

By Senator Bradley

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1 A bill to be entitled
2 An act relating to sentencing; creating s. 950.021,
3 F.S.; authorizing a court to sentence certain
4 offenders to a county jail for up to 24 months if the
5 county has a contract with the Department of
6 Corrections; prohibiting an offender from receiving
7 gain-time or other sentence credit that would result
8 in the offender serving less than 85 percent of the
9 offender's sentence; providing contractual
10 requirements; requiring specific appropriations;
11 providing for such appropriations; requiring
12 validation of per diem rates; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 950.021, Florida Statutes, is created to
18 read:

19 950.021 Sentencing of offenders to county jail.-

20 (1) Notwithstanding s. 921.0024 or any other provision of
21 law, and effective for offenses committed on or after July 1,
22 2018, a court may sentence an offender to a term in the county
23 jail in the county where the offense was committed for up to 24
24 months if the offender meets all of the following criteria:

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

28 (b) The offender's primary offense is not a forcible felony
29 as defined in s. 776.08, except that an offender whose primary

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30 offense is a third degree felony under chapter 810 is eligible
31 to be sentenced to a county jail under this subsection.

32 (c) The offender's primary offense is not punishable by a
33 minimum mandatory sentence of more than 24 months.

34 (2) An offender sentenced to county jail under this section
35 may not receive gain-time or other sentence credit in an amount
36 that would cause the offender's sentence to expire, end, or
37 terminate, or that would result in the offender's release, prior
38 to serving a minimum of 85 percent of the sentence imposed.

39 (3) (a) A court may only sentence an offender to a county
40 jail pursuant to this section if there is a contractual
41 agreement between the chief correctional officer of that county
42 and the Department of Corrections.

43 (b) If the chief correctional officer of a county requests
44 the Department of Corrections to enter into a contract that
45 allows offenders to be sentenced to the county jail pursuant to
46 subsection (1), subject to the restrictions of this paragraph
47 and subsections (4) and (7), the Department of Corrections must
48 enter into such a contract. The contract must specifically
49 establish the maximum number of beds and the validated per diem
50 rate. The contract must provide for per diem reimbursement for
51 occupied inmate days based on the contracting county's most
52 recent annual adult male custody or adult female custody per
53 diem rates, not to exceed \$60 per inmate.

54 (4) A contract under this section is contingent upon a
55 specific appropriation in the General Appropriations Act.
56 Contracts must be awarded by the Department of Corrections on a
57 first-come, first-served basis up to the maximum appropriation
58 allowable in the General Appropriations Act for this purpose.

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59 The maximum appropriation allowable consists of funds
60 appropriated in or transferred to the specific appropriation in
61 the Inmates Sentenced to County Jail appropriation category.
62 Prior to any transferred appropriation under this section, the
63 Inmates Sentenced to County Jail appropriation category provides
64 for estimated incremental appropriation for county jail beds
65 contracted under this section in excess of the Department of
66 Corrections' per diem for adult male and female inmates.

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

77 (6) The Department of Corrections shall assume maximum
78 annual value of each contract when determining the full use of
79 funds appropriated to ensure that the maximum appropriation
80 allowable is not exceeded.

81 (7) All contractual per diem rates under this section and
82 all per diem rates used by the Department of Corrections must be
83 validated by the Auditor General before payments are made.

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