

By Senator Brandes

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1                   A bill to be entitled  
2           An act relating to probation and community control;  
3           amending s. 948.001, F.S.; redefining terms and  
4           deleting a definition; amending s. 948.01, F.S.;  
5           deleting a provision prohibiting a private entity from  
6           providing probationary or supervision services to  
7           misdemeanor offenders under certain circumstances;  
8           requiring the Department of Corrections to revise and  
9           make available to the courts, rather than develop and  
10          disseminate to the courts, uniform order of  
11          supervision forms; amending s. 948.012, F.S.; adding  
12          the addiction-recovery supervision program as an  
13          exception to the immediate commencement of the period  
14          of probation upon the release of the defendant;  
15          amending s. 948.013, F.S.; revising the list of  
16          offenses that make an offender ineligible for  
17          placement on administrative probation; amending s.  
18          948.03, F.S.; authorizing the court to require a  
19          probationer or offender to report to, to permit visits  
20          by, to submit to random testing as directed by,  
21          probation officers, rather than probation and parole  
22          supervisors or correctional probation officers;  
23          removing the option of incarceration in specified  
24          locations if a court withholds adjudication of guilt  
25          or imposes incarceration as a condition of probation;  
26          amending s. 948.031, F.S.; replacing the term "public  
27          service" with the term "community service"; amending  
28          s. 948.035, F.S.; removing a probation program drug  
29          punishment treatment community facility from the list  
30          of residential treatment or incarceration facilities  
31          that an offender must be restricted to under certain  
32          circumstances; requiring a qualified practitioner to

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33 provide, rather than a court to obtain, an assessment  
34 and recommendation on the treatment needs of an  
35 offender entering a treatment facility; amending s.  
36 948.037, F.S.; authorizing, rather than requiring, a  
37 court to require an offender to make a good faith  
38 effort toward completion of certain skills or a  
39 specific diploma as a condition of community control,  
40 probation, or probation following incarceration;  
41 amending s. 948.06, F.S.; replacing the term "parole  
42 or probation supervisor" with the term "probation  
43 officer"; specifying that the probationary period is  
44 tolled after the issuance of a violation of probation  
45 or community control warrant, rather than an arrest  
46 warrant; authorizing a chief judge to direct the  
47 department to use a notice to appear for technical  
48 violations; amending s. 948.09, F.S.; expanding the  
49 types of supervision under which an offender must pay  
50 for the cost of supervision; conforming provisions to  
51 changes made by the act; revising the factors under  
52 which the department may exempt an offender from  
53 payments; requiring the certification of student  
54 status to be supplied to the offender's probation  
55 officer, rather than to the Secretary of Corrections;  
56 deleting duties of the secretary; deleting provisions  
57 authorizing the department to provide monthly payments  
58 to court-approved entities that provide supervision or  
59 rehabilitation for offenders under certain  
60 circumstances; deleting provisions relating to  
61 contract terms with, and a monthly report from,

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62 certain entities; amending s. 948.10, F.S.; requiring  
63 a community control program to focus on the provision  
64 of home confinement with limitations, rather than  
65 sanctions and consequences, commensurate with the  
66 crime committed; specifying and revising who the  
67 target population is for the community control  
68 program; revising departmental requirements for the  
69 operation of the program and caseloads; making  
70 technical changes; specifying the types of facilities  
71 used for the community control program; deleting an  
72 annual reporting requirement of the department to the  
73 Governor and the Legislature which includes certain  
74 information; amending s. 948.101, F.S.; conforming  
75 provisions to changes made by the act; amending s.  
76 948.11, F.S.; requiring, rather than authorizing, the  
77 department to electronically monitor offenders  
78 sentenced to community control under certain  
79 circumstances; conforming terminology to changes made  
80 by the act; amending s. 948.15, F.S.; revising the  
81 required terms of the contract for a private entity  
82 providing services for the supervision of misdemeanor  
83 probationers; repealing s. 948.50, F.S., relating to a  
84 short title; reenacting s. 921.187(1)(n), F.S.,  
85 relating to disposition and sentencing, alternatives,  
86 and restitution, to incorporate the amendment made to  
87 s. 948.013, F.S., in a reference thereto; reenacting  
88 s. 947.1405(7)(b), F.S., relating to the conditional  
89 release program, to incorporate the amendment made to  
90 s. 948.09, F.S., in a reference thereto; reenacting

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91 ss. 947.1747 and 948.01(3), F.S., relating to  
 92 community control as a special condition of parole and  
 93 when a court may place a defendant on probation or  
 94 into community control, respectively, to incorporate  
 95 the amendment made to s. 948.10, F.S., in references  
 96 thereto; providing an effective date.

