

1 A bill to be entitled
 2 An act relating to prison diversion programs; amending s.
 3 921.00241, F.S.; increasing the number of Criminal
 4 Punishment Code scoresheet total sentence points that a
 5 defendant may have and be eligible for a prison diversion
 6 program; authorizing the court to sentence the defendant
 7 to serve a term of jail not to exceed 90 days; providing a
 8 prison diversion program may require electronic
 9 monitoring; providing an effective date.

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

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13 Section 1. Section 921.0024, Florida Statutes, is amended to
 14 read:

15 921.00241 Prison diversion program.—

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

23 (a) The offender's primary offense is a felony of the
 24 third degree.

25 (b) The offender's total sentence points score, as
 26 provided in s. 921.0024, is not more than 60 ~~48~~ points, or the
 27 offender's total sentence points score is 66 ~~54~~ points and 6 of
 28 those points are for a violation of probation, community

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29 control, or other community supervision, and do not involve a
30 new violation of law.

31 (c) The offender has not been convicted or previously
32 convicted of a forcible felony as defined in s. 776.08, but
33 excluding any third degree felony violation under chapter 810.

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

36 (2) If the court elects to impose a sentence as provided
37 in this section, the court shall sentence the offender to a term
38 of jail not to exceed 90 days, probation, community control, or
39 community supervision with mandatory participation in a prison
40 diversion program of the Department of Corrections if such
41 program is funded and exists in the judicial circuit in which
42 the offender is sentenced. The prison diversion program shall be
43 designed to meet the unique needs of each judicial circuit and
44 of the offender population of that circuit. The program may
45 require electronic monitoring, residential, nonresidential, or
46 day-reporting requirements; substance abuse treatment;
47 employment; restitution; academic or vocational opportunities;
48 or community service work.

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

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57 | Section 2. This act shall take effect July 1, 2011. |