

1 A bill to be entitled

2 An act relating to the Department of Corrections;  
3 amending s. 943.04, F.S.; authorizing the Department  
4 of Law Enforcement to issue an investigative demand  
5 seeking the production of an inmate's protected health  
6 information, medical records, or mental health records  
7 under certain circumstances; specifying requirements  
8 for the investigative demand; amending s. 944.151,  
9 F.S.; revising legislative intent; revising membership  
10 requirements for the safety and security review  
11 committee appointed by the Department of Corrections;  
12 specifying the duties of the committee; requiring the  
13 department to direct appropriate staff to complete  
14 specified duties of the department; revising  
15 scheduling requirements for inspections of state and  
16 private correctional institutions and facilities;  
17 revising the list of institutions that must be given  
18 priority for inspection; revising the list of  
19 institutions that must be given priority for certain  
20 security audits; revising minimum audit and evaluation  
21 requirements; requiring the department to direct  
22 appropriate staff to review staffing policies and  
23 practices as needed; conforming provisions to changes  
24 made by the act; amending s. 944.17, F.S.; authorizing  
25 the department to receive specified documents

26 | electronically at its discretion; amending s. 944.275,  
27 | F.S.; revising the conditions on which an inmate may  
28 | be granted a one-time award of 60 additional days of  
29 | incentive gain-time by the department; clarifying when  
30 | gain-time may be earned; amending s. 944.597, F.S.;  
31 | revising provisions relating to training of transport  
32 | company's employees before transporting prisoners;  
33 | amending s. 945.36, F.S.; exempting employees of a  
34 | contracted community correctional center from certain  
35 | health testing regulations for the limited purpose of  
36 | administering urine screen drug tests on inmates and  
37 | releasees; amending s. 958.11, F.S.; deleting a  
38 | provision authorizing the department to assign 18-  
39 | year-old youthful offenders to the 19-24 age group  
40 | facility under certain circumstances; deleting a  
41 | condition that all female youth offenders are allowed  
42 | to continue to be housed together only until certain  
43 | institutions are established or adapted for separation  
44 | by age and custody classifications; authorizing  
45 | inmates who are 17 years of age or under to be placed  
46 | at an adult facility for specified purposes, subject  
47 | to certain conditions; authorizing the department to  
48 | retain certain youthful offenders until 25 years of  
49 | age in a facility designated for 18- to 22-year-old  
50 | youth offenders under certain circumstances;

51 conforming provisions to changes made by the act;  
 52 amending s. 921.002, F.S.; conforming a cross-  
 53 reference; providing an effective date.

54  
 55 Be It Enacted by the Legislature of the State of Florida:

56  
 57 Section 1. Subsection (6) is added to section 943.04,  
 58 Florida Statutes, to read:

59 943.04 Criminal Justice Investigations and Forensic  
 60 Science Program; creation; investigative, forensic, and related  
 61 authority.—

62 (6) (a) In furtherance of the duties and responsibilities  
 63 of the inspector general under s. 944.31, if the Department of  
 64 Law Enforcement is conducting an investigation or assisting in  
 65 the investigation of an injury to or death of an inmate which  
 66 occurs while the inmate is under the custody or control of the  
 67 Department of Corrections, the department is authorized to,  
 68 before the initiation of a criminal proceeding relating to such  
 69 injury or death, issue in writing and serve upon the Department  
 70 of Corrections an investigative demand seeking the production of  
 71 the inmate's protected health information, medical records, or  
 72 mental health records as specified in s. 945.10(1) (a). The  
 73 department shall use such records for the limited purpose of  
 74 investigating or assisting in an investigation of an injury to  
 75 or death of an inmate for which the records were requested. Any

76 records disclosed pursuant to this subsection remain  
 77 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 78 of the State Constitution in accordance with s. 945.10(2).

