

By Senator Brown-Waite

10-173A-00

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 offender to cover the

5 costs of his or her supervision to be deposited

6 into the County Reimbursement for Supervision

7 Violations Trust Fund; providing for the trust

8 fund to be administered by the Department of

9 Corrections; providing for counties to be

10 reimbursed from moneys in the trust fund for

11 the costs of incarcerating offenders who are in

12 violation of the terms and conditions of

13 release or supervision; providing a contingent

14 effective date.

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

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18 Section 1. Subsection (1) of section 948.09, Florida

19 Statutes, is amended to read:

20 948.09 Payment for cost of supervision and

21 rehabilitation.--

22 (1)(a)1. Any person ordered by the court, the

23 Department of Corrections, or the parole commission to be

24 placed on probation, drug offender probation, community

25 control, parole, control release, provisional release

26 supervision, or conditional release supervision under chapter

27 944, chapter 945, chapter 947, chapter 948, or chapter 958, or

28 in a pretrial intervention program, must, as a condition of

29 any placement, pay the department a total sum of money equal

30 to the total month or portion of a month of supervision times

31 the court-ordered amount, but not to exceed the actual per

1 diem cost of the supervision. The department shall adopt rules
2 by which an offender who pays in full and in advance of
3 regular termination of supervision may receive a reduction in
4 the amount due. The rules shall incorporate provisions by
5 which the offender's ability to pay is linked to an
6 established written payment plan. Funds collected from felony
7 offenders may be used to offset costs of the Department of
8 Corrections associated with community supervision programs,
9 subject to appropriation by the Legislature.

10 2. The department shall deduct \$5 from the amount
11 collected from each offender under this paragraph each month.
12 This \$5-per-month deduction shall be deposited into the County
13 Reimbursement for Supervision Violations Trust Fund and shall
14 be used to reimburse a county for the cost of incarcerating an
15 offender who violates the terms and conditions of his or her
16 release or supervision. The department shall administer the
17 trust fund and distribute moneys, of up to \$15 per day, from
18 the trust fund to a county upon receipt by the department of
19 written documentation showing the amount expended by the
20 county for such purpose. The department shall develop a
21 uniform affidavit that provides the documentation necessary
22 for a county to apply for reimbursement from the trust fund as
23 provided in this subparagraph.

24 ~~3.2-~~ In addition to any other contribution or
25 surcharge imposed by this section, each felony offender
26 assessed under this paragraph shall pay a \$2-per-month
27 surcharge to the department. The surcharge shall be deemed to
28 be paid only after the full amount of any monthly payment
29 required by the established written payment plan has been
30 collected by the department. These funds shall be used by the
31 department to pay for correctional probation officers'

1 training and equipment, including radios, and firearms
2 training, firearms, and attendant equipment necessary to train
3 and equip officers who choose to carry a concealed firearm
4 while on duty. Nothing in this subparagraph shall be construed
5 to limit the department's authority to determine who shall be
6 authorized to carry a concealed firearm while on duty, or to
7 limit the right of a correctional probation officer to carry a
8 personal firearm approved by the department.

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

13 Section 2. This act shall take effect July 1, 2000,
14 but it shall not take effect unless it is enacted by at least
15 a three-fifths vote of the membership of each house of the
16 Legislature.

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SENATE SUMMARY

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Creates the County Reimbursement for Supervision
Violations Trust Fund within the Department of
Corrections. Requires that the department deduct \$5 each
month from the amount paid by released offenders who
remain under department supervision. Requires that the
\$5-per-month amount be deposited into the trust fund.
Requires that the department reimburse counties up to \$15
per day from the trust fund for the costs of
incarcerating offenders following a violation of the
terms and conditions of release or supervision.