

By the Committee on Corrections and Representative  
Trovillion

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Corrections; providing legislative intent with  
4           respect to the release of information to the  
5           public which concerns persons under community  
6           supervision by the department; requiring the  
7           department to update such information;  
8           providing requirements with respect to the  
9           equipment provided to probation officers by the  
10          department; providing conditions under which  
11          probation officers may carry firearms;  
12          requiring the department to submit an  
13          information technology plan to the Legislature;  
14          amending s. 775.089, F.S.; requiring that  
15          payments collected from offenders be applied  
16          toward victim restitution before satisfying  
17          other financial obligations of the offender;  
18          amending s. 948.01, F.S.; providing that an  
19          offender who is convicted of or has  
20          adjudication withheld for specified offenses  
21          may not be placed on probation or community  
22          control; prohibiting the court from continuing  
23          community control or probation for an offender  
24          whom the court finds has committed an offense  
25          that is the same or similar to the original  
26          offense; amending s. 948.03, F.S.; providing  
27          additional requirements for offenders placed in  
28          community control; requiring the department to  
29          electronically monitor offenders sentenced to  
30          community control; providing requirements for  
31          polygraph examinations; amending s. 948.032,

1 F.S.; requiring that restitution be a condition  
2 of community control; providing requirements  
3 for the court in determining whether to revoke  
4 an offender's community control; amending s.  
5 948.04, F.S.; providing requirements for the  
6 supervision of offenders placed on community  
7 control; amending s. 948.06, F.S.; prohibiting  
8 the court from continuing community control or  
9 probation for an offender whom the court finds  
10 has committed an offense that is the same or  
11 similar to the original offense; amending s.  
12 948.11, F.S.; requiring the Department of  
13 Corrections to electronically monitor  
14 offenders; providing effective dates.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. It is the intent of the Legislature to make  
19 information regarding offenders who are under community  
20 supervision by the Department of Corrections easily accessible  
21 to the public. For offenders who are being supervised in the  
22 community by the department, except persons being supervised  
23 under a pretrial intervention program, the department must  
24 compile and provide the names, current addresses, and offense  
25 convictions, regardless of adjudication, in a format that is  
26 reasonably accessible to the public. Where possible, the  
27 department shall also make the photographs of such offenders  
28 accessible to the public. Any information that is provided to  
29 the public must be updated within 30 days after the department  
30 becomes aware of any change in the information concerning or  
31 the status of an offender. The provision of such information

1 must be accomplished within existing resources of the  
2 department. Upon the discharge of an offender from supervision  
3 for any reason, the department shall remove the information  
4 from the compilation of information concerning offenders that  
5 are under community supervision by the department within 30  
6 days after the department becomes aware of the discharge.

7 Section 2. Within existing resources and as funding is  
8 provided, the Department of Corrections shall provide  
9 correctional probation officers with the use of radios and  
10 cellular telephones to enhance the adequacy of supervision of  
11 offenders and to protect officer safety when it is deemed  
12 appropriate and as such equipment is available, as delineated  
13 by rules adopted by the department.

14 Section 3. (1) A probation officer who requests to  
15 carry a firearm while on duty shall carry a firearm issued by  
16 the Department of Corrections. Such officer must be qualified  
17 to carry the department-issued firearm as required by the  
18 Criminal Justice Standards and Training Commission and the  
19 department. The department shall begin efforts to implement  
20 this section on the effective date of this act, but shall  
21 fully implement this section by July 1, 2002. Until this  
22 section has been fully implemented, the department may allow  
23 probation officers to carry firearms in accordance with the  
24 laws, administrative rules, or departmental policies in  
25 existence at the time this section takes effect.

26 (2) This section shall take effect upon this act  
27 becoming a law.

28 Section 4. The Department of Corrections shall submit  
29 to the Legislature an information technology plan by March 1,  
30 2001, identifying the current and future needs for computer  
31

1 equipment, software, and other equipment that can increase the  
2 efficiency of probation officers.

3 Section 5. Subsection (11) of section 775.089, Florida  
4 Statutes, is amended to read:

5 775.089 Restitution.--

6 (11)(a) The court may order the clerk of the court to  
7 collect and dispense restitution payments in any case.

