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1 A bill to be entitled  
2 An act relating to the Department of Corrections; amending  
3 s. 316.003, F.S.; including vehicles operated by the  
4 department within the definition of the term "authorized  
5 emergency vehicles" for purposes of the Traffic Control  
6 Law; amending s. 316.2397, F.S.; authorizing the  
7 department to operate vehicles that have emergency lights  
8 and sirens; amending s. 945.215, F.S.; providing for the  
9 funds in the Employee Benefit Trust Fund to be used for  
10 certain additional purposes; limiting the types of  
11 donations that the department may accept for deposit into  
12 the fund; requiring that the fund be subject to oversight  
13 by the Secretary of Corrections and an annual audit;  
14 requiring that the department provide an annual report  
15 concerning allocations from the trust fund at the request  
16 of the Legislature and Governor; requiring that the  
17 department adopt rules; amending s. 945.21501, F.S.;  
18 providing that facilities constructed using funds from the  
19 Employee Benefit Trust Fund are property of the department  
20 and requiring such facilities to provide maximum benefit  
21 for all employees; requiring that the department adopt  
22 rules; amending s. 948.06, F.S.; authorizing the court to  
23 issue a notice to appear for certain violators; providing  
24 for service of notices to appear; providing for tolling of  
25 the probationary period; providing for the use of a  
26 notification letter of a technical violation of a term of  
27 probation or community control; authorizing the court to  
28 allow the submission of certain documents electronically

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29 | or by facsimile; requiring the department to provide the  
 30 | court with recommendations as to disposition by the court;  
 31 | requiring the department to conduct a study and submit a  
 32 | report; providing an effective date.

33 |  
 34 | Be It Enacted by the Legislature of the State of Florida:

35 |  
 36 | Section 1. Subsection (1) of section 316.003, Florida  
 37 | Statutes, is amended to read:

38 | 316.003 Definitions.--The following words and phrases,  
 39 | when used in this chapter, shall have the meanings respectively  
 40 | ascribed to them in this section, except where the context  
 41 | otherwise requires:

42 | (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the fire  
 43 | department (fire patrol), police vehicles, and such ambulances  
 44 | and emergency vehicles of municipal departments, public service  
 45 | corporations operated by private corporations, the Department of  
 46 | Environmental Protection, the Department of Health, ~~and~~ the  
 47 | Department of Transportation, and the Department of Corrections  
 48 | as are designated or authorized by their respective department  
 49 | or the chief of police of an incorporated city or any sheriff of  
 50 | any of the various counties.

51 | Section 2. Subsection (3) of section 316.2397, Florida  
 52 | Statutes, is amended to read:

53 | 316.2397 Certain lights prohibited; exceptions.--

54 | (3) Vehicles of the fire department and fire patrol,  
 55 | including vehicles of volunteer firefighters as permitted under  
 56 | s. 316.2398, vehicles of medical staff physicians or technicians

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57 | of medical facilities licensed by the state as authorized under  
58 | s. 316.2398, ambulances as authorized under this chapter, and  
59 | buses and taxicabs as authorized under s. 316.2399 are permitted  
60 | to show or display red lights. Vehicles of the fire department,  
61 | fire patrol, police vehicles, and such ambulances and emergency  
62 | vehicles of municipal and county departments, public service  
63 | corporations operated by private corporations, the Department of  
64 | Environmental Protection, the Department of Transportation, ~~and~~  
65 | the Department of Agriculture and Consumer Services, and the  
66 | Department of Corrections as are designated or authorized by  
67 | their respective department or the chief of police of an  
68 | incorporated city or any sheriff of any county are hereby  
69 | authorized to operate emergency lights and sirens in an  
70 | emergency. Wreckers, mosquito control fog and spray vehicles,  
71 | and emergency vehicles of governmental departments or public  
72 | service corporations may show or display amber lights when in  
73 | actual operation or when a hazard exists provided they are not  
74 | used going to and from the scene of operation or hazard without  
75 | specific authorization of a law enforcement officer or law  
76 | enforcement agency. Wreckers must use amber rotating or flashing  
77 | lights while performing recoveries and loading on the roadside  
78 | day or night, and may use such lights while towing a vehicle on  
79 | wheel lifts, slings, or under reach if the operator of the  
80 | wrecker deems such lights necessary. A flatbed, car carrier, or  
81 | rollback may not use amber rotating or flashing lights when  
82 | hauling a vehicle on the bed unless it creates a hazard to other  
83 | motorists because of protruding objects. Further, escort  
84 | vehicles may show or display amber lights when in the actual

