

By Senator Crist

12-01547-09

20092298__

1 A bill to be entitled
2 An act relating to the Department of Corrections;
3 amending s. 940.061, F.S.; removing provisions that
4 require the Department of Corrections to assist
5 eligible inmates and offenders on community
6 supervision to complete the application for the
7 restoration of civil rights; requiring the Department
8 of Corrections to send to the Parole Commission a
9 monthly electronic list of those offenders who may be
10 eligible for the restoration of their civil rights;
11 amending s. 944.35, F.S.; providing that an employee
12 of a private correctional facility commits a felony of
13 the third degree if he or she engages in sexual
14 misconduct with an inmate or an offender supervised by
15 the department in the community; providing an
16 exception; creating s. 945.604, F.S.; defining the
17 term "claim" for institutional and noninstitutional
18 purposes; specifying when a claim for payment or a
19 claim for overpayment is considered submitted;
20 describing procedures to follow when filing a claim
21 for payment and when filing a claim for overpayment;
22 providing that the filing procedures may not be
23 waived; creating s. 945.6041, F.S.; defining the terms
24 "emergency medical transportation services" and
25 "health care provider"; providing a compensation limit
26 if there is no contract between the department and a
27 health care provider or an emergency medical
28 transportation services provider and a medical service
29 is provided to an inmate by a health care provider or

12-01547-09

20092298__

30 an emergency medical transportation services provider;
31 providing an exception for charges for medical
32 services provided at a hospital operated by the
33 department; amending s. 947.1405, F.S.; requiring any
34 person who has been placed under supervision and is
35 electronically monitored by the department to pay the
36 department for the cost of the electronic monitoring
37 service; requiring that funds collected from the
38 person be deposited into the General Revenue Fund;
39 authorizing the Department of Corrections to exempt a
40 person from the payment of all or any part of the
41 electronic monitoring service cost under certain
42 circumstances; amending s. 948.01, F.S.; requiring the
43 court to use the orders of supervision prepared by the
44 Department of Corrections when placing a defendant on
45 community supervision; amending s. 948.03, F.S.;

46 requiring that a person placed on probation agree to
47 live in the community without violating any law and to
48 submit to having his or her digitized photograph taken
49 by the department; providing that the offender's
50 photograph may be displayed on the public website of
51 the department while the offender is on supervision;
52 amending s. 948.09, F.S.; requiring a person to pay
53 the department the cost of electronically monitoring
54 the offender while the offender is placed on
55 supervision; providing for a cost cap on the
56 monitoring service; providing that the department may
57 exempt a person from paying all or any part of the
58 costs of the electronic monitoring service under

12-01547-09

20092298__

59 certain circumstances; amending s. 948.101, F.S.;

60 removing terms and conditions for criminal quarantine

61 community control for a defendant who is being

62 sentenced for criminal transmission of HIV; amending

63 s. 948.11, F.S.; removing certain conditions related

64 to electronic monitoring; amending s. 951.23, F.S.;

65 removing requirements for the Department of

66 Corrections to collect specified data; amending s.

67 958.045, F.S.; requiring the Department of Corrections

68 to submit a report to the court at least 30 days

69 before a youthful offender is scheduled to complete

70 the basic training program; requiring the court to

71 modify the youthful offender's sentence and place the

72 offender on probation if the youthful offender has

73 successfully completed the basic training program;

74 amending s. 960.292, F.S.; requiring the court to

75 retain continuing jurisdiction over a convicted

76 offender for the duration of the sentence and up to 5

77 years after the offender is released from

78 incarceration or supervision for the sole purpose of

79 entering a civil restitution lien order; amending s.

80 906.293, F.S.; providing a methodology for determining

81 damages owed to the state by a convicted offender;

82 amending s. 906.297, F.S.; providing that the state

83 may initiate a civil action to collect costs at any

84 time during the offender's incarceration and up to 5

85 years after the offender is released from

86 incarceration or supervision; repealing ss. 944.293

87 and 948.001(3), F.S., relating to the restoration of

12-01547-09

20092298__

88 the civil rights of a convicted felon and criminal
89 quarantine community control, respectively; amending
90 s. 948.09, F.S.; conforming a cross-reference;
91 reenacting s. 921.0021(7)(c), F.S., relating to
92 definitions related to the severity ranking chart, to
93 incorporate the amendment made to s. 944.35, F.S., in
94 a reference thereto; providing an effective date.