97

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

99

100 Section 1. Subsection (1) and present subsections (4) and  
 101 (9) of section 948.001, Florida Statutes, are amended, and  
 102 present subsections (5) through (14) of that section are  
 103 redesignated as subsections (4) through (13), respectively, to  
 104 read:

105 948.001 Definitions.—As used in this chapter, the term:

106 (1) "Administrative probation" means a form of no contact,  
 107 nonreporting noncontact supervision in which an offender who  
 108 presents a low risk of harm to the community may, upon  
 109 satisfactory completion of half the term of probation, be  
 110 transferred by the Department of Corrections to this type of  
 111 reduced level of supervision, as provided in s. 948.013  
 112 ~~nonreporting status until expiration of the term of supervision.~~

113 ~~(4) "Community residential drug punishment center" means a~~  
 114 ~~residential drug punishment center designated by the Department~~  
 115 ~~of Corrections. The Department of Corrections shall adopt rules~~  
 116 ~~as necessary to define and operate such a center.~~

117 (8)~~(9)~~ "Probation" means a form of community supervision  
 118 requiring specified contacts with ~~parole and~~ probation officers  
 119 and other terms and conditions as provided in s. 948.03.

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120 Section 2. Subsections (1) and (5) of section 948.01,  
121 Florida Statutes, are amended to read:

122 948.01 When court may place defendant on probation or into  
123 community control.—

124 (1) Any state court having original jurisdiction of  
125 criminal actions may at a time to be determined by the court,  
126 with or without an adjudication of the guilt of the defendant,  
127 hear and determine the question of the probation of a defendant  
128 in a criminal case, except for an offense punishable by death,  
129 who has been found guilty by the verdict of a jury, has entered  
130 a plea of guilty or a plea of nolo contendere, or has been found  
131 guilty by the court trying the case without a jury.

132 (a) If the court places the defendant on probation or into  
133 community control for a felony, the department shall provide  
134 immediate supervision by an officer employed in compliance with  
135 the minimum qualifications for officers as provided in s.  
136 943.13. A private entity may not provide probationary or  
137 supervision services to felony ~~or misdemeanor~~ offenders  
138 sentenced or placed on probation or other supervision by the  
139 circuit court.

140 (b) The department, in consultation with the Office of the  
141 State Courts Administrator, shall revise and make available  
142 ~~develop and disseminate~~ to the courts uniform order of  
143 supervision forms by July 1 of each year or as necessary. The  
144 courts shall use the uniform order of supervision forms provided  
145 by the department for all persons placed on community  
146 supervision.

147 (5) The imposition of sentence may not be suspended and the  
148 defendant thereupon placed on probation or into community

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149 control unless the defendant is placed under the custody of the  
150 department or another public or private entity. A private entity  
151 may not provide probationary or supervision services to felony  
152 ~~or misdemeanor~~ offenders sentenced or placed on probation or  
153 other supervision by the circuit court.

154 Section 3. Subsection (1) of section 948.012, Florida  
155 Statutes, is amended, and subsections (4), (5), and (6) of that  
156 section are republished, to read:

157 948.012 Split sentence of probation or community control  
158 and imprisonment.—

159 (1) If punishment by imprisonment for a misdemeanor or a  
160 felony, except for a capital felony, is prescribed, the court  
161 may, at the time of sentencing, impose a split sentence whereby  
162 the defendant is to be placed on probation or, with respect to  
163 any such felony, into community control upon completion of any  
164 specified period of such sentence which may include a term of  
165 years or less. In such case, the court shall stay and withhold  
166 the imposition of the remainder of sentence imposed upon the  
167 defendant and direct that the defendant be placed upon probation  
168 or into community control after serving such period as may be  
169 imposed by the court. Except as provided in s. 944.4731(2)(b)  
170 and subsection (6), the period of probation or community control  
171 shall commence immediately upon the release of the defendant  
172 from incarceration, whether by parole or gain-time allowances.

173 (4) Effective for offenses committed on or after September  
174 1, 2005, the court must impose a split sentence pursuant to  
175 subsection (1) for any person who is convicted of a life felony  
176 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)  
177 if the court imposes a term of years in accordance with s.

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178 775.082(3)(a)4.a.(II) rather than life imprisonment. The  
179 probation or community control portion of the split sentence  
180 imposed by the court for a defendant must extend for the  
181 duration of the defendant's natural life and include a condition  
182 that he or she be electronically monitored.

183 (5)(a) Effective for offenses committed on or after October  
184 1, 2014, if the court imposes a term of years in accordance with  
185 s. 775.082 which is less than the maximum sentence for the  
186 offense, the court must impose a split sentence pursuant to  
187 subsection (1) for any person who is convicted of a violation  
188 of:

- 189 1. Section 782.04(1)(a)2.c.;
- 190 2. Section 787.01(3)(a)2. or 3.;
- 191 3. Section 787.02(3)(a)2. or 3.;
- 192 4. Section 794.011, excluding s. 794.011(10);
- 193 5. Section 800.04;
- 194 6. Section 825.1025; or
- 195 7. Section 847.0135(5).

196 (b) The probation or community control portion of the split  
197 sentence imposed by the court must extend for at least 2 years.  
198 However, if the term of years imposed by the court extends to  
199 within 2 years of the maximum sentence for the offense, the  
200 probation or community control portion of the split sentence  
201 must extend for the remainder of the maximum sentence.

