

1 report; directing that the offender include
2 certain information in the monthly report;
3 authorizing the department to place an offender
4 on electronic monitoring; amending s. 948.031,
5 F.S.; authorizing the court to order an
6 offender on community supervision to perform
7 public service; amending s. 948.032, F.S.;
8 providing that an order of restitution is a
9 condition for community supervision; amending
10 s. 948.034, F.S.; directing the department to
11 operate a program for chronic substance
12 abusers; detailing terms and conditions for
13 offenders with a chronic substance abuse
14 problem; amending s. 948.0345, F.S.; providing
15 that community service may substitute for
16 paying a fine under certain circumstances;
17 amending s. 948.035, F.S.; providing that
18 residential treatment may be a condition of
19 community supervision; amending s. 948.036,
20 F.S.; providing that a work program may be a
21 condition of community supervision; amending s.
22 948.037, F.S.; requiring an offender on
23 community supervision to undertake certain
24 educational activities; amending s. 948.038,
25 F.S.; requiring an offender on community
26 supervision who has been convicted of domestic
27 violence to attend certain intervention
28 courses; amending s. 948.039, F.S.; authorizing
29 the court to impose certain special conditions
30 on offenders on community supervision; amending
31 s. 948.04, F.S.; providing for time limits for

1 community supervision; authorizing early
2 termination of community supervision under
3 certain circumstances; amending s. 948.05,
4 F.S.; authorizing the court to discharge an
5 offender from further community supervision;
6 amending s. 948.06, F.S.; providing procedures
7 to follow when an offender on community
8 supervision violates the terms and conditions
9 of supervision; authorizing a law enforcement
10 officer to arrest and detain an offender if the
11 officer has reasonable grounds to believe that
12 the offender has violated the terms of
13 community supervision; providing that a court
14 may revoke supervision if the offender violates
15 the terms or conditions of supervision;
16 requiring the court to consider certain factors
17 when considering an offender's ability to pay
18 restitution or the costs of supervision;
19 prohibiting a court from imprisoning an
20 offender for failing to pay restitution or the
21 costs of supervision except under certain
22 circumstances; providing for the use of a
23 technical-violation-notification letter;
24 amending s. 948.09, F.S.; requiring each
25 offender placed on community supervision to pay
26 for the cost of supervision and other specified
27 costs; amending s. 948.10, F.S.; removing a
28 requirement that the department produce certain
29 manuals and a risk-assessment instrument;
30 deleting requirements applicable to an offender
31 who is ineligible for community control;

1 amending s. 948.101, F.S.; eliminating the
2 criminal quarantine control program; creating
3 s. 948.102, F.S.; requiring the department to
4 develop a caseload-management strategy and a
5 risk-assessment instrument; amending s. 948.11,
6 F.S.; providing for electronic monitoring of an
7 offender; creating s. 948.111, F.S.;
8 authorizing the department to require an
9 offender to file reports by using an automated
10 reporting station; providing for the operation
11 of the system; authorizing the department to
12 collect a fee from offenders to defray the
13 costs of the automated system; amending s.
14 948.12, F.S.; revising the eligibility criteria
15 for intensive supervision; amending ss. 948.30,
16 948.31, and 948.32, F.S.; eliminating
17 references to parole and community control;
18 conforming provisions to changes made by the
19 act; amending s. 948.51, F.S.; providing
20 departmental responsibilities for county
21 consortiums that contract with the department;
22 amending s. 947.22, F.S.; authorizing a law
23 enforcement officer to arrest an offender who
24 violates community supervision; amending ss.
25 775.0877, 893.13, and 921.187, F.S.; correcting
26 cross-references; amending s. 903.03, F.S.;
27 directing the state attorney to provide certain
28 information to the court; repealing s. 948.013,
29 F.S., relating to administrative probation;
30 repealing s. 948.20, F.S., relating to drug
31

1 offender probation; providing an effective
2 date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 948.001, Florida Statutes, is
7 amended to read:

8 (Substantial rewording of section. See
9 s. 948.001, F.S., for present text.)

10 948.001 Definitions.--As used in this chapter, the
11 term:

12 (1) "Automated reporting station" means a machine or
13 device that is used by an offender to submit reports or pay
14 monetary obligations that are conditions of supervision.

15 (2) "Community residential facility" means a facility
16 located in the community in which an offender may be ordered
17 by the court to reside as a special condition of community
18 supervision. The term includes probation and restitution
19 centers, secure and nonsecure substance abuse treatment
20 centers, community supervision centers, and other similar
21 residential facilities. Community residential facilities may
22 be operated by the department, counties, or private entities,
23 or by vendors under contract with the department, a county, or
24 a private entity.

25 (3) "Conviction" means a finding of guilt, or entry of
26 a plea of guilty or nolo contendere, regardless of
27 adjudication, or, in the case of a juvenile, the finding of
28 delinquency.

29 (4) "Correctional probation officer" has the same
30 meaning as in s. 943.10.

31 (5) "Department" means the Department of Corrections.

1 (6) "Law enforcement officer" has the same meaning as
2 in s. 943.10.

3 (7) "Noninstitutional residential placement" means
4 placement of an offender in a community residential facility.
5 Noninstitutional placement does not include incarceration as a
6 prisoner sentenced to the custody of the department.

7 (8) "Supervision services" means those services
8 provided by departmental correctional probation officers to
9 monitor the offenders' compliance with court-imposed
10 conditions of community supervision and to report violations
11 of the conditions to the court.

12 (9) "Violent offense" means a forcible felony or any
13 attempt thereof, as provided in s. 776.08, except burglary
14 offenses that do not involve an assault or battery or in which
15 the offender is not armed with explosives or a dangerous
16 weapon, and includes offenses defined in s. 800.04 or any
17 attempt thereof.

18 Section 2. Section 948.002, Florida Statutes, is
19 created to read:

20 948.002 Community supervision; levels of
21 supervision.--The following levels of supervision apply to
22 offenders placed in the community:

23 (1) Administrative supervision is the least intensive
24 sentencing option for an offender who presents a low risk of
25 danger to the community. Upon the satisfactory completion of
26 one-half of the term of supervision, the offender is eligible
27 for transfer to nonreporting supervision status until
28 completion of the term of supervision.

29 (a) Effective for any offense committed on or after
30 July 1, 1998, an offender is ineligible for administrative
31 supervision if the offender is sentenced to or is serving a

1 term of community supervision for committing, or attempting,
2 conspiring, or soliciting to commit, any felony offense
3 described in s. 787.01 or s. 787.02 when the victim is a minor
4 and the offender is not the victim's parent; s. 787.025;
5 chapter 794; s. 796.03; s. 800.04; s. 825.1025(2)(b); s.
6 827.071; s. 847.0133; s. 847.0135; or s. 847.0145.

7 (b) The department shall adopt a rule establishing
8 procedures for transferring an offender to administrative
9 supervision. The department may collect from the offender an
10 initial processing fee of up to \$50 for each offender
11 transferred to administrative supervision. The offender is
12 exempt from further payment for the cost of supervision as
13 required in s. 948.09.

14 (2) Nonviolent-offender supervision is a higher form
15 of intensive supervision. It applies to an offender who is
16 placed on supervision for a nonviolent offense and does not
17 have a prior conviction for a violent offense. This level of
18 supervision requires the offender to have contact with a
19 correctional probation officer on a schedule specified by the
20 department and requires the offender to comply with other
21 terms and conditions imposed by the court. The court may
22 impose on the offender any standard or special condition of
23 supervision, including treatment for chronic substance abuse,
24 which the court deems appropriate to and compatible with the
25 offender's individual needs, offenses, and criminal history.
26 If the court imposes chronic-substance-abuser conditions, it
27 must be done in accordance with s. 948.034.

28 (3) Intensive-offender supervision is the second
29 highest level of supervision. It applies to an offender who
30 has been placed on supervision for a conviction of a violent
31 offense or has a prior conviction of a violent offense. This

1 level of supervision requires the offender to have contact
2 with a correctional probation officer on a schedule specified
3 by the department and requires the offender to comply with
4 other terms and conditions imposed by the court. The court may
5 impose on the offender any standard or special condition of
6 supervision, including treatment for chronic substance abuse
7 or treatment as a sex offender, which the court deems
8 appropriate to and compatible with the offender's individual
9 needs, offenses, and criminal history. If the court imposes
10 chronic-substance-abuser conditions, it must do so in
11 accordance with s. 948.034.

12 (4) Community control supervision is the most
13 intensive level of supervision. This supervision includes
14 surveillance on weekends and holidays administered by officers
15 with restricted caseloads. Community control supervision is an
16 individualized program in which the freedom of an offender is
17 restricted within the community, home, or noninstitutional
18 residential placement and specific sanctions are imposed and
19 enforced.

20 Section 3. Section 948.003, Florida Statutes, is
21 created to read:

22 948.003 Duties of the state attorney.--Before or at
23 any hearing on bail or pretrial release, the state attorney
24 shall notify the court of the offender's outstanding warrants
25 of arrest, community supervision status, and prior criminal
26 history, to assist the court in placing the offender in the
27 proper level of community supervision.

28 Section 4. Section 948.01, Florida Statutes, is
29 amended to read:

30
31

1 948.01 When court may place defendant on ~~probation or~~
2 ~~into~~ community supervision control; duties of the clerk of
3 court.--

4 (1) Any court of the state having original
5 jurisdiction of criminal actions may at a time to be
6 determined by the court, either with or without an
7 adjudication of the guilt of the defendant, hear and determine
8 the question of the community supervision ~~probation~~ of a
9 defendant in a criminal case, except for an offense punishable
10 by death, who has been found guilty by the verdict of a jury,
11 has entered a plea of guilty or a plea of nolo contendere, or
12 has been found guilty by the court trying the case without a
13 jury. If the court places the defendant on ~~probation or into~~
14 community supervision control for a felony, the department
15 shall provide ~~immediate~~ supervision by an officer employed in
16 compliance with the minimum qualifications for officers as
17 provided in s. 943.13. ~~In no circumstances shall~~ A private
18 entity may not provide probationary or supervision services to
19 felony or misdemeanor offenders sentenced or placed on
20 community ~~probation or other~~ supervision by the circuit court.

21 (2)(a) If it appears to the court upon a hearing of
22 the matter that the defendant is not likely again to engage in
23 a criminal course of conduct and that the ends of justice and
24 the welfare of society do not require that the defendant
25 presently suffer the penalty imposed by law, the court, in its
26 discretion, may ~~either~~ adjudge the defendant to be guilty or
27 stay and withhold the adjudication of guilt; and, in either
28 case, it shall stay and withhold the imposition of sentence
29 upon the ~~such~~ defendant and shall place the defendant upon
30 community supervision and designate the level of supervision
31 in accordance with s. 948.002 ~~probation~~. However, ~~a no~~

1 defendant placed on community supervision ~~probation~~ for a
2 misdemeanor may not be placed under the supervision of the
3 department unless the circuit court was the court of original
4 jurisdiction.

5 (b) The court shall order each defendant at the time
6 of being placed on community supervision:

7 1. To report in person between the hours of 9:00 a.m.
8 and 3:00 p.m.;

9 2. To report on the day of sentencing but no later
10 than the next business day; and

11 3. That a failure to report as ordered is a violation
12 of community supervision.

13

14 The court may modify the instructions when circumstances
15 require a modification.

16 (c) The court shall inform the defendant of the
17 address of the location where the offender is to report for
18 community supervision.

19 (3)(a) The clerk of the circuit court shall use the
20 uniform order of supervision adopted by the Supreme Court in
21 completing orders of supervision for all persons placed on
22 community supervision. The clerk shall provide a copy of the
23 uniform order of supervision to the offender and a copy to the
24 department on the day of sentencing or the next business day.
25 The department shall begin community supervision of the
26 offender upon receiving the uniform order or the intake of the
27 offender.

28 (b) The clerk of the circuit court shall provide the
29 department the following at no cost to the department:

30 1. The completed uniform order of supervision, as
31 specified in paragraph (a).

1 2. A certified copy of the indictment or information
2 relating to the offense for which the person was placed on
3 supervision.

4 3. A copy of the probable cause affidavit for each
5 offense identified in the current indictment or information.

6 4. A copy of the Criminal Punishment Code score sheet
7 and any attachment to the score sheet prepared under Rule
8 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal
9 Procedure, or any other rule pertaining to the preparation of
10 felony sentencing score sheets.

11 5. A copy of the restitution order, as adopted by the
12 Supreme Court in Rule 3.986, Florida Rules of Criminal
13 Procedure, or the reasons why the court did not require
14 restitution under s. 775.089(1).

15 6. The name and address of any victim to whom
16 restitution is owed.

17
18 These documents shall be made available to the department upon
19 completion of the order of placement on community supervision.

20 (c) After an offender is placed on community
21 supervision, the department may request additional records
22 relating to the offender from the clerk of the court, the
23 Department of Children and Family Services, or any other state
24 or county agency whenever the department deems it necessary
25 for the proper supervision of the offender. The clerk of the
26 court or the agency receiving the request must provide the
27 records within a reasonable period and at no charge to the
28 department.