95

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

97

98 Section 1. Section 940.061, Florida Statutes, is amended to
99 read:

100 940.061 Informing persons about executive clemency and
101 restoration of civil rights.—The Department of Corrections shall
102 inform and educate inmates and offenders on community
103 supervision about the restoration of civil rights ~~and assist~~
104 ~~eligible inmates and offenders on community supervision with the~~
105 ~~completion of the application for the restoration of civil~~
106 ~~rights.~~ The Department of Corrections shall send to the Parole
107 Commission each month an electronic list of those who may be
108 eligible for restoration of civil rights, including the names of
109 inmates released from incarceration and offenders who have
110 completed supervision.

111 Section 2. Paragraph (b) of subsection (3) of section
112 944.35, Florida Statutes, is amended to read:

113 944.35 Authorized use of force; malicious battery and
114 sexual misconduct prohibited; reporting required; penalties.—

115 (3)

116 (b)1. As used in this paragraph, the term "sexual

12-01547-09

20092298__

117 misconduct" means the oral, anal, or vaginal penetration by, or
118 union with, the sexual organ of another or the anal or vaginal
119 penetration of another by any other object, but does not include
120 an act done for a bona fide medical purpose or an internal
121 search conducted in the lawful performance of the employee's
122 duty.

123 2. Any employee of the department or employee of a private
124 correctional facility, as defined in s. 944.710, who engages in
125 sexual misconduct with an inmate or an offender supervised by
126 the department in the community, without committing the crime of
127 sexual battery, commits a felony of the third degree, punishable
128 as provided in s. 775.082, s. 775.083, or s. 775.084.

129 3. The consent of the inmate or offender supervised by the
130 department in the community to any act of sexual misconduct may
131 not be raised as a defense to a prosecution under this
132 paragraph.

133 4. This paragraph does not apply to any employee of the
134 department or any employee of a private correctional facility
135 who is legally married to an inmate or an offender supervised by
136 the department in the community, nor does it apply to any
137 employee who has no knowledge, and would have no reason to
138 believe, that the person with whom the employee has engaged in
139 sexual misconduct is an inmate or an offender under community
140 supervision of the department.

141 Section 3. Section 945.604, Florida Statutes, is created to
142 read:

143 945.604 Medical claims.-

144 (1) As used in this section, the term:

145 (a) "Claim" means, for a noninstitutional provider, a paper

12-01547-09

20092298__

146 or electronic billing instrument submitted to the department
147 that consists of the HCFA 1500 data set, or its successor, which
148 has all mandatory entries for a physician licensed under chapter
149 458, chapter 459, chapter 460, chapter 461, or chapter 463, or
150 psychologists licensed under chapter 490 or any appropriate
151 billing instrument that has all mandatory entries for any other
152 noninstitutional provider.

153 (b) "Claim" means, for an institutional provider, a paper
154 or electronic billing instrument submitted to the department
155 which consists of the UB-92 data set or its successor that has
156 entries stated as mandatory by the National Uniform Billing
157 Committee.

158 (2) (a) A claim for payment or underpayment is considered
159 submitted on the date the claim for payment is mailed or
160 electronically transferred to the department by the provider.

161 (b) A claim for overpayment is considered submitted on the
162 date the claim for overpayment is mailed or electronically
163 transferred to the provider by the department.

164 (3) (a) A claim for payment or underpayment must be
165 submitted to the department within 6 months after:

166 1. Discharge of the offender from the inpatient service or
167 the date of service for the outpatient service to the offender;
168 and

169 2. The provider has been furnished with the correct name
170 and address of the department.

171 (b) The department is not obligated to pay a claim for
172 payment or underpayment which was not submitted in accordance
173 with paragraph (a).

