

By Senator Brandes

24-00770-20

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1                   A bill to be entitled  
2       An act relating to sentencing; amending s. 921.00241,  
3       F.S.; revising the criteria under which certain  
4       offenders sentenced after a specified date may be  
5       sentenced to a nonstate prison sanction under a prison  
6       diversion program; providing an effective date.

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8   Be It Enacted by the Legislature of the State of Florida:

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10       Section 1. Section 921.00241, Florida Statutes, is amended  
11       to read:

12       921.00241 Prison diversion program.—

13       (1) Notwithstanding s. 921.0024 and effective for offenders  
14       sentenced on or after October 1, 2020 ~~offenses committed on or~~  
15       ~~after July 1, 2009~~, a court may divert from the state  
16       correctional system an offender who would otherwise be sentenced  
17       to a state facility by sentencing the offender to a nonstate  
18       prison sanction as provided in subsection (2). An offender may  
19       be sentenced to a nonstate prison sanction if the offender meets  
20       all of the following criteria:

21       (a) The offender's primary offense is a felony of the third  
22       degree or a felony of the second degree.

23       (b) The offender's total sentence points score, as provided  
24       in s. 921.0024, is 60 points or fewer ~~not more than 48 points,~~  
25       ~~or the offender's total sentence points score is 54 points and 6~~  
26       ~~of those points are for a violation of probation, community~~  
27       ~~control, or other community supervision, and do not involve a~~  
28       ~~new violation of law.~~

29       (c) The offender has not been convicted or previously

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30 convicted of a forcible felony as defined in s. 776.08, but  
31 excluding any third degree felony violation under chapter 810.

32 (d) The offender's primary offense does not require a  
33 minimum mandatory sentence.

34 (2) If the court elects to impose a sentence as provided in  
35 this section, the court must ~~shall~~ sentence the offender to a  
36 term of probation, community control, or community supervision  
37 with mandatory participation in a prison diversion program of  
38 the Department of Corrections if such program is funded and  
39 exists in the judicial circuit in which the offender is  
40 sentenced. The prison diversion program shall be designed to  
41 meet the unique needs of each judicial circuit and of the  
42 offender population of that circuit. The program may require  
43 residential, nonresidential, or day-reporting requirements;  
44 substance abuse treatment; employment; restitution; academic or  
45 vocational opportunities; or community service work.

46 (3) The court that sentences a defendant to a nonstate  
47 prison sanction pursuant to subsection (2) shall make written  
48 findings that the defendant meets the criteria in subsection  
49 (1); and the sentencing order must indicate that the offender  
50 was sentenced to the prison diversion program pursuant to  
51 subsection (2). The court may order the offender to pay all or a  
52 portion of the costs related to the prison diversion program if  
53 the court determines that the offender has the ability to pay.

54 Section 2. This act shall take effect October 1, 2020.