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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.