

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.