202 (6) If a defendant who has been sentenced to a split  
203 sentence pursuant to subsection (1) is transferred to the  
204 custody of the Department of Children and Families pursuant to  
205 part V of chapter 394, the period of probation or community  
206 control is tolled until such person is no longer in the custody

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207 of the Department of Children and Families. This subsection  
208 applies to all sentences of probation or community control which  
209 begin on or after October 1, 2014, regardless of the date of the  
210 underlying offense.

211 Section 4. Subsection (2) of section 948.013, Florida  
212 Statutes, is amended to read:

213 948.013 Administrative probation.—

214 (2) Effective for an offense committed on or after July 1,  
215 1998, a person is ineligible for placement on administrative  
216 probation if the person is sentenced to or is serving a term of  
217 probation or community control, regardless of the conviction or  
218 adjudication, for committing, or attempting, conspiring, or  
219 soliciting to commit, any of the felony offenses described in s.  
220 775.21(4)(a)1.a. or (4)(a)1.b. or s. 943.0435(1)(h)1.a. s.  
221 ~~787.01 or s. 787.02, where the victim is a minor and the~~  
222 ~~defendant is not the victim's parent; s. 787.025; s.~~  
223 ~~787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.~~  
224 ~~825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135; or s.~~  
225 ~~847.0145.~~

226 Section 5. Paragraphs (a), (b), (l), and (m) of subsection  
227 (1) and subsection (2) of section 948.03, Florida Statutes, are  
228 amended to read:

229 948.03 Terms and conditions of probation.—

230 (1) The court shall determine the terms and conditions of  
231 probation. Conditions specified in this section do not require  
232 oral pronouncement at the time of sentencing and may be  
233 considered standard conditions of probation. These conditions  
234 may include among them the following, that the probationer or  
235 offender in community control shall:



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236 (a) Report to the probation officer ~~and parole supervisors~~  
237 as directed.

238 (b) Permit the probation officer ~~such supervisors~~ to visit  
239 him or her at his or her home or elsewhere.

240 (1)1. Submit to random testing as directed by the  
241 ~~correctional~~ probation officer or the professional staff of the  
242 treatment center where he or she is receiving treatment to  
243 determine the presence or use of alcohol or controlled  
244 substances.

245 2. If the offense was a controlled substance violation and  
246 the period of probation immediately follows a period of  
247 incarceration in the state correction system, the conditions  
248 must ~~shall~~ include a requirement that the offender submit to  
249 random substance abuse testing intermittently throughout the  
250 term of supervision, upon the direction of the ~~correctional~~  
251 probation officer ~~as defined in s. 943.10(3)~~.

252 (m) Be prohibited from possessing, carrying, or owning any:

253 1. Firearm.

254 2. Weapon without first procuring the consent of the  
255 ~~correctional~~ probation officer.

256 (2) The enumeration of specific kinds of terms and  
257 conditions does ~~shall~~ not prevent the court from adding thereto  
258 such other or others as it considers proper. However, the  
259 sentencing court may only impose a condition of supervision  
260 allowing an offender convicted of s. 794.011, s. 800.04, s.  
261 827.071, s. 847.0135(5), or s. 847.0145~~7~~ to reside in another  
262 state~~7~~, if the order stipulates that it is contingent upon the  
263 approval of the receiving state interstate compact authority.  
264 The court may rescind or modify at any time the terms and

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265 conditions theretofore imposed by it upon the probationer.  
266 However, if the court withholds adjudication of guilt or imposes  
267 a period of incarceration as a condition of probation, the  
268 period may ~~shall~~ not exceed 364 days, and incarceration shall be  
269 restricted to either a county facility, or a probation and  
270 restitution center under the jurisdiction of the Department of  
271 Corrections, ~~a probation program drug punishment phase I secure~~  
272 ~~residential treatment institution, or a community residential~~  
273 ~~facility owned or operated by any entity providing such~~  
274 ~~services.~~

275 Section 6. Section 948.031, Florida Statutes, is amended to  
276 read:

277 948.031 Condition of probation or community control;  
278 community public service.—

279 (1) Any person who is convicted of a felony or misdemeanor  
280 and who is placed on probation or into community control may be  
281 required as a condition of supervision to perform some type of  
282 community public service for a tax-supported or tax-exempt  
283 entity, with the consent of such entity. Such community public  
284 service shall be performed at a time other than during such  
285 person's regular hours of employment.

286 (2) Upon the request of the chief judge of the circuit, the  
287 Department of Corrections shall establish a community public  
288 service program for a county, which program may include, but is  
289 ~~shall not be~~ limited to, any of the following types of community  
290 public service:

291 (a) Maintenance work on any property or building owned or  
292 leased by any state, county, or municipality or any nonprofit  
293 organization or agency.

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294 (b) Maintenance work on any state-owned, county-owned, or  
 295 municipally owned road or highway.

296 (c) Landscaping or maintenance work in any state, county,  
 297 or municipal park or recreation area.

