

By the Committee on Criminal Justice

591-1477-07

1                                    A bill to be entitled

2                    An act relating to probation; amending s.

3                    948.001, F.S.; redefining the term "drug

4                    offender probation" to remove a specific

5                    limitation on the caseload of an officer having

6                    responsibility for offenders placed on drug

7                    offender probation; amending s. 948.06, F.S.;

8                    authorizing the court to approve the use of a

9                    notification letter of a technical violation of

10                  a term of probation or community control;

11                  requiring the Department of Corrections to

12                  provide the court with recommendations as to

13                  disposition by the court; amending s. 948.10,

14                  F.S.; deleting a specific limitation on the

15                  caseload of an officer having responsibility

16                  for offenders in a community control program;

17                  amending s. 948.12, F.S.; deleting a specific

18                  limitation on the caseload requirements for the

19                  intensive supervision of postprison releasees;

20                  providing an effective date.

21

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

23

24                    Section 1. Subsection (4) of section 948.001, Florida

25 Statutes, is amended to read:

26                    948.001 Definitions.--As used in this chapter, the

27 term:

28                    (4) "Drug offender probation" means a form of

29 intensive supervision which emphasizes treatment of drug

30 offenders in accordance with individualized treatment plans

31 administered by officers with restricted caseloads. Caseloads

1 | ~~should be restricted to a maximum of 50 cases per officer in~~  
2 | ~~order to ensure an adequate level of staffing.~~

3 |       Section 2. Paragraphs (h) and (i) are added to  
4 | subsection (2) of section 948.06, Florida Statutes, to read:

5 |       948.06 Violation of probation or community control;  
6 | revocation; modification; continuance; failure to pay  
7 | restitution or cost of supervision.--

8 |       (2)

9 |       (h) The chief judge of each judicial circuit may  
10 | direct the department to use a notification letter of a  
11 | technical violation in lieu of a violation report, affidavit,  
12 | and warrant when the alleged violation is not a new felony or  
13 | misdemeanor offense. Such direction must be in writing and  
14 | must specify the types of specific violations which are to be  
15 | reported by a notification letter of a technical violation,  
16 | any exceptions to those violations, and the required process  
17 | for submission. At the direction of the chief judge, the  
18 | department shall send the notification letter of a technical  
19 | violation to the court.

20 |       (i)1. For each case in which the offender admits to  
21 | committing a violation or is found to have committed a  
22 | violation, the department shall provide the court with a  
23 | recommendation as to disposition by the court. The department  
24 | shall provide the reasons for its recommendation and include  
25 | an evaluation of:

26 |       a. The appropriateness or inappropriateness of  
27 | community facilities, programs, or services for treating or  
28 | supervising the offender;

29 |       b. The ability or inability of the department to  
30 | provide an adequate level of supervision of the offender in  
31 |

1 the community and a statement of what constitutes an adequate  
2 level of supervision; and

3 c. The existence of the treatment modalities that the  
4 offender could use but that do not currently exist in the  
5 community.

6 2. The report must also include a summary of the  
7 offender's prior supervision history, including the offender's  
8 prior participation in treatment, educational, and vocational  
9 programs, and any other actions by or circumstances concerning  
10 the offender which are relevant.

11 3. The court may specify whether the recommendation or  
12 report must be oral or written and may waive the requirement  
13 for a report in an individual case or a class of cases. This  
14 paragraph does not prohibit the department from making any  
15 other report or recommendation that is provided for by law or  
16 requested by the court.

17 Section 3. Subsection (3) of section 948.10, Florida  
18 Statutes, is amended to read:

19 948.10 Community control programs.--

20 (3) The department shall commit not less than 10  
21 percent of the parole and probation field staff and supporting  
22 resources to the operation of the community control program.  
23 ~~Caseloads should be restricted to a maximum of 25 cases per~~  
24 ~~officer~~ in order to ensure an adequate level of staffing.  
25 Community control is an individualized program in which the  
26 offender is restricted to noninstitutional quarters or  
27 restricted to his or her own residence subject to an  
28 authorized level of limited freedom.

29 Section 4. Section 948.12, Florida Statutes, is  
30 amended to read:

31

1           948.12 Intensive supervision for postprison release of  
2 violent offenders.--It is the finding of the Legislature that  
3 the population of violent offenders released from state prison  
4 into the community poses the greatest threat to the public  
5 safety of the groups of offenders under community supervision.  
6 Therefore, for the purpose of enhanced public safety, any  
7 offender released from state prison who:

8           (1) Was most recently incarcerated for an offense that  
9 is or was contained in category 1 (murder, manslaughter),  
10 category 2 (sexual offenses), category 3 (robbery), or  
11 category 4 (violent personal crimes) of Rules 3.701 and 3.988,  
12 Florida Rules of Criminal Procedure (1993), and who has served  
13 at least one prior felony commitment at a state or federal  
14 correctional institution;

15           (2) Was sentenced as a habitual offender, violent  
16 habitual offender, or violent career criminal pursuant to s.  
17 775.084; or

18           (3) Has been found to be a sexual predator pursuant to  
19 s. 775.21,

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

29           Section 5. This act shall take effect upon becoming a  
30 law.

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Deletes certain restrictions on the caseloads of officers supervising offenders placed on drug offender probation, offenders in community control programs, and postprison releasees. Authorizes the court to approve the use of a notification letter of a technical violation of a term of probation or community control. Requires that the Department of Corrections provide the court with recommendations as to disposition by the court.