174 (c) A claim for payment or underpayment must not duplicate

12-01547-09

20092298__

175 a claim previously submitted unless it is determined the
176 original claim for payment or underpayment was not received or
177 is otherwise lost.

178 (4) (a) If the department determines that it has made an
179 overpayment to a provider for services rendered to an inmate, it
180 must deliver its claim for the overpayment to the location
181 officially designated by the provider. The department shall
182 provide a written or electronic statement specifying the basis
183 for the alleged overpayment. The department must identify the
184 claim or claims for which the claim for overpayment is
185 submitted.

186 (b) The department must submit a claim for overpayment to a
187 provider within 30 months after the department pays the claim.
188 However, the department may submit a claim for overpayment after
189 30 months if the provider to whom the claim is sent was
190 convicted of fraud under s. 817.234.

191 (c) A provider is not obligated to pay an alleged claim for
192 overpayment if the claim for overpayment was not submitted in
193 accordance with paragraph (b).

194 (d) A provider must pay, deny, or contest the department's
195 claim for overpayment within 40 days after receiving the claim
196 for overpayment.

197 (e) A provider that denies or contests the claim for
198 overpayment, or any portion of a claim, shall notify the
199 department, in writing, within 40 days after the provider
200 receives the claim for overpayment. The notice sent by the
201 provider shall identify any contested portion of the claim and
202 specify each reason the provider has for contesting or denying
203 the claim for overpayment.

12-01547-09

20092298__

204 (f) All contested claims for overpayment must be paid or
205 denied within 120 days after the provider receives the claim for
206 overpayment. Failure to pay or deny the claim for overpayment
207 within 140 days after receiving the claim creates an
208 uncontestable obligation to pay the claim.

209 (g) The department may not reduce payment to a provider for
210 other services rendered to the department unless the provider
211 agrees to the reduction or fails to respond to the claim for
212 overpayment as required by this subsection.

213 (5) This section may not be waived, voided, or nullified by
214 contract.

215 Section 4. Section 945.6041, Florida Statutes, is created
216 to read:

217 945.6041 Inmate medical services.—

218 (1) As used in this section, the term:

219 (a) "Emergency medical transportation services" include,
220 but are not limited to, services rendered by an ambulance
221 service, emergency medical services vehicle, or air ambulance
222 service as those terms are defined in s. 401.23.

223 (b) "Health care provider" has the same meaning as in s.
224 766.105.

225 (2) (a) If there is not a contract to provide inmate medical
226 services between the department and a health care provider, the
227 department shall compensate the health care provider for such
228 services at no more than 110 percent of the Medicare allowable
229 rate for the service rendered.

230 (b) Notwithstanding paragraph (a), if there is not a
231 contract to provide inmate medical services between the
232 department and a health care provider that reported a negative

12-01547-09

20092298

233 operating margin for the previous year to the Agency for Health
234 Care Administration, through hospital audited financial data,
235 the department shall compensate the provider for such services
236 at no more than 125 percent of the Medicare allowable rate for
237 the service rendered.

238 (3) If there is not a contract between the department and
239 an emergency medical transportation service provider, the
240 department shall compensate the emergency medical transportation
241 service provider for such services at no more than 110 percent
242 of the Medicare allowable rate for the service rendered.

243 (4) This section does not apply to charges for medical
244 services provided at a hospital operated by the department.

245 Section 5. Paragraph (b) of subsection (7) of section
246 947.1405, Florida Statutes, is amended to read:

247 947.1405 Conditional release program.-

248 (7)

249 (b) For a releasee whose crime was committed on or after
250 October 1, 1997, in violation of chapter 794, s. 800.04, s.
251 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
252 conditional release supervision, in addition to any other
253 provision of this subsection, the commission shall impose the
254 following additional conditions of conditional release
255 supervision:

256 1. As part of a treatment program, participation in a
257 minimum of one annual polygraph examination to obtain
258 information necessary for risk management and treatment and to
259 reduce the sex offender's denial mechanisms. The polygraph
260 examination must be conducted by a polygrapher trained
261 specifically in the use of the polygraph for the monitoring of

12-01547-09

20092298__

262 sex offenders, where available, and at the expense of the sex
263 offender. The results of the polygraph examination shall not be
264 used as evidence in a hearing to prove that a violation of
265 supervision has occurred.

