

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee

3 Representative Burgess offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 299 and 300, insert:

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8 Section 6. Paragraph (a) of Subsection (2) of section
 9 947.1405, Florida Statutes is amended to read:

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(2) Any inmate who:

11

(a) Is convicted of a crime committed on or after October
 12 1, 1988, and before January 1, 1994, and any inmate who is
 13 convicted of a crime committed on or after January 1, 1994,
 14 which crime is or was contained in category 1, category 2,
 15 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
 16 Rules of Criminal Procedure (1993), and who has served at least

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17 one prior felony commitment at a state or federal correctional
18 institution, or a sentence of more than 364 days in county jail;
19

20 Section 7. Section 950.021, Florida Statutes, is created to
21 read:

22 950.021 Sentencing of offenders to county jail.-

23 (1) Notwithstanding s. 921.0024 or any other provision of
24 law, and effective for offenses committed on or after July 1,
25 2015, a court may sentence an offender to a term in the county
26 jail under the custody of the chief correctional officer in the
27 county where the offense was committed for up to 24 months if
28 the offender meets all of the following criteria:

29 (a) The offender's total sentence points score, as
30 provided in s. 921.0024, is more than 44 points but no more than
31 60 points.

32 (b) The offender's primary offense is not a forcible
33 felony as defined in s. 776.08; however, an offender whose
34 primary offense is a third degree felony under chapter 810 is
35 not ineligible to be sentenced to a county jail under this
36 paragraph.

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

39 (d) Offenders sentenced under this section must serve a
40 minimum of 85% of the sentence.

41 (2) (a) The court may only sentence an offender to a county
42 jail pursuant to this section if there is a contractual

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43 agreement between the chief correctional officer of that county
44 and the Department of Corrections.

45 (b) If the chief correctional officer of a county requests
46 the Department of Corrections to enter into a contract that
47 allows offenders to be sentenced to the county jail pursuant to
48 subsection (1), subject to the restrictions of this paragraph
49 and subsections (3) and (6), the Department of Corrections must
50 enter into such a contract. The contract shall specifically
51 establish the maximum number of beds and the validated per diem
52 rate. The contract shall provide for per diem reimbursement for
53 occupied inmate days based on the contracting county's most
54 recent annual adult male custody or adult female custody per
55 diem rates, not to exceed \$60 per inmate.

56 (3) A contract under this section is contingent upon a
57 specific appropriation in the General Appropriations Act.
58 Contracts shall be awarded by the Department of Corrections on a
59 first-come, first-served basis up to the maximum appropriation
60 allowable in the General Appropriations Act for this purpose.
61 The maximum appropriation allowable consists of funds
62 appropriated in or transferred to the specific appropriation in
63 the Inmates Sentenced to County Jail appropriation category.
64 Prior to any transferred appropriation under this section, the
65 Inmates Sentenced to County Jail appropriation category provides
66 for estimated incremental appropriation for county jail beds
67 contracted under this section in excess of the Department of
68 Corrections' per diem for adult male and female inmates.

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

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

83 (6) All contractual per diem rates under this section as
84 well as the per diem rates used by the Department of Corrections
85 must be validated by the Auditor General before payments are
86 made.

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89 -----
90 **T I T L E A M E N D M E N T**

91 Remove line 33 and insert:
92 Circumstances; creating s. 950.021, F.S.; authorizing a court to
93 sentence certain offenders to a county jail for up to 24 months
94 if the county has a contract with the Department of Corrections;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7131 (2015)

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95 providing contractual requirements; requiring specific
96 appropriations; providing for such appropriations; requiring
97 validation of per diem rates; providing an effective date.