

By the Committee on Criminal Justice; and Senators Smith, Crist, Villalobos, Diaz de la Portilla, Geller, Siplin, Lynn, Dockery, Fasano, Lee, Sebesta, Jones, Constantine, Miller and Bullard

307-1928-03

1 A bill to be entitled

2 An act relating to community control; providing

3 a short title; amending s. 948.10, F.S.;

4 requiring that the Department of Corrections

5 review and verify whether an ineligible

6 offender is placed on community control and

7 notify the sentencing judge, the state

8 attorney, and the Attorney General; requiring

9 that the department report on ineligible

10 placements to the chief judge and the state

11 attorney; requiring the department provide a

12 annual report to the Governor, the Legislature,

13 and the Supreme Court on the placement of

14 ineligible offenders on community control;

15 requiring the department to develop and

16 implement a supervision risk assessment

17 instrument; providing requirements for

18 department's annual report; requiring that the

19 department study the use of electronic

20 monitoring of offenders placed on community

21 control; requiring a report to the Governor and

22 the Legislature; providing an effective date.

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

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26 Section 1. This act may be cited as the "Howard E.

27 Futch Community Safety Act."

28 Section 2. Subsections (7), (8), and (9) are added to

29 section 948.10, Florida Statutes, to read:

30 948.10 Community control programs.--

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1 (7) If an offender is sentenced to community control
2 by the court and the offender is ineligible to be placed on
3 community control as provided in s. 948.01(10), the department
4 shall:

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

7 (b) Within 30 days after receipt of the order, notify
8 the sentencing judge, the state attorney, and the Attorney
9 General that the offender was ineligible for placement on
10 community control.

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

15 (d) Provide an annual report to the Governor, the
16 President of the Senate, the Speaker of the House of
17 Representatives, and the Chief Justice of the Supreme Court on
18 the placement of ineligible offenders on community control in
19 order to assist in preparing judicial education programs or
20 for any other purpose.

21 (8) The Department of Corrections shall:

22 (a) Develop and maintain a weighted statewide caseload
23 equalization strategy designed to ensure that high-risk
24 offenders receive the highest level of supervision; and

25 (b) Develop and implement a supervision risk
26 assessment instrument for the community control population
27 which is similar to the probation risk assessment instrument
28 established by the National Institute of Justice.

29 (9) In its annual report to the Governor, the
30 President of the Senate, and the Speaker of the House of
31 Representatives under s. 20.315(5), the department shall

1 include a detailed analysis of the community control program
2 and the department's specific efforts to protect the public
3 from offenders placed on community control. The analysis must
4 include, but need not be limited to, specific information on
5 the department's ability to meet minimum officer-to-offender
6 contact standards, the number of crimes committed by offenders
7 on community control, and the level of community supervision
8 provided.

9 Section 3. The Department of Corrections shall:

10 (1) Study the use of electronic monitoring and its
11 effectiveness on the community control population. For
12 purposes of the study, and notwithstanding section 948.10(2),
13 Florida Statutes, from July 1, 2003, until February 1, 2004,
14 the department may adjust the maximum community control
15 caseloads when electronic monitoring is used.

16 (2) Report its findings to the Governor, the President
17 of the Senate, and the Speaker of the House of Representatives
18 by February 1, 2004.

19 Section 4. This act shall take effect July 1, 2003.
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- 1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 428
- 4 - Applies regardless of whether sentencing is the result of
5 a plea bargain.
 - 6 - Does not require the Department of Corrections to seek
7 modification of improper sentence.
 - 8 - Requires notification of improper sentence to be made
9 within 30 days of receipt, rather than imposition of
10 sentence; and adds Attorney General to recipients.
 - 11 - Adds the Governor, President of the Senate, and Speaker
12 of the House of Representatives as recipients of the
13 annual report of improper placements on community
14 control, and adds that the information can be used for
15 any purpose.
 - 16 - Requires the department to develop and maintain a
17 weighted caseload equalization strategy.
 - 18 - Requires the department to develop and implement a risk
19 assessment instrument for offenders on community control.
 - 20 - Requires the department to include a detailed analysis of
21 the community control program in its annual report
22 submitted pursuant to s. 20.315(5), F.S., and to address
23 specified aspects of the program.
 - 24 - Requires the department to study the use of electronic
25 monitoring and its effectiveness for use with offenders
26 on community control, with a report to be submitted to
27 the Governor, President of the Senate, and Speaker of the
28 House of Representatives by February 1, 2004.
 - 29 - Allows the department to deviate from the statutory
30 maximum caseload limit of 25 community control offenders
31 for purposes of the study during the period from July 1,
2003, to February 1, 2004.