266 2. Maintenance of a driving log and a prohibition against
267 driving a motor vehicle alone without the prior approval of the
268 supervising officer.

269 3. A prohibition against obtaining or using a post office
270 box without the prior approval of the supervising officer.

271 4. If there was sexual contact, a submission to, at the
272 probationer's or community controllee's expense, an HIV test
273 with the results to be released to the victim or the victim's
274 parent or guardian.

275 5. Electronic monitoring of any form when ordered by the
276 commission. Any person who has been placed under supervision and
277 is electronically monitored by the department shall pay the
278 department for the cost of the electronic monitoring service at
279 a rate that may not exceed the full cost of the monitoring
280 service. Funds collected under this subparagraph shall be
281 deposited into the General Revenue Fund. The department may
282 exempt a person from the payment of all or any part of the
283 electronic monitoring service cost if the department finds that
284 any of the factors listed in s. 948.09(3) exist.

285 Section 6. Subsection (1) of section 948.01, Florida
286 Statutes, is amended to read:

287 948.01 When court may place defendant on probation or into
288 community control.-

289 (1) (a) Any court of the state having original jurisdiction
290 of criminal actions may at a time to be determined by the court,

12-01547-09

20092298__

291 either with or without an adjudication of the guilt of the
292 defendant, hear and determine the question of the probation of a
293 defendant in a criminal case, except for an offense punishable
294 by death, who has been found guilty by the verdict of a jury,
295 has entered a plea of guilty or a plea of nolo contendere, or
296 has been found guilty by the court trying the case without a
297 jury. If the court places the defendant on probation or into
298 community control for a felony, the department shall provide
299 immediate supervision by an officer employed in compliance with
300 the minimum qualifications for officers as provided in s.
301 943.13. In no circumstances shall a private entity provide
302 probationary or supervision services to felony or misdemeanor
303 offenders sentenced or placed on probation or other supervision
304 by the circuit court.

305 (b) The court shall use the orders of supervision prepared
306 by the Department of Corrections when placing a defendant on
307 community supervision.

308 Section 7. Subsection (1) of section 948.03, Florida
309 Statutes, is amended to read:

310 948.03 Terms and conditions of probation.—

311 (1) The court shall determine the terms and conditions of
312 probation. Conditions specified in this section do not require
313 oral pronouncement at the time of sentencing and may be
314 considered standard conditions of probation. These conditions
315 may include among them the following, that the probationer or
316 offender in community control shall:

317 (a) Report to the probation and parole supervisors as
318 directed.

319 (b) Permit such supervisors to visit him or her at his or

12-01547-09

20092298__

320 her home or elsewhere.

321 (c) Work faithfully at suitable employment insofar as may
322 be possible.

323 (d) Remain within a specified place.

324 (e) Live without violating any law. A conviction in a court
325 of law is not necessary to constitute a violation of probation,
326 community control, or any other form of court-ordered
327 supervision.

328 (f) ~~(e)~~ Make reparation or restitution to the aggrieved
329 party for the damage or loss caused by his or her offense in an
330 amount to be determined by the court. The court shall make ~~such~~
331 reparation or restitution a condition of probation, unless it
332 determines that clear and compelling reasons exist to the
333 contrary. If the court does not order restitution, or orders
334 restitution of only a portion of the damages, as provided in s.
335 775.089, it shall state on the record in detail the reasons
336 therefor.

337 (g) ~~(f)~~ Effective July 1, 1994, and applicable for offenses
338 committed on or after that date, make payment of the debt due
339 and owing to a county or municipal detention facility under s.
340 951.032 for medical care, treatment, hospitalization, or
341 transportation received by the felony probationer while in that
342 detention facility. The court, in determining whether to order
343 the ~~such~~ repayment and the amount of the ~~such~~ repayment, shall
344 consider the amount of the debt, whether there was any fault of
345 the institution for the medical expenses incurred, the financial
346 resources of the felony probationer, the present and potential
347 future financial needs and earning ability of the probationer,
348 and dependents, and other appropriate factors.