29 ~~(4)(3)~~ If, after considering ~~the provisions of~~
30 subsection (2) and the offender's prior record or the
31 seriousness of the offense, it appears to the court in the

1 case of a felony disposition that other types of community
2 supervision are ~~probation is an~~ unsuitable dispositional
3 alternatives ~~alternative~~ to imprisonment, the court may place
4 the offender in a community control program as provided in s.
5 948.10. Or, in a case of prior disposition of a felony
6 commitment, upon motion of the offender or the department or
7 upon its own motion, the court may, within the period of its
8 retained jurisdiction following commitment, suspend the
9 further execution of the disposition and place the offender in
10 a community control program upon such terms as the court may
11 require. The court may consult with a local offender advisory
12 council under ~~pursuant to~~ s. 948.90 with respect to the
13 placement of an offender into community control. Not later
14 than 3 working days before the hearing on the motion, the
15 department shall forward to the court all relevant material on
16 the offender's progress while in custody. If this sentencing
17 alternative to incarceration is used ~~utilized~~, the court
18 shall:

19 (a) Determine what community-based sanctions will be
20 imposed in the community control plan. Community-based
21 sanctions may include, but are not limited to, rehabilitative
22 restitution in money or in kind, curfew, revocation or
23 suspension of the driver's license, community service,
24 deprivation of nonessential activities or privileges, or other
25 appropriate restraints on the offender's liberty.

26 (b) After appropriate sanctions for the offense are
27 determined, develop, approve, and order a plan of community
28 control which contains rules, requirements, conditions, and
29 programs that are designed to encourage noncriminal functional
30 behavior and promote the rehabilitation of the offender and
31 the protection of the community. If the offense was a

1 controlled substance violation, the conditions shall include a
2 requirement that the offender submit to random substance abuse
3 testing intermittently throughout the term of supervision,
4 upon the direction of the correctional probation officer ~~as~~
5 ~~defined in s. 943.10(3).~~

6 (c) Require the department to provide notifications
7 under s. 948.10(4) ~~pursuant to s. 948.10(7).~~

8 ~~(5)(4)~~ The sanctions imposed by order of the court
9 shall be commensurate with the seriousness of the offense.
10 When community control, community supervision, or a program of
11 public service is ordered by the court, the duration of
12 community control, community supervision, or public service
13 may not be longer than the sentence that could have been
14 imposed if the offender had been committed for the offense or
15 a period not to exceed 2 years, whichever is less. When
16 restitution or public service is ordered by the court, the
17 amount of restitution or public service may not be greater
18 than an amount that ~~which~~ the offender could reasonably be
19 expected to pay or perform.

20 ~~(6)(5)~~ The imposition of sentence may not be suspended
21 and the defendant thereupon placed on ~~probation or into~~
22 community supervision control unless the defendant is placed
23 under the supervision custody of the department or another
24 public or private entity. A private entity may not provide
25 ~~probationary or~~ supervision services to felony or misdemeanor
26 offenders sentenced or placed on community probation or other
27 supervision by the circuit court.

28 ~~(7)(6)~~ When the court, under ~~any of the foregoing~~
29 subsections ~~(1)-(6)~~, places a defendant on ~~probation or into~~
30 community supervision control, it may specify that the
31 defendant serve all or part of the ~~probationary or~~ community

1 ~~supervision control~~ period in a community residential or
2 nonresidential facility under the jurisdiction of the
3 Department of Corrections or the Department of Children and
4 Family Services or any public or private entity providing the
5 ~~such~~ services, and it shall require the payment prescribed in
6 s. 948.09.

7 (8) If it appears to the court upon a hearing that the
8 defendant is a chronic substance abuser whose criminal conduct
9 is a violation of s. 893.13(2)(a) or (6)(a), the court may
10 adjudge the defendant guilty or stay the case and withhold the
11 adjudication of guilt. In either case, the court may stay and
12 withhold the imposition of sentence and place the defendant in
13 the appropriate level of community supervision based on the
14 offender's offense and criminal history. In addition to all
15 other standard and special conditions imposed, the court may
16 impose conditions of supervision under s. 948.034.

17 Section 5. Section 948.011, Florida Statutes, is
18 amended to read:

19 948.011 When court may impose fine and place on
20 ~~probation or into~~ community supervision control as an
21 alternative to imprisonment.--When the law authorizes the
22 placing of an offender a defendant on community supervision
23 ~~probation~~, and when the offender's defendant's offense is
24 punishable by both fine and imprisonment, the trial court may,
25 in its discretion, impose a fine upon him or her and place him
26 or her on ~~probation or into~~ community supervision control as
27 an alternative to imprisonment.

28 Section 6. Section 948.012, Florida Statutes, is
29 amended to read:

30 948.012 Split sentence of probation or community
31 control and imprisonment.--

1 (1) Whenever punishment by imprisonment for a
2 misdemeanor or a felony, except for a capital felony, is
3 prescribed, the court, in its discretion, may, at the time of
4 sentencing, impose a split sentence whereby the defendant is
5 to be placed on ~~probation or, with respect to any such felony,~~
6 ~~into~~ community supervision control upon completion of any
7 specified period of ~~the such~~ sentence which may include a term
8 of years or less. In ~~this such~~ case, the court shall stay and
9 withhold the imposition of the remainder of sentence imposed
10 upon the defendant and direct that the defendant be placed on
11 ~~upon probation or into~~ community supervision control after
12 serving such period as may be imposed by the court. The period
13 of ~~probation or~~ community supervision control shall commence
14 immediately upon the release of the defendant from
15 incarceration, whether by parole or gain-time allowances.

16 (2) The court may also impose a split sentence whereby
17 the defendant is sentenced to a term of community supervision
18 ~~probation~~ which may be followed by a period of incarceration
19 or, with respect to a felony, into community supervision
20 ~~control~~, as follows:

21 (a) If the offender meets the terms and conditions of
22 ~~probation or~~ community supervision control, any term of
23 incarceration may be modified by court order to eliminate the
24 term of incarceration.

25 (b) If the offender does not meet the terms and
26 conditions of ~~probation or~~ community supervision control, the
27 court may revoke, modify, or continue the ~~probation or~~
28 community supervision control as provided in s. 948.06. If the
29 ~~probation or~~ community supervision control is revoked, the
30 court may impose any sentence that it could have imposed at
31 the time the offender was placed on ~~probation or~~ community

1 ~~supervision control~~. The court may not provide credit for time
2 served for any portion of a ~~term of probation or~~ community
3 ~~supervision control term~~ toward a subsequent term of ~~probation~~
4 ~~or~~ community supervision control. However, the court may not
5 impose a subsequent term of ~~probation or~~ community supervision
6 ~~control~~ which, when combined with any amount of time served on
7 preceding terms of ~~probation or~~ community supervision control
8 for offenses pending before the court for sentencing, would
9 exceed the maximum penalty allowable as provided in s.
10 775.082. ~~The~~ Such term of incarceration shall be served under
11 applicable law or county ordinance governing service of
12 sentences in state or county jurisdiction. This paragraph does
13 not prohibit any other sanction provided by law.

14 (3) The court may also impose split community
15 supervision ~~probation~~ whereby, upon satisfactory completion of
16 half the term of community supervision ~~probation~~, the
17 Department of Corrections may place the offender on
18 administrative supervision ~~probation~~ for the remainder of the
19 term of supervision. The provisions of s. 948.002(1) apply for
20 purposes of determining which offender is eligible for
21 administrative supervision.

22 Section 7. Section 948.014, Florida Statutes, is
23 amended to read:

24 948.014 Requirement to submit to drawing of blood or
25 other biological specimens.--

26 (1) As a condition of ~~probation~~, community supervision
27 ~~control, or any other court ordered community supervision~~, the
28 court shall order persons convicted of offenses specified in
29 s. 943.325 to submit to the drawing of the blood or other
30 biological specimens as prescribed in that section as a
31

1 | condition of ~~the probation, community control, or other~~
2 | ~~court ordered~~ community supervision.

3 | ~~(2) For the purposes of this section, conviction shall~~
4 | ~~include a finding of guilty, or entry of a plea of nolo~~
5 | ~~contendere or guilty, regardless of adjudication, or, in the~~
6 | ~~case of a juvenile, the finding of delinquency.~~

7 | ~~(2)(3)~~ Any order issued under ~~pursuant to~~ this section
8 | shall also require the convicted person to reimburse the
9 | appropriate agency for the costs of drawing and transmitting
10 | the blood or other biological specimens to the Department of
11 | Law Enforcement.

12 | Section 8. Section 948.015, Florida Statutes, is
13 | amended to read:

14 | 948.015 Presentence investigation reports.--The
15 | circuit court, when the defendant in a criminal case has been
16 | found guilty or has entered a plea of nolo contendere or
17 | guilty and has a lowest permissible sentence under the
18 | Criminal Punishment Code of any nonstate prison sanction, may
19 | refer the case to the department for investigation or
20 | recommendation. Upon the ~~such~~ referral, the department shall
21 | make the following report in writing at a time specified by
22 | the court before ~~prior to~~ sentencing. The full report shall
23 | include:

24 | (1) A complete description of the situation
25 | surrounding the criminal activity with which the offender has
26 | been charged, including a synopsis of the trial transcript, if
27 | one has been made; nature of the plea agreement, including the
28 | number of counts waived, the pleas agreed upon, the sentence
29 | agreed upon, and any additional terms of agreement; and, at
30 | the offender's discretion, his or her version and explanation
31 | of the criminal activity.

1 (2) The offender's sentencing status, including
2 whether the offender is a first offender, a habitual or
3 violent offender, a youthful offender, or is currently on
4 supervision ~~probation~~.

5 (3) The offender's prior record of arrests and
6 convictions.

7 (4) The offender's educational background.

8 (5) The offender's employment background, including
9 any military record, present employment status, and
10 occupational capabilities.

11 (6) The offender's financial status, including total
12 monthly income and estimated total debts.

13 (7) The social history of the offender, including his
14 or her family relationships, marital status, interests, and
15 activities.

16 (8) The residence history of the offender.

17 (9) The offender's medical history and, as
18 appropriate, a psychological or psychiatric evaluation.

19 (10) Information about the environments to which the
20 offender might return or to which the offender could be sent
21 should a sentence of nonincarceration or community supervision
22 be imposed by the court, and consideration of the offender's
23 plan concerning employment supervision and treatment.

24 (11) Information about any resources available to
25 assist the offender, such as:

26 (a) Treatment centers.

27 (b) Residential facilities.

28 (c) Career training programs.

29 (d) Special education programs.

30 (e) Services that may preclude or supplement
31 commitment to the department.

1 ~~(12) The views of the person preparing the report as~~
2 ~~to the offender's motivations and ambitions and an assessment~~
3 ~~of the offender's explanations for his or her criminal~~
4 ~~activity.~~

5 ~~(12)~~(13) An explanation of the offender's criminal
6 record, if any, including his or her version and explanation
7 of any previous offenses.

8 ~~(13)~~(14) A statement regarding the extent of any
9 victim's loss or injury.

10 ~~(15) A recommendation as to disposition by the court.~~
11 ~~The department shall make a written determination as to the~~
12 ~~reasons for its recommendation, and shall include an~~
13 ~~evaluation of the following factors:~~

14 ~~(a) The appropriateness or inappropriateness of~~
15 ~~community facilities, programs, or services for treatment or~~
16 ~~supervision for the offender.~~

17 ~~(b) The ability or inability of the department to~~
18 ~~provide an adequate level of supervision for the offender in~~
19 ~~the community and a statement of what constitutes an adequate~~
20 ~~level of supervision.~~

21 ~~(c) The existence of other treatment modalities which~~
22 ~~the offender could use but which do not exist at present in~~
23 ~~the community.~~

24 Section 9. Section 948.03, Florida Statutes, is
25 amended to read:

26 948.03 Terms and conditions of community supervision
27 probation.--

28 (1) The court shall determine the terms and conditions
29 of community supervision probation. Conditions specified in
30 this section do not require oral pronouncement at the time of
31 sentencing and may be considered standard conditions of

1 community supervision ~~probation~~. These conditions may include
2 among them the following, that the ~~probationer or~~ offender in
3 community supervision control shall:

4 (a) Report to the officers supervising the offender
5 ~~probation and parole supervisors~~ as directed. Each month the
6 offender must give the offender's correctional probation
7 officer a full, truthful, and complete written report. The
8 content of the report must include, but is not limited to, the
9 offender's employment status, monthly earnings, and ability to
10 pay fines and costs. The department may direct an offender to
11 submit the report to the officer through an automated
12 reporting station.

13 (b) Permit correctional probation officers ~~such~~
14 ~~supervisors~~ to visit him or her at his or her home or
15 elsewhere.

16 (c) Work faithfully at suitable employment insofar as
17 may be possible.

18 (d) Remain within a specified place.

19 (e) Make reparation or restitution to the aggrieved
20 party for the damage or loss caused by his or her offense in
21 an amount to be determined by the court. The court shall make
22 the ~~such~~ reparation or restitution a condition of community
23 supervision ~~probation~~, unless it determines that clear and
24 compelling reasons exist to the contrary. If the court does
25 not order restitution, or orders restitution of only a portion
26 of the damages, as provided in s. 775.089, it shall state on
27 the record in detail the reasons therefor.

28 (f) Effective July 1, 1994, and applicable for
29 offenses committed on or after that date, make payment of the
30 debt due and owing to a county or municipal detention facility
31 under s. 951.032 for medical care, treatment, hospitalization,

1 or transportation received by the felony probationer while in
2 that detention facility. The court, in determining whether to
3 order ~~the such~~ repayment and the amount of ~~the such~~ repayment,
4 shall consider the amount of the debt, whether there was any
5 fault of the institution for the medical expenses incurred,
6 the financial resources of the felony offender ~~probationer~~,
7 the present and potential future financial needs and earning
8 ability of the offender ~~probationer~~, and dependents, and other
9 appropriate factors.

10 (g) Support his or her legal dependents to the best of
11 his or her ability.

12 (h) Make payment of the debt due and owing to the
13 state under s. 960.17, subject to modification based on change
14 of circumstances.

15 (i) Pay any application fee assessed under s.
16 27.52(2)(a) and attorney's fees and costs assessed under s.
17 938.29, subject to modification based on change of
18 circumstances.

