

By the Committee on Criminal Justice; and Senator Bracy

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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

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30 be granted a one-time award of 60 additional days of  
31 incentive gain-time by the department; clarifying when  
32 gain-time can 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:  
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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 Department  
70 of Children and Families which are assigned primary duties of  
71 serving as the superintendent or assistant superintendent of an  
72 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 assigned  
86 the duties of Environmental Administrator, Assistant County  
87 Health Department Director, and County Health Department

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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 Science  
100 Program; creation; investigative, forensic, and related  
101 authority.—

102 (6) (a) In furtherance of the duties and responsibilities of  
103 the inspector general under s. 944.31, if the Department of Law  
104 Enforcement is conducting an investigation or assisting in the  
105 investigation of an injury to or death of an inmate which occurs  
106 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

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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 to  
130 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

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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

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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

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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~~ 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~~ 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.



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- 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 offense  
259 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

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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

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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 after  
313 January 1, 1994, and before October 1, 1995:

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

318 b. For offenses ranked in offense severity levels 8, 9, and  
319 10, under former s. 921.0012 or former s. 921.0013, up to 20

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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 after  
323 October 1, 1995, the department may grant up to 10 days per  
324 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 incentive  
339 gain-time under subparagraphs (b)1., and 2., and 3., the  
340 education program manager shall recommend, and the Department of  
341 Corrections may grant, a one-time award of 60 additional days of  
342 incentive gain-time to an inmate who is otherwise eligible and  
343 who successfully completes requirements for and is, or has been  
344 during the current commitment, awarded a high school equivalency  
345 diploma or vocational certificate. Under no circumstances may an  
346 inmate receive more than 60 days for educational attainment  
347 pursuant to this section.

348 (f) An inmate who is subject to subparagraph (b)3. is not

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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 before serving a minimum of 85 percent of the sentence imposed.  
354 For purposes of this paragraph, credits awarded by the court for  
355 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 a 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;

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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 transport~~  
 384 ~~company who are based in the state shall meet the minimum~~  
 385 ~~standards in accordance with s. 943.13 and that personnel~~  
 386 ~~employed with the transport company based outside of Florida~~  
 387 ~~shall meet the minimum standards for a correctional officer or~~  
 388 ~~law enforcement officer in the state where the employee is~~  
 389 ~~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

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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 either  
410 a felony or misdemeanor;

411 (c) Persons released as a condition of community control;

412 (d) Persons released as a condition of conditional release;

413 (e) Persons released as a condition of parole;

414 (f) Persons released as a condition of provisional release;

415 (g) Persons released as a condition of pretrial release; or

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

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

423 Section 8. Section 958.11, Florida Statutes, is amended to  
424 read:

425 958.11 Designation of institutions and programs for  
426 youthful offenders; assignment from youthful offender  
427 institutions and programs.—

428 (1) The department shall by rule designate separate  
429 institutions and programs for youthful offenders and shall  
430 employ and utilize personnel specially qualified by training and  
431 experience to operate all such institutions and programs for  
432 youthful offenders. Youthful offenders who are at least 14 years  
433 of age but who have not yet reached the age of 18 ~~19~~ years at  
434 the time of reception shall be separated from ~~youthful~~ offenders  
435 who are 18 ~~19~~ years of age or older, ~~except that if the~~

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436 ~~population of the facilities designated for 14-year-old to 18-~~  
437 ~~year-old youthful offenders exceeds 100 percent of lawful~~  
438 ~~capacity, the department may assign 18-year-old youthful~~  
439 ~~offenders to the 19-24 age group facility.~~

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

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

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

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

463 (c) If the youthful offender needs medical treatment,  
464 health services, or other specialized treatment otherwise not



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465 available at the youthful offender facility.

466 (d) If the department determines that the youthful offender  
467 should be transferred outside of the state correctional system,  
468 as provided by law, for services not provided by the department.

469 (e) If bed space is not available in a designated community  
470 residential facility, the department may assign a youthful  
471 offender to a community residential facility, provided that the  
472 youthful offender is separated from other offenders insofar as  
473 is practical.

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

479 (5)~~(f)~~ If the youthful offender was originally assigned to  
480 a facility designated for 14- to 17-year-old ~~14-year-old to 18-~~  
481 ~~year-old~~ youthful offenders, but subsequently reaches the age of  
482 18 ~~19~~ years, the department may retain the youthful offender in  
483 a the facility designated for 18- to 22-year-old youthful  
484 offenders if the department determines that it is in the best  
485 interest of the youthful offender and the department.

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

492 ~~(g) If the department determines that a youthful offender~~  
493 ~~originally assigned to a facility designated for the 19-24 age~~

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494 ~~group is mentally or physically vulnerable by such placement,~~  
495 ~~the department may reassign a youthful offender to a facility~~  
496 ~~designated for the 14-18 age group if the department determines~~  
497 ~~that a reassignment is necessary to protect the safety of the~~  
498 ~~youthful offender or the institution.~~

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

506 (7)~~(4)~~ The department shall continuously screen all  
507 institutions, facilities, and programs for any inmate who meets  
508 the eligibility requirements for youthful offender designation  
509 specified in s. 958.04(1)(a) and (c) whose age does not exceed  
510 24 years and whose total length of sentence does not exceed 10  
511 years, and the department may classify and assign as a youthful  
512 offender any inmate who meets the criteria of this subsection.

513 (8)~~(5)~~ The department shall coordinate all youthful  
514 offender assignments or transfers and shall review and maintain  
515 access to full and complete documentation and substantiation of  
516 all such assignments or transfers of youthful offenders to or  
517 from facilities in the state correctional system which are not  
518 designated for their care, custody, and control, except  
519 assignments or transfers made pursuant to paragraph (3)(c).

520 (9)~~(6)~~ The department may assign to a youthful offender  
521 facility any inmate, except a capital or life felon, whose age  
522 does not exceed 19 years but who does not otherwise meet the

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523 criteria of this section, if the department determines that such  
524 inmate's mental or physical vulnerability would substantially or  
525 materially jeopardize his or her safety in a nonyouthful  
526 offender facility. Assignments made under this subsection shall  
527 be included in the department's annual report.

528 Section 9. Paragraph (e) of subsection (1) of section  
529 921.002, Florida Statutes, is amended to read:

530 921.002 The Criminal Punishment Code.—The Criminal  
531 Punishment Code shall apply to all felony offenses, except  
532 capital felonies, committed on or after October 1, 1998.

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

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

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