12-01547-09

20092298__

349 (h)~~(g)~~ Support his or her legal dependents to the best of
350 his or her ability.

351 (i)~~(h)~~ Make payment of the debt due and owing to the state
352 under s. 960.17, subject to modification based on change of
353 circumstances.

354 (j)~~(i)~~ Pay any application fee assessed under s.
355 27.52(1)(b) and attorney's fees and costs assessed under s.
356 938.29, subject to modification based on change of
357 circumstances.

358 (k)~~(j)~~ Not associate with persons engaged in criminal
359 activities.

360 (l)~~(k)~~1. Submit to random testing as directed by the
361 correctional probation officer or the professional staff of the
362 treatment center where he or she is receiving treatment to
363 determine the presence or use of alcohol or controlled
364 substances.

365 2. If the offense was a controlled substance violation and
366 the period of probation immediately follows a period of
367 incarceration in the state correction system, the conditions
368 shall include a requirement that the offender submit to random
369 substance abuse testing intermittently throughout the term of
370 supervision, upon the direction of the correctional probation
371 officer as defined in s. 943.10(3).

372 (m)~~(l)~~ Be prohibited from possessing, carrying, or owning
373 any firearm unless authorized by the court ~~and consented to by~~
374 ~~the probation officer.~~

375 (n)~~(m)~~ Be prohibited from using intoxicants to excess or
376 possessing any drugs or narcotics unless prescribed by a
377 physician. The probationer or community controllee may ~~shall~~ not

12-01547-09

20092298

378 knowingly visit places where intoxicants, drugs, or other
379 dangerous substances are unlawfully sold, dispensed, or used.

380 (o) ~~(n)~~ Submit to the drawing of blood or other biological
381 specimens as prescribed in ss. 943.325 and 948.014, and
382 reimburse the appropriate agency for the costs of drawing and
383 transmitting the blood or other biological specimens to the
384 Department of Law Enforcement.

385 (p) Submit to the taking of a digitized photograph by the
386 department as a part of the offender's records. The photograph
387 may be displayed on the public website of the department while
388 the offender is on supervision, with the exception of offenders
389 on pretrial intervention supervision or who would otherwise be
390 exempt from public-records requirements.

391 Section 8. Subsection (2) of section 948.09, Florida
392 Statutes, is amended to read:

393 948.09 Payment for cost of supervision and rehabilitation.—

394 (2) Any person being electronically monitored by the
395 department as a result of being placed ~~placement~~ on supervision
396 ~~community control~~ shall ~~be required to pay~~ the department for
397 electronic monitoring services at a rate as a surcharge an
398 ~~amount~~ that may not exceed the full cost of the monitoring
399 service in addition to the cost of supervision fee as directed
400 by the sentencing court. The funds collected under this
401 subsection ~~surcharge~~ shall be deposited in the General Revenue
402 Fund. The department may exempt a person from paying all or any
403 part of the costs of the electronic monitoring service if it
404 finds that any of the factors listed in subsection (3) exist.

405 Section 9. Section 948.101, Florida Statutes, is amended to
406 read:

12-01547-09

20092298__

407 948.101 Terms and conditions of community control ~~and~~
408 ~~criminal quarantine community control.~~

409 ~~(1)~~ The court shall determine the terms and conditions of
410 community control. Conditions specified in this subsection do
411 not require oral pronouncement at the time of sentencing and may
412 be considered standard conditions of community control.

413 (1) ~~(a)~~ The court shall require intensive supervision and
414 surveillance for an offender placed into community control,
415 which may include but is not limited to:

416 (a) ~~1.~~ Specified contact with the parole and probation
417 officer.

418 (b) ~~2.~~ Confinement to an agreed-upon residence during hours
419 away from employment and public service activities.

420 (c) ~~3.~~ Mandatory public service.

421 (d) ~~4.~~ Supervision by the Department of Corrections by means
422 of an electronic monitoring device or system.