19 (j) Not associate with persons engaged in criminal
20 activities.

21 (k)1. Submit to random testing as directed by the
22 correctional probation officer or the professional staff of
23 the treatment center where he or she is receiving treatment to
24 determine the presence or use of alcohol or controlled
25 substances.

26 2. If the offense was a controlled substance violation
27 and the period of community supervision ~~probation~~ immediately
28 follows a period of incarceration in the state correction
29 system, the conditions must ~~shall~~ include a requirement that
30 the offender submit to random substance abuse testing
31 intermittently throughout the term of supervision, upon the

1 direction of the correctional probation officer ~~as defined in~~
2 ~~s. 943.10(3)~~.

3 (l) Be prohibited from possessing, carrying, or owning
4 any firearm unless authorized by the court and consented to by
5 the probation officer.

6 (m) Be prohibited from using intoxicants to excess or
7 possessing any drugs or narcotics unless prescribed by a
8 physician. The probationer or community controllee shall not
9 knowingly visit places where intoxicants, drugs, or other
10 dangerous substances are unlawfully sold, dispensed, or used.

11 (n) Submit to the drawing of blood or other biological
12 specimens as prescribed in ss. 943.325 and 948.014, and
13 reimburse the appropriate agency for the costs of drawing and
14 transmitting the blood or other biological specimens to the
15 Department of Law Enforcement.

16 (o) Be placed on electronic monitoring if it is deemed
17 appropriate by the Department of Corrections.

18 (2) The enumeration of specific kinds of terms and
19 conditions does shall not prevent the court from adding
20 ~~thereto such other conditions or others~~ as it considers
21 proper. However, the sentencing court may only impose a
22 condition of supervision allowing an offender convicted of s.
23 794.011, s. 800.04, s. 827.071, or s. 847.0145, to reside in
24 another state, if the order stipulates that it is contingent
25 upon the approval of the receiving state interstate compact
26 authority. The court may rescind or modify at any time the
27 terms and conditions theretofore imposed by it upon the
28 offender probationer. However, if the court withholds
29 adjudication of guilt or imposes a period of incarceration as
30 a condition of community supervision probation, the period may
31 ~~shall~~ not exceed 364 days, and incarceration shall be

1 restricted to either a county facility, a probation and
2 restitution center under the jurisdiction of the Department of
3 Corrections, a probation program drug punishment phase I
4 secure residential treatment institution, or a community
5 residential facility owned or operated by any entity providing
6 such services.

7 Section 10. Subsection (1) of section 948.031, Florida
8 Statutes, is amended to read:

9 948.031 Condition of ~~probation or~~ community
10 supervision control; public service.--

11 (1) Any person who is convicted of a felony or
12 misdemeanor and who is placed on ~~probation or into~~ community
13 supervision control may be required as a condition of
14 supervision to perform some type of public service for a
15 tax-supported or tax-exempt entity, with the consent of the
16 ~~such~~ entity. The ~~Such~~ public service must ~~shall~~ be performed
17 at a time other than during the ~~such~~ person's regular hours of
18 employment.

19 Section 11. Section 948.032, Florida Statutes, is
20 amended to read:

21 948.032 Condition of community supervision ~~probation~~;
22 restitution.--If an offender ~~a defendant~~ is placed on
23 community supervision ~~probation~~, any restitution ordered under
24 s. 775.089 shall be a condition of the community supervision
25 ~~probation~~. The court may revoke community supervision
26 ~~probation~~ if the offender ~~defendant~~ fails to comply with the
27 order. ~~In determining whether to revoke probation, the court~~
28 ~~shall consider the defendant's employment status, earning~~
29 ~~ability, and financial resources; the willfulness of the~~
30 ~~defendant's failure to pay; and any other special~~

31

1 ~~circumstances that may have a bearing on the defendant's~~
2 ~~ability to pay.~~

3 Section 12. Section 948.034, Florida Statutes, is
4 amended to read:

5 948.034 Terms and conditions of community supervision
6 ~~probation~~; community residential drug punishment centers.--

7 (1) The department shall operate a program under s.
8 948.01(8) for offenders found by a court to be chronic
9 substance abusers. The program must emphasize a combination of
10 treatment and community supervision. Each offender must be
11 supervised according to a specific treatment plan. The program
12 may include the use of graduated sanctions for violations of
13 the conditions imposed by the court.

14 (2) A court may impose conditions on a chronic
15 substance abuser which are in addition to all other standard
16 and special conditions otherwise imposed on the offender. A
17 court may order an offender to:

18 (a) Enter, regularly attend, and successfully complete
19 a prescribed substance abuse treatment program provided by a
20 service provider licensed under chapter 397 or by a hospital
21 licensed under chapter 395. The court may refer the offender
22 to a service provider or hospital for evaluation and treatment
23 subject to the ability of the offender to pay for the
24 evaluation or treatment. If a referral is made, the offender
25 must attend the treatment program and pay the reasonable cost
26 of the evaluation and treatment.

27 (b) Perform at least 250 hours of public service.

28 (c) Submit to routine and random drug testing that may
29 be conducted during the supervision period, with the costs of
30 the drug testing borne by the offender.

31

1 (d) Participate, at his or her own expense, in an
2 appropriate self-help group, such as Narcotics Anonymous,
3 Alcoholics Anonymous, or Cocaine Anonymous, if available.

4 (e) Pay a fine of not less than \$500 or more than
5 \$5,000 under s. 775.083(1)(c).

6
7 Conditions imposed under this subsection do not require oral
8 pronouncement at the time of sentencing and shall be
9 considered standard conditions of community supervision for
10 offenders specified in this subsection.

11 ~~(3)(1)~~ On or after October 1, 1993, any offender
12 ~~person~~ who violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,
13 (2)(a)1., or (5)(a) may, in the discretion of the trial court,
14 be required to successfully complete a term of community
15 supervision ~~probation~~ in lieu of serving a term of
16 imprisonment as required or authorized by s. 775.084, former
17 s. 921.001, or s. 921.002, as follows:

18 (a) If the offender ~~person~~ has not previously been
19 convicted of violating s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,
20 (2)(a)1., or (5)(a), adjudication may be withheld and the
21 offender may be placed on community supervision ~~probation~~ for
22 not less than 18 months, as a condition of which the court
23 shall require the offender to reside at a community
24 residential drug punishment center for 90 days. The offender
25 must comply with all rules and regulations of the center and
26 must pay a fee for the costs of room and board and residential
27 supervision. Placement of an offender into a community
28 residential drug punishment center is subject to budgetary
29 considerations and availability of bed space. If the court
30 requires the offender to reside at a community residential
31 drug punishment center, the court shall also require the

1 offender to comply with one or more of the other following
2 terms and conditions set forth in subsection (2).+

3 ~~1. Pay a fine of not less than \$500 nor more than~~
4 ~~\$10,000 pursuant to s. 775.083(1)(c).~~

5 ~~2. Enter, regularly attend, and successfully complete~~
6 ~~a substance abuse education program of at least 40 hours or a~~
7 ~~prescribed substance abuse treatment program provided by a~~
8 ~~treatment resource licensed pursuant to chapter 397 or by a~~
9 ~~hospital licensed pursuant to chapter 395, as specified by the~~
10 ~~court. In addition, the court may refer the offender to a~~
11 ~~licensed agency for substance abuse evaluation and, if~~
12 ~~appropriate, substance abuse treatment subject to the ability~~
13 ~~of the offender to pay for such evaluation and treatment. If~~
14 ~~such referral is made, the offender must comply and must pay~~
15 ~~for the reasonable cost of the evaluation and treatment.~~

16 ~~3. Perform at least 100 hours of public service.~~

17 ~~4. Submit to routine and random drug testing which may~~
18 ~~be conducted during the probationary period, with the~~
19 ~~reasonable costs thereof borne by the offender.~~

20 ~~5. Participate, at his or her own expense, in an~~
21 ~~appropriate self help group, such as Narcotics Anonymous,~~
22 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

23 (b) If the person has been previously convicted of one
24 felony violation of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,
25 (2)(a)1., or (5)(a), adjudication may not be withheld and the
26 offender may be placed on community supervision ~~probation~~ for
27 not less than 24 months, as a condition of which the court
28 shall require the offender to reside at a community
29 residential drug punishment center for 180 days. The offender
30 must comply with all rules and regulations of the center and
31 must pay a fee for the costs of room and board and residential

1 supervision. Placement of an offender into a community
2 residential drug punishment center is subject to budgetary
3 considerations and availability of bed space. If the court
4 requires the offender to reside at a community residential
5 drug punishment center, the court shall also require the
6 offender to comply with one or more of the ~~other following~~
7 terms and conditions set forth in subsection (2).÷

8 ~~1. Pay a fine of not less than \$1,000 nor more than~~
9 ~~\$10,000 pursuant to s. 775.083(1)(c).~~

10 ~~2. Enter, regularly attend, and successfully complete~~
11 ~~a substance abuse education program of at least 40 hours or a~~
12 ~~prescribed substance abuse treatment program provided by a~~
13 ~~treatment resource licensed pursuant to chapter 397 or by a~~
14 ~~hospital licensed pursuant to chapter 395, as specified by the~~
15 ~~court. In addition, the court may refer the offender to a~~
16 ~~licensed agency for substance abuse evaluation and, if~~
17 ~~appropriate, substance abuse treatment subject to the ability~~
18 ~~of the offender to pay for such evaluation and treatment. If~~
19 ~~such referral is made, the offender must comply and must pay~~
20 ~~for the reasonable cost of the evaluation and treatment.~~

21 ~~3. Perform at least 200 hours of public service.~~

22 ~~4. Submit to routine and random drug testing which may~~
23 ~~be conducted during the probationary period, with the~~
24 ~~reasonable costs thereof borne by the offender.~~

25 ~~5. Participate, at his or her own expense, in an~~
26 ~~appropriate self help group, such as Narcotics Anonymous,~~
27 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

28 (c) If the person has been previously convicted of two
29 felony violations of s. 893.13(2)(a)1. or (5)(a), adjudication
30 may not be withheld and the offender may be placed on
31 community supervision ~~probation~~ for not less than 36 months,

1 as a condition of which the court shall require the offender
2 to reside at a community residential drug punishment center
3 for 360 days. The offender must comply with all rules and
4 regulations of the center and must pay a fee for the costs of
5 room and board and residential supervision. Placement of an
6 offender into a community residential drug punishment center
7 is subject to budgetary considerations and availability of bed
8 space. If the court requires the offender to reside at a
9 community residential drug punishment center, the court shall
10 also require the offender to comply with one or more of the
11 ~~other following~~ terms and conditions set forth in subsection
12 (2).÷

13 1. ~~Pay a fine of not less than \$1,500 nor more than~~
14 ~~\$10,000 pursuant to s. 775.083(1)(c).~~

15 2. ~~Enter, regularly attend, and successfully complete~~
16 ~~a substance abuse education program of at least 40 hours or a~~
17 ~~prescribed substance abuse treatment program provided by a~~
18 ~~treatment resource licensed pursuant to chapter 397 or by a~~
19 ~~hospital licensed pursuant to chapter 395, as specified by the~~
20 ~~court. In addition, the court may refer the offender to a~~
21 ~~licensed agency for substance abuse evaluation and, if~~
22 ~~appropriate, substance abuse treatment subject to the ability~~
23 ~~of the offender to pay for such evaluation and treatment. If~~
24 ~~such referral is made, the offender must comply and must pay~~
25 ~~for the reasonable cost of the evaluation and treatment.~~

26 3. ~~Perform at least 300 hours of public service.~~

27 4. ~~Submit to routine and random drug testing which may~~
28 ~~be conducted during the probationary period, with the~~
29 ~~reasonable costs thereof borne by the offender.~~

30
31

1 ~~5. Participate, at his or her own expense, in an~~
2 ~~appropriate self help group, such as Narcotics Anonymous,~~
3 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

4 (d) An offender who violates community supervision
5 ~~probation~~ imposed under ~~pursuant to~~ this section shall be
6 sentenced in accordance with s. 921.002.