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

83 1. The protected health information or records sought are  
 84 relevant and material to a legitimate law enforcement inquiry;

85 2. There is a clear connection between the investigated  
 86 incident and the inmate whose protected health information and  
 87 records are sought; and

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

89 Section 2. Section 944.151, Florida Statutes, is amended  
 90 to read:

91 944.151 Safe operation and security of correctional  
 92 institutions and facilities.—It is the intent of the Legislature  
 93 that the Department of Corrections shall be responsible for the  
 94 safe operation and security of the correctional institutions and  
 95 facilities. The safe operation and security of the state's  
 96 correctional institutions and facilities are ~~is~~ critical to  
 97 ensure public safety and the safety of department employees and  
 98 offenders, and to contain violent and chronic offenders until  
 99 offenders are otherwise released from the department's custody  
 100 pursuant to law. The Secretary of Corrections shall, at a

101 minimum:

102 (1) Appoint appropriate department staff to a safety and  
103 security review committee that ~~which~~ shall evaluate new safety  
104 and security technology, review and discuss current issues  
105 impacting state and private correctional institutions and  
106 facilities, and review and discuss other issues as requested by  
107 department management. ~~at a minimum, be composed of: the~~  
108 ~~inspector general, the statewide security coordinator, the~~  
109 ~~regional security coordinators, and three wardens and one~~  
110 ~~correctional officer. The security review committee shall:~~

111 (2)(a) Direct appropriate department staff to establish a  
112 periodic schedule for the physical inspection of buildings and  
113 structures of each state and private correctional institution  
114 and facility to determine safety and security deficiencies. In  
115 scheduling the inspections, priority shall be given to older  
116 institutions and facilities; ~~institutions and facilities~~ that  
117 house a large proportion of violent offenders; institutions and  
118 facilities that have experienced a significant number of  
119 inappropriate incidents of use of force on inmates, assaults on  
120 employees, or inmate sexual abuse; ~~and institutions and~~  
121 facilities that have experienced a significant number of escapes  
122 or escape attempts in the past.

123 (3)(b) Direct appropriate department staff to conduct or  
124 cause to be conducted announced and unannounced comprehensive  
125 security audits of all state and private correctional

126 | institutions and facilities. Priority shall be given to those  
127 | institutions and facilities that have experienced a significant  
128 | number of inappropriate incidents of use of force on inmates,  
129 | assaults on employees, or sexual abuse ~~In conducting the~~  
130 | ~~security audits, priority shall be given to older institutions,~~  
131 | ~~institutions that house a large proportion of violent offenders,~~  
132 | ~~and institutions that have experienced a history of escapes or~~  
133 | ~~escape attempts.~~ At a minimum, the audit must ~~shall~~ include an  
134 | evaluation of the physical plant, landscaping, fencing, security  
135 | alarms and perimeter lighting, and confinement, arsenal, key and  
136 | lock, and entrance and exit ~~inmate classification and staffing~~  
137 | policies. The evaluation of the physical plant policies must  
138 | include the identification of blind spots or areas where staff  
139 | or inmates may be isolated and the deployment of video  
140 | monitoring systems and other appropriate monitoring technologies  
141 | in such spots or areas. Each correctional institution and  
142 | facility shall be audited at least annually. The secretary shall  
143 | annually report the audit ~~general survey~~ findings ~~annually~~ to  
144 | the Governor and the Legislature.

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

- 147 | ~~1. Random monitoring of outgoing telephone calls by~~  
148 | ~~inmates.~~
- 149 | ~~2. Maintenance of current photographs of all inmates.~~
- 150 | ~~3. Daily inmate counts at varied intervals.~~

151 ~~4. Use of canine units, where appropriate.~~

152 ~~5. Use of escape alarms and perimeter lighting.~~

153 ~~6. Florida Crime Information Center/National Crime~~  
154 ~~Information Center capabilities.~~

155 ~~7. Employment background investigations.~~

156 ~~(d) Annually make written prioritized budget~~  
157 ~~recommendations to the secretary that identify critical security~~  
158 ~~deficiencies at major correctional institutions.~~

159 (4)(e) Direct appropriate department staff to investigate  
160 and evaluate the usefulness and dependability of existing safety  
161 and security technology at state and private correctional the  
162 institutions and facilities, investigate and evaluate new  
163 available safety and security technology, available and make  
164 periodic written recommendations to the secretary on the  
165 discontinuation or purchase of various safety and security  
166 devices.

167 (5)(f) Direct appropriate department staff to contract, if  
168 deemed necessary, with security personnel, consulting engineers,  
169 architects, or other safety and security experts the department  
170 committee deems necessary for safety and security audits and  
171 security consultant services.

