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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2017	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 921.188, Florida Statutes, is amended to
read:

921.188 Placement of certain state inmates in local
detention facilities.—

(1) For offenses committed on or after ~~Effective~~ June 17,
1993 and before July 1, 2018, notwithstanding the provisions of



11 ss. 775.08, former 921.001, 921.002, 921.187, 944.02, and
12 951.23, or any other law to the contrary, a person whose
13 presumptive sentence is 1 year and 1 day up to 22 months in a
14 state correctional institution may be placed by the court into
15 the custody of a local detention facility as a condition of
16 probation or community control for a felony offense contained in
17 sentencing guidelines categories five through nine contained in
18 Rules 3.701 and 3.988, Florida Rules of Criminal Procedure, or
19 similar levels described in s. 921.0022, except for such person
20 whose total sentence points are greater than 52 or less than 40.
21 The court may place such person for the duration of the
22 presumptive sentence. The court may only place a person in a
23 local detention facility pursuant to this section if there is a
24 contractual agreement between the chief correctional officer of
25 that county and the Department of Corrections. The contract may
26 include all operational functions, or only housing wherein the
27 department would provide staffing and medical costs. The
28 agreement must provide for a per diem or partial per diem
29 reimbursement for each person placed under this section, which
30 is payable by the Department of Corrections for the duration of
31 the offender's placement in the facility. The full per diem
32 reimbursement may not exceed the per diem published in the
33 Department of Corrections' most recent annual report for total
34 department facilities. This section does not limit the court's
35 ability to place a person in a local detention facility for less
36 than 1 year.

37 (2) (a) For offenses committed on or after July 1, 2018,
38 notwithstanding ss. 775.08 and 921.0024 or any other provision
39 of law, a court may sentence an offender to a term in the county



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40 jail in the county where the offense was committed for up to 24
41 months if the offender meets all of the following criteria:

42 1. The offender's total sentence points score, as provided
43 in s. 921.0024, is more than 44 points but no more than 60
44 points.

45 2. The offender's primary offense is not a forcible felony
46 as defined in s. 776.08, except that an offender whose primary
47 offense is a third degree felony under chapter 810 is eligible
48 to be sentenced to a county jail under this subsection.

49 3. The offender's primary offense is not punishable by a
50 minimum mandatory sentence of more than 24 months.

51 (b) As a condition of the sentence, the court shall order
52 that an offender will:

53 1. Be under the jurisdiction of the Department of
54 Corrections.

55 2. Serve the remainder of his or her sentence in a
56 Department of Corrections facility in the event a contract
57 between the chief correctional officer and the Department of
58 Corrections expires, terminates, or is not renewed during an
59 offender's sentence term.

60 (c) An offender sentenced to county jail under this section
61 may not receive gain-time or other sentence credit in an amount
62 that would cause the offender's sentence to expire, end, or
63 terminate, or that would result in the offender's release, prior
64 to serving a minimum of 85 percent of the sentence imposed.

65 (d)1. A court may only sentence an offender to a county
66 jail pursuant to this section if there is a contractual
67 agreement between the chief correctional officer of that county
68 and the Department of Corrections.



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69 2. If the chief correctional officer of a county requests
70 the Department of Corrections to enter into a contract that
71 allows offenders to be sentenced to the county jail pursuant to
72 subsection (1), subject to the restrictions of this paragraph
73 and subsections (4) and (7), the Department of Corrections must
74 enter into such a contract. The contract must specifically
75 establish the maximum number of beds and the validated per diem
76 rate. The contract must provide for per diem reimbursement for
77 occupied inmate days based on the contracting county's most
78 recent annual adult male custody or adult female custody per
79 diem rates, not to exceed \$60 per inmate.

80 (e) A contract under this section is contingent upon a
81 specific appropriation in the General Appropriations Act.
82 Contracts must be awarded by the Department of Corrections on a
83 first-come, first-served basis up to the maximum appropriation
84 allowable in the General Appropriations Act for this purpose.
85 The maximum appropriation allowable consists of funds
86 appropriated in or transferred to the specific appropriation in
87 the Inmates Sentenced to County Jail appropriation category.
88 Prior to any transferred appropriation under this section, the
89 Inmates Sentenced to County Jail appropriation category provides
90 for estimated incremental appropriation for county jail beds
91 contracted under this section in excess of the Department of
92 Corrections' per diem for adult male and female inmates.

93 (f) The Department of Corrections shall transfer funds
94 pursuant to s. 216.177 from other appropriation categories
95 within the Adult Male Custody Operations or Adult and Youthful
96 Offender Female Custody Operations budget entities to the
97 Inmates Sentenced to County Jail appropriation category in an



98 amount necessary to satisfy the requirements of each executed
99 contract, but not to exceed the Department of Corrections'
100 average total per diem published for the preceding fiscal year
101 for adult male custody or adult and youthful offender female
102 custody inmates for each county jail bed contracted.

103 (g) The Department of Corrections shall assume maximum
104 annual value of each contract when determining the full use of
105 funds appropriated to ensure that the maximum appropriation
106 allowable is not exceeded.

107 (h) All contractual per diem rates under this section and
108 all per diem rates used by the Department of Corrections must be
109 validated by the Auditor General before payments are made.

110 Section 2. This act shall take effect July 1, 2018

112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete everything before the enacting clause
115 and insert:

116 A bill to be entitled
117 An act relating to sentencing; amending s. 921.188,
118 F.S.; authorizing a court to sentence certain
119 offenders to a county jail for up to 24 months if the
120 county has a contract with the Department of
121 Corrections; requiring sentencing conditions;
122 prohibiting an offender from receiving gain-time or
123 other sentence credit that would result in the
124 offender serving less than 85 percent of the
125 offender's sentence; providing contractual
126 requirements; requiring specific appropriations;



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127 providing for such appropriations; requiring
128 validation of per diem rates; providing an effective
129 date.