7 ~~(4)(2)~~ On or after October 1, 1993, any person who
8 violates s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a) may,
9 in the discretion of the trial court, be required to
10 successfully complete a term of community supervision
11 ~~probation~~ in lieu of serving a term of imprisonment as
12 required or authorized by s. 775.084, former s. 921.001, or s.
13 921.002, as follows:

14 (a) If the person has not previously been convicted of
15 violating s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a),
16 adjudication may be withheld and the offender shall be placed
17 on community supervision ~~probation~~ for not less than 12
18 months, as a condition of which the court may require the
19 offender to comply with one or more of the ~~following~~ terms and
20 conditions set forth in subsection (2).+

21 ~~1. Pay a fine of not less than \$250 nor more than~~
22 ~~\$5,000 pursuant to s. 775.083(1)(c).~~

23 ~~2. Enter, regularly attend, and successfully complete~~
24 ~~a substance abuse education program of at least 40 hours or a~~
25 ~~prescribed substance abuse treatment program provided by a~~
26 ~~treatment resource licensed pursuant to chapter 397 or by a~~
27 ~~hospital licensed pursuant to chapter 395, as specified by the~~
28 ~~court. In addition, the court may refer the offender to a~~
29 ~~licensed agency for substance abuse evaluation and, if~~
30 ~~appropriate, substance abuse treatment subject to the ability~~
31 ~~of the offender to pay for such evaluation and treatment. If~~

1 ~~such referral is made, the offender must comply and must pay~~
2 ~~for the reasonable cost of the evaluation and treatment.~~

3 ~~3. Perform at least 50 hours of public service.~~

4 ~~4. Submit to routine and random drug testing which may~~
5 ~~be conducted during the probationary period, with the~~
6 ~~reasonable costs thereof borne by the offender.~~

7 ~~5. Participate, at his or her own expense, in an~~
8 ~~appropriate self help group, such as Narcotics Anonymous,~~
9 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

10 (b) If the person has been previously convicted of one
11 felony violation of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or
12 (6)(a), adjudication may not be withheld and the offender may
13 be placed on community supervision ~~probation~~ for not less than
14 18 months, as a condition of which the court shall require the
15 offender to reside at a community residential drug punishment
16 center for 90 days. The offender must comply with all rules
17 and regulations of the center and must pay a fee for the costs
18 of room and board and residential supervision. Placement of an
19 offender into a community residential drug punishment center
20 is subject to budgetary considerations and availability of bed
21 space. If the court requires the offender to reside at a
22 community residential drug punishment center, the court shall
23 also require the offender to comply with one or more of the
24 ~~other following~~ terms and conditions set forth in subsection
25 (2).÷

26 ~~1. Pay a fine of not less than \$500 nor more than~~
27 ~~\$5,000 pursuant to s. 775.083(1)(c).~~

28 ~~2. Enter, regularly attend, and successfully complete~~
29 ~~a substance abuse intervention program of a least 80 hours~~
30 ~~provided by a treatment resource licensed pursuant to chapter~~
31 ~~397 or by a hospital licensed pursuant to chapter 395, as~~

1 ~~specified by the court. In addition, the court may refer the~~
2 ~~offender to a licensed agency for substance abuse evaluation~~
3 ~~and, if appropriate, substance abuse treatment subject to the~~
4 ~~ability of the offender to pay for such evaluation and~~
5 ~~treatment. If such referral is made, the offender must comply~~
6 ~~and must pay for the reasonable cost of the evaluation and~~
7 ~~treatment.~~

8 ~~3. Perform at least 100 hours of public service.~~

9 ~~4. Submit to routine and random drug testing which may~~
10 ~~be conducted during the probationary period, with the~~
11 ~~reasonable costs thereof borne by the offender.~~

12 ~~5. Participate, at his or her own expense, in an~~
13 ~~appropriate self help group, such as Narcotics Anonymous,~~
14 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

15 (c) If the person has been previously convicted of two
16 felony violations of s. 893.13(2)(a)2., (5)(b), or (6)(a),
17 adjudication may not be withheld and the offender may be
18 placed on community supervision ~~probation~~ for not less than 24
19 months, as a condition of which the court shall require the
20 offender to reside at a community residential drug punishment
21 center for 120 days. The offender must comply with all rules
22 and regulations of the center and must pay a fee for the costs
23 of room and board and residential supervision. Placement of an
24 offender into a community residential drug punishment center
25 is subject to budgetary considerations and availability of bed
26 space. If the court requires the offender to reside at a
27 community residential drug punishment center, the court shall
28 also require the offender to comply with one or more of the
29 ~~other following~~ terms and conditions set forth in subsection
30 (2).÷
31

1 1. ~~Pay a fine of not less than \$1,000 nor more than~~
2 ~~\$5,000 pursuant to s. 775.083(1)(c).~~

3 2. ~~Enter, regularly attend, and successfully complete~~
4 ~~a prescribed substance abuse treatment program provided by a~~
5 ~~treatment resource licensed pursuant to chapter 397 or by a~~
6 ~~hospital licensed pursuant to chapter 395, as specified by the~~
7 ~~court. In addition, the court may refer the offender to a~~
8 ~~licensed agency for substance abuse evaluation and, if~~
9 ~~appropriate, substance abuse treatment subject to the ability~~
10 ~~of the offender to pay for such evaluation and treatment. If~~
11 ~~such referral is made, the offender must comply and must pay~~
12 ~~for the reasonable cost of the evaluation and treatment.~~

13 3. ~~Perform at least 150 hours of public service.~~

14 4. ~~Submit to routine and random drug testing which may~~
15 ~~be conducted during the probationary period, with the~~
16 ~~reasonable costs thereof borne by the offender.~~

17 5. ~~Participate, at his or her own expense, in an~~
18 ~~appropriate self help group, such as Narcotics Anonymous,~~
19 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

20 (d) If the person has been previously convicted of
21 three felony violations of s. 893.13(2)(a)2., (5)(b), or
22 (6)(a), adjudication may not be withheld and the offender may
23 be placed on community supervision ~~probation~~ for not less than
24 30 months, as a condition of which the court shall require the
25 offender to reside at a community residential drug punishment
26 center for 200 days. The offender must comply with all rules
27 and regulations of the center and must pay a fee for the costs
28 of room and board and residential supervision. Placement of an
29 offender into a community residential drug punishment center
30 is subject to budgetary considerations and availability of bed
31 space. If the court requires the offender to reside at a

1 community residential drug punishment center, the court shall
2 also require the offender to comply with one or more of the
3 ~~other following~~ terms and conditions set forth in subsection
4 (2).÷

5 1. ~~Pay a fine of not less than \$1,500 nor more than~~
6 ~~\$5,000 pursuant to s. 775.083(1)(c).~~

7 2. ~~Enter, regularly attend, and successfully complete~~
8 ~~a prescribed substance abuse treatment program provided by a~~
9 ~~treatment resource licensed pursuant to chapter 397 or by a~~
10 ~~hospital licensed pursuant to chapter 395, as specified by the~~
11 ~~court. In addition, the court may refer the offender to a~~
12 ~~licensed agency for substance abuse evaluation and, if~~
13 ~~appropriate, substance abuse treatment subject to the ability~~
14 ~~of the offender to pay for such evaluation and treatment. If~~
15 ~~such referral is made, the offender must comply and must pay~~
16 ~~for the reasonable cost of the evaluation and treatment.~~

17 3. ~~Perform at least 200 hours of public service.~~

18 4. ~~Submit to routine and random drug testing which may~~
19 ~~be conducted during the probationary period, with the~~
20 ~~reasonable costs thereof borne by the offender.~~

21 5. ~~Participate, at his or her own expense, in an~~
22 ~~appropriate self help group, such as Narcotics Anonymous,~~
23 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

24 (e) If the person has been previously convicted of
25 four felony violations of s. 893.13(2)(a)2., (5)(b), or
26 (6)(a), adjudication may not be withheld and the offender may
27 be placed on community supervision ~~probation~~ for not less than
28 36 months, as a condition of which the court shall require the
29 offender to reside at a community residential drug punishment
30 center for 360 days. The offender must comply with all rules
31 and regulations of the center and must pay a fee for the costs

1 of room and board and residential supervision. Placement of an
2 offender into a community residential drug punishment center
3 is subject to budgetary considerations and availability of bed
4 space. If the court requires the offender to reside at a
5 community residential drug punishment center, the court shall
6 also require the offender to comply with one or more of the
7 ~~other following~~ terms and conditions set forth in subsection
8 (2).÷

9 1. ~~Pay a fine of not less than \$2,000 nor more than~~
10 ~~\$5,000 pursuant to s. 775.083(1)(c).~~

11 2. ~~Enter, regularly attend, and successfully complete~~
12 ~~a prescribed substance abuse treatment program provided by a~~
13 ~~treatment resource licensed pursuant to chapter 397 or by a~~
14 ~~hospital licensed pursuant to chapter 395, as specified by the~~
15 ~~court. In addition, the court may refer the offender to a~~
16 ~~licensed agency for substance abuse evaluation and, if~~
17 ~~appropriate, substance abuse treatment subject to the ability~~
18 ~~of the offender to pay for such evaluation and treatment. If~~
19 ~~such referral is made, the offender must comply and must pay~~
20 ~~for the reasonable cost of the evaluation and treatment.~~

21 3. ~~Perform at least 250 hours of public service.~~

22 4. ~~Submit to routine and random drug testing which may~~
23 ~~be conducted during the probationary period, with the~~
24 ~~reasonable costs thereof borne by the offender.~~

25 5. ~~Participate, at his or her own expense, in an~~
26 ~~appropriate self help group, such as Narcotics Anonymous,~~
27 ~~Alcoholics Anonymous, or Cocaine Anonymous, if available.~~

28 (f) An offender who violates probation imposed under
29 ~~pursuant to~~ this section shall be sentenced in accordance with
30 s. 921.002.

31

1 ~~(5)(3)~~ Whenever the licensed service authorized
2 provider for substance abuse treatment ~~pursuant to this~~
3 ~~section~~ is the same provider that conducts the substance abuse
4 evaluations, that provider must submit a quarterly statistical
5 report that shall be reviewed by the Department of Children
6 and Family Services to ensure that excessive referrals to
7 treatment have not been made. A programmatic and statistical
8 report must be submitted annually to the Department of
9 Children and Family Services by each provider authorized to
10 provide services under this section.

11 ~~(6)(4)~~ For the purposes of this section, multiple
12 violations of ~~any provision of~~ chapter 893 which are pending
13 before the court for sentencing at the same time and from the
14 same criminal episode shall be considered as one violation.

15 ~~(7)(5)~~ The Department of Corrections, in consultation
16 with the Department of Children and Family Services, shall
17 adopt rules ~~as necessary~~ to implement ~~the provisions of~~ this
18 section relating to program standards and performance
19 objectives of community residential drug punishment centers.

20 Section 13. Section 948.0345, Florida Statutes, is
21 amended to read:

22 948.0345 Community service alternative to fine; fine
23 disposal.--Fines imposed under s. 948.034 ~~pursuant to s.~~
24 ~~948.034(1) and (2)~~ shall be disposed of under ~~pursuant to~~ s.
25 938.23(2). If the court finds that an offender is financially
26 unable to pay all or part of the fine, the court may order the
27 offender to perform community service for a specified
28 additional period of time in lieu of payment of that portion
29 of the fine which the court determines the offender is unable
30 to pay. The court shall take into consideration the amount of
31 the unpaid portion of the fine and the reasonable value of the

1 services; however, the court shall not compute the reasonable
2 value of services at a rate less than the federal minimum wage
3 at the time of placing the offender on probation.

4 Section 14. Section 948.035, Florida Statutes, is
5 amended to read:

6 948.035 Residential treatment as a condition of
7 ~~probation or~~ community supervision control.--

8 (1) If the court imposes a period of residential
9 treatment or incarceration as a condition of ~~probation or~~
10 community supervision control, the residential treatment or
11 incarceration shall be restricted to the following facilities:

12 (a) A Department of Corrections probation and
13 restitution center;

14 (b) A probation program drug punishment treatment
15 community;

16 (c) A community residential facility which is owned
17 and operated by any public or private entity, excluding a
18 community correctional center as defined in s. 944.026; or

19 (d) A county-owned facility.

20 (2) It is the intent of the Legislature that a county
21 jail be used as the last available alternative for placement
22 of an offender as a condition of supervision ~~probation~~.

23 However, this does ~~shall~~ not create a right of placement for
24 the offender and does not ~~probationer, nor shall it~~ restrict
25 judicial discretion in ordering ~~such~~ treatment or
26 incarceration.

27 (3) Before ~~Prior to~~ admission to ~~such~~ a facility or
28 treatment community, the court shall obtain an individual
29 assessment and recommendation on the appropriate treatment
30 needs of the offender ~~pursuant to the Community Control~~
31 ~~Implementation Manual~~ which shall be considered by the court

1 in ordering ~~such~~ placements. Placement in ~~such~~ a facility or
2 center, or in the phase I secure residential phase of a
3 probation program drug punishment treatment community, may
4 ~~shall~~ not exceed 364 days. Early completion of an offender's
5 placement shall be recommended to the court, when appropriate,
6 by the facility or center supervisor, by the supervising
7 probation officer, or by the program manager. The Department
8 of Corrections is authorized to contract with appropriate
9 agencies for ~~provision of~~ services.

10 Section 15. Section 948.036, Florida Statutes, is
11 amended to read:

12 948.036 Work programs as a condition of ~~probation,~~
13 ~~community control, or other court ordered~~ community
14 supervision.--

15 (1) Whenever an offender is required by the court to
16 participate in any work program under ~~the provisions of~~ this
17 chapter, enters into the pretrial intervention program under
18 ~~pursuant to~~ s. 948.08, or volunteers to work in a supervised
19 work program conducted by a specified state, county,
20 municipal, or community service organization or to work for
21 the victim, either as an alternative to monetary restitution
22 or as a part of the rehabilitative or community supervision
23 ~~control~~ program, the offender shall be considered an employee
24 of the state for the purposes of chapter 440.

25 (2) In determining the average weekly wage, unless
26 otherwise determined by a specific funding program, all
27 remuneration received from the employer shall be considered a
28 gratuity, and the offender is ~~shall~~ not ~~be~~ entitled to any
29 benefits otherwise payable under s. 440.15, regardless of
30 whether the offender may be receiving wages and remuneration
31 from other employment with another employer and regardless of

1 his or her future wage-earning capacity. The provisions of
2 this section do not apply to any person performing labor under
3 a sentence of a court to perform community services as
4 provided in s. 316.193.

5 Section 16. Section 948.037, Florida Statutes, is
6 amended to read:

7 948.037 Education and learning as a condition of
8 ~~probation or community supervision control.~~--

9 (1) As a condition of community supervision control,
10 ~~probation, or probation~~ following incarceration, the court
11 shall require an offender who has not obtained a high school
12 diploma or high school equivalency diploma or who lacks basic
13 or functional literacy skills, upon acceptance by an adult
14 education program, to make a good faith effort toward
15 completion of ~~such~~ basic or functional literacy skills or high
16 school equivalency diploma, as defined in s. 1003.435, in
17 accordance with the assessed adult general education needs of
18 the individual offender. The court ~~may shall~~ not revoke
19 community supervision control, ~~probation, or probation~~
20 following incarceration because of the offender's inability to
21 achieve ~~the such~~ skills or diploma but may revoke community
22 supervision control, ~~probation, or probation~~ following
23 incarceration if the offender fails to make a good faith
24 effort to achieve such skills or diploma. The court may grant
25 early termination of community supervision control, ~~probation,~~
26 ~~or probation~~ following incarceration upon the offender's
27 successful completion of the approved program. As used in this
28 subsection, the term "good faith effort" means the offender is
29 enrolled in a program of instruction and is attending and
30 making satisfactory progress toward completion of the
31 requirements.