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

175 (7)(2) Direct appropriate department staff to maintain and

176 produce quarterly reports with accurate escape statistics. For  
177 the purposes of these reports, the term "escape" includes all  
178 possible types of escape, regardless of prosecution by the state  
179 attorney, and includes ~~including~~ offenders who walk away from  
180 nonsecure community facilities.

181 (8)-(3) Direct appropriate department staff to adopt,  
182 enforce, and annually evaluate the emergency escape response  
183 procedures, which must ~~shall~~ at a minimum include the immediate  
184 notification and inclusion of local and state law enforcement  
185 through a mutual aid agreement.

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

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

191 (a) Random monitoring of outgoing telephone calls by  
192 inmates.

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

194 (c) Daily inmate counts at varied intervals.

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

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

197 (f) Use of the Florida Crime Information Center and  
198 National Crime Information Center capabilities.

199 (g) Employment background investigations.

200 (11)-(4) Direct appropriate department staff to submit in



201 the annual legislative budget request a prioritized summary of  
202 critical safety and security deficiencies and repair and  
203 renovation security needs.

204 Section 3. Subsection (5) of section 944.17, Florida  
205 Statutes, is amended to read:

206 944.17 Commitments and classification; transfers.—

207 (5) The department shall also refuse to accept a person  
208 into the state correctional system unless the following  
209 documents are presented in a completed form by the sheriff or  
210 chief correctional officer, or a designated representative, to  
211 the officer in charge of the reception process. The department  
212 may, at its discretion, receive such documents electronically:

213 (a) The uniform commitment and judgment and sentence forms  
214 as described in subsection (4).

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

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

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

220 (e) A copy of the Criminal Punishment Code scoresheet and  
221 any attachments thereto prepared pursuant to Rule 3.701, Rule  
222 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or  
223 any other rule pertaining to the preparation of felony  
224 sentencing scoresheets.

225 (f) A copy of the restitution order or the reasons by the

226 | court for not requiring restitution pursuant to s. 775.089(1).

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

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

230 |       (i) Any available health assessments including medical,  
231 | mental health, and dental, including laboratory or test  
232 | findings; custody classification; disciplinary and adjustment;  
233 | and substance abuse assessment and treatment information which  
234 | may have been developed during the period of incarceration  
235 | before ~~prior to~~ the transfer of the person to the department's  
236 | custody. Available information shall be transmitted on standard  
237 | forms developed by the department.

238 |  
239 | In addition, the sheriff or other officer having such person in  
240 | charge shall also deliver with the foregoing documents any  
241 | available presentence investigation reports as described in s.  
242 | 921.231 and any attached documents. After a prisoner is admitted  
243 | into the state correctional system, the department may request  
244 | such additional records relating to the prisoner as it considers  
245 | necessary from the clerk of the court, the Department of  
246 | Children and Families, or any other state or county agency for  
247 | the purpose of determining the prisoner's proper custody  
248 | classification, gain-time eligibility, or eligibility for early  
249 | release programs. An agency that receives such a request from  
250 | the department must provide the information requested. The

251 department may, at its discretion, receive such information  
252 electronically.

253 Section 4. Paragraphs (b) and (d) of subsection (4) of  
254 section 944.275, Florida Statutes, are amended, and paragraph  
255 (f) is added to that subsection, to read:

256 944.275 Gain-time.—

257 (4)

258 (b) For each month in which an inmate works diligently,  
259 participates in training, uses time constructively, or otherwise  
260 engages in positive activities, the department may grant  
261 incentive gain-time in accordance with this paragraph. The rate  
262 of incentive gain-time in effect on the date the inmate  
263 committed the offense which resulted in his or her incarceration  
264 shall be the inmate's rate of eligibility to earn incentive  
265 gain-time throughout the period of incarceration and shall not  
266 be altered by a subsequent change in the severity level of the  
267 offense for which the inmate was sentenced.

268 1. For sentences imposed for offenses committed prior to  
269 January 1, 1994, up to 20 days of incentive gain-time may be  
270 granted. If granted, such gain-time shall be credited and  
271 applied monthly.