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85 process of escorting overdimensioned equipment, material, or  
 86 buildings as authorized by law. Vehicles of private watch,  
 87 guard, or patrol agencies licensed pursuant to chapter 493 may  
 88 show or display amber lights while patrolling condominium,  
 89 cooperative, and private residential and business communities by  
 90 which employed and which traverse public streets or highways.

91 Section 3. Subsection (3) of section 945.215, Florida  
 92 Statutes, is amended to read:

93 945.215 Inmate welfare and employee benefit trust funds.--

94 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF  
 95 CORRECTIONS.--

96 (a) The department may establish an Employee Benefit Trust  
 97 Fund. Trust fund sources may be derived from any of the  
 98 following:

99 1. Proceeds of vending machines, staff canteens, or other  
 100 such services not intended for use by inmates.

101 2. Net proceeds of the recycling program.

102 ~~3.2-~~ Donations, except for donations made by, or on behalf  
 103 of, an individual inmate, and except for donations made by a  
 104 person who provides, or seeks to provide, goods or services to  
 105 the department under a contract or an agreement, individually or  
 106 through a corporation or organization.

107 ~~4.3-~~ Additional trust funds and grants which may become  
 108 available.

109 (b) Funds from the Employee Benefit Trust Fund may be used  
 110 for employee appreciation programs and activities and to  
 111 construct, operate, and maintain training and recreation  
 112 facilities at correctional facilities for the exclusive use of

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113 department employees. Such facilities are the property of the  
 114 department and must provide the maximum benefit to all  
 115 interested employees, regardless of gender.

116 (c) The Employee Benefit Trust Fund shall be established  
 117 as a separate and distinct set of accounts, which shall be  
 118 maintained centrally by the department, overseen by the  
 119 secretary, and subject to an annual audit by the department's  
 120 inspector general.

121 (d) The department shall maintain sufficient data to  
 122 provide an annual report, upon request, to the President of the  
 123 Senate, the Speaker of the House of Representatives, and the  
 124 Executive Office of the Governor on December 1 that lists the  
 125 types of services provided using moneys in the trust fund and  
 126 the allocations of funds spent.

127 (e) The department shall adopt rules pursuant to ss.  
 128 120.536(1) and 120.54 to administer this subsection.

129 Section 4. Section 945.21501, Florida Statutes, is amended  
 130 to read:

131 945.21501 Employee Benefit Trust Fund.--

132 (1) There is hereby created in the Department of  
 133 Corrections the Employee Benefit Trust Fund. The purpose of the  
 134 trust fund shall be to:

135 (a) Construct, operate, and maintain training and  
 136 recreation facilities at correctional facilities for the  
 137 exclusive use of department employees. Any facility constructed  
 138 using funds from the Employee Benefit Trust Fund is the property  
 139 of the department and must provide the maximum benefit to all  
 140 interested employees, regardless of gender.

141 (b) Provide funding for employee appreciation programs and  
 142 activities designed to enhance the morale of employees.

143 (2) Moneys shall be deposited in the trust fund as  
 144 provided in s. 945.215.

145 (3)~~(2)~~ Notwithstanding the provisions of s. 216.301 and  
 146 pursuant to s. 216.351, any balance in the trust fund at the end  
 147 of any fiscal year shall remain in the trust fund at the end of  
 148 the year and shall be available for carrying out the purposes of  
 149 the trust fund.

150 (4) The department shall adopt rules pursuant to ss.  
 151 120.536(1) and 120.54 to administer this section.

