

CS/SB 7020 – Corrections

This bill amends multiple statutes regarding the Florida Department of Corrections. It deletes s. 921.0021(7)(c), F.S., which will remove the prohibition against assessing victim injury points for sexual penetration or sexual contact in calculating the sentencing score for s. 944.35(3)(b)2., F.S. (Sexual Misconduct with an Inmate or Supervised Officer). By adding these injury points, sexual contact creates a potential sentence range of nonprison to a five year maximum prison sentence, while sexual penetration would range from 42 months in prison to a maximum sentence of five years. From FY 08-09 through FY 13-14, there were 6 persons sentenced for this violation, with none receiving a prison sentence.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

The bill also adds employee of “private provider” and “private correctional facility” to who commits battery or inflicts cruel or inhumane treatment by neglect or otherwise, causing great bodily harm to s. 944.35(3)(a)2, F.S., a Level 6, 3rd degree felony. In FY 13-14, there were no offenders charged with this violation. Furthermore, it defines “neglect of an inmate” within s. 944.35, F.S. and creates an **unranked, 3rd degree felony** for an employee willfully or by culpable negligence neglecting an elderly or disabled inmate without causing great bodily harm and an **unranked, 2nd degree felony** for an employee willfully or by culpable negligence neglecting an inmate and causing great bodily harm. There was no data available to quantify the potential impact of these changes. In FY 13-14, incarceration rate for unranked, 3rd degree felony was 9.7% and for unranked, 2nd degree felony was 28.6%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

This bill also amends s. 944.275, F.S., allowing inmates sentenced for an offense committed on or after October 1, 1995, to be eligible for education attainment gain-time in the amount of 60 additional days. An inmate may receive a one-time award of 60 days of gain-time for receiving a General Education Development (GED) diploma or for earning a certificate for completion of a vocational program, as long as this does not bring the inmate below 85% of his/her sentence served.

See “Corrections: Education Attainment Gain-Time” Handout for a subset of the effect.

CONFERENCE ADOPTED ESTIMATE: Bed Impact Adopted

Finally, this bill amends s. 947.149, F.S., expanding the eligibility for the conditional medical release program to include elderly and infirm inmates. “Elderly and infirm” is defined as an inmate who has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against

children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others. The fiscal handout assumes that the 50% of eligible inmates receiving conditional medical release continues to occur.

See “Corrections: Conditional Medical Release” Handout for a subset of the effect. Although, FCOR approves 50% of eligible inmates per fiscal year under current conditional medical release, this could decrease with a larger pool to choose from. The handout assumes 10% approval per fiscal year.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate

CS/SB 7020

Corrections: Education Attainment Gain-Time

July 1, 2015 Effective Date

The Criminal Justice Estimating Conference met on 3/11/2015 and estimated the following net impact on the inmate population over the next five years:

a	c	d	e	f	g
Fiscal Year	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED			
		Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2015-2016	-126	(\$1,150,569)	(\$11,782,848)	(\$12,933,417)	(\$12,933,417)
2016-2017	-66	(\$1,800,576)	(\$4,171,860)	(\$5,972,436)	(\$18,905,853)
2017-2018	-66	(\$1,270,104)	(\$4,322,010)	(\$5,592,114)	(\$24,497,967)
2018-2019	-66	(\$1,303,104)	(\$4,473,282)	(\$5,776,386)	(\$30,274,353)
2019-2020	-66	(\$1,334,388)	(\$4,607,526)	(\$5,941,914)	(\$36,216,267)
Total	-390	(\$6,858,741)	(\$29,357,526)	(\$36,216,267)	(\$36,216,267)

Prepared by Florida Legislature, Office of Economic and Demographic Research, February 25, 2015

FY 2013-14 operating costs per inmate were obtained from DOC . The \$49.49 per diem (\$18,064 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.06 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insights, Inc.

Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.

CS/SB 7020

Corrections: Conditional Medical Release

July 1, 2015 Effective Date

The Criminal Justice Estimating Conference met on 3/11/2015 and estimated the following net impact on the inmate population over the next five years:

a	b	c	FUNDS REQUIRED			
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2015-2016	-10	-10	(\$91,315)	(\$1,288,749)	(\$1,380,064)	(\$1,380,064)
2016-2017	-21	-11	(\$290,718)	(\$758,520)	(\$1,049,238)	(\$2,429,302)
2017-2018	-33	-12	(\$519,588)	(\$1,047,760)	(\$1,567,348)	(\$3,996,650)
2018-2019	-49	-16	(\$809,504)	(\$1,423,317)	(\$2,232,821)	(\$6,229,471)
2019-2020	-70	-21	(\$1,202,971)	(\$1,745,275)	(\$2,948,246)	(\$9,177,717)
Total	-70	-70	(\$2,914,096)	(\$6,263,621)	(\$9,177,717)	(\$9,177,717)

Prepared by Florida Legislature, Office of Economic and Demographic Research, March 9, 2015

FY 2013-14 operating costs per inmate were obtained from DOC . The \$49.49 per diem (\$18,064 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.06 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

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