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

274 a. For offenses ranked in offense severity levels 1  
275 through 7, under former s. 921.0012 or former s. 921.0013, up to

276 25 days of incentive gain-time may be granted. If granted, such  
277 gain-time shall be credited and applied monthly.

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

282 3. For sentences imposed for offenses committed on or  
283 after October 1, 1995, the department may grant up to 10 days  
284 per month of incentive gain-time, ~~except that no prisoner is~~  
285 ~~eligible to earn any type of gain-time in an amount that would~~  
286 ~~cause a sentence to expire, end, or terminate, or that would~~  
287 ~~result in a prisoner's release, prior to serving a minimum of 85~~  
288 ~~percent of the sentence imposed. For purposes of this~~  
289 ~~subparagraph, credits awarded by the court for time physically~~  
290 ~~incarcerated shall be credited toward satisfaction of 85 percent~~  
291 ~~of the sentence imposed. Except as provided by this section, a~~  
292 ~~prisoner shall not accumulate further gain-time awards at any~~  
293 ~~point when the tentative release date is the same as that date~~  
294 ~~at which the prisoner will have served 85 percent of the~~  
295 ~~sentence imposed. State prisoners sentenced to life imprisonment~~  
296 ~~shall be incarcerated for the rest of their natural lives,~~  
297 ~~unless granted pardon or clemency.~~

298 (d) Notwithstanding the monthly maximum awards of  
299 incentive gain-time under subparagraphs (b)1., and 2., and 3.,  
300 the education program manager shall recommend, and the

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301 Department of Corrections may grant, a one-time award of 60  
302 additional days of incentive gain-time to an inmate who is  
303 otherwise eligible and who successfully completes requirements  
304 for and is, or has been during the current commitment, awarded a  
305 high school equivalency diploma or vocational certificate. Under  
306 no circumstances may an inmate receive more than 60 days for  
307 educational attainment pursuant to this section.

308 (f) An inmate who is subject to subparagraph (b)3. is not  
309 eligible to earn or receive gain-time under paragraph (a),  
310 paragraph (b), paragraph (c), or paragraph (d) or any other type  
311 of gain-time in an amount that would cause a sentence to expire,  
312 end, or terminate, or that would result in a prisoner's release,  
313 prior to serving a minimum of 85 percent of the sentence  
314 imposed. For purposes of this paragraph, credits awarded by the  
315 court for time physically incarcerated shall be credited toward  
316 satisfaction of 85 percent of the sentence imposed. Except as  
317 provided by this section, a prisoner may not accumulate further  
318 gain-time awards at any point when the tentative release date is  
319 the same as that date at which the prisoner will have served 85  
320 percent of the sentence imposed. State prisoners sentenced to  
321 life imprisonment shall be incarcerated for the rest of their  
322 natural lives, unless granted pardon or clemency.

323 Section 5. Subsection (2) of section 944.597, Florida  
324 Statutes, is amended to read:

325 944.597 Transportation and return of prisoners by private

326 transport company.—

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

330 (a) That the transport company shall maintain adequate  
331 liability coverage with respect to the transportation of  
332 prisoners.~~;~~

333 (b) That the transport company shall require its employees  
334 to complete at least 100 hours of training before transporting  
335 prisoners. The curriculum for such training must be approved by  
336 the department and include instruction in:

337 1. Use of restraints;

338 2. Searches of prisoners;

339 3. Use of force, including use of appropriate weapons and  
340 firearms;

341 4. Cardiopulmonary resuscitation;

342 5. Map reading; and

343 6. Defensive driving. ~~personnel employed with the~~  
344 ~~transport company who are based in the state shall meet the~~  
345 ~~minimum standards in accordance with s. 943.13 and that~~  
346 ~~personnel employed with the transport company based outside of~~  
347 ~~Florida shall meet the minimum standards for a correctional~~  
348 ~~officer or law enforcement officer in the state where the~~  
349 ~~employee is based;~~

350 (c) That the transport company shall adhere to standards

351 | which provide for humane treatment of prisoners while in the  
 352 | custody of the transport company.~~‡~~

353 | (d) That the transport company shall submit reports to the  
 354 | department regarding incidents of escape, use of force, and  
 355 | accidents involving prisoners in the custody of the transport  
 356 | company.