8 (b) The court may order the Department of Corrections  
9 to collect and dispense restitution and other payments from  
10 persons remanded to its custody or supervision. If the  
11 Department of Corrections collects other payments from  
12 offenders or inmates in addition to restitution payments, such  
13 as cost of supervision, court costs, fines, or subsistence  
14 payments, any moneys collected must be applied first toward  
15 completely satisfying victim restitution before the payments  
16 by the offender or inmate may be applied toward any other  
17 financial obligation relating to the offender's or inmate's  
18 crime, prosecution, or sentence.

19 Section 6. Subsections (10) and (11) of section  
20 948.01, Florida Statutes, are amended to read:

21 948.01 When court may place defendant on probation or  
22 into community control.--

23 (10) An offender may not be placed on probation or in  
24 community control if:

25 (a) Convicted of or adjudication withheld for:

26 1. Murder pursuant to s. 782.04;

27 2. Attempted felony murder pursuant to s. 782.051(1)

28 or (2);

29 3. Aggravated manslaughter pursuant to s. 782.07(2) or  
30 (3);

31

- 1           4. Vehicular homicide pursuant to s. 782.071(2) or s.
- 2 316.193(3)(c)3.;
- 3           5. Vessel homicide pursuant to s. 782.072(2) or s.
- 4 327.35(3)(c)3.;
- 5           6. Aggravated assault pursuant to s. 784.021;
- 6           7. Aggravated battery pursuant to s. 784.045;
- 7           8. Aggravated stalking pursuant to s. 784.048(3), (4),
- 8 or (5);
- 9           9. Kidnapping pursuant to s. 787.01;
- 10          10. False imprisonment of a child under the age of 13
- 11 pursuant to s. 787.02(3);
- 12          11. Making, possessing, throwing, projecting, placing,
- 13 or discharging any destructive device, threat to do so, or
- 14 false report thereof pursuant to s. 790.161(2), (3), or (4),
- 15 s. 790.1615(2), s. 790.162, s. 790.163, or s. 790.164;
- 16          12. Sexual battery or attempted sexual battery
- 17 pursuant to chapter 794;
- 18          13. Lewd or lascivious offenses committed upon or in
- 19 the presence of a child under 16 years of age pursuant to s.
- 20 800.04;
- 21          14. Arson pursuant to s. 806.01 or s. 806.031;
- 22          15. Armed burglary or burglary with assault or battery
- 23 pursuant to s. 810.02(2) or (3);
- 24          16. Robbery or attempted robbery pursuant to s. 812.13
- 25 or s. 812.131(2)(a);
- 26          17. Carjacking pursuant to s. 812.133;
- 27          18. Home-invasion robbery pursuant to s. 812.135;
- 28          19. Aggravated child abuse pursuant to s. 827.03(2);
- 29 or
- 30          20. Aircraft piracy pursuant to s. 860.16;~~a forcible~~
- 31 ~~felony as defined in s. 776.08, and~~

1           (b) Previously convicted of or adjudication withheld  
2 ~~for an offense listed in paragraph (a) a forcible felony as~~  
3 ~~defined in s. 776.08.~~

4  
5 Nothing in this subsection prohibits placement of certain  
6 inmates on community control pursuant to s. 947.1747. ~~For the~~  
7 ~~purposes of this subsection, a forcible felony does not~~  
8 ~~include manslaughter or burglary.~~

9           (11) The court may also impose a split sentence  
10 whereby the defendant is sentenced to a term of probation  
11 which may be followed by a period of incarceration or, with  
12 respect to a felony, into community control, as follows:

13           (a) If the offender meets the terms and conditions of  
14 probation or community control, any term of incarceration may  
15 be modified by court order to eliminate the term of  
16 incarceration.