298 (d) Work in any state, county, or municipal hospital or any  
 299 developmental services institution or other nonprofit  
 300 organization or agency.

301 Section 7. Subsections (1) and (3) of section 948.035,  
 302 Florida Statutes, are amended to read:

303 948.035 Residential treatment as a condition of probation  
 304 or community control.—

305 (1) If the court imposes a period of residential treatment  
 306 or incarceration as a condition of probation or community  
 307 control, the residential treatment or incarceration shall be  
 308 restricted to the following facilities:

309 (a) A Department of Corrections probation and restitution  
 310 center;

311 ~~(b) A probation program drug punishment treatment~~  
 312 ~~community;~~

313 (b)(e) A community residential facility that ~~which~~ is owned  
 314 and operated by a ~~any~~ public or private entity, excluding a  
 315 community correctional center as defined in s. 944.026; or

316 (c)(d) A county-owned facility.

317 (3) Before ~~Prior to~~ admission to such a facility or center  
 318 ~~treatment community, a qualified practitioner must provide the~~  
 319 ~~court shall obtain~~ an individual assessment and recommendation  
 320 on the appropriate treatment needs ~~pursuant to the Community~~  
 321 ~~Control Implementation Manual which shall be considered by the~~  
 322 ~~court in ordering such placements.~~ Placement in such a facility

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323 or center may, ~~or in the phase I secure residential phase of a~~  
324 ~~probation program drug punishment treatment community~~, shall not  
325 exceed 364 days. Early completion of an offender's placement  
326 shall be recommended to the court, when appropriate, by the  
327 facility or center supervisor, by the supervising probation  
328 officer, or by the program manager. The Department of  
329 Corrections is authorized to contract with appropriate agencies  
330 for provision of services.

331 Section 8. Subsection (1) of section 948.037, Florida  
332 Statutes, is amended to read:

333 948.037 Education and learning as a condition of probation  
334 or community control.—

335 (1) As a condition of community control, probation, or  
336 probation following incarceration, the court may ~~shall~~ require  
337 an offender who has not obtained a high school diploma or high  
338 school equivalency diploma or who lacks basic or functional  
339 literacy skills, upon acceptance by an adult education program,  
340 to make a good faith effort toward completion of such basic or  
341 functional literacy skills or high school equivalency diploma,  
342 as defined in s. 1003.435, in accordance with the assessed adult  
343 general education needs of the individual offender. The court  
344 may ~~shall~~ not revoke community control, probation, or probation  
345 following incarceration because of the offender's inability to  
346 achieve such skills or diploma but may revoke community control,  
347 probation, or probation following incarceration if the offender  
348 fails to make a good faith effort to achieve such skills or  
349 diploma. The court may grant early termination of community  
350 control, probation, or probation following incarceration upon  
351 the offender's successful completion of the approved program. As

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352 used in this subsection, "good faith effort" means the offender  
353 is enrolled in a program of instruction and is attending and  
354 making satisfactory progress toward completion of the  
355 requirements.

356 Section 9. Paragraphs (a), (e), (f), and (g) of subsection  
357 (1) of section 948.06, Florida Statutes, are amended to read:

358 948.06 Violation of probation or community control;  
359 revocation; modification; continuance; failure to pay  
360 restitution or cost of supervision.—

361 (1) (a) Whenever within the period of probation or community  
362 control there are reasonable grounds to believe that a  
363 probationer or offender in community control has violated his or  
364 her probation or community control in a material respect, any  
365 law enforcement officer who is aware of the probationary or  
366 community control status of the probationer or offender in  
367 community control or any ~~parole or probation officer supervisor~~  
368 may arrest or request any county or municipal law enforcement  
369 officer to arrest such probationer or offender without warrant  
370 wherever found and return him or her to the court granting such  
371 probation or community control.

372 (e) Any ~~parole or probation officer supervisor~~, any officer  
373 authorized to serve criminal process, or any peace officer of  
374 this state is authorized to serve and execute such warrant. Any  
375 ~~parole or probation officer supervisor~~ is authorized to serve  
376 such notice to appear.

377 (f) Upon the filing of an affidavit alleging a violation of  
378 probation or community control and following issuance of a  
379 warrant for such violation ~~under s. 901.02~~, a warrantless arrest  
380 under this section, or a notice to appear under this section,

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381 the probationary period is tolled until the court enters a  
382 ruling on the violation. Notwithstanding the tolling of  
383 probation, the court shall retain jurisdiction over the offender  
384 for any violation of the conditions of probation or community  
385 control that is alleged to have occurred during the tolling  
386 period. The probation officer is permitted to continue to  
387 supervise any offender who remains available to the officer for  
388 supervision until the supervision expires pursuant to the order  
389 of probation or community control or until the court revokes or  
390 terminates the probation or community control, whichever comes  
391 first.