357 | Section 6. Section 945.36, Florida Statutes, is amended to  
 358 | read:

359 | 945.36 Exemption from health testing regulations for law  
 360 | enforcement personnel conducting drug tests on inmates and  
 361 | releasees.—

362 | (1) Any law enforcement officer, state or county probation  
 363 | officer, ~~or~~ employee of the Department of Corrections, or  
 364 | employee of a contracted community correctional center who is  
 365 | certified by the Department of Corrections pursuant to  
 366 | subsection (2), is exempt from part I of chapter 483, for the  
 367 | limited purpose of administering a urine screen drug test to:

- 368 | (a) Persons during incarceration;
- 369 | (b) Persons released as a condition of probation for  
 370 | either a felony or misdemeanor;
- 371 | (c) Persons released as a condition of community control;
- 372 | (d) Persons released as a condition of conditional  
 373 | release;
- 374 | (e) Persons released as a condition of parole;
- 375 | (f) Persons released as a condition of provisional

376 | release;

377 |         (g) Persons released as a condition of pretrial release;

378 | or

379 |         (h) Persons released as a condition of control release.

380 |         (2) The Department of Corrections shall develop a  
 381 | procedure for certification of any law enforcement officer,  
 382 | state or county probation officer, ~~or~~ employee of the Department  
 383 | of Corrections, or employee of a contracted community  
 384 | correctional center to perform a urine screen drug test on the  
 385 | persons specified in subsection (1).

386 |         Section 7. Section 958.11, Florida Statutes, is amended to  
 387 | read:

388 |         958.11 Designation of institutions and programs for  
 389 | youthful offenders; assignment from youthful offender  
 390 | institutions and programs.—

391 |         (1) The department shall by rule designate separate  
 392 | institutions and programs for youthful offenders and shall  
 393 | employ and utilize personnel specially qualified by training and  
 394 | experience to operate all such institutions and programs for  
 395 | youthful offenders. Youthful offenders who are at least 14 years  
 396 | of age but who have not yet reached the age of 18 ~~19~~ years at  
 397 | the time of reception shall be separated from ~~youthful~~ offenders  
 398 | who are 18 ~~19~~ years of age or older, ~~except that if the~~  
 399 | ~~population of the facilities designated for 14-year-old to 18-~~  
 400 | ~~year-old youthful offenders exceeds 100 percent of lawful~~



401 ~~capacity, the department may assign 18-year-old youthful~~  
402 ~~offenders to the 19-24 age group facility.~~

403 (2) Youthful offender institutions and programs shall  
404 contain only those youthful offenders sentenced as such by a  
405 court or classified as such by the department, pursuant to the  
406 requirements of subsections (7) ~~(4)~~ and (9) ~~(6)~~, except that  
407 under special circumstances select adult offenders may be  
408 assigned to youthful offender institutions. All female youthful  
409 offenders ~~of all ages~~ may continue to be housed together at  
410 those institutions designated by department rule ~~until such time~~  
411 ~~as institutions for female youthful offenders are established or~~  
412 ~~adapted to allow for separation by age and to accommodate all~~  
413 ~~eustody classifications.~~

414 (3) The department may assign a youthful offender who is  
415 18 years of age or older to a facility in the state correctional  
416 system which is not designated for the care, custody, control,  
417 and supervision of youthful offenders or an age group only in  
418 the following circumstances:

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

421 (b) If the youthful offender becomes such a serious  
422 management or disciplinary problem resulting from serious  
423 violations of the rules of the department that his or her  
424 original assignment would be detrimental to the interests of the  
425 program and to other inmates committed thereto.

426 (c) If the youthful offender needs medical treatment,  
427 health services, or other specialized treatment otherwise not  
428 available at the youthful offender facility.

429 (d) If the department determines that the youthful  
430 offender should be transferred outside of the state correctional  
431 system, as provided by law, for services not provided by the  
432 department.

433 (e) If bed space is not available in a designated  
434 community residential facility, the department may assign a  
435 youthful offender to a community residential facility, provided  
436 that the youthful offender is separated from other offenders  
437 insofar as is practical.