17           (b) If the offender does not meet the terms and  
18 conditions of probation or community control, the court may  
19 revoke, modify, or continue the probation or community control  
20 as provided in s. 948.06. An offender on community control who  
21 has been found by the court to have committed a subsequent  
22 offense that is the same or substantially similar to the  
23 offense for which the offender was originally sentenced to  
24 community control may not be continued on community control,  
25 given a new sentence of community control or any form of  
26 probation, or released from supervision without the imposition  
27 of an incarcerative sentence, unless the offender has served  
28 his or her statutory maximum sentence under s. 775.082 or as  
29 otherwise authorized by law. For purposes of this section, a  
30 time-served sentence does not constitute the imposition of an  
31 incarcerative sentence. However, if the offender is under

1 supervision for an offense ranked as level 1 or level 2 under  
2 the Criminal Punishment Code, the court may use its discretion  
3 in sentencing the offender for a violation of his or her  
4 community control. For purposes of this section, the term  
5 "substantially similar offense" means any offense that is  
6 proscribed within the same statutory chapter as the offense  
7 for which the offender was originally sentenced to community  
8 control, including those sections of chapter 777 applicable  
9 thereto. If the probation or community control is revoked,  
10 the court may impose any sentence that it could have imposed  
11 at the time the offender was placed on probation or community  
12 control. The court may not provide credit for time served for  
13 any portion of a probation or community control term toward a  
14 subsequent term of probation or community control. However,  
15 the court may not impose a subsequent term of probation or  
16 community control which, when combined with any amount of time  
17 served on preceding terms of probation or community control  
18 for offenses pending before the court for sentencing, would  
19 exceed the maximum penalty allowable as provided in s.  
20 775.082. Such term of incarceration shall be served under  
21 applicable law or county ordinance governing service of  
22 sentences in state or county jurisdiction. This paragraph does  
23 not prohibit any other sanction provided by law.

24 Section 7. Subsections (1), (2), (3), and (5) of  
25 section 948.03, Florida Statutes, are amended to read:

26 948.03 Terms and conditions of probation or community  
27 control.--

28 (1) The court shall determine the terms and conditions  
29 of probation or community control. Conditions specified in  
30 paragraphs (a) through and including (n) ~~(m)~~ do not require  
31 oral pronouncement at the time of sentencing and may be

1 considered standard conditions of probation. Conditions  
2 specified in paragraphs (a) through and including ~~(n)~~ (m) and  
3 (2)(a) do not require oral pronouncement at sentencing and may  
4 be considered standard conditions of community control. These  
5 conditions may include among them the following, that the  
6 probationer or offender in community control shall:

7 (a) Report to the probation officers and ~~parole~~  
8 ~~supervisors~~ as directed.

9 (b) Permit such probation officers ~~supervisors~~ to  
10 visit him or her at his or her home or elsewhere.

11 (c) Work faithfully at suitable employment insofar as  
12 may be possible.

13 (d) Remain within a specified place.

14 (e) Make reparation or restitution to the aggrieved  
15 party for the damage or loss caused by his or her offense in  
16 an amount to be determined by the court. The court shall make  
17 such reparation or restitution a condition of probation,  
18 unless it determines that clear and compelling reasons exist  
19 to the contrary. If the court does not order restitution, or  
20 orders restitution of only a portion of the damages, as  
21 provided in s. 775.089, it shall state on the record in detail  
22 the reasons therefor.

23 (f) Effective July 1, 1994, and applicable for  
24 offenses committed on or after that date, make payment of the  
25 debt due and owing to a county or municipal detention facility  
26 under s. 951.032 for medical care, treatment, hospitalization,  
27 or transportation received by the felony probationer while in  
28 that detention facility. The court, in determining whether to  
29 order such repayment and the amount of such repayment, shall  
30 consider the amount of the debt, whether there was any fault  
31 of the institution for the medical expenses incurred, the



1 financial resources of the felony probationer, the present and  
2 potential future financial needs and earning ability of the  
3 probationer, and dependents, and other appropriate factors.

4 (g) Support his or her legal dependents to the best of  
5 his or her ability.

6 (h) Make payment of the debt due and owing to the  
7 state under s. 960.17, subject to modification based on change  
8 of circumstances.

9 (i) Pay any application fee assessed under s.  
10 27.52(1)(c) and attorney's fees and costs assessed under s.  
11 938.29, subject to modification based on change of  
12 circumstances.

13 (j) Not associate with persons engaged in criminal  
14 activities or violate any law.

15 (k)1. Submit to random testing as directed by the  
16 correctional probation officer or the professional staff of  
17 the treatment center where he or she is receiving treatment to  
18 determine the presence or use of alcohol or controlled  
19 substances. The offender shall pay the costs for drug testing.

