonment shall be incarcerated for the rest of their
362 natural lives, unless granted pardon or clemency.

363 Section 6. Subsection (2) of section 944.597, Florida
364 Statutes, is amended to read:

365 944.597 Transportation and return of prisoners by private
366 transport company.—

367 (2) The department shall include, but is ~~shall~~ not be
368 limited to, the following requirements in any contract with any
369 transport company:

370 (a) That the transport company shall maintain adequate
371 liability coverage with respect to the transportation of
372 prisoners. ~~‡~~

373 (b) That the transport company shall require its employees
374 to complete at least 100 hours of training before transporting
375 prisoners. The curriculum for such training must be approved by

376 | the department and include instruction in:

377 | 1. Use of restraints;

378 | 2. Searches of prisoners;

379 | 3. Use of force, including use of appropriate weapons and
380 | firearms;

381 | 4. Cardiopulmonary resuscitation;

382 | 5. Map reading; and

383 | 6. Defensive driving. ~~personnel employed with the~~

384 | ~~transport company who are based in the state shall meet the~~

385 | ~~minimum standards in accordance with s. 943.13 and that~~

386 | ~~personnel employed with the transport company based outside of~~

387 | ~~Florida shall meet the minimum standards for a correctional~~

388 | ~~officer or law enforcement officer in the state where the~~

389 | ~~employee is based;~~

390 | (c) That the transport company shall adhere to standards

391 | which provide for humane treatment of prisoners while in the

392 | custody of the transport company.

393 | (d) That the transport company shall submit reports to the

394 | department regarding incidents of escape, use of force, and

395 | accidents involving prisoners in the custody of the transport

396 | company.

397 | Section 7. Section 945.36, Florida Statutes, is amended to

398 | read:

399 | 945.36 Exemption from health testing regulations for law

400 | enforcement personnel conducting drug tests on inmates and

401 releasees.—

402 (1) Any law enforcement officer, state or county probation
 403 officer, ~~or~~ employee of the Department of Corrections, or
 404 employee of a contracted community correctional center who is
 405 certified by the Department of Corrections pursuant to
 406 subsection (2), is exempt from part I of chapter 483, for the
 407 limited purpose of administering a urine screen drug test to:

- 408 (a) Persons during incarceration;
- 409 (b) Persons released as a condition of probation for
 410 either a felony or misdemeanor;
- 411 (c) Persons released as a condition of community control;
- 412 (d) Persons released as a condition of conditional
 413 release;
- 414 (e) Persons released as a condition of parole;
- 415 (f) Persons released as a condition of provisional
 416 release;
- 417 (g) Persons released as a condition of pretrial release;
- 418 or
- 419 (h) Persons released as a condition of control release.

420 (2) The Department of Corrections shall develop a
 421 procedure for certification of any law enforcement officer,
 422 state or county probation officer, ~~or~~ employee of the Department
 423 of Corrections, or employee of a contracted community
 424 correctional center to perform a urine screen drug test on the
 425 persons specified in subsection (1).

426 Section 8. Section 958.11, Florida Statutes, is amended to
427 read:

428 958.11 Designation of institutions and programs for
429 youthful offenders; assignment from youthful offender
430 institutions and programs.—

431 (1) The department shall by rule designate separate
432 institutions and programs for youthful offenders and shall
433 employ and utilize personnel specially qualified by training and
434 experience to operate all such institutions and programs for
435 youthful offenders. Youthful offenders who are at least 14 years
436 of age but who have not yet reached the age of 18 ~~19~~ years at
437 the time of reception shall be separated from youthful offenders
438 who are 18 ~~19~~ years of age or older, ~~except that if the~~
439 ~~population of the facilities designated for 14-year-old to 18-~~
440 ~~year-old youthful offenders exceeds 100 percent of lawful~~
441 ~~capacity, the department may assign 18-year-old youthful~~
442 ~~offenders to the 19-24 age group facility.~~

443 (2) Youthful offender institutions and programs shall
444 contain only those youthful offenders sentenced as such by a
445 court or classified as such by the department, pursuant to the
446 requirements of subsections (7) ~~(4)~~ and (9) ~~(6)~~, except that
447 under special circumstances select adult offenders may be
448 assigned to youthful offender institutions. All female youthful
449 offenders ~~of all ages~~ may continue to be housed together at
450 those institutions designated by department rule ~~until such time~~

451 ~~as institutions for female youthful offenders are established or~~
452 ~~adapted to allow for separation by age and to accommodate all~~
453 ~~eustody classifications.~~

454 (3) The department may assign a youthful offender who is
455 18 years of age or older to a facility in the state correctional
456 system which is not designated for the care, custody, control,
457 and supervision of youthful offenders or an age group only in
458 the following circumstances:

459 (a) If the youthful offender is convicted of a new crime
460 that ~~which~~ is a felony under the laws of this state.

461 (b) If the youthful offender becomes such a serious
462 management or disciplinary problem resulting from serious
463 violations of the rules of the department that his or her
464 original assignment would be detrimental to the interests of the
465 program and to other inmates committed thereto.