392 (g) The chief judge of each judicial circuit may direct the  
393 department to use a notification letter of a technical violation  
394 in appropriate cases in lieu of a violation report, affidavit,  
395 and warrant or a notice to appear when the alleged violation is  
396 not a new felony or misdemeanor offense. Such direction must be  
397 in writing and must specify the types of specific technical  
398 violations which are to be reported by a notification letter of  
399 a technical violation, any exceptions to those violations, and  
400 the required process for submission. At the direction of the  
401 chief judge, the department shall send the notification letter  
402 of a technical violation to the court.

403 Section 10. Section 948.09, Florida Statutes, is amended to  
404 read:

405 948.09 Payment for cost of supervision and other monetary  
406 obligations ~~rehabilitation.~~

407 (1) (a) 1. Any person ordered by the court, the Department of  
408 Corrections, or the Florida Commission on Offender Review to be  
409 placed under ~~on probation, drug offender probation, community~~

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410 ~~control, parole, control release, provisional release~~  
411 ~~supervision, addiction-recovery supervision, or conditional~~  
412 ~~release~~ supervision under this chapter, chapter 944, chapter  
413 945, chapter 947, or chapter 958, or in a pretrial intervention  
414 program, must, as a condition of any placement, pay the  
415 department a total sum of money equal to the total month or  
416 portion of a month of supervision times the court-ordered  
417 amount, but not to exceed the actual per diem cost of the  
418 supervision. The department shall adopt rules by which an  
419 offender who pays in full and in advance of regular termination  
420 of supervision may receive a reduction in the amount due. The  
421 rules shall incorporate provisions by which the offender's  
422 ability to pay is linked to an established written payment plan.  
423 Funds collected from felony offenders may be used to offset  
424 costs of the Department of Corrections associated with community  
425 supervision programs, subject to appropriation by the  
426 Legislature.

427       2. In addition to any other contribution or surcharge  
428 imposed by this section, each felony offender assessed under  
429 this paragraph shall pay a \$2-per-month surcharge to the  
430 department. The surcharge shall be deemed to be paid only after  
431 the full amount of any monthly payment required by the  
432 established written payment plan has been collected by the  
433 department. These funds shall be used by the department to pay  
434 for correctional probation officers' training and equipment,  
435 including radios, and firearms training, firearms, and attendant  
436 equipment necessary to train and equip officers who choose to  
437 carry a concealed firearm while on duty. This subparagraph does  
438 not limit the department's authority to determine who shall be

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439 authorized to carry a concealed firearm while on duty, or limit  
440 the right of a correctional probation officer to carry a  
441 personal firearm approved by the department.

442 (b) Any person placed on misdemeanor probation by a county  
443 court must contribute not less than \$40 per month, as decided by  
444 the sentencing court, to the court-approved public or private  
445 entity providing misdemeanor supervision.

446 (2) Any person being electronically monitored by the  
447 department as a result of being placed on supervision shall pay  
448 the department for electronic monitoring services at a rate that  
449 may not exceed the full cost of the monitoring service in  
450 addition to the cost of supervision as directed by the  
451 sentencing court. The funds collected under this subsection  
452 shall be deposited in the General Revenue Fund. The department  
453 may exempt a person from paying all or any part of the costs of  
454 the electronic monitoring service if it finds that any of the  
455 factors listed in subsection (3) exist.

456 (3) Any failure to pay contribution as required under this  
457 section may constitute a ground for the revocation of  
458 supervision ~~probation~~ by the court or, ~~the revocation of parole~~  
459 ~~or conditional release~~ by the Florida Commission on Offender  
460 Review, the revocation of control release by the Control Release  
461 Authority, or the removal from the pretrial intervention program  
462 by the state attorney. The Department of Corrections may exempt  
463 a person from the payment of all or any part of the contribution  
464 if it finds any of the following factors ~~to exist~~:

465 (a) The offender has diligently attempted, but has been  
466 unable, to obtain or maintain employment that ~~which~~ provides him  
467 or her sufficient income to make such payments.



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468 (b) The offender is a student in a school, college,  
469 university, or course of career training designed to fit the  
470 student for gainful employment. Certification of such student  
471 status shall be supplied to the offender's probation officer  
472 ~~Secretary of Corrections~~ by the educational institution in which  
473 the offender is enrolled.

474 (c) The offender has an employment handicap, as determined  
475 by a physical, psychological, or psychiatric examination  
476 acceptable to, ~~or ordered by, the secretary.~~

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

479 (e) The offender is responsible for the support of  
480 dependents, and the payment of such contribution constitutes an  
481 undue hardship on the offender.

482 (f) The offender has been transferred outside the state  
483 under an interstate compact adopted pursuant to chapter 949.