20 2. If the offense was a controlled substance violation  
21 and the period of probation immediately follows a period of  
22 incarceration in the state correction system, the conditions  
23 shall include a requirement that the offender submit to random  
24 substance abuse testing intermittently throughout the term of  
25 supervision, upon the direction of the correctional probation  
26 officer as defined in s. 943.10(3).

27 (l) Be prohibited from possessing, carrying, or owning  
28 any firearm unless authorized by the court and consented to by  
29 the probation officer.

30 (m) Be prohibited from using intoxicants to excess or  
31 possessing any drugs or narcotics unless prescribed by a

1 physician. The probationer or community controllee shall not  
2 knowingly visit places where intoxicants, drugs, or other  
3 dangerous substances are unlawfully sold, dispensed, or used.

4 (n) Promptly submit to the taking of a digitized  
5 photograph at the request of a probation officer.

6 (o)~~(n)~~ Attend an HIV/AIDS awareness program consisting  
7 of a class of not less than 2 hours or more than 4 hours in  
8 length, the cost for which shall be paid by the offender, if  
9 such a program is available in the county of the offender's  
10 residence.

11 (p)~~(o)~~ Pay not more than \$1 per month during the term  
12 of probation or community control to a nonprofit organization  
13 established for the sole purpose of supplementing the  
14 rehabilitative efforts of the Department of Corrections.

15 (2)(a) The court shall require intensive supervision  
16 and surveillance for an offender placed into community  
17 control, which may include but is not limited to:

18 1. Specified contact with the parole and probation  
19 officer.

20 2. Confinement to an agreed-upon residence during  
21 hours away from employment and public service activities.

22 3. Mandatory public service.

23 4. Supervision by the Department of Corrections by  
24 means of an electronic monitoring device or system.

25 (b) For an offender placed on criminal quarantine  
26 community control, the court shall require:

27 1. Electronic monitoring 24 hours per day.

28 2. Confinement to a designated residence during  
29 designated hours.

30 (3)(a)1. ~~The Department of Corrections may,~~ At the  
31 direction of the sentencing court, the Department of

1 Corrections shall ~~its discretion,~~ electronically monitor an  
2 offender sentenced to community control.

3           2. The Department of Corrections shall electronically  
4 monitor an offender sentenced to criminal quarantine community  
5 control 24 hours per day.

6           (b) Any offender placed on community control who  
7 violates the terms and conditions of community control and is  
8 restored to community control may be supervised by means of an  
9 electronic monitoring device or system.

10           (c) For those offenders being electronically  
11 monitored, the Department of Corrections shall develop  
12 procedures to determine, investigate, and report the  
13 offender's noncompliance with the terms and conditions of  
14 sentence 24 hours per day. All reports of noncompliance shall  
15 be immediately investigated by a community control officer.

16           (d) The Department of Corrections may contract with  
17 local law enforcement agencies to assist in the location and  
18 apprehension of offenders who are in noncompliance as reported  
19 by the electronic monitoring system. This contract is intended  
20 to provide the department a means for providing immediate  
21 investigation of noncompliance reports, especially after  
22 normal office hours.

23           (5) Conditions imposed pursuant to this subsection, as  
24 specified in paragraphs (a) and (b), do not require oral  
25 pronouncement at the time of sentencing and shall be  
26 considered standard conditions of probation or community  
27 control for offenders specified in this subsection.

28           (a) Effective for probationers or community  
29 controllees whose crime was committed on or after October 1,  
30 1995, and who are placed under supervision for violation of  
31 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court

1 must impose the following conditions in addition to all other  
2 standard and special conditions imposed:

3           1. A mandatory curfew from 10 p.m. to 6 a.m. The court  
4 may designate another 8-hour period ~~if the offender's~~  
5 ~~employment precludes the above specified time, and such~~  
6 ~~alternative is recommended by the Department of Corrections.~~  
7 If the court determines that imposing a curfew would endanger  
8 the victim or any potential victim, the court may consider  
9 alternative sanctions.

10           2. If the victim was under the age of 18, a  
11 prohibition on living within 1,000 feet of a school, day care  
12 center, park, playground, or other place where children  
13 regularly congregate, as prescribed by the court.