423 (e) ~~5.~~ The standard conditions of probation set forth in s.
424 948.03 or s. 948.30.

425 ~~(b) For an offender placed on criminal quarantine community~~
426 ~~control, the court shall require:~~

427 ~~1. Electronic monitoring 24 hours per day.~~

428 ~~2. Confinement to a designated residence during designated~~
429 ~~hours.~~

430 (2) The enumeration of specific kinds of terms and
431 conditions does not prevent the court from adding thereto any
432 other terms or conditions that the court considers proper.
433 However, the sentencing court may only impose a condition of
434 supervision allowing an offender convicted of s. 794.011, s.
435 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in

12-01547-09

20092298__

436 another state if the order stipulates that it is contingent upon
437 the approval of the receiving state interstate compact
438 authority. The court may rescind or modify at any time the terms
439 and conditions theretofore imposed by it upon the offender in
440 community control. However, if the court withholds adjudication
441 of guilt or imposes a period of incarceration as a condition of
442 community control, the period may not exceed 364 days, and
443 incarceration shall be restricted to a county facility, a
444 probation and restitution center under the jurisdiction of the
445 Department of Corrections, a probation program drug punishment
446 phase I secure residential treatment institution, or a community
447 residential facility owned or operated by any entity providing
448 such services.

449 ~~(3) The court may place a defendant who is being sentenced~~
450 ~~for criminal transmission of HIV in violation of s. 775.0877 on~~
451 ~~criminal quarantine community control. The Department of~~
452 ~~Corrections shall develop and administer a criminal quarantine~~
453 ~~community control program emphasizing intensive supervision with~~
454 ~~24-hour-per-day electronic monitoring. Criminal quarantine~~
455 ~~community control status must include surveillance and may~~
456 ~~include other measures normally associated with community~~
457 ~~control, except that specific conditions necessary to monitor~~
458 ~~this population may be ordered.~~

459 Section 10. Section 948.11, Florida Statutes, is amended to
460 read:

461 948.11 Electronic monitoring devices.—

462 (1) ~~(a)~~ The Department of Corrections may, at its
463 discretion, electronically monitor an offender sentenced to
464 community control.

12-01547-09

20092298__

465 ~~(b) The Department of Corrections shall electronically~~
466 ~~monitor an offender sentenced to criminal quarantine community~~
467 ~~control 24 hours per day.~~

468 ~~(2) Any offender placed on community control who violates~~
469 ~~the terms and conditions of community control and is restored to~~
470 ~~community control may be supervised by means of an electronic~~
471 ~~monitoring device or system.~~

472 ~~(3) For those offenders being electronically monitored, the~~
473 ~~Department of Corrections shall develop procedures to determine,~~
474 ~~investigate, and report the offender's noncompliance with the~~
475 ~~terms and conditions of sentence 24 hours per day. All reports~~
476 ~~of noncompliance shall be immediately investigated by a~~
477 ~~community control officer.~~

478 ~~(4) The Department of Corrections may contract with local~~
479 ~~law enforcement agencies to assist in the location and~~
480 ~~apprehension of offenders who are in noncompliance as reported~~
481 ~~by the electronic monitoring system. This contract is intended~~
482 ~~to provide the department a means for providing immediate~~
483 ~~investigation of noncompliance reports, especially after normal~~
484 ~~office hours.~~

485 ~~(2)-(5)~~ Any person being electronically monitored by the
486 department as a result of being placed ~~placement~~ on supervision
487 ~~community control~~ shall be required to pay the department for
488 the electronic monitoring services ~~a surcharge~~ as provided in s.
489 948.09(2).

490 ~~(3)-(6)~~ For probationers, community controllees, or
491 conditional releasees who have current or prior convictions for
492 violent or sexual offenses, the department, in carrying out a
493 court or commission order to electronically monitor an offender,

12-01547-09

20092298__

494 must use a system that actively monitors and identifies the
495 offender's location and timely reports or records the offender's
496 presence near or within a crime scene or in a prohibited area or
497 the offender's departure from specified geographic limitations.
498 Procurement of electronic monitoring services under this
499 subsection shall be by competitive procurement in accordance
500 with invitation to bid as defined in s. 287.057.

