



CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to community control; providing a popular name; amending s. 921.187, F.S.; incorporating the restrictions provided in s. 948.01(10), F.S., regarding placement of certain offenders on community control; amending s. 948.10, F.S.; requiring that the Department of Corrections review and verify whether an ineligible offender is placed on community control and notify the sentencing judge, the state attorney, and the Attorney General; requiring that the department report on ineligible placements to the chief judge and the state attorneys; requiring that the department provide an annual report to the Governor, the Legislature, and the Supreme Court on the placement of ineligible offenders on community control; requiring the department to develop and maintain a weighted statewide caseload equalization strategy; requiring the department to develop and implement a supervision risk assessment instrument;



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29 providing requirements for the department's annual report;  
30 requiring that the department study the use of electronic  
31 monitoring of offenders placed on community control;  
32 requiring a report to the Governor and the Legislature;  
33 providing an effective date.

34

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

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37 Section 1. This act shall be known by the popular name and  
38 may be cited as the "Senator Howard E. Futch Community Safety  
39 Act."

40 Section 2. Subsections (2) and (3) of section 921.187,  
41 Florida Statutes, are renumbered as subsections (3) and (4),  
42 respectively, and a new subsection (2) is added to said section  
43 to read:

44 921.187 Disposition and sentencing; alternatives;  
45 restitution.--

46 (2) An offender may not be placed in community control if:

47 (a) Convicted of or adjudication is withheld for a  
48 forcible felony as defined in s. 776.08; and

49 (b) Previously convicted of or adjudication was withheld  
50 for a forcible felony as defined in s. 776.08.

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52 Nothing in this subsection prohibits placement of certain  
53 inmates on community control pursuant to s. 947.1747. For  
54 purposes of this subsection, a forcible felony does not include  
55 manslaughter or burglary.



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56 Section 3. Subsection (7), (8), and (9) are added to  
57 section 948.10, Florida Statutes, to read:

58 948.10 Community control programs.--

59 (7) If an offender is sentenced to community control by  
60 the court and the offender is ineligible to be placed on  
61 community control as provided in s. 948.01(10), the department  
62 shall:

63 (a) Review and verify whether an ineligible offender was  
64 placed on community control.

65 (b) Within 30 days after receipt of the order, notify the  
66 sentencing judge, the state attorney, and the Attorney General  
67 that the offender was ineligible for placement on community  
68 control.

69 (c) Provide a quarterly report to the chief judge and the  
70 state attorney of each circuit citing the number of ineligible  
71 offenders placed on community control within that circuit.

72 (d) Provide an annual report to the Governor, the  
73 President of the Senate, the Speaker of the House of  
74 Representatives, and the Chief Justice of the Supreme Court on  
75 the placement of ineligible offenders on community control in  
76 order to assist in preparing judicial education programs or for  
77 any other purpose.

78 (8) The Department of Corrections shall:

79 (a) Develop and maintain a weighted statewide caseload  
80 equalization strategy designed to ensure that high-risk  
81 offenders receive the highest level of supervision.

82 (b) Develop and implement a supervision risk assessment  
83 instrument for the community control population which is similar



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84 | to the probation risk assessment instrument established by the  
85 | National Institute of Justice.

86 | (9) In its annual report to the Governor, the President of  
87 | the Senate, and the Speaker of the House of Representatives  
88 | under s. 20.315(5), the department shall include a detailed  
89 | analysis of the community control program and the department's  
90 | specific efforts to protect the public from offenders placed on  
91 | community control. The analysis must include, but need not be  
92 | limited to, specific information on the department's ability to  
93 | meet minimum officer-to-offender contact standards, the number  
94 | of crimes committed by offenders on community control, and the  
95 | level of community supervision provided.

96 | Section 4. The Department of Corrections shall:

97 | (1) Study the use of electronic monitoring and its  
98 | effectiveness on the community control population. For purposes  
99 | of the study, and notwithstanding s. 948.10(2), Florida  
100 | Statutes, from July 1, 2003, until February 1, 2004, the  
101 | department may adjust the maximum community control caseloads  
102 | when electronic monitoring is used.

103 | (2) Report its findings to the Governor, the President of  
104 | the Senate, and the Speaker of the House of Representatives by  
105 | February 1, 2004.

106 | Section 5. This act shall take effect July 1, 2003.