1 (2) A juvenile on community supervision ~~control~~ who is
2 a public school student must attend a public adult education
3 program or a dropout prevention program, under ~~pursuant to~~ s.
4 1003.53, which includes a second chance school or an
5 alternative to expulsion, if the school district where the
6 juvenile is enrolled offers such programs, unless the
7 principal of the school determines that special circumstances
8 warrant continuation in the regular educational school
9 program.

10 (3) If a juvenile on community supervision ~~control~~
11 attends a regular educational school program because a public
12 adult education program or dropout prevention program, which
13 includes a second chance school or an alternative to
14 expulsion, is not available in the school district, the
15 identity of the juvenile on community control, the nature of
16 the felony offense committed by the juvenile, and the
17 conditions of community control must be made known to each of
18 the student's teachers.

19 Section 17. Section 948.038, Florida Statutes, is
20 amended to read:

21 948.038 Batterers' intervention program as a condition
22 of ~~probation, community control, or other court ordered~~
23 community supervision.--As a condition of ~~probation, community~~
24 ~~control, or any other court ordered~~ community supervision, the
25 court shall order an offender ~~a person~~ convicted of an offense
26 of domestic violence, as defined in s. 741.28, to attend and
27 successfully complete a batterers' intervention program unless
28 the court determines that the offender ~~person~~ does not qualify
29 for the batterers' intervention program under ~~pursuant to~~ s.
30 741.325. The batterers' intervention program must be a program
31

1 certified under s. 741.32, and the offender must pay the cost
2 of attending the program.

3 Section 18. Section 948.039, Florida Statutes, is
4 amended to read:

5 948.039 Special terms and conditions of ~~probation or~~
6 community supervision control imposed by court order.--The
7 court may determine any special terms and conditions of
8 ~~probation or~~ community supervision control. The terms and
9 conditions should be reasonably related to the circumstances
10 of the offense committed and appropriate for the offender. The
11 court shall impose the special terms and conditions by oral
12 pronouncement at sentencing and include the terms and
13 conditions in the written sentencing order. Special terms and
14 conditions may include, but are not limited to, requirements
15 that the offender:

16 (1) Attend an HIV/AIDS awareness program consisting of
17 a class of not less than 2 hours or more than 4 hours in
18 length, if ~~the~~ such a program is available in the county of
19 the offender's residence. The offender shall pay the cost of
20 attending the program.

21 (2) Pay not more than \$1 per month during the term of
22 ~~probation or~~ community supervision control to a nonprofit
23 organization established for the sole purpose of supplementing
24 the rehabilitative efforts of the department ~~of Corrections~~.

25 Section 19. Section 948.04, Florida Statutes, is
26 amended to read:

27 948.04 Period of community supervision ~~probation~~; duty
28 of offender ~~probationer~~; early termination.--

29 (1) Offenders ~~Defendants~~ found guilty of felonies who
30 are placed on community supervision ~~probation~~ shall be under
31 supervision not to exceed 2 years unless otherwise specified

1 by the court. An offender ~~No defendant~~ placed on community
2 supervision ~~probation pursuant to s. 948.012(1) or s. 948.034~~
3 is not subject to the ~~probation~~ limitations of this
4 subsection. An offender ~~A defendant~~ who is placed on ~~probation~~
5 ~~or~~ community supervision control for a violation of chapter
6 794 or chapter 827 is subject to the maximum level of
7 supervision provided by the supervising agency, and that
8 supervision shall continue through the full term of the
9 court-imposed ~~probation or~~ community supervision control.

10 (2) Upon the termination of the period of community
11 supervision ~~probation~~, the offender ~~probationer~~ shall be
12 released from supervision ~~probation~~ and is not liable to
13 sentence for the offense for which community supervision
14 ~~probation~~ was allowed. During the period of community
15 supervision ~~probation~~, the probationer shall perform the terms
16 and conditions of his or her supervision ~~probation~~.

17 (3) If the offender ~~probationer~~ has performed
18 satisfactorily, has not been found in violation of any terms
19 or conditions of supervision, and has met all financial
20 sanctions imposed by the court, including, but not limited to,
21 fines, court costs, and restitution, the Department of
22 Corrections may recommend early termination of supervision
23 ~~probation~~ to the court at any time before the scheduled
24 termination date.

25 Section 20. Section 948.05, Florida Statutes, is
26 amended to read:

27 948.05 Court to admonish or commend ~~probationer or~~
28 offender in community supervision control.--A court may at any
29 time cause ~~an a probationer or~~ offender in community
30 supervision control to appear before it to be admonished or
31 commended, and, when satisfied that its action will be for the

1 best interests of justice and the welfare of society, it may
2 discharge the ~~probationer or offender in community control~~
3 from further supervision.

4 Section 21. Section 948.06, Florida Statutes, is
5 amended to read:

6 948.06 Violation of ~~probation or~~ community supervision
7 ~~control~~; revocation; modification; continuance; failure to pay
8 restitution or cost of supervision.--

9 (1)(a) Whenever within the period of ~~probation or~~
10 community supervision control there are reasonable grounds to
11 believe that an a ~~probationer or offender in community control~~
12 has violated his or her ~~probation or~~ community supervision
13 ~~control in a material respect, any law enforcement officer who~~
14 ~~is aware of the probationary or community control status of~~
15 ~~the probationer or offender in community control or any parole~~
16 or probation supervisor may arrest or request any county or
17 municipal law enforcement officer to arrest the such
18 ~~probationer or~~ offender without warrant wherever found and
19 forthwith return him or her to the court granting such
20 ~~probation or~~ community supervision control. If a law
21 enforcement officer has reasonable grounds to believe that an
22 offender on community supervision has violated the terms or
23 conditions of his or her supervision, the law enforcement
24 officer shall arrest the offender without warrant and take the
25 offender into custody.

26 (b) Any committing trial court judge may issue a
27 warrant, upon the facts being made known to him or her by
28 affidavit of one having knowledge of the such facts, for the
29 arrest of the ~~probationer or~~ offender, returnable forthwith
30 before the court granting ~~such probation or~~ community
31 supervision control.

1 (c) Any law enforcement ~~parole or probation~~
2 ~~supervisor, any officer authorized to serve criminal process,~~
3 ~~or any peace officer may of this state is authorized to serve~~
4 and execute the ~~such~~ warrant.

5 (d) ~~Upon the filing of an affidavit alleging a~~
6 ~~violation of probation or community control and~~ Following
7 issuance of a warrant under s. 901.02 or upon a warrantless
8 arrest, the ~~probationary~~ period of supervision is tolled until
9 the court enters a ruling on the violation. Notwithstanding
10 the tolling of supervision ~~probation as provided in this~~
11 ~~subsection~~, the court shall retain jurisdiction over the
12 offender for any violation of the conditions of ~~probation or~~
13 community supervision which control that is alleged to have
14 occurred during the tolling period. The correctional probation
15 officer is permitted to continue to supervise any offender who
16 remains available to the officer for supervision until the
17 supervision expires under ~~pursuant to~~ the order of ~~probation~~
18 ~~or~~ community supervision control or until the court revokes or
19 terminates the supervision ~~probation or community control~~,
20 whichever occurs ~~comes~~ first.

21 (2)(a) The court, upon the ~~probationer or~~ offender
22 being brought before it, shall advise him or her of the ~~such~~
23 charge of violation and, if the ~~such~~ charge is admitted to be
24 true, may forthwith revoke, modify, or continue the ~~probation~~
25 ~~or~~ community supervision in a specified supervision level
26 ~~control or place the probationer into a community control~~
27 ~~program~~.

28 (b) If supervision ~~probation or community control~~ is
29 revoked, the court shall adjudge the ~~probationer or~~ offender
30 guilty of the offense charged and proven or admitted, unless
31 he or she has previously been adjudged guilty, and impose any

1 sentence ~~that which~~ it might have originally imposed before
2 placing the ~~probationer on probation or the offender on~~ into
3 community supervision control.

4 (c) If the ~~such~~ violation of ~~probation or~~ community
5 supervision control is not admitted by the ~~probationer or~~
6 offender, the court may commit him or her or release him or
7 her with or without bail to await further hearing, or it may
8 dismiss the charge of ~~probation or~~ community supervision
9 control violation.

10 (d) If the ~~such~~ charge is not at that time admitted by
11 the ~~probationer or~~ offender and if it is not dismissed, the
12 court, as soon as may be practicable, shall give the
13 ~~probationer or~~ offender an opportunity to be fully heard on
14 his or her behalf in person or by counsel.

15 (e) After the ~~such~~ hearing, the court may revoke,
16 modify, or continue the ~~probation or~~ community supervision
17 control or place the offender ~~probationer~~ into community
18 supervision control. If the ~~such~~ ~~probation or~~ community
19 supervision control is revoked, the court shall adjudge the
20 ~~probationer or~~ offender guilty of the offense charged and
21 proven or admitted, unless he or she has previously been
22 adjudged guilty, and impose any sentence which it might have
23 originally imposed before placing the ~~probationer or~~ offender
24 on supervision ~~probation or~~ ~~into community control~~.

25 (f) Notwithstanding s. 775.082, when a period of
26 ~~probation or~~ community supervision control has been tolled,
27 upon revocation or modification of the supervision ~~probation~~
28 ~~or community control~~, the court may impose a sanction with a
29 term that when combined with the amount of supervision served
30 and tolled, exceeds the term permissible under ~~pursuant to~~ s.
31

1 775.082 for a term up to the amount of the tolled period of
2 supervision.

3 (g) If the court dismisses an affidavit alleging a
4 violation of supervision ~~probation or community control~~, the
5 offender's supervision ~~probation or community control~~ shall
6 continue as previously imposed, and the offender shall receive
7 credit for all tolled time against his or her term of
8 ~~probation or community~~ supervision ~~control~~.

9 (3) When the court imposes a subsequent term of
10 supervision following a revocation of ~~probation or community~~
11 supervision ~~control~~, it shall not provide credit for time
12 served while on ~~probation or community~~ supervision ~~control~~
13 toward any subsequent term of ~~probation or community~~
14 supervision ~~control~~. However, the court may not impose a
15 subsequent term of ~~probation or community~~ supervision ~~control~~
16 which, when combined with any amount of time served on
17 preceding terms of supervision ~~probation or community control~~
18 for offenses before the court for sentencing, would exceed the
19 maximum penalty allowable as provided by s. 775.082. No part
20 of the time that the offender defendant is under supervision
21 ~~on probation or in community control~~ shall be considered as
22 any part of the time that he or she shall be sentenced to
23 serve.

24 (4) Notwithstanding any other provision of this
25 section, a ~~probationer or an offender in community control~~ who
26 is arrested for violating his or her ~~probation or community~~
27 supervision ~~control~~ in a material respect may be taken before
28 the court in the county or circuit in which the ~~probationer or~~
29 offender was arrested. That court shall advise him or her of
30 the such charge of a violation and, if the such charge is
31 admitted, shall cause him or her to be brought before the

1 | court which granted the ~~probation or~~ community supervision
2 | ~~control~~. If the such violation is not admitted by the
3 | ~~probationer or~~ offender, the court may commit him or her or
4 | release him or her with or without bail to await further
5 | hearing. The court, as soon as is practicable, shall give the
6 | ~~probationer or~~ offender an opportunity to be fully heard on
7 | his or her behalf in person or by counsel. After the such
8 | hearing, the court shall make findings of fact and forward the
9 | findings to the court which granted ~~the probation or~~ community
10 | supervision control and to the ~~probationer or~~ offender or his
11 | or her attorney. The findings of fact by the hearing court are
12 | binding on the court which granted ~~the probation or~~ community
13 | supervision control. Upon the ~~probationer or~~ offender being
14 | brought before it, the court ~~that which~~ granted ~~the probation~~
15 | ~~or~~ community supervision control may revoke, modify, or
16 | continue supervision ~~the probation or community control~~ or may
17 | place the offender ~~probationer~~ into community supervision
18 | ~~control~~ as provided in this section.

19 | (5) (a) A court may revoke community supervision if
20 | the offender fails to comply with an order or condition of
21 | supervision requiring the offender to pay restitution under s.
22 | 775.089 or pay the cost of supervision under s. 948.09.

23 | (b) In any hearing in which the failure of an a
24 | ~~probationer or~~ offender ~~in community control~~ to pay
25 | restitution or the cost of supervision as provided in s.
26 | 948.09, as directed, is established by the state, if the
27 | ~~probationer or~~ offender asserts his or her inability to pay
28 | restitution or the cost of supervision, ~~it is incumbent upon~~
29 | the ~~probationer or~~ offender must ~~to~~ prove by clear and
30 | convincing evidence that he or she does not have the present
31 | resources available to pay restitution or the cost of

1 supervision despite sufficient bona fide efforts legally to
2 acquire the resources to do so. The court shall consider the
3 offender's employment status, earning ability, and financial
4 resources, and any other special circumstances that may have a
5 bearing on the offender's ability to pay.