484 ~~(g) There are other extenuating circumstances, as~~  
485 ~~determined by the secretary.~~

486 ~~(4) In addition to the contribution required under~~  
487 ~~subsection (1), the department may provide a maximum payment of~~  
488 ~~\$10 per month for each misdemeanor probationer who is~~  
489 ~~contributing \$10 per month to the court-approved public or~~  
490 ~~private entity which is providing him or her with misdemeanor~~  
491 ~~supervision or rehabilitation. The \$10 payment set forth herein~~  
492 ~~shall only be for first degree misdemeanors, petty theft, and~~  
493 ~~worthless checks. The department shall make such payment to the~~  
494 ~~court-approved public or private entity which is providing~~  
495 ~~supervision to the offender under this section. Such payment~~  
496 ~~shall be implemented through a contract to be entered into by~~

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497 ~~the Secretary of Corrections and the entity. Terms of the~~  
498 ~~contract shall state, but are not limited to, the extent of the~~  
499 ~~services to be rendered by the entity providing supervision or~~  
500 ~~rehabilitation. In addition, the entity shall supply the~~  
501 ~~department with a monthly report documenting the acceptance of~~  
502 ~~each offender placed under its supervision by the court,~~  
503 ~~documenting the payment of the required contribution by each~~  
504 ~~offender under supervision or rehabilitation, and notifying the~~  
505 ~~department of all offenders for whom supervision or~~  
506 ~~rehabilitation will be terminated. Supervisory records of the~~  
507 ~~entity shall be open to inspection upon the request of the~~  
508 ~~department or its agents.~~

509 (4)~~(5)~~ As a condition of an interstate compact adopted  
510 pursuant to chapter 949, the department shall require each out-  
511 of-state probationer or parolee transferred to this state to  
512 contribute not less than \$30 or more than the cost of  
513 supervision, certified by the Department of Corrections, per  
514 month to defray the cost incurred by this state as a result of  
515 providing supervision and rehabilitation during the period of  
516 supervision.

517 (5)~~(6)~~ In addition to any other required contributions, the  
518 department, at its discretion, may require offenders under any  
519 form of supervision to submit to and pay for urinalysis testing  
520 to identify drug usage as part of the rehabilitation program.  
521 Any failure to make such payment, or participate, may be  
522 considered a ground for revocation by the court, the Florida  
523 Commission on Offender Review, or the Control Release Authority,  
524 or for removal from the pretrial intervention program by the  
525 state attorney. The department may exempt a person from such

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526 payment if it determines that any of the factors specified in  
527 subsection (3) exist.

528 ~~(6)~~(7) The department shall establish a payment plan for  
529 all costs ordered by the courts for collection by the department  
530 and a priority order for payments, except that victim  
531 restitution payments authorized under s. 948.03(1)(f) take  
532 precedence over all other court-ordered payments. The department  
533 is not required to disburse cumulative amounts of less than \$10  
534 to individual payees established on this payment plan.

535 Section 11. Section 948.10, Florida Statutes, is amended to  
536 read:

537 948.10 Community control programs; home confinement.—

538 (1) The Department of Corrections shall develop and  
539 administer a community control program. This ~~complementary~~  
540 program shall be rigidly structured and designed to accommodate  
541 offenders who, in the absence of such a program, would have been  
542 incarcerated in a jail or prison. The program shall focus on the  
543 provision of home confinement subject to an authorized level of  
544 limited freedom and special conditions ~~sanctions and~~  
545 ~~consequences which~~ that are commensurate with the seriousness of  
546 the crime. The program shall offer the courts and the Florida  
547 Commission on Offender Review an alternative, community-based  
548 method to punish an offender in lieu of incarceration and shall  
549 provide intensive supervision to closely monitor compliance with  
550 restrictions and special conditions, including, but not limited  
551 to, treatment or rehabilitative programs. The targeted  
552 population for this community control program includes ~~if the~~  
553 ~~offender is a member of one of the following target groups:~~

554 (a) Probation violators charged with technical violations

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555 or new ~~misdemeanor~~ violations of law.

556 (b) Parole or conditional release violators charged with  
557 technical violations or new ~~misdemeanor~~ violations of law.

558 (c) Individuals found guilty of felonies, who, due to their  
559 criminal backgrounds or the seriousness of the offenses, would  
560 not be placed on regular probation.

561 (2) ~~The department shall commit not less than 10 percent of~~  
562 ~~the parole and probation field staff and supporting resources to~~  
563 ~~the operation of the community control program.~~ Caseloads should  
564 be restricted to a maximum of 30 ~~25~~ cases per officer in order  
565 to ensure an adequate level of staffing. Community control is an  
566 individualized program in which the offender is restricted to a  
567 residential treatment facility or a nursing facility  
568 ~~noninstitutional quarters~~ or restricted to his or her approved  
569 ~~own~~ residence subject to an authorized level of limited freedom.

570 (3) Procedures governing violations of community control  
571 are ~~shall be~~ the same as those described in s. 948.06 with  
572 respect to probation.

573 (4) Upon completion of the sanctions imposed and ~~in the~~  
574 ~~community control plan~~ before the expiration of the community  
575 control term ordered by the court, the department may petition  
576 the court to terminate early the supervision of ~~discharge~~ the  
577 offender from community control supervision or to return the  
578 offender to a program of regular probation supervision for the  
579 remainder of the term. In considering the petition, the court  
580 should recognize the limited staff resources committed to the  
581 community control program, the purpose of the program, and the  
582 offender's successful compliance with the conditions set forth  
583 in the order of the court.

