

By Senator Gainer

2-01413-18

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1 A bill to be entitled
2 An act relating to probationary or supervision
3 services; amending s. 948.01, F.S.; deleting a
4 prohibition on private entities providing probationary
5 or supervision services to certain misdemeanor
6 offenders; providing an effective date.

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

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10 Section 1. Paragraph (a) of subsection (1) and subsection
11 (5) of section 948.01, Florida Statutes, are amended to read:

12 948.01 When court may place defendant on probation or into
13 community control.—

14 (1) Any state court having original jurisdiction of
15 criminal actions may at a time to be determined by the court,
16 with or without an adjudication of the guilt of the defendant,
17 hear and determine the question of the probation of a defendant
18 in a criminal case, except for an offense punishable by death,
19 who has been found guilty by the verdict of a jury, has entered
20 a plea of guilty or a plea of nolo contendere, or has been found
21 guilty by the court trying the case without a jury.

22 (a) If the court places the defendant on probation or into
23 community control for a felony, the department shall provide
24 immediate supervision by an officer employed in compliance with
25 the minimum qualifications for officers as provided in s.
26 943.13. A private entity may not provide probationary or
27 supervision services to felony ~~or misdemeanor~~ offenders
28 sentenced or placed on probation or other supervision ~~by the~~
29 ~~circuit court~~.

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30 (5) The imposition of sentence may not be suspended and the
31 defendant thereupon placed on probation or into community
32 control unless the defendant is placed under the custody of the
33 department or another public or private entity. A private entity
34 may not provide probationary or supervision services to felony
35 ~~or misdemeanor~~ offenders sentenced or placed on probation or
36 other supervision ~~by the circuit court~~.

37 Section 2. This act shall take effect July 1, 2018.