501 (4)~~(7)~~ A person who intentionally alters, tampers with,
502 damages, or destroys any electronic monitoring equipment
503 pursuant to court or commission order, unless the ~~such~~ person is
504 the owner of the equipment, or an agent of the owner, performing
505 ordinary maintenance and repairs, commits a felony of the third
506 degree, punishable as provided in s. 775.082, s. 775.083, or s.
507 775.084.

508 Section 11. Subsection (2) of section 951.23, Florida
509 Statutes, is amended to read:

510 951.23 County and municipal detention facilities;
511 definitions; administration; standards and requirements.—

512 (2) COLLECTION OF INFORMATION.—In conjunction with the
513 administrators of county detention facilities, the Department of
514 Corrections shall develop an instrument for the collection of
515 information from the administrator of each county detention
516 facility. Whenever possible, the information shall be
517 transmitted by the administrator to the Department of
518 Corrections electronically or in a computer readable format. The
519 information shall be provided on a monthly basis and shall
520 include, but is not limited to, the following:

521 (a) The number of persons housed per day who are:

522 1. Felons sentenced to cumulative sentences of

12-01547-09

20092298__

523 incarceration of 364 days or less.

524 2. Felons sentenced to cumulative sentences of
525 incarceration of 365 days or more.

526 3. Sentenced misdemeanants.

527 4. Awaiting trial on at least one felony charge.

528 5. Awaiting trial on misdemeanor charges only.

529 6. Convicted felons and misdemeanants who are awaiting
530 sentencing.

531 7. Juveniles.

532 8. State parole violators.

533 9. State inmates who were transferred from a state
534 correctional facility, as defined in s. 944.02, to the county
535 detention facility.

536 ~~(b) The number of persons housed per day, admitted per~~
537 ~~month, and housed on the last day of the month, by age, race,~~
538 ~~sex, country of citizenship, country of birth, and immigration~~
539 ~~status classified as one of the following:~~

540 1. ~~Permanent legal resident of the United States.~~

541 2. ~~Legal visitor.~~

542 3. ~~Undocumented or illegal alien.~~

543 4. ~~Unknown status.~~

544 (b)(e) The number of persons housed per day:

545 1. Pursuant to part I of chapter 394, "The Florida Mental
546 Health Act."

547 2. Pursuant to chapter 397, "Substance Abuse Services."

548 ~~(d) The cost per day for housing a person in the county~~
549 ~~detention facility.~~

550 ~~(e) The number of persons admitted per month, and the~~
551 ~~number of persons housed on the last day of the month, by age,~~

12-01547-09

20092298__

552 ~~race, and sex, who are:~~

553 ~~1. Felons sentenced to cumulative sentences of~~
554 ~~incarceration of 364 days or less.~~

555 ~~2. Felons sentenced to cumulative sentences of~~
556 ~~incarceration of 365 days or more.~~

557 ~~3. Sentenced misdemeanants.~~

558 ~~4. Awaiting trial on at least one felony charge.~~

559 ~~5. Awaiting trial on misdemeanor charges only.~~

560 ~~6. Convicted felons and misdemeanants who are awaiting~~
561 ~~sentencing.~~

562 ~~7. Juveniles.~~

563 ~~8. State parole violators.~~

564 ~~9. State inmates who were transferred from a state~~
565 ~~correctional facility, as defined in s. 944.02, to the county~~
566 ~~detention facility.~~

567 ~~(f) The number of persons admitted per month, by age, race,~~
568 ~~and sex:~~

569 ~~1. Pursuant to part I of chapter 394, "The Florida Mental~~
570 ~~Health Act."~~

571 ~~2. Pursuant to chapter 397, "Substance Abuse Services."~~

572 Section 12. Paragraph (c) of subsection (5) of section
573 958.045, Florida Statutes, is amended to read:

574 958.045 Youthful offender basic training program.—

575 (5)