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584 ~~(5) In its annual report to the Governor, the President of~~  
585 ~~the Senate, and the Speaker of the House of Representatives~~  
586 ~~under s. 20.315(5), the department shall include a detailed~~  
587 ~~analysis of the community control program and the department's~~  
588 ~~specific efforts to protect the public from offenders placed on~~  
589 ~~community control. The analysis must include, but need not be~~  
590 ~~limited to, specific information on the department's ability to~~  
591 ~~meet minimum officer to offender contact standards, the number~~  
592 ~~of crimes committed by offenders on community control, and the~~  
593 ~~level of community supervision provided.~~

594 Section 12. Subsection (2) of section 948.101, Florida  
595 Statutes, is amended to read:

596 948.101 Terms and conditions of community control.—

597 (2) The enumeration of specific kinds of terms and  
598 conditions does not prevent the court from adding any other  
599 terms or conditions that the court considers proper. However,  
600 the sentencing court may only impose a condition of supervision  
601 allowing an offender convicted of s. 794.011, s. 800.04, s.  
602 827.071, s. 847.0135(5), or s. 847.0145 to reside in another  
603 state if the order stipulates that it is contingent upon the  
604 approval of the receiving state interstate compact authority.  
605 The court may rescind or modify at any time the terms and  
606 conditions theretofore imposed by it upon the offender in  
607 community control. However, if the court withholds adjudication  
608 of guilt or imposes a period of incarceration as a condition of  
609 community control, the period may not exceed 364 days, and  
610 incarceration shall be restricted to a county facility, a  
611 probation and restitution center under the jurisdiction of the  
612 Department of Corrections, or a ~~probation program drug~~

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613 ~~punishment phase I secure residential treatment institution, or~~  
614 ~~a community residential~~ facility owned or operated by any entity  
615 providing such services.

616 Section 13. Subsections (1), (2), and (3) of section  
617 948.11, Florida Statutes, are amended, and subsection (5) of  
618 that section is republished, to read:

619 948.11 Electronic monitoring devices.—

620 (1) The Department of Corrections shall ~~may~~ electronically  
621 monitor an offender sentenced to community control when the  
622 court has imposed electronic monitoring as a condition of  
623 community control.

624 (2) Any offender placed under supervision ~~on community~~  
625 ~~control~~ who violates the terms and conditions of supervision  
626 ~~community control~~ and is restored to supervision ~~community~~  
627 ~~control~~ may be supervised by means of an electronic monitoring  
628 device or system if ordered by the court.

629 (3) For those offenders being electronically monitored, the  
630 Department of Corrections shall develop procedures to determine,  
631 investigate, and report the offender's noncompliance with the  
632 terms and conditions of sentence 24 hours per day. All reports  
633 of noncompliance shall be immediately investigated by a  
634 probation ~~community control~~ officer.

635 (5) Any person being electronically monitored by the  
636 department as a result of being placed on supervision shall pay  
637 the department for the electronic monitoring services as  
638 provided in s. 948.09(2).

639 Section 14. Paragraph (b) of subsection (3) of section  
640 948.15, Florida Statutes, is amended to read:

641 948.15 Misdemeanor probation services.—

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642 (3) Any private entity, including a licensed substance  
643 abuse education and intervention program, providing services for  
644 the supervision of misdemeanor probationers must contract with  
645 the county in which the services are to be rendered. In a county  
646 having a population of fewer than 70,000, the county court  
647 judge, or the administrative judge of the county court in a  
648 county that has more than one county court judge, must approve  
649 the contract. Terms of the contract must state, but are not  
650 limited to:

651 (b) Staff qualifications and criminal record checks of  
652 staff ~~in accordance with essential standards established by the~~  
653 ~~American Correctional Association as of January 1, 1991.~~

654  
655 In addition, the entity shall supply the chief judge's office  
656 with a quarterly report summarizing the number of offenders  
657 supervised by the private entity, payment of the required  
658 contribution under supervision or rehabilitation, and the number  
659 of offenders for whom supervision or rehabilitation will be  
660 terminated. All records of the entity must be open to inspection  
661 upon the request of the county, the court, the Auditor General,  
662 the Office of Program Policy Analysis and Government  
663 Accountability, or agents thereof.

664 Section 15. Section 948.50, Florida Statutes, is repealed.

665 Section 16. For the purpose of incorporating the amendment  
666 made by this act to section 948.013, Florida Statutes, in a  
667 reference thereto, paragraph (n) of subsection (1) of section  
668 921.187, Florida Statutes, is reenacted to read:

669 921.187 Disposition and sentencing; alternatives;  
670 restitution.-

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671 (1) The alternatives provided in this section for the  
672 disposition of criminal cases shall be used in a manner that  
673 will best serve the needs of society, punish criminal offenders,  
674 and provide the opportunity for rehabilitation. If the offender  
675 does not receive a state prison sentence, the court may:

676 (n) Impose split probation whereby upon satisfactory  
677 completion of half the term of probation, the Department of  
678 Corrections may place the offender on administrative probation  
679 pursuant to s. 948.013 for the remainder of the term of  
680 supervision.