14           3. Active participation in and successful completion  
15 of a sex offender treatment program with therapists  
16 specifically trained to treat sex offenders, at the  
17 probationer's or community controllee's own expense. If a  
18 specially trained therapist is not available within a 50-mile  
19 radius of the probationer's or community controllee's  
20 residence, the offender shall participate in other appropriate  
21 therapy.

22           4. A prohibition on any contact with the victim,  
23 directly or indirectly, including through a third person,  
24 unless approved by the victim, the offender's therapist, and  
25 the sentencing court.

26           5. If the victim was under the age of 18, a  
27 prohibition, until successful completion of a sex offender  
28 treatment program, on unsupervised contact with a child under  
29 the age of 18, unless authorized by the sentencing court  
30 without another adult present who is responsible for the  
31

1 child's welfare, has been advised of the crime, and is  
2 approved by the sentencing court.

3           6. If the victim was under age 18, a prohibition on  
4 working for pay or as a volunteer at any school, day care  
5 center, park, playground, or other place where children  
6 regularly congregate.

7           7. Unless otherwise indicated in the treatment plan  
8 provided by the sexual offender treatment program, a  
9 prohibition on viewing, owning, or possessing any obscene,  
10 pornographic, or sexually stimulating visual or auditory  
11 material, including telephone, electronic media, computer  
12 programs, or computer services that are relevant to the  
13 offender's deviant behavior pattern.

14           8. A requirement that the probationer or community  
15 controllee must submit two specimens of blood to the Florida  
16 Department of Law Enforcement to be registered with the DNA  
17 data bank.

18           9. A requirement that the probationer or community  
19 controllee make restitution to the victim, as ordered by the  
20 court under s. 775.089, for all necessary medical and related  
21 professional services relating to physical, psychiatric, and  
22 psychological care.

23           10. Submission to a warrantless search by the  
24 community control or probation officer of the probationer's or  
25 community controllee's person, residence, or vehicle.

26           (b) Effective for a probationer or community  
27 controllee whose crime was committed on or after October 1,  
28 1997, and who is placed on sex offender probation or sex  
29 offender community control for a violation of chapter 794, s.  
30 800.04, s. 827.071, or s. 847.0145, in addition to any other  
31

1 provision of this subsection, the court must impose the  
2 following conditions of probation or community control:

3         1. As part of a treatment program, participation at  
4 least annually in polygraph examinations by polygraphers who  
5 are specifically trained to polygraph sex offenders to obtain  
6 information necessary for risk management and treatment and to  
7 reduce the sex offender's denial mechanisms. A polygraph  
8 examination must be conducted by a polygrapher trained  
9 specifically in the use of the polygraph for the monitoring of  
10 sex offenders, where available, and shall be paid by the sex  
11 offender. The results of the polygraph examination shall not  
12 be used as evidence in court to prove that a violation of  
13 probation or community control ~~community supervision~~ has  
14 occurred.

15         2. Maintenance of a driving log and a prohibition  
16 against driving a motor vehicle alone without the prior  
17 approval of the supervising officer.

18         3. A prohibition against obtaining or using a post  
19 office box without the prior approval of the supervising  
20 officer.

21         4. If there was sexual contact, a submission to, at  
22 the probationer's or community controllee's expense, an HIV  
23 test with the results to be released to the victim and/or the  
24 victim's parent or guardian.

25         5. Electronic monitoring when ~~deemed necessary by the~~  
26 ~~community control or probation officer and his or her~~  
27 ~~supervisor, and ordered by the court at the recommendation of~~  
28 ~~the Department of Corrections.~~

29         Section 8. Section 948.032, Florida Statutes, is  
30 amended to read:

31

1           948.032 Condition of probation or community control;  
2 restitution.--If a defendant is placed on probation or  
3 community control, any restitution ordered under s. 775.089  
4 shall be a condition of the probation or community control.  
5 The court may revoke probation or community control if the  
6 defendant fails to comply with the order. In determining  
7 whether to revoke probation or community control, the court  
8 shall consider the defendant's employment status, earning  
9 ability, and financial resources; the willfulness of the  
10 defendant's failure to pay; and any other special  
11 circumstances that may have a bearing on the defendant's  
12 ability to pay.