152 Section 5. Subsection (1) of section 948.06, Florida  
 153 Statutes, is amended, and paragraph (h) is added to subsection  
 154 (2) of that section, to read:

155 948.06 Violation of probation or community control;  
 156 revocation; modification; continuance; failure to pay  
 157 restitution or cost of supervision.--

158 (1)(a) Whenever within the period of probation or  
 159 community control there are reasonable grounds to believe that a  
 160 probationer or offender in community control has violated his or  
 161 her probation or community control in a material respect, any  
 162 law enforcement officer who is aware of the probationary or  
 163 community control status of the probationer or offender in  
 164 community control or any parole or probation supervisor may  
 165 arrest or request any county or municipal law enforcement  
 166 officer to arrest such probationer or offender without warrant  
 167 wherever found and forthwith return him or her to the court  
 168 granting such probation or community control.

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169 (b) Any committing trial court judge may issue a warrant,  
170 upon the facts being made known to him or her by affidavit of  
171 one having knowledge of such facts, for the arrest of the  
172 probationer or offender, returnable forthwith before the court  
173 granting such probation or community control. In lieu of issuing  
174 a warrant for arrest, the committing trial court judge may issue  
175 a notice to appear if the probationer or offender in community  
176 control has never been convicted of committing, and is not  
177 currently alleged to have committed, a qualifying offense as  
178 defined in this section.

179 (c) Any parole or probation supervisor, any officer  
180 authorized to serve criminal process, or any peace officer of  
181 this state is authorized to serve and execute such warrant. Any  
182 parole or probation supervisor is authorized to serve such  
183 notice to appear.

184 (d) Upon the filing of an affidavit alleging a violation  
185 of probation or community control and following issuance of a  
186 warrant under s. 901.02, a warrantless arrest under this  
187 section, or a notice to appear under this section, the  
188 probationary period is tolled until the court enters a ruling on  
189 the violation. Notwithstanding the tolling of probation as  
190 provided in this subsection, the court shall retain jurisdiction  
191 over the offender for any violation of the conditions of  
192 probation or community control that is alleged to have occurred  
193 during the tolling period. The probation officer is permitted to  
194 continue to supervise any offender who remains available to the  
195 officer for supervision until the supervision expires pursuant  
196 to the order of probation or community control or until the

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197 court revokes or terminates the probation or community control,  
198 whichever comes first.

199 (e) The chief judge of each judicial circuit shall direct  
200 the department to use a notification letter of a technical  
201 violation in appropriate cases in lieu of a violation report,  
202 affidavit, and warrant when the alleged violation is not a new  
203 felony or misdemeanor offense. Such direction must be in writing  
204 and must specify the types of specific violations that are to be  
205 reported by a notification letter of a technical violation, any  
206 exceptions to those violations, and the required process for  
207 submission. At the direction of the chief judge, the department  
208 shall send the notification letter of a technical violation to  
209 the court.

210 (f) The court may allow the department to file an  
211 affidavit, notification letter, violation report, or other  
212 report under this section by facsimile or electronic submission.

213 (2)

214 (h)1. For each case in which the offender admits to  
215 committing a violation or is found to have committed a  
216 violation, the department shall provide the court with a  
217 recommendation as to disposition by the court. The department  
218 shall provide the reasons for its recommendation and include an  
219 evaluation of the following:

220 a. The appropriateness or inappropriateness of community  
221 facilities, programs, or services for treating or supervising  
222 the offender.

223 b. The ability or inability of the department to provide  
224 an adequate level of supervision of the offender in the



225 community and a statement of what constitutes an adequate level  
226 of supervision.

227 c. The existence of treatment modalities that the offender  
228 could use but that do not currently exist in the community.

229 2. The report must also include a summary of the  
230 offender's prior supervision history, including the offender's  
231 prior participation in treatment, educational and vocational  
232 programs, and any other actions by or circumstances concerning  
233 the offender that are relevant.

234 3. The court may specify whether the recommendation or  
235 report must be oral or written and may waive the requirement for  
236 a report in an individual case or a class of cases. This  
237 paragraph does not prohibit the department from making any other  
238 report or recommendation that is provided for by law or  
239 requested by the court.

240 Section 6. The Department of Corrections shall conduct a  
241 caseload and risk-assessment study to determine management  
242 caseload ratios for probation and community control and provide  
243 supervision based on an offender's level of risk. The department  
244 shall submit a final report to the Governor, the President of  
245 the Senate, and the Speaker of the House of Representatives by  
246 December 31, 2007.

247 Section 7. This act shall take effect upon becoming a law.