

By the Committee on Criminal Justice and Senator Brown-Waite

307-2110-00

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A bill to be entitled
An act relating to trust funds; amending s.
948.09, F.S.; providing for a portion of the
amount paid by a released felony offender to
cover the costs of his or her supervision to be
deposited into the County Reimbursement for
Supervision Violations Trust Fund; creating the
trust fund; providing for administration by the
Department of Revenue; requiring the Department
of Corrections to work with the Department of
Revenue and the Comptroller to develop an
affidavit for counties to use when applying for
reimbursement; providing for counties to be
reimbursed on a yearly basis from moneys in the
trust fund for the costs of incarcerating
offenders who are in violation of the terms and
conditions of release or supervision; directing
the Department of Revenue to establish a
reimbursement payment scale; establishing
procedures to administer the trust fund if
there are insufficient funds; providing for
rules; providing for future review and
termination or re-creation of the trust fund;
providing an effective date.

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

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

948.09 Payment for cost of supervision and
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 5 banking days after having received an
23 offender's cost-of-supervision payment, the department shall
24 transfer the specified \$5 charge into the County Reimbursement
25 for Supervision Violations Trust Fund, which is established
26 within the Department of Revenue. The trust fund shall be used
27 to reimburse a county for the cost of incarcerating a felony
28 offender who violates the terms and conditions of his or her
29 release or supervision. The reimbursement shall be for the
30 entire period of a violator's incarceration in a county jail
31 for both predisposition and postdisposition incarceration

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

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

19 c. The Department of Revenue shall distribute the
20 reimbursement moneys contained within the County Reimbursement
21 for Supervision Violations Trust Fund to the counties on
22 October 1 of each year. The Department of Revenue shall adopt
23 rules no later than September 1, 2000, which establish a
24 reimbursement payment scale that will allow for reimbursements
25 of no more than \$15 per day per offender per county. If there
26 are insufficient funds in the County Reimbursement for
27 Supervision Violations Trust Fund to cover each of the
28 reimbursement requests in full, the Department of Revenue
29 shall distribute the funds on a pro rata basis which will pay
30 all counties the same per diem for each day for each felony

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1 offender housed who has violated his or her release or
2 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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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 800

- 4 - Transfers management responsibility of the trust fund
5 from the Department of Corrections to the Department of
6 Revenue, and requires the trust fund to be subject to
7 the surcharge authorized by s. 215.20, F.S.
- 8 - Requires the Department of Corrections, in conjunction
9 with the Department of Revenue and the Comptroller, to
10 develop a uniform affidavit and required attachments, by
11 September 1, 2000, which will be used by the counties
12 when they apply for reimbursement from the trust fund.
- 13 - Requires the counties to complete the documentation on a
14 monthly basis and submit it to the Department of
15 Corrections for review. After reviewing the
16 documentation, the Department of Corrections shall
17 submit it to the Department of Revenue, which will refer
18 to the documentation when distributing reimbursements.
- 19 - Requires the Department of Revenue to establish a
20 reimbursement payment scale (with a maximum
21 reimbursement of no more than \$15.00 per day per
22 offender per county) and to distribute the reimbursement
23 payments to the counties on October 1 of each year. This
24 form of distribution is different from the original
25 bill, which required that the counties be reimbursed on
26 a monthly basis.
- 27 - Establishes a procedure for managing the trust fund if
28 the situation arises in which there are insufficient
29 funds available in the trust fund to cover each of the
30 reimbursement requests in full. The bill in its original
31 format did not address the situation of insufficient
32 funds.
- 33 - Allows the Department of Corrections five banking days
34 to transfer funds to the trust fund.