13           Section 9. Section 948.04, Florida Statutes, is  
14 amended to read:

15           948.04 Period of probation or community control; duty  
16 of probationer or offender on community control; early  
17 termination.--

18           (1) Defendants found guilty of felonies who are placed  
19 on probation shall be under supervision not to exceed 2 years  
20 unless otherwise specified by the court. No defendant placed  
21 on probation pursuant to s. 948.01(6) or s. 948.034 is subject  
22 to the probation limitations of this subsection. A defendant  
23 who is placed on probation or community control for a  
24 violation of chapter 794 or chapter 827 is subject to the  
25 maximum level of supervision provided by the supervising  
26 agency or as otherwise directed by the sentencing court  
27 pursuant to s. 948.03, and that supervision shall continue  
28 through the full term of the court-imposed probation or  
29 community control.

30           (2) ~~Upon the termination of the period of probation,~~  
31 ~~the probationer shall be released from probation and is not~~

1 ~~liable to sentence for the offense for which probation was~~  
2 ~~allowed.~~ During the period of probation or community control,  
3 the probationer or offender on community control shall perform  
4 the terms and conditions of his or her probation or community  
5 control.

6 (3) If ~~a~~ the probationer or offender on community  
7 control has performed satisfactorily, has not been found in  
8 violation of any terms or conditions of supervision, and has  
9 met all financial sanctions imposed by the court, including,  
10 but not limited to, fines, court costs, and restitution, the  
11 Department of Corrections may recommend early termination of  
12 probation or community control to the court at any time before  
13 the scheduled termination date.

14 Section 10. Subsections (1) and (4) of section 948.06,  
15 Florida Statutes, are amended to read:

16 948.06 Violation of probation or community control;  
17 revocation; modification; continuance; failure to pay  
18 restitution or cost of supervision.--

19 (1) Whenever within the period of probation or  
20 community control there are reasonable grounds to believe that  
21 a probationer or offender in community control has violated  
22 his or her probation or community control in a material  
23 respect, any law enforcement officer who is aware of the  
24 probationary or community control status of the probationer or  
25 offender in community control or any parole or probation  
26 officer ~~supervisor~~ may arrest or request any county or  
27 municipal law enforcement officer to arrest such probationer  
28 or offender without warrant wherever found and forthwith  
29 return him or her to the court granting such probation or  
30 community control. Any committing magistrate may issue a  
31 warrant, upon the facts being made known to him or her by



1 affidavit of one having knowledge of such facts, for the  
2 arrest of the probationer or offender, returnable forthwith  
3 before the court granting such probation or community control.  
4 Any parole or probation officer ~~supervisor~~, any officer  
5 authorized to serve criminal process, or any peace officer of  
6 this state is authorized to serve and execute such warrant.  
7 The court, upon the probationer or offender being brought  
8 before it, shall advise him or her of such charge of violation  
9 and, if such charge is admitted to be true, may forthwith  
10 revoke, modify, or continue the probation or community control  
11 or place the probationer into a community control program. If  
12 probation or community control is revoked, the court shall  
13 adjudge the probationer or offender guilty of the offense  
14 charged and proven or admitted, unless he or she has  
15 previously been adjudged guilty, and impose any sentence which  
16 it might have originally imposed before placing the  
17 probationer on probation or the offender into community  
18 control. If such violation of probation or community control  
19 is not admitted by the probationer or offender, the court may  
20 commit him or her or release him or her with or without bail  
21 to await further hearing, or it may dismiss the charge of  
22 probation or community control violation. If such charge is  
23 not at that time admitted by the probationer or offender and  
24 if it is not dismissed, the court, as soon as may be  
25 practicable, shall give the probationer or offender an  
26 opportunity to be fully heard on his or her behalf in person  
27 or by counsel. After such hearing, the court may revoke,  
28 modify, or continue the probation or community control or  
29 place the probationer into community control. An offender on  
30 community control who has been found by the court to have  
31 committed a subsequent offense that is the same or