576 (c) The portion of the sentence served prior to placement
577 in the basic training program may not be counted toward program
578 completion. The department shall submit a report to the court at
579 least 30 days before the youthful offender is scheduled to
580 complete the basic training program. The report must describe

12-01547-09

20092298__

581 the offender's performance in the basic training program. If the
582 youthful offender's performance has been satisfactory, the court
583 shall issue an order modifying the sentence imposed and place
584 the offender on probation subject to the offender successfully
585 completing the remainder of the basic training program. Upon the
586 ~~offender's completion of the basic training program, the~~
587 ~~department shall submit a report to the court that describes the~~
588 ~~offender's performance. If the offender's performance has been~~
589 ~~satisfactory, the court shall issue an order modifying the~~
590 ~~sentence imposed and placing the offender on probation.~~ The term
591 of probation may include placement in a community residential
592 program. If the offender violates the conditions of probation,
593 the court may revoke probation and impose any sentence that it
594 might have originally imposed.

595 Section 13. Subsection (2) of section 960.292, Florida
596 Statutes, is amended to read:

597 960.292 Enforcement of the civil restitution lien through
598 civil restitution lien order.—The civil restitution lien shall
599 be made enforceable by means of a civil restitution lien order.

600 (2) Upon motion by the state, upon petition of the local
601 subdivision, crime victim, or aggrieved party, or on its own
602 motion, the court in which the convicted offender is convicted
603 shall enter civil restitution lien orders in favor of crime
604 victims, the state, its local subdivisions, and other aggrieved
605 parties. The court shall retain continuing jurisdiction over the
606 convicted offender for the sole purpose of entering civil
607 restitution lien orders for the duration of the sentence and up
608 to 5 years after the offender is released from incarceration or
609 supervision, whichever occurs later.

12-01547-09

20092298__

610 Section 14. Paragraph (b) of subsection (2) of section
611 960.293, Florida Statutes, is amended to read:

612 960.293 Determination of damages and losses.—

613 (2) Upon conviction, a convicted offender is liable to the
614 state and its local subdivisions for damages and losses for
615 incarceration costs and other correctional costs.

616 (b) If the conviction is for an offense other than a
617 capital or life felony, a liquidated damage amount of \$50 per
618 day of the convicted offender's sentence shall be assessed
619 against the convicted offender and in favor of the state or its
620 local subdivisions. Damages shall be based upon the length of
621 the sentence imposed by the court at the time of sentencing.

622 Section 15. Subsection (3) is added to section 960.297,
623 Florida Statutes, to read:

624 960.297 Authorization for governmental right of restitution
625 for costs of incarceration.—

626 (3) Civil actions authorized by this section may be
627 initiated at any time during the offender's incarceration and up
628 to 5 years after the offender is released from incarceration or
629 supervision, whichever occurs later.

630 Section 16. Section 944.293 and subsection (3) of section
631 948.001, Florida Statutes, are repealed.

632 Section 17. Subsection (7) of section 948.09, Florida
633 Statutes, is amended to read:

634 948.09 Payment for cost of supervision and rehabilitation.—

635 (7) The department shall establish a payment plan for all
636 costs ordered by the courts for collection by the department and
637 a priority order for payments, except that victim restitution
638 payments authorized under s. 948.03(1)(f) ~~s. 948.03(1)(e)~~ take

12-01547-09

20092298__

639 precedence over all other court-ordered payments. The department
640 is not required to disburse cumulative amounts of less than \$10
641 to individual payees established on this payment plan.

642 Section 18. For the purpose of incorporating the amendment
643 made by this act to section 944.35, Florida Statutes, in a
644 reference thereto, paragraph (c) of subsection (7) of section
645 921.0021, Florida Statutes, is reenacted to read:

646 921.0021 Definitions.—As used in this chapter, for any
647 felony offense, except any capital felony, committed on or after
648 October 1, 1998, the term:

649 (7)

650 (c) The sentence points provided under s. 921.0024 for
651 sexual contact or sexual penetration may not be assessed for a
652 violation of s. 944.35(3)(b)2.

653 Section 19. This act shall take effect October 1, 2009.