466 (c) If the youthful offender needs medical treatment,
467 health services, or other specialized treatment otherwise not
468 available at the youthful offender facility.

469 (d) If the department determines that the youthful
470 offender should be transferred outside of the state correctional
471 system, as provided by law, for services not provided by the
472 department.

473 (e) If bed space is not available in a designated
474 community residential facility, the department may assign a
475 youthful offender to a community residential facility, provided

476 that the youthful offender is separated from other offenders
477 insofar as is practical.

478 (4) The department may assign a youthful offender whose
479 age does not exceed 17 years to an adult facility for medical or
480 mental health reasons, for protective management, or for close
481 management. The youthful offender shall be separated from
482 offenders who are 18 years of age or older.

483 (5)-(f) If the youthful offender was originally assigned to
484 a facility designated for 14- to 17-year-old ~~14-year-old to 18-~~
485 ~~year-old~~ youthful offenders, but subsequently reaches the age of
486 18 ~~19~~ years, the department may retain the youthful offender in
487 a the facility designated for 18- to 22-year-old youthful
488 offenders if the department determines that it is in the best
489 interest of the youthful offender and the department.

490 (6) If the youthful offender was originally assigned to a
491 facility designated for 18- to 22-year-old youthful offenders,
492 but subsequently reaches the age of 23 years, the department may
493 retain the offender in the facility until the age of 25 if the
494 department determines that it is in the best interest of the
495 youthful offender and the department.

496 ~~(g) If the department determines that a youthful offender~~
497 ~~originally assigned to a facility designated for the 19-24 age~~
498 ~~group is mentally or physically vulnerable by such placement,~~
499 ~~the department may reassign a youthful offender to a facility~~
500 ~~designated for the 14-18 age group if the department determines~~

501 ~~that a reassignment is necessary to protect the safety of the~~
502 ~~youthful offender or the institution.~~

503 ~~(h) If the department determines that a youthful offender~~
504 ~~originally assigned to a facility designated for the 14-18 age~~
505 ~~group is disruptive, incorrigible, or uncontrollable, the~~
506 ~~department may reassign a youthful offender to a facility~~
507 ~~designated for the 19-24 age group if the department determines~~
508 ~~that a reassignment would best serve the interests of the~~
509 ~~youthful offender and the department.~~

510 (7)~~(4)~~ The department shall continuously screen all
511 institutions, facilities, and programs for any inmate who meets
512 the eligibility requirements for youthful offender designation
513 specified in s. 958.04(1)(a) and (c) whose age does not exceed
514 24 years and whose total length of sentence does not exceed 10
515 years, and the department may classify and assign as a youthful
516 offender any inmate who meets the criteria of this subsection.

517 (8)~~(5)~~ The department shall coordinate all youthful
518 offender assignments or transfers and shall review and maintain
519 access to full and complete documentation and substantiation of
520 all such assignments or transfers of youthful offenders to or
521 from facilities in the state correctional system which are not
522 designated for their care, custody, and control, except
523 assignments or transfers made pursuant to paragraph (3)(c).

524 (9)~~(6)~~ The department may assign to a youthful offender
525 facility any inmate, except a capital or life felon, whose age

526 | does not exceed 19 years but who does not otherwise meet the
527 | criteria of this section, if the department determines that such
528 | inmate's mental or physical vulnerability would substantially or
529 | materially jeopardize his or her safety in a nonyouthful
530 | offender facility. Assignments made under this subsection shall
531 | be included in the department's annual report.

532 | Section 9. Paragraph (e) of subsection (1) of section
533 | 921.002, Florida Statutes, is amended to read:

534 | 921.002 The Criminal Punishment Code.—The Criminal
535 | Punishment Code shall apply to all felony offenses, except
536 | capital felonies, committed on or after October 1, 1998.

537 | (1) The provision of criminal penalties and of limitations
538 | upon the application of such penalties is a matter of
539 | predominantly substantive law and, as such, is a matter properly
540 | addressed by the Legislature. The Legislature, in the exercise
541 | of its authority and responsibility to establish sentencing
542 | criteria, to provide for the imposition of criminal penalties,
543 | and to make the best use of state prisons so that violent
544 | criminal offenders are appropriately incarcerated, has
545 | determined that it is in the best interest of the state to
546 | develop, implement, and revise a sentencing policy. The Criminal
547 | Punishment Code embodies the principles that:

548 | (e) The sentence imposed by the sentencing judge reflects
549 | the length of actual time to be served, shortened only by the
550 | application of incentive and meritorious gain-time as provided

551 | by law, and may not be shortened if the defendant would
552 | consequently serve less than 85 percent of his or her term of
553 | imprisonment as provided in s. 944.275(4) ~~944.275(4)(b)3~~. The
554 | provisions of chapter 947, relating to parole, shall not apply
555 | to persons sentenced under the Criminal Punishment Code.

556 | Section 10. This act shall take effect July 1, 2017.