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

443 (5)~~(f)~~ If the youthful offender was originally assigned to  
444 a facility designated for 14- to 17-year-old ~~14-year-old to 18-~~  
445 ~~year-old~~ youthful offenders, but subsequently reaches the age of  
446 18 ~~19~~ years, the department may retain the youthful offender in  
447 a the facility designated for 18- to 22-year-old youthful  
448 offenders if the department determines that it is in the best  
449 interest of the youthful offender and the department.

450 (6) If the youthful offender was originally assigned to a

451 facility designated for 18- to 22-year-old youthful offenders,  
452 but subsequently reaches the age of 23 years, the department may  
453 retain the offender in the facility until the age of 25 if the  
454 department determines that it is in the best interest of the  
455 youthful offender and the department.

456 ~~(g) If the department determines that a youthful offender~~  
457 ~~originally assigned to a facility designated for the 19-24 age~~  
458 ~~group is mentally or physically vulnerable by such placement,~~  
459 ~~the department may reassign a youthful offender to a facility~~  
460 ~~designated for the 14-18 age group if the department determines~~  
461 ~~that a reassignment is necessary to protect the safety of the~~  
462 ~~youthful offender or the institution.~~

463 ~~(h) If the department determines that a youthful offender~~  
464 ~~originally assigned to a facility designated for the 14-18 age~~  
465 ~~group is disruptive, incorrigible, or uncontrollable, the~~  
466 ~~department may reassign a youthful offender to a facility~~  
467 ~~designated for the 19-24 age group if the department determines~~  
468 ~~that a reassignment would best serve the interests of the~~  
469 ~~youthful offender and the department.~~

470 (7)(4) The department shall continuously screen all  
471 institutions, facilities, and programs for any inmate who meets  
472 the eligibility requirements for youthful offender designation  
473 specified in s. 958.04(1)(a) and (c) whose age does not exceed  
474 24 years and whose total length of sentence does not exceed 10  
475 years, and the department may classify and assign as a youthful

476 offender any inmate who meets the criteria of this subsection.

477 (8)~~(5)~~ The department shall coordinate all youthful  
478 offender assignments or transfers and shall review and maintain  
479 access to full and complete documentation and substantiation of  
480 all such assignments or transfers of youthful offenders to or  
481 from facilities in the state correctional system which are not  
482 designated for their care, custody, and control, except  
483 assignments or transfers made pursuant to paragraph (3)(c).

484 (9)~~(6)~~ The department may assign to a youthful offender  
485 facility any inmate, except a capital or life felon, whose age  
486 does not exceed 19 years but who does not otherwise meet the  
487 criteria of this section, if the department determines that such  
488 inmate's mental or physical vulnerability would substantially or  
489 materially jeopardize his or her safety in a nonyouthful  
490 offender facility. Assignments made under this subsection shall  
491 be included in the department's annual report.

492 Section 8. Paragraph (e) of subsection (1) of section  
493 921.002, Florida Statutes, is amended to read:

494 921.002 The Criminal Punishment Code.—The Criminal  
495 Punishment Code shall apply to all felony offenses, except  
496 capital felonies, committed on or after October 1, 1998.

497 (1) The provision of criminal penalties and of limitations  
498 upon the application of such penalties is a matter of  
499 predominantly substantive law and, as such, is a matter properly  
500 addressed by the Legislature. The Legislature, in the exercise

501 of its authority and responsibility to establish sentencing  
502 criteria, to provide for the imposition of criminal penalties,  
503 and to make the best use of state prisons so that violent  
504 criminal offenders are appropriately incarcerated, has  
505 determined that it is in the best interest of the state to  
506 develop, implement, and revise a sentencing policy. The Criminal  
507 Punishment Code embodies the principles that:

508 (e) The sentence imposed by the sentencing judge reflects  
509 the length of actual time to be served, shortened only by the  
510 application of incentive and meritorious gain-time as provided  
511 by law, and may not be shortened if the defendant would  
512 consequently serve less than 85 percent of his or her term of  
513 imprisonment as provided in s. 944.275(4) ~~944.275(4)(b)3~~. The  
514 provisions of chapter 947, relating to parole, shall not apply  
515 to persons sentenced under the Criminal Punishment Code.

516 Section 9. This act shall take effect July 1, 2017.