

By the Committee on Corrections and Representative Morroni

1 A bill to be entitled
2 An act relating to trust funds; amending s.
3 948.09, F.S.; providing for a portion of the
4 amount paid by a released felony offender to
5 cover the costs of his or her supervision to be
6 deposited into the County Reimbursement for
7 Supervision Violations Trust Fund; creating the
8 trust fund; providing for administration by the
9 Department of Revenue; requiring the Department
10 of Corrections to work with the Department of
11 Revenue and the Comptroller to develop an
12 affidavit for counties to use when applying for
13 reimbursement; providing for counties to be
14 reimbursed on a yearly basis from moneys in the
15 trust fund for the costs of incarcerating
16 offenders who are in violation of the terms and
17 conditions of release or supervision; directing
18 the Department of Revenue to establish a
19 reimbursement payment scale; establishing
20 procedures to administer the trust fund in the
21 event that there are insufficient funds
22 available; providing for rules; providing for
23 future review and termination or re-creation of
24 the trust fund; providing an effective date.

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

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28 Section 1. Subsection (1) of section 948.09, Florida
29 Statutes, is amended to read:

30 948.09 Payment for cost of supervision and
31 rehabilitation.--

1 (1)(a)1. Any person ordered by the court, the
2 Department of Corrections, or the parole commission to be
3 placed on probation, drug offender probation, community
4 control, parole, control release, provisional release
5 supervision, or conditional release supervision under chapter
6 944, chapter 945, chapter 947, chapter 948, or chapter 958, or
7 in a pretrial intervention program, must, as a condition of
8 any placement, pay the department a total sum of money equal
9 to the total month or portion of a month of supervision times
10 the court-ordered amount, but not to exceed the actual per
11 diem cost of the supervision. The department shall adopt rules
12 by which an offender who pays in full and in advance of
13 regular termination of supervision may receive a reduction in
14 the amount due. The rules shall incorporate provisions by
15 which the offender's ability to pay is linked to an
16 established written payment plan. Funds collected from felony
17 offenders may be used to offset costs of the Department of
18 Corrections associated with community supervision programs,
19 subject to appropriation by the Legislature.

20 2.a. The department shall deduct \$5 from the amount
21 collected from each felony offender under this paragraph each
22 month. Within 1 banking day of having received an offender's
23 cost of supervision payment, the department shall transfer the
24 specified \$5 charge into the County Reimbursement for
25 Supervision Violations Trust Fund, which is hereby established
26 within the Department of Revenue. The trust fund shall be
27 used to reimburse a county for the cost of incarcerating a
28 felony offender who violates the terms and conditions of his
29 or her release or supervision. The reimbursement shall be for
30 the entire period of a violator's incarceration in a county
31 jail for both pre-disposition and post-disposition

1 incarceration stay. The Department of Revenue shall invest
2 such trust funds, and they shall be subject to the 7 percent
3 service charge authorized by s. 215.20. Funds are hereby
4 appropriated to make such transfers to the Department of
5 Revenue. This \$5-per-month deduction is not to be an
6 additional charge to the offender, and the \$5 paid shall be
7 considered as part of the total amount the offender is
8 required to pay.

9 b. The Department of Corrections, in conjunction with
10 the Department of Revenue and the Comptroller, shall develop a
11 uniform affidavit and required attachments, which will provide
12 the documentation necessary for a county to apply for
13 reimbursement from the trust fund. The affidavit, its required
14 attachments, and rulemaking necessary to implement this
15 subparagraph shall be completed no later than September 1,
16 2000. Counties shall submit these affidavits monthly to the
17 Department of Corrections for review, and the Department of
18 Corrections shall compile this information monthly and forward
19 it to the Department of Revenue.

20 c. The Department of Revenue shall distribute the
21 reimbursement moneys contained within the County Reimbursement
22 for Supervision Violations Trust Fund to the counties on
23 October 1 of each year. The Department of Revenue shall adopt
24 rules no later than September 1, 2000, that establish a
25 reimbursement payment scale which will allow for
26 reimbursements of no more than \$15 per day per offender per
27 county. In the event that there are not sufficient funds in
28 the County Reimbursement for Supervision Violations Trust Fund
29 to cover each of the reimbursement requests in full, the
30 Department of Revenue shall distribute the funds on a pro rata
31 basis which will pay all counties the same per diem for each

1 day for each felony offender housed who has violated his or
2 her release or supervision.

3 d. Pursuant to the provisions of s. 19(f)(2), Art. III
4 of the State Constitution, the trust fund shall, unless
5 terminated sooner, be terminated on July 1, 2004. Prior to its
6 scheduled termination, the trust fund shall be reviewed as
7 provided in s. 215.3206(1) and (2).

8 ~~3.2.~~ In addition to any other contribution or
9 surcharge imposed by this section, each felony offender
10 assessed under this paragraph shall pay a \$2-per-month
11 surcharge to the department. The surcharge shall be deemed to
12 be paid only after the full amount of any monthly payment
13 required by the established written payment plan has been
14 collected by the department. These funds shall be used by the
15 department to pay for correctional probation officers'
16 training and equipment, including radios, and firearms
17 training, firearms, and attendant equipment necessary to train
18 and equip officers who choose to carry a concealed firearm
19 while on duty. Nothing in this subparagraph shall be construed
20 to limit the department's authority to determine who shall be
21 authorized to carry a concealed firearm while on duty, or to
22 limit the right of a correctional probation officer to carry a
23 personal firearm approved by the department.

24 (b) Any person placed on misdemeanor probation by a
25 county court must contribute not less than \$40 per month, as
26 decided by the sentencing court, to the court-approved public
27 or private entity providing misdemeanor supervision.

28 Section 2. This act shall take effect July 1, 2000.
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