6 (c) If the ~~probationer or~~ offender cannot pay
7 restitution or the cost of supervision despite sufficient bona
8 fide efforts, the court shall consider alternate measures of
9 punishment other than imprisonment. ~~Only if alternate measures~~
10 ~~are not adequate to meet the state's interests in punishment~~
11 ~~and deterrence may~~ The court may not imprison ~~an a probationer~~
12 ~~or~~ offender ~~in community control~~ who has demonstrated
13 sufficient bona fide efforts to pay restitution or the cost of
14 supervision unless the alternate measures are not adequate to
15 meet the state's interests in punishment and deterrence.

16 (6) Any offender parolee in a community supervision
17 ~~control~~ program who has allegedly violated the terms and
18 conditions of the ~~such~~ placement is subject to ~~the provisions~~
19 ~~of~~ ss. 947.22 and 947.23.

20 (7) Any ~~provision of~~ law to the contrary
21 notwithstanding, whenever ~~probation,~~ community supervision
22 ~~control, or control release, including the probationary,~~
23 ~~community control portion of a split sentence,~~ is violated ~~and~~
24 ~~the probation or community control is revoked,~~ the offender,
25 by reason of his or her misconduct, is ~~shall be~~ deemed to have
26 forfeited all gain-time or commutation of time for good
27 conduct, as provided by law, earned up to the date of his or
28 her release on supervision ~~probation, community control, or~~
29 ~~control release.~~ This subsection does not deprive the prisoner
30 of his or her right to gain-time or commutation of time for
31 good conduct, as provided by law, from the date on which the

1 ~~offender prisoner~~ is returned to prison. However, ~~if a~~
2 ~~prisoner is sentenced to incarceration following termination~~
3 ~~from a drug punishment program imposed as a condition of~~
4 ~~probation, the sentence may include incarceration without the~~
5 ~~possibility of gain time or early release for the period of~~
6 ~~time remaining in his or her treatment program placement term.~~

7 (8) The chief judge of each judicial circuit may
8 direct the department to use a
9 technical-violation-notification letter when an offender's
10 violation of community supervision does not constitute a new
11 misdemeanor or felony offense. The
12 technical-violation-notification letter shall be used in lieu
13 of submitting a violation report, affidavit, and warrant. The
14 chief judge shall notify the department of its decision in
15 writing. The judge's decision shall include detailing the
16 specific technical violations eligible for the
17 technical-violation-notification letter, the process by which
18 the department must submit the notification letter, and the
19 actions the court intends to take in response to the
20 notification. The department shall then send a technical
21 notification letter to the court in accordance with the chief
22 judge's directions.

23 Section 22. Section 948.09, Florida Statutes, is
24 amended to read:

25 948.09 Payment for restitution, court costs, fees, and
26 finer, and for the cost of supervision and rehabilitation.--

27 (1)(a)1. Any ~~offender person~~ ordered by the court, the
28 department ~~of Corrections~~, or the parole commission to be
29 placed on ~~probation, drug offender probation,~~ community
30 supervision control, parole, control release, provisional
31 release supervision, addiction recovery supervision, or

1 ~~conditional release supervision under chapter 944, chapter~~
2 ~~945, chapter 947, chapter 948, or chapter 958, or in a~~
3 ~~pretrial intervention program,~~ must, as a condition of any
4 placement, pay the department a total sum of money equal to
5 the total month or portion of a month of supervision times the
6 court-ordered amount, but not to exceed the actual per diem
7 cost of the supervision. The department shall adopt rules by
8 which an offender who pays in full and in advance of regular
9 termination of supervision may receive a reduction in the
10 amount due. The rules shall incorporate provisions by which
11 the offender's ability to pay is linked to an established
12 written payment plan. Funds collected from felony offenders
13 may be used to offset costs of the Department of Corrections
14 associated with community supervision programs, subject to
15 appropriation by the Legislature.

16 2. In addition to any other contribution or surcharge
17 imposed by this section, each felony offender assessed under
18 this paragraph shall pay a \$2-per-month surcharge to the
19 department. The surcharge shall be deemed to be paid only
20 after the full amount of any monthly payment required by the
21 established written payment plan has been collected by the
22 department. These funds shall be used by the department to pay
23 for correctional probation officers' training and equipment,
24 including radios, and firearms training, firearms, and
25 attendant equipment necessary to train and equip officers who
26 choose to carry a concealed firearm while on duty. ~~Nothing in~~
27 This subparagraph does not ~~shall be construed to~~ limit the
28 department's authority to determine who shall be authorized to
29 carry a concealed firearm while on duty, or ~~to~~ limit the right
30 of a correctional probation officer to carry a personal
31 firearm approved by the department.

1 (b) Any offender ~~person~~ placed on misdemeanor
2 probation by a county court must contribute not less than \$40
3 per month, as decided by the sentencing court, to the
4 court-approved public or private entity providing misdemeanor
5 supervision.

6 (2) Any offender ~~person~~ being electronically monitored
7 by the department as a result of placement on community
8 supervision control shall be required to pay as a surcharge an
9 amount that may not exceed the full cost of the monitoring
10 service in addition to the cost of supervision fee as directed
11 by the sentencing court. The surcharge shall be deposited in
12 the General Revenue Fund.

13 (3) Any failure to pay contribution as required under
14 this section may constitute a ground for the revocation of
15 supervision ~~probation~~ by the court, the revocation of parole
16 or conditional release by the Parole Commission, or the
17 revocation of control release by the Control Release
18 Authority, ~~or removal from the pretrial intervention program~~
19 ~~by the state attorney~~. The department ~~of Corrections~~ may
20 exempt a person from the payment of all or any part of the
21 contribution if it finds any of the following factors to
22 exist:

23 (a) The offender has diligently attempted, but has
24 been unable, to obtain employment that ~~which~~ provides him or
25 her sufficient income to make the ~~such~~ payments.

26 (b) The offender is a student in a school, college,
27 university, or course of career training designed to fit the
28 student for gainful employment. Certification of the
29 offender's ~~such~~ student status shall be supplied to the
30 department ~~Secretary of Corrections~~ by the educational
31 institution in which the offender is enrolled.

1 (c) The offender has an employment handicap, as
2 determined by a physical, psychological, or psychiatric
3 examination acceptable to, or ordered by, the secretary.

4 (d) The offender's age prevents him or her from
5 obtaining employment.

6 (e) The offender is responsible for the support of
7 dependents, and the payment of the ~~such~~ contribution
8 constitutes an undue hardship on the offender.

9 (f) The offender has been transferred outside the
10 state under an interstate compact adopted under ~~pursuant to~~
11 chapter 949.

12 (g) There are other extenuating circumstances, as
13 determined by the secretary.

14 (4) In addition to the contribution required under
15 subsection (1), the department may provide a maximum payment
16 of \$10 per month for each misdemeanor offender ~~probationer~~ who
17 is contributing \$10 per month to the court-approved public or
18 private entity which is providing him or her with misdemeanor
19 supervision or rehabilitation. The \$10 payment set forth in
20 this subsection ~~herein~~ shall only be for first-degree ~~first~~
21 ~~degree~~ misdemeanors, petty theft, and worthless checks. The
22 department shall make ~~such~~ payment to the court-approved
23 public or private entity that ~~which~~ is providing supervision
24 to the offender under this section. The ~~Such~~ payment shall be
25 implemented through a contract to be entered into by the
26 department ~~Secretary of Corrections~~ and the entity. Terms of
27 the contract shall state, but are not limited to, the extent
28 of the services to be rendered by the entity providing
29 supervision or rehabilitation. In addition, the entity shall
30 supply the department with a monthly report documenting the
31 acceptance of each offender placed under its supervision by

1 the court, documenting the payment of the required
2 contribution by each offender under supervision or
3 rehabilitation, and notifying the department of all offenders
4 for whom supervision or rehabilitation will be terminated.
5 Supervisory records of the entity shall be open to inspection
6 upon the request of the department or its agents.

7 (5) As a condition of an interstate compact adopted
8 under ~~pursuant to~~ chapter 949, the department shall require
9 each out-of-state offender ~~probationer or parolee~~ transferred
10 to this state to contribute not less than \$30 or more than the
11 cost of supervision, certified by the department ~~of~~
12 ~~Corrections~~, per month to defray the cost incurred by this
13 state as a result of providing supervision and rehabilitation
14 during the period of supervision.

15 (6) In addition to any other required contributions,
16 the department, at its discretion, may require offenders under
17 any form of supervision to submit to and pay for urinalysis
18 testing to identify drug usage as part of the rehabilitation
19 program. Any failure to make the ~~such~~ payment, or
20 participate, may be considered a ground for revocation by the
21 court, the Parole Commission, or the Control Release
22 Authority, ~~or for removal from the pretrial intervention~~
23 ~~program by the state attorney~~. The department may exempt a
24 person from ~~such~~ payment if it determines that any of the
25 factors specified in subsection (3) exist.

26 (7) The department may ~~shall~~ establish a payment plan
27 for all costs ordered by the courts for collection by the
28 department and a priority order for payments, except that
29 victim restitution payments authorized under s. 948.03(5) must
30 take precedence over all other court-ordered payments. The
31 department is not required to disburse cumulative amounts of

1 less than \$10 to individual payees established on this payment
2 plan.

3 (8) The department may assess an administrative fee of
4 \$5 for each month the offender is delinquent in paying the
5 department the monetary obligations according to a payment
6 schedule imposed on the offender.

7 Section 23. Section 948.10, Florida Statutes, is
8 amended to read:

9 948.10 Community control programs.--

10 (1) The department ~~of Corrections~~ shall develop and
11 administer a community control program. The Such community
12 control program ~~and required manuals~~ shall be developed in
13 consultation with the Florida Conference of Circuit Court
14 Judges and the office of the State Courts Administrator. This
15 complementary program shall be rigidly structured and designed
16 to accommodate offenders who, in the absence of such a
17 program, would have been incarcerated. The program shall focus
18 on the provision of sanctions and consequences which are
19 commensurate with the seriousness of the crime. The program
20 shall offer the courts and the Parole Commission an
21 alternative, community-based method to punish an offender in
22 lieu of incarceration when the offender is a member of one of
23 the following target groups:

24 (a) Community supervision ~~Probation~~ violators charged
25 with technical violations or misdemeanor violations.

26 (b) Parole violators charged with technical violations
27 or misdemeanor violations.

28 (c) Individuals found guilty of felonies, who, due to
29 their criminal backgrounds or the seriousness of the offenses,
30 would not be placed on other types of community supervision
31 ~~regular probation~~.

1 ~~(2) An offender may not be placed in community control~~
2 ~~if:~~
3 ~~(a) Convicted of or adjudication withheld for a~~
4 ~~forcible felony as defined in s. 776.08, and~~
5 ~~(b) Previously convicted of or adjudication withheld~~
6 ~~for a forcible felony as defined in s. 776.08.~~
7
8 ~~Nothing in this subsection prohibits placement of certain~~
9 ~~inmates on community control pursuant to s. 947.1747. For the~~
10 ~~purposes of this subsection, a forcible felony does not~~
11 ~~include manslaughter or burglary.~~
12 ~~(2)(3)~~ The department may not ~~shall~~ commit ~~not~~ less
13 than 10 percent of the parole and probation field staff and
14 supporting resources to the operation of the community control
15 program. Caseloads should be restricted to a number determined
16 by the department using the caseload equalization strategy
17 ~~maximum of 25 cases per officer~~ in order to ensure an adequate
18 level of staffing. Community control is an individualized
19 program in which the offender is restricted to
20 noninstitutional quarters or restricted to his or her own
21 residence subject to an authorized level of limited freedom.
22 ~~(3)(4)~~ The department shall develop and implement
23 procedures to diagnose offenders during the prison intake
24 process in order to recommend to the sentencing courts, during
25 the period of retained jurisdiction, suitable candidates for
26 placement in a program of community control.
27 ~~(5) The Department of Corrections shall develop, or~~
28 ~~shall contract for the development of, an implementation~~
29 ~~manual, a resource directory, and training programs for~~
30 ~~implementing community control programs.~~
31

1 ~~(a)1. The community control implementation manual~~
2 ~~shall include, but shall not be limited to, an explanation of~~
3 ~~the types of offenders who should be placed in community~~
4 ~~control programs, procedures for diagnosing offenders,~~
5 ~~objectives and goals of such placements, examples of~~
6 ~~alternative placements based upon the experience of other~~
7 ~~states, and instruction in developing an individualized~~
8 ~~program for each offender.~~

9 ~~2. An offender's individualized program shall include~~
10 ~~diagnosis of treatment needs in the areas of education,~~
11 ~~substance abuse, and mental health, as well as community~~
12 ~~sanction provisions, restitution and community service~~
13 ~~provisions, rehabilitation objectives and programs, and a~~
14 ~~schedule for periodic review and reevaluation of such~~
15 ~~individualized programs. Individualized programs for offenders~~
16 ~~who committed controlled substance violations shall include~~
17 ~~provision for the conduct of random substance abuse testing~~
18 ~~intermittently throughout the term of supervision, upon the~~
19 ~~direction of the correctional probation officer as defined in~~
20 ~~s. 943.10(3).~~

21 ~~(b) The community control resource directory shall~~
22 ~~include, but shall not be limited to, for each circuit in the~~
23 ~~state, an identification and description of community~~
24 ~~resources that are available for the implementation of~~
25 ~~community control programs, which resources include the~~
26 ~~following:~~

27 ~~1. The name, address, phone, county location,~~
28 ~~capacity, and cost.~~

29 ~~2. Client eligibility and characteristics which~~
30 ~~prohibit acceptance.~~

31 ~~3. The objectives of the program.~~

1 4. ~~The primary source of referrals.~~

2 5. ~~The average length of stay.~~

3 6. ~~The services offered.~~

4 ~~(c) Training programs shall be provided for~~
5 ~~correctional field staff, local offender advisory councils,~~
6 ~~and others responsible for the implementation of community~~
7 ~~control programs.~~

8 ~~(6) The Florida Court Education Council and the office~~
9 ~~of the State Courts Administrator shall coordinate the~~
10 ~~development and implementation of a reference manual,~~
11 ~~directory, and training programs for judges in relation to~~
12 ~~community control disposition.~~

13 ~~(4)(7)~~ Upon written request, when an offender is
14 placed on community control, the department shall notify:

15 (a) The original arresting law enforcement agency.

