

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; providing contractual requirements;
 7 requiring specific appropriations; providing for such
 8 appropriations; requiring validation of per diem
 9 rates; providing an effective date.

10

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

12

13 Section 1. Section 950.021, Florida Statutes, is created
 14 to read:

15 950.021 Sentencing of offenders to county jail.-

16 (1) Notwithstanding s. 921.0024 or any other provision of
 17 law, and effective for offenses committed on or after July 1,
 18 2015, a court may sentence an offender to a term in the county
 19 jail in the county where the offense was committed for up to 24
 20 months if the offender meets all of the following criteria:

21 (a) The offender's total sentence points score, as
 22 provided in s. 921.0024, is more than 44 points but no more than
 23 60 points.

24 (b) The offender's primary offense is not a forcible
 25 felony as defined in s. 776.08; however, an offender whose
 26 primary offense is a third degree felony under chapter 810 is

27 not ineligible to be sentenced to a county jail under this
 28 paragraph.

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

31 (2) (a) The court may only sentence an offender to a county
 32 jail pursuant to this section if there is a contractual
 33 agreement between the chief correctional officer of that county
 34 and the Department of Corrections.

35 (b) If the chief correctional officer of a county requests
 36 the Department of Corrections to enter into a contract that
 37 allows offenders to be sentenced to the county jail pursuant to
 38 subsection (1), subject to the restrictions of this paragraph
 39 and subsections (3) and (6), the Department of Corrections must
 40 enter into such a contract. The contract shall specifically
 41 establish the maximum number of beds and the validated per diem
 42 rate. The contract shall provide for per diem reimbursement for
 43 occupied inmate days based on the contracting county's most
 44 recent annual adult male custody or adult female custody per
 45 diem rates, not to exceed \$60 per inmate.

46 (3) A contract under this section is contingent upon a
 47 specific appropriation in the General Appropriations Act.
 48 Contracts shall be awarded by the Department of Corrections on a
 49 first-come, first-served basis up to the maximum appropriation
 50 allowable in the General Appropriations Act for this purpose.
 51 The maximum appropriation allowable consists of funds
 52 appropriated in or transferred to the specific appropriation in

53 the Inmates Sentenced to County Jail appropriation category.
 54 Prior to any transferred appropriation under this section the
 55 Inmates Sentenced to County Jail appropriation category provides
 56 for estimated incremental appropriation for county jail beds
 57 contracted under this section in excess of the Department of
 58 Corrections' per diem for adult male and female inmates.

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

69 (5) The Department of Corrections shall assume maximum
 70 annual value of each contract when determining the full use of
 71 funds appropriated and to ensure that the maximum appropriation
 72 allowable is not exceeded.

73 (6) All contractual per diem rates under this section as
 74 well as the per diem rates used by the Department of Corrections
 75 must be validated by the Auditor General before payments are
 76 made.

77 Section 2. This act shall take effect July 1, 2015.