1 substantially similar to the offense or offenses for which the  
2 offender was originally sentenced to community control may not  
3 be continued on community control, given a new sentence of  
4 community control or any form of probation, or be released  
5 from supervision without the imposition of an incarcerative  
6 sentence, unless the offender has served his or her statutory  
7 maximum sentence under s. 775.082 or as otherwise authorized  
8 by law. For purposes of this section, a time-served sentence  
9 does not constitute the imposition of an incarcerative  
10 sentence. However, if the offender is under supervision for an  
11 offense ranked as level 1 or level 2 under the Criminal  
12 Punishment Code, the court may use its discretion in  
13 sentencing the offender for a violation of his or her  
14 community control. For purposes of this section, the term  
15 "substantially similar offense" means any offense that is  
16 proscribed within the same statutory chapter as the offense  
17 for which the offender was originally sentenced to community  
18 control, including those sections of chapter 777 applicable  
19 thereto. If such probation or community control is revoked,  
20 the court shall adjudge the probationer or offender guilty of  
21 the offense charged and proven or admitted, unless he or she  
22 has previously been adjudged guilty, and impose any sentence  
23 which it might have originally imposed before placing the  
24 probationer or offender on probation or into community  
25 control.

26 (4) Notwithstanding any other provision of this  
27 section, a probationer or an offender in community control who  
28 is arrested for violating his or her probation or community  
29 control in a material respect may be taken before the court in  
30 the county or circuit in which the probationer or offender was  
31 arrested. That court shall advise him or her of such charge of

1 a violation and, if such charge is admitted, shall cause him  
2 or her to be brought before the court which granted the  
3 probation or community control. If such violation is not  
4 admitted by the probationer or offender, the court may commit  
5 him or her or release him or her with or without bail to await  
6 further hearing. The court, as soon as is practicable, shall  
7 give the probationer or offender an opportunity to be fully  
8 heard on his or her behalf in person or by counsel. After such  
9 hearing, the court shall make findings of fact and forward the  
10 findings to the court which granted the probation or community  
11 control and to the probationer or offender or his or her  
12 attorney. The findings of fact by the hearing court are  
13 binding on the court which granted the probation or community  
14 control. Upon the probationer or offender being brought  
15 before it, the court which granted the probation or community  
16 control may revoke, modify, or continue the probation or  
17 community control or may place the probationer into community  
18 control as provided in this section. A court may not place an  
19 offender on a lesser form of supervision through a  
20 modification or imposition of a new sentence after a  
21 revocation if the court finds an offender has violated his or  
22 her community supervision in any material respect. In  
23 addition, a court may not terminate an offender's community  
24 supervision as a result of an offender's violation without  
25 imposing a further penalty, unless the person has served his  
26 or her statutory maximum sentence under s. 775.082 or as  
27 otherwise authorized by law. For purposes of this section, a  
28 time-served sentence does not constitute a further penalty.

29 Section 11. Section 948.11, Florida Statutes, is  
30 amended to read:

31 948.11 Electronic monitoring devices.--

1           (1) Pursuant to chapter 287, the Department of  
2 Corrections shall issue a request for proposal for electronic  
3 monitoring devices to be utilized by the department for  
4 purposes of electronic monitoring under this section or any  
5 other section of law which authorizes electronic monitoring.  
6 Electronic monitoring devices certified for use by the  
7 department must be licensed by the FCC, must be capable of  
8 maintaining full operation on a backup power source for 8  
9 hours, and must meet such other necessary and vital  
10 specifications as may be set by the department for  
11 tamper-alert, efficient, and economical usage. The provisions  
12 of this section do not apply to passive devices.

13           (2) The Department of Corrections must maintain the  
14 capability to electronically monitor offenders through  
15 radio-frequency devices and global-positioning-system devices  
16 to the extent that funding is provided by the Legislature.  
17 Options for electronic monitoring of offenders should be  
18 maintained for use by sentencing courts to maximize public  
19 safety and to make the appropriate monitoring of offenders as  
20 cost-efficient as possible.

21           Section 12. Except as otherwise provided herein, this  
22 act shall take effect October 1, 2000.  
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HOUSE SUMMARY

Requires that the Department of Corrections make information on offenders who are under community supervision available to the public and to update such information. Requires that payments collected from offenders be applied toward victim restitution before such payments are used to satisfy other financial obligations of the offender. Provides that an offender who is convicted of or has adjudication withheld for specified offenses may not be placed on probation or community control. Prohibits the court from continuing community control or probation for an offender whom the court finds has committed an offense that is the same or similar to the original offense. Requires that restitution be a condition of community control. Requires that the Department of Corrections electronically monitor offenders on community control. See bill for details.