16 (b) The sheriff or chief law enforcement officer of
17 the county in which the offender is to be placed.

18 (c) The chief officer of any local law enforcement
19 agency within whose jurisdiction the offender is to be placed.

20 (d) The victim of the offense, the victim's parent or
21 guardian if the victim is a minor, the lawful representative
22 of the victim or the victim's parent or guardian if the victim
23 is a minor, or the next of kin if the victim is a homicide
24 victim.

25
26 ~~Such~~ Notification shall include the name and street address of
27 the offender, the length of supervision, and the nature of the
28 offense. Update notification must be provided with respect to
29 violation of the terms or conditions of the placement.

30 ~~(8) If an offender is sentenced to community control~~
31 ~~by the court and the offender is ineligible to be placed on~~

1 ~~community control as provided in subsection (2), the~~
2 ~~department shall:~~

3 ~~(a) Review and verify whether an ineligible offender~~
4 ~~was placed on community control.~~

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

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

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

19 ~~(5)(9) Procedures governing violations of community~~
20 ~~control are shall be the same as those described in s. 948.06~~
21 ~~with respect to probation.~~

22 ~~(6)(10) Upon completion of the sanctions imposed in~~
23 ~~the community control plan before the expiration of the term~~
24 ~~ordered by the court, the department may petition the court to~~
25 ~~discharge the offender from community control supervision or~~
26 ~~to return the offender to another type of community a program~~
27 ~~of regular probation supervision. In considering the petition,~~
28 ~~the court should recognize the limited staff resources~~
29 ~~committed to the community control program, the purpose of the~~
30 ~~program, and the offender's successful compliance with the~~
31 ~~conditions set forth in the order of the court.~~

1 ~~(11) The Department of Corrections shall:~~

2 ~~(a) Develop and maintain a weighted statewide caseload~~
3 ~~equalization strategy designed to ensure that high risk~~
4 ~~offenders receive the highest level of supervision; and~~

5 ~~(b) Develop and implement a supervision risk~~
6 ~~assessment instrument for the community control population~~
7 ~~which is similar to the probation risk assessment instrument~~
8 ~~established by the National Institute of Justice.~~

9 ~~(12) In its annual report to the Governor, the~~
10 ~~President of the Senate, and the Speaker of the House of~~
11 ~~Representatives under s. 20.315(5), the department shall~~
12 ~~include a detailed analysis of the community control program~~
13 ~~and the department's specific efforts to protect the public~~
14 ~~from offenders placed on community control. The analysis must~~
15 ~~include, but need not be limited to, specific information on~~
16 ~~the department's ability to meet minimum officer to offender~~
17 ~~contact standards, the number of crimes committed by offenders~~
18 ~~on community control, and the level of community supervision~~
19 ~~provided.~~

20 Section 24. Section 948.101, Florida Statutes, is
21 amended to read:

22 948.101 Terms and conditions of community control ~~and~~
23 ~~criminal quarantine community control.--~~

24 (1) The court shall determine the terms and conditions
25 of community control. Conditions specified in this subsection
26 do not require oral pronouncement at the time of sentencing
27 and may be considered standard conditions of community
28 control.

29 ~~(a)~~ The court shall require intensive supervision and
30 surveillance for an offender placed into community control,
31 which may include but is not limited to:

1 ~~(a)1.~~ Specified contact with the parole and probation
2 officer.

3 ~~(b)2.~~ Confinement to an approved ~~agreed-upon~~ residence
4 during hours away from employment and public service
5 activities.

6 ~~(c)3.~~ Mandatory public service.

7 ~~(d)4.~~ Electric monitoring as determined by the
8 department ~~Supervision by the Department of Corrections by~~
9 ~~means of an electronic monitoring device or system.~~

10 ~~(e)5.~~ The standard conditions of supervision ~~probation~~
11 set forth in s. 948.03.

12 ~~(b) For an offender placed on criminal quarantine~~
13 ~~community control, the court shall require:~~

14 1. ~~Electronic monitoring 24 hours per day.~~

15 2. ~~Confinement to a designated residence during~~
16 ~~designated hours.~~

17 (2) The enumeration of specific kinds of terms and
18 conditions does not prevent the court from adding ~~thereto~~ any
19 other terms or conditions that the court considers proper.
20 However, the sentencing court may only impose a condition of
21 supervision allowing an offender convicted of s. 794.011, s.
22 800.04, s. 827.071, or s. 847.0145 to reside in another state
23 if the order stipulates that it is contingent upon the
24 approval of the receiving state interstate compact authority.
25 The court may rescind or modify at any time the terms and
26 conditions ~~theretofore~~ imposed by it upon the offender in
27 community control. However, if the court withholds
28 adjudication of guilt or imposes a period of incarceration as
29 a condition of community control, the period may not exceed
30 364 days, and incarceration shall be restricted to a county
31 facility, a probation and restitution center under the

1 jurisdiction of the department ~~of Corrections~~, a probation
2 program drug punishment phase I secure residential treatment
3 institution, or a community residential facility owned or
4 operated by any entity providing such services.

5 (3) The court may place a defendant who is being
6 sentenced for criminal transmission of HIV in violation of s.
7 775.0877 on ~~criminal quarantine~~ community control. ~~The~~
8 ~~Department of Corrections shall develop and administer a~~
9 ~~criminal quarantine community control program emphasizing~~
10 ~~intensive supervision with 24 hour per day electronic~~
11 ~~monitoring. Criminal quarantine community control status must~~
12 ~~include surveillance and may include other measures normally~~
13 ~~associated with community control, except that~~ Specific
14 conditions necessary to monitor this population may be
15 ordered.

16 Section 25. Section 948.102, Florida Statutes, is
17 created to read:

18 948.102 Caseload equalization strategy; supervision
19 risk assessment.--The department shall:

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

24 (2) Develop and implement a risk-assessment instrument
25 for the intensive supervision and community control
26 population. The instrument must be similar to the probation
27 risk-assessment instrument prepared by the National Institute
28 of Justice.

29 Section 26. Section 948.11, Florida Statutes, is
30 amended to read:

31 948.11 Electronic monitoring devices.--

1 (1)~~(a)~~ The department ~~of Corrections~~ may, ~~at its~~
2 ~~discretion~~, electronically monitor an offender sentenced to
3 community control or intensive supervision. Electronic
4 monitoring is considered to be a supervisory direction
5 authorized by imposing the standard conditions of supervision
6 on the offender. The offender must report to the correctional
7 probation officer as directed. Any refusal to submit to
8 electronic monitoring or to report to the correctional
9 probation of supervision is a violation of supervision and the
10 offender is subject to immediate arrest, with or without a
11 warrant. At a hearing on the violation, the court may revoke
12 the offender's supervision if the alleged violation is
13 supported by a preponderance of the evidence.

14 ~~(b) The Department of Corrections shall electronically~~
15 ~~monitor an offender sentenced to criminal quarantine community~~
16 ~~control 24 hours per day.~~

17 (2) Any offender placed on community control who
18 violates the terms and conditions of community control and is
19 restored to community control may be supervised by means of an
20 electronic monitoring device or system.

21 (3) For those offenders being electronically
22 monitored, the department ~~of Corrections~~ shall develop
23 procedures to determine, investigate, and report the
24 offender's noncompliance with the terms and conditions of
25 sentence 24 hours per day. All reports of noncompliance shall
26 be immediately investigated by a community control officer.

27 (4) The department ~~of Corrections~~ may contract with
28 local law enforcement agencies to assist in the location and
29 apprehension of offenders who are in noncompliance as reported
30 by the electronic monitoring system. This contract is intended
31 to provide the department a means for providing immediate

1 investigation of noncompliance reports, especially after
2 normal office hours.

3 (5) Any person being electronically monitored by the
4 department ~~as a result of placement on community control~~ shall
5 be required to pay a surcharge as provided in s. 948.09(2).

6 Section 27. Section 948.111, Florida Statutes, is
7 created to read:

8 948.111 Automated reporting.--

9 (1) The department may require that offenders use an
10 automated reporting station to submit reports or pay monetary
11 obligations that are conditions of supervision.

12 (2) The department may contract for the purchase,
13 operation, or maintenance of the automated reporting stations.

14 (3) The department may charge an offender a fee to use
15 an automated reporting station. The fee may be levied by the
16 department or by a vendor who is under contract with the
17 department to operate the machines. The fees collected shall
18 be used to defray the costs of automated reporting.

19 Section 28. Section 948.12, Florida Statutes, is
20 amended to read:

21 948.12 Intensive supervision for postprison release of
22 violent offenders.--It is the finding of the Legislature that
23 the population of violent offenders released from state prison
24 into the community or placed on community supervision poses
25 the greatest threat to the public safety of the groups of
26 offenders under community supervision. Therefore, for the
27 purpose of enhanced public safety, any offender released from
28 state prison who:

29 (1) Was released from state prison, who was most
30 recently incarcerated for a violent ~~an~~ offense ~~that is or was~~
31 contained in category 1 (murder, manslaughter), category 2

1 ~~(sexual offenses), category 3 (robbery), or category 4~~
2 ~~(violent personal crimes) of Rules 3.701 and 3.988, Florida~~
3 ~~Rules of Criminal Procedure (1993), and who has served at~~
4 least one prior felony commitment at a state or federal
5 correctional institution;

6 (2) Was placed on community supervision by the court
7 and has any conviction or adjudication withheld for a violent
8 offense;

9 ~~(3)(2)~~ Was sentenced as a habitual offender, violent
10 habitual offender, or violent career criminal under ~~pursuant~~
11 ~~to~~ s. 775.084; or

12 ~~(4)(3)~~ Has been found to be a sexual predator under
13 ~~pursuant to~~ s. 775.21,

14
15 and who has a term of supervision ~~probation~~ to follow the
16 period of incarceration shall be provided intensive
17 supervision by experienced correctional probation officers.
18 ~~Subject to specific appropriation by the Legislature,~~
19 ~~caseloads may be restricted to a maximum of 40 offenders per~~
20 ~~officer to provide for enhanced public safety as well as to~~
21 ~~effectively monitor conditions of electronic monitoring or~~
22 ~~curfews, if such was ordered by the court.~~

23 Section 29. Section 948.30, Florida Statutes, is
24 amended to read:

25 948.30 Additional terms and conditions of ~~probation or~~
26 community supervision ~~control~~ for certain sex
27 offenses.--Conditions imposed under ~~pursuant to~~ this section
28 do not require oral pronouncement at the time of sentencing
29 and shall be considered standard conditions of ~~probation or~~
30 community supervision ~~control~~ for offenders specified in this
31 section.

1 (1) Effective for offenders ~~probationers or community~~
2 ~~controllees~~ whose crime was committed on or after October 1,
3 1995, and who are placed under supervision for violation of
4 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court
5 must impose the following conditions in addition to all other
6 standard and special conditions imposed:

7 (a) A mandatory curfew from 10 p.m. to 6 a.m. The
8 court may designate another 8-hour period if the offender's
9 employment precludes the above specified time, and the such
10 alternative is recommended by the department ~~of Corrections~~.
11 If the court determines that imposing a curfew would endanger
12 the victim, the court may consider alternative sanctions.

13 (b) If the victim was under the age of 18, a
14 prohibition on living within 1,000 feet of a school, day care
15 center, park, playground, or other place where children
16 regularly congregate, as prescribed by the court. The
17 1,000-foot distance shall be measured in a straight line from
18 the offender's place of residence to the nearest boundary line
19 of the school, day care center, park, playground, or other
20 place where children congregate. The distance may not be
21 measured by a pedestrian route or automobile route.

22 (c) Active participation in and successful completion
23 of a sex offender treatment program with therapists
24 specifically trained to treat sex offenders, at the offender's
25 ~~probationer's or community controllee's~~ own expense. If a
26 specially trained therapist is not available within a 50-mile
27 radius of the offender's ~~probationer's or community~~
28 ~~controllee's~~ residence, the offender shall participate in
29 other appropriate therapy.

30 (d) A prohibition on any contact with the victim,
31 directly or indirectly, including through a third person,

1 unless approved by the victim, the offender's therapist, and
2 the sentencing court.

3 (e) If the victim was under the age of 18, a
4 prohibition, until successful completion of a sex offender
5 treatment program, on unsupervised contact with a child under
6 the age of 18, unless authorized by the sentencing court
7 without another adult present who is responsible for the
8 child's welfare, has been advised of the crime, and is
9 approved by the sentencing court.

10 (f) If the victim was under age 18, a prohibition on
11 working for pay or as a volunteer at any school, day care
12 center, park, playground, or other place where children
13 regularly congregate.

14 (g) Unless otherwise indicated in the treatment plan
15 provided by the sexual offender treatment program, a
16 prohibition on viewing, owning, or possessing any obscene,
17 pornographic, or sexually stimulating visual or auditory
18 material, including telephone, electronic media, computer
19 programs, or computer services that are relevant to the
20 offender's deviant behavior pattern.

21 (h) A requirement that the offender ~~probationer or~~
22 ~~community controllee~~ must submit a specimen of blood or other
23 approved biological specimen to the Department of Law
24 Enforcement to be registered with the DNA data bank.