681 Section 17. For the purpose of incorporating the amendment  
682 made by this act to section 948.09, Florida Statutes, in a  
683 reference thereto, paragraph (b) of subsection (7) of section  
684 947.1405, Florida Statutes, is reenacted to read:

685 947.1405 Conditional release program.-

686 (7)

687 (b) For a releasee whose crime was committed on or after  
688 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
689 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
690 conditional release supervision, in addition to any other  
691 provision of this subsection, the commission shall impose the  
692 following additional conditions of conditional release  
693 supervision:

694 1. As part of a treatment program, participation in a  
695 minimum of one annual polygraph examination to obtain  
696 information necessary for risk management and treatment and to  
697 reduce the sex offender's denial mechanisms. The polygraph  
698 examination must be conducted by a polygrapher who is a member  
699 of a national or state polygraph association and who is



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700 certified as a postconviction sex offender polygrapher, where  
701 available, and at the expense of the releasee. The results of  
702 the examination shall be provided to the releasee's probation  
703 officer and qualified practitioner and may not be used as  
704 evidence in a hearing to prove that a violation of supervision  
705 has occurred.

706 2. Maintenance of a driving log and a prohibition against  
707 driving a motor vehicle alone without the prior approval of the  
708 supervising officer.

709 3. A prohibition against obtaining or using a post office  
710 box without the prior approval of the supervising officer.

711 4. If there was sexual contact, a submission to, at the  
712 releasee's expense, an HIV test with the results to be released  
713 to the victim or the victim's parent or guardian.

714 5. Electronic monitoring of any form when ordered by the  
715 commission. Any person who has been placed under supervision and  
716 is electronically monitored by the department must pay the  
717 department for the cost of the electronic monitoring service at  
718 a rate that may not exceed the full cost of the monitoring  
719 service. Funds collected under this subparagraph shall be  
720 deposited into the General Revenue Fund. The department may  
721 exempt a person from the payment of all or any part of the  
722 electronic monitoring service cost if the department finds that  
723 any of the factors listed in s. 948.09(3) exist.

724 Section 18. For the purpose of incorporating the amendment  
725 made by this act to section 948.10, Florida Statutes, in a  
726 reference thereto, section 947.1747, Florida Statutes, is  
727 reenacted to read:

728 947.1747 Community control as a special condition of

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729 parole.—Upon the establishment of an effective parole release  
730 date as provided for in ss. 947.1745 and 947.1746, the  
731 commission may, as a special condition of parole, require an  
732 inmate to be placed in the community control program of the  
733 Department of Corrections as described in s. 948.10 for a period  
734 not exceeding 6 months. In every case in which the commission  
735 decides to place an inmate on community control as a special  
736 condition of parole, the commission shall provide a written  
737 explanation of the reasons for its decision.

738 Section 19. For the purpose of incorporating the amendment  
739 made by this act to section 948.10, Florida Statutes, in a  
740 reference thereto, subsection (3) of section 948.01, Florida  
741 Statutes, is reenacted to read:

742 948.01 When court may place defendant on probation or into  
743 community control.—

744 (3) If, after considering the provisions of subsection (2)  
745 and the offender's prior record or the seriousness of the  
746 offense, it appears to the court in the case of a felony  
747 disposition that probation is an unsuitable dispositional  
748 alternative to imprisonment, the court may place the offender in  
749 a community control program as provided in s. 948.10. Or, in a  
750 case of prior disposition of a felony commitment, upon motion of  
751 the offender or the department or upon its own motion, the court  
752 may, within the period of its retained jurisdiction following  
753 commitment, suspend the further execution of the disposition and  
754 place the offender in a community control program upon such  
755 terms as the court may require. The court may consult with a  
756 local offender advisory council pursuant to s. 948.90 with  
757 respect to the placement of an offender into community control.

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758 Not later than 3 working days before the hearing on the motion,  
759 the department shall forward to the court all relevant material  
760 on the offender's progress while in custody. If this sentencing  
761 alternative to incarceration is utilized, the court shall:

762 (a) Determine what community-based sanctions will be  
763 imposed in the community control plan. Community-based sanctions  
764 may include, but are not limited to, rehabilitative restitution  
765 in money or in kind, curfew, revocation or suspension of the  
766 driver license, community service, deprivation of nonessential  
767 activities or privileges, or other appropriate restraints on the  
768 offender's liberty.

769 (b) After appropriate sanctions for the offense are  
770 determined, develop, approve, and order a plan of community  
771 control which contains rules, requirements, conditions, and  
772 programs that are designed to encourage noncriminal functional  
773 behavior and promote the rehabilitation of the offender and the  
774 protection of the community. If the offense was a controlled  
775 substance violation, the conditions shall include a requirement  
776 that the offender submit to random substance abuse testing  
777 intermittently throughout the term of supervision, upon the  
778 direction of the correctional probation officer as defined in s.  
779 943.10(3).

780 Section 20. This act shall take effect July 1, 2017.