

By the Committees on Judiciary; Criminal Justice; and Senators Smith, Crist, Villalobos, Diaz de la Portilla, Geller, Siplin, Lynn, Dockery, Fasano, Lee, Sebesta, Jones, Constantine, Miller, Bullard, Pruitt, Bennett, Dawson and Argenziano

308-1964-03

1 A bill to be entitled
2 An act relating to community control; providing
3 a short title; amending s. 921.187, F.S.;
4 incorporating the restrictions provided in s.
5 948.01(10), F.S., regarding placement of
6 certain offenders on community control;
7 amending s. 948.10, F.S.; requiring that the
8 Department of Corrections review and verify
9 whether an ineligible offender is placed on
10 community control and notify the sentencing
11 judge, the state attorney, and the Attorney
12 General; requiring that the department report
13 on ineligible placements to the chief judge and
14 the state attorney; requiring the department
15 provide a annual report to the Governor, the
16 Legislature, and the Supreme Court on the
17 placement of ineligible offenders on community
18 control; requiring the department to develop
19 and implement a supervision risk assessment
20 instrument; providing requirements for
21 department's annual report; requiring that the
22 department study the use of electronic
23 monitoring of offenders placed on community
24 control; requiring a report to the Governor and
25 the Legislature; providing an effective date.

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

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29 Section 1. This act may be cited as the "Howard E.
30 Futch Community Safety Act."

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1 Section 2. Present subsections (2) and (3) of section
2 921.187, Florida Statutes, are redesignated as subsections (3)
3 and (4), respectively, and a new subsection (2) is added to
4 that section to read:

5 921.187 Disposition and sentencing; alternatives;
6 restitution.--

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

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

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

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14 Nothing in this subsection prohibits placement of certain
15 inmates on community control pursuant to s. 947.1747. For
16 purposes of this subsection, a forcible felony does not
17 include manslaughter or burglary.

18 Section 3. Subsections (7), (8), and (9) are added to
19 section 948.10, Florida Statutes, to read:

20 948.10 Community control programs.--

21 (7) If an offender is sentenced to community control
22 by the court and the offender is ineligible to be placed on
23 community control as provided in s. 948.01(10), the department
24 shall:

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

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

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

5 (d) Provide an annual report to the Governor, the
6 President of the Senate, the Speaker of the House of
7 Representatives, and the Chief Justice of the Supreme Court on
8 the placement of ineligible offenders on community control in
9 order to assist in preparing judicial education programs or
10 for any other purpose.

11 (8) The Department of Corrections shall:

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

15 (b) Develop and implement a supervision risk
16 assessment instrument for the community control population
17 which is similar to the probation risk assessment instrument
18 established by the National Institute of Justice.

19 (9) In its annual report to the Governor, the
20 President of the Senate, and the Speaker of the House of
21 Representatives under s. 20.315(5), the department shall
22 include a detailed analysis of the community control program
23 and the department's specific efforts to protect the public
24 from offenders placed on community control. The analysis must
25 include, but need not be limited to, specific information on
26 the department's ability to meet minimum officer-to-offender
27 contact standards, the number of crimes committed by offenders
28 on community control, and the level of community supervision
29 provided.

30 Section 4. The Department of Corrections shall:

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

7 (2) Report its findings to the Governor, the President
8 of the Senate, and the Speaker of the House of Representatives
9 by February 1, 2004.

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

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE
14 CS Senate Bill 428

15 Enacts a recommendation from the Florida Corrections
16 Commission by replicating in s. 921.187, F.S., a provision
17 found in s.948.10(10), F.S., relating to probation and
18 community control, that restricts certain offenders from being
19 placed on community control and probation to facilitate
20 judicial and prosecutorial awareness of this restriction.
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