25 (i) A requirement that the offender ~~probationer or~~
26 ~~community controllee~~ make restitution to the victim, as
27 ordered by the court under s. 775.089, for all necessary
28 medical and related professional services relating to
29 physical, psychiatric, and psychological care.

30 (j) Submission to a warrantless search by the
31 ~~community control or~~ probation officer of the offender's

1 ~~probationer's or community controllee's~~ person, residence, or
2 vehicle.

3 (2) Effective for an offender ~~a probationer or~~
4 ~~community controllee~~ whose crime was committed on or after
5 October 1, 1997, and who is placed on community supervision
6 ~~sex offender probation~~ for a violation of chapter 794, s.
7 800.04, s. 827.071, or s. 847.0145, ~~in addition to any other~~
8 ~~provision of this subsection,~~ the court must impose the
9 following ~~conditions of probation or community control:~~

10 (a) As part of a treatment program, participation at
11 least annually in polygraph examinations to obtain information
12 necessary for risk management and treatment and to reduce the
13 sex offender's denial mechanisms. A polygraph examination must
14 be conducted by a polygrapher trained specifically in the use
15 of the polygraph for the monitoring of sex offenders, where
16 available, and shall be paid for by the sex offender. The
17 results of the polygraph examination may ~~shall~~ not be used as
18 evidence in court to prove that a violation of community
19 supervision has occurred.

20 (b) Maintenance of a driving log and a prohibition
21 against driving a motor vehicle alone without the prior
22 approval of the supervising officer.

23 (c) A prohibition against obtaining or using a post
24 office box without the prior approval of the supervising
25 officer.

26 (d) If there was sexual contact, a submission to, at
27 the offender's ~~probationer's or community controllee's~~
28 expense, an HIV test with the results to be released to the
29 victim or the victim's parent or guardian.

30 (e) Electronic monitoring when ~~deemed necessary by the~~
31 ~~community control or probation officer and his or her~~

1 ~~supervisor, and~~ ordered by the court at the recommendation of
2 the department ~~of Corrections~~.

3 Section 30. Section 948.31, Florida Statutes, is
4 amended to read:

5 948.31 Diagnosis, evaluation, and treatment of
6 offenders placed on ~~probation or~~ community supervision control
7 for certain sex offenses or child exploitation.--The court
8 shall require a diagnosis and evaluation to determine the need
9 of an a probationer or offender in community supervision
10 ~~control~~ for treatment. If the court determines that a need for
11 treatment therefor is established by the such diagnosis and
12 evaluation process, the court shall require outpatient
13 counseling as a term or condition of ~~probation or~~ community
14 supervision control for any offender person who was found
15 guilty of any of the following, or whose plea of guilty or
16 nolo contendere to any of the following was accepted by the
17 court:

18 (1) Lewd or lascivious battery, lewd or lascivious
19 molestation, lewd or lascivious conduct, or lewd or lascivious
20 exhibition, as defined in s. 800.04.

21 (2) Sexual battery, as defined in chapter 794, against
22 a child.

23 (3) Exploitation of a child as provided in s. 450.151,
24 or for prostitution.

25
26 ~~Such~~ Counseling must ~~shall be required to~~ be obtained from a
27 community mental health center, a recognized social service
28 agency providing mental health services, or a private mental
29 health professional or through other professional counseling.
30 The plan for counseling for the individual must ~~shall~~ be
31 provided to the court for review.

1 Section 31. Section 948.32, Florida Statutes, is
2 amended to read:

3 948.32 Requirements of law enforcement agency upon
4 arrest of persons for certain sex offenses and for any violent
5 offense.--

6 (1) When any state or local law enforcement agency
7 investigates or arrests a person for committing, or
8 attempting, soliciting, or conspiring to commit, a violation
9 of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071,
10 s. 847.0133, s. 847.0135, ~~or~~ s. 847.0145, or any violent
11 offense, the law enforcement agency shall contact the
12 department ~~of Corrections~~ to verify whether the person under
13 investigation or under arrest is on ~~probation~~, community
14 supervision control, ~~parole, conditional release, or control~~
15 ~~release~~.

16 (2) If the law enforcement agency finds that the
17 person under investigation or under arrest is on ~~probation~~,
18 community supervision control, ~~parole, conditional release, or~~
19 ~~control release~~, the law enforcement agency shall immediately
20 notify the person's correctional probation officer or release
21 supervisor of the investigation or the arrest.

22 Section 32. Subsection (3) of section 948.51, Florida
23 Statutes, is amended to read:

24 948.51 Community corrections assistance to counties or
25 county consortiums.--

26 (3) DEPARTMENTAL RESPONSIBILITIES.--When a county or
27 county consortium contracts with the department for community
28 correction funds as provided in this section, the department
29 ~~of Corrections~~ shall:

30 (a) Administer this section within the goals and
31 mandates of this legislation.

1 (b) Report by January 1 of each year to the Governor,
2 the President of the Senate, and the Speaker of the House of
3 Representatives on the effectiveness of participating counties
4 and county consortiums in diverting nonviolent offenders from
5 the state prison system.

6 (c) Establish, in cooperation with the governing
7 bodies of counties and municipalities and with school boards,
8 a program to provide technical assistance, education, and
9 training to local governments, nonprofit entities and
10 agencies, and public safety coordinating councils regarding
11 community corrections and the provisions of this section.

12 (d) Develop minimum standards, policies, and
13 administrative rules for the statewide implementation of this
14 section.

15 (e) Develop and implement a community corrections
16 partnership contract process and procedure.

17 (f) Review community public safety plans and provide
18 contract funding.

19 (g) Conduct a review, as often as necessary but not
20 less than annually, of all program measures, to ensure program
21 accountability.

22 Section 33. Section 947.22, Florida Statutes, is
23 amended to read:

24 947.22 Authority to arrest parole and supervision
25 violators with or without warrant.--

26 (1) If a member of the commission or a duly authorized
27 representative of the commission has reasonable grounds to
28 believe that a parolee has violated the terms and conditions
29 of her or his parole in a material respect, the ~~such~~ member or
30 representative may issue a warrant for the arrest of the ~~such~~
31 parolee. The warrant shall be returnable before a member of

1 | the commission or a duly authorized representative of the
2 | commission. The commission, a commissioner, or a parole
3 | examiner with approval of the parole examiner supervisor, may
4 | release the parolee on bail or her or his own recognizance,
5 | conditioned upon her or his appearance at any hearings noticed
6 | by the commission. If not released on bail or her or his own
7 | recognizance, the parolee shall be committed to jail pending
8 | hearings under ~~pursuant to~~ s. 947.23. The commission, at its
9 | election, may have the hearing conducted by one or more
10 | commissioners or by a duly authorized representative of the
11 | commission. Any correctional ~~parole and~~ probation officer or,
12 | any law enforcement officer may ~~authorized to serve criminal~~
13 | ~~process, or any peace officer of this state is authorized to~~
14 | execute the warrant.

15 | (2) Any correctional ~~parole and probation~~ officer or
16 | law enforcement officer, when she or he has reasonable ground
17 | to believe that a parolee, control releasee, ~~or~~ conditional
18 | releasee, or any other type of community releasee has violated
19 | the terms and conditions of her or his parole, control
20 | release, ~~or~~ conditional release, or other community release in
21 | a material respect, has the right to arrest the releasee or
22 | parolee without warrant and bring her or him forthwith before
23 | one or more commissioners or a duly authorized representative
24 | of the Parole Commission or Control Release Authority; and
25 | proceedings shall thereupon be had as provided herein when a
26 | warrant has been issued by a member of the commission or
27 | authority or a duly authorized representative of the
28 | commission or authority. A law enforcement officer must arrest
29 | an offender without a warrant, take the offender into custody,
30 | and transport the offender to the appropriate detention
31 | facility if a correctional probation officer requests the law

1 enforcement officer to make the arrest and presents the law
2 enforcement officer with sufficient facts so that the law
3 enforcement officer finds reasonable grounds to believe that a
4 parolee, control releasee, conditional releasee, or other type
5 of community releasee has violated the terms and conditions of
6 her or his parole, control release, conditional release, or
7 other community release.

8 (3) If a law enforcement officer has probable cause to
9 believe that a parolee has violated the terms and conditions
10 of his or her parole, control release, conditional release, or
11 other community release, the officer shall arrest and take
12 into custody the parolee without a warrant, and a warrant need
13 not be issued in the case.

14 Section 34. Subsection (7) of section 775.0877,
15 Florida Statutes, is amended to read:

16 775.0877 Criminal transmission of HIV; procedures;
17 penalties.--

18 (7) In addition to any other penalty provided by law
19 for an offense enumerated in paragraphs (1)(a)-(n), the court
20 may require an offender convicted of criminal transmission of
21 HIV to serve a term of ~~criminal quarantine~~ community control,
22 as described in s. 948.101 ~~s. 948.001~~.

23 Section 35. Subsections (10) and (11) of section
24 893.13, Florida Statutes, are amended to read:

25 893.13 Prohibited acts; penalties.--

26 (10) Notwithstanding any provision of the sentencing
27 guidelines or the Criminal Punishment Code to the contrary, on
28 or after October 1, 1993, any defendant who:

29 (a) Violates subparagraph (1)(a)1., subparagraph
30 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or
31 paragraph (5)(a); and

1 (b) Has not previously been convicted, regardless of
2 whether adjudication was withheld, of any felony, other than a
3 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,
4 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
5 (5)(a),

6
7 may be required by the court to successfully complete a term
8 of community supervision under ~~probation pursuant to~~ the terms
9 and conditions set forth in s. 948.034 ~~s. 948.034(1)~~, in lieu
10 of serving a term of imprisonment.

11 (11) Notwithstanding any provision of the sentencing
12 guidelines or the Criminal Punishment Code to the contrary, on
13 or after January 1, 1994, any defendant who:

14 (a) Violates subparagraph (1)(a)2., subparagraph
15 (2)(a)2., paragraph (5)(b), or paragraph (6)(a); and

16 (b) Has not previously been convicted, regardless of
17 whether adjudication was withheld, of any felony, other than a
18 violation of subparagraph (1)(a)2., subparagraph (2)(a)2.,
19 paragraph (5)(b), or paragraph (6)(a),

20
21 may be required by the court to successfully complete a term
22 of community supervision under ~~probation pursuant to~~ the terms
23 and conditions set forth in s. 948.034 ~~s. 948.034(2)~~, in lieu
24 of serving a term of imprisonment.

25 Section 36. Paragraph (b) of subsection (1) and
26 subsection (3) of section 921.187, Florida Statutes, are
27 amended to read:

28 921.187 Disposition and sentencing; alternatives;
29 restitution.--

30 (1) The alternatives provided in this section for the
31 disposition of criminal cases shall be used in a manner that

1 will best serve the needs of society, punish criminal
2 offenders, and provide the opportunity for rehabilitation.

3 (b)1. Notwithstanding any provision of former s.
4 921.001 or s. 921.002 to the contrary, on or after October 1,
5 1993, the court may require any defendant who violates s.
6 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and
7 meets the criteria described in s. 893.13(10), to successfully
8 complete a term of community supervision under probation
9 ~~pursuant to~~ the terms and conditions set forth in s. 948.034
10 ~~s. 948.034(1)~~, in lieu of serving a term of imprisonment.

11 2. Notwithstanding any provision of former s. 921.001
12 or s. 921.002 to the contrary, on or after October 1, 1993,
13 the court may require any defendant who violates s.
14 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), and meets the
15 criteria described in s. 893.13(11), to successfully complete
16 a term of community supervision under probation ~~pursuant to~~
17 the terms and conditions set forth in s. 948.034 ~~s.~~
18 ~~948.034(2)~~, in lieu of serving a term of imprisonment.

19 (3) In addition to any other penalty provided by law
20 for an offense enumerated in s. 775.0877(1)(a)-(n), if the
21 offender is convicted of criminal transmission of HIV under
22 ~~pursuant to~~ s. 775.0877, the court may sentence the offender
23 to ~~criminal quarantine~~ community control as described in s.
24 948.101 ~~s. 948.001~~.

25 Section 37. Section 903.03, Florida Statutes, is
26 amended to read:

27 903.03 Jurisdiction of trial court to admit to bail;
28 duties and responsibilities of the state attorney and the
29 Department of Corrections.--

30 (1) After a person is held to answer by a trial court
31 judge, the court having jurisdiction to try the defendant

1 shall, before indictment, affidavit, or information is filed,
2 have jurisdiction to hear and decide all preliminary motions
3 regarding bail and production or impounding of all articles,
4 writings, moneys, or other exhibits expected to be used at the
5 trial by either the state or the defendant.

6 (2) Before or at any hearing on bail or pretrial
7 release, the state attorney shall notify the court of any
8 outstanding warrants of arrest and whether the accused is
9 currently on any type of community supervision under chapter
10 947 or chapter 948.

11 (3)(a) The state attorney or, in cases when an
12 offender is on community supervision under chapter 947 or
13 chapter 948,

14 ~~(2)(a)~~ the Department of Corrections ~~may, at shall~~
15 ~~have the authority on~~ the request of a circuit court when a
16 person charged with a noncapital crime or bailable offense is
17 held, ~~to~~ make an investigation and report to the court,
18 including:

19 ~~(a)1-~~ The circumstances of the accused's family,
20 employment, financial resources, character, mental condition,
21 and length of residence in the community;

22 ~~(b)2-~~ The accused's record of convictions, of
23 appearance at court proceedings, of flight to avoid
24 prosecution, or failure to appear at court proceedings; and

25 ~~(c)3-~~ Other facts that may be needed to assist the
26 court in its determination of the indigency of the accused and
27 whether she or he should be released on her or his own
28 recognizance.

29 ~~(2)(b)~~ The court shall not be bound by the
30 recommendations.
31

