

By Senator Bracy

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1 A bill to be entitled
2 An act relating to probation and community control;
3 amending s. 948.011, F.S.; authorizing a trial court
4 to order certain defendants to perform community
5 service or participate in a work program, instead of
6 ordering payment of a fine and as a condition of
7 probation or community control; amending ss. 921.187
8 and 948.06, F.S.; conforming provisions to changes
9 made by the act; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 948.011, Florida Statutes, is amended to
14 read:

15 948.011 When court may impose fine and order ~~place on~~
16 probation or ~~into~~ community control as an alternative to
17 imprisonment; community service or work program assignments.-

18 (1) When the law authorizes the placing of a defendant on
19 probation, and when the defendant's offense is punishable by
20 both fine and imprisonment, the trial court may, in its
21 discretion, impose a fine upon him or her and place him or her
22 on probation or into community control as an alternative to
23 imprisonment.

24 (2) Instead of payment of the fine and as a condition of
25 probation or community control under subsection (1), the trial
26 court may order a defendant who is not a violent felony offender
27 of special concern as defined in s. 948.06 to perform community
28 service pursuant to s. 948.031 or participate in a work program
29 pursuant to s. 948.036.

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30 Section 2. Paragraph (d) of subsection (1) of section
31 921.187, Florida Statutes, is amended to read:

32 921.187 Disposition and sentencing; alternatives;
33 restitution.-

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

39 (d) Impose a fine and probation, or order performance of
40 community service or participation in a work program instead of
41 payment of the fine, pursuant to s. 948.011 when the offense is
42 punishable by both a fine and imprisonment and probation is
43 authorized.

44 Section 3. Paragraph (b) of subsection (8) of section
45 948.06, Florida Statutes, is amended to read:

46 948.06 Violation of probation or community control;
47 revocation; modification; continuance; failure to pay
48 restitution or cost of supervision.-

49 (8)

50 (b) For purposes of this section and ss. 903.0351,
51 921.0024, 948.011, and 948.064, ~~and 921.0024,~~ the term "violent
52 felony offender of special concern" means a person who is on:

53 1. Felony probation or community control related to the
54 commission of a qualifying offense committed on or after the
55 effective date of this act;

56 2. Felony probation or community control for any offense
57 committed on or after the effective date of this act, and has
58 previously been convicted of a qualifying offense;

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59 3. Felony probation or community control for any offense
60 committed on or after the effective date of this act, and is
61 found to have violated that probation or community control by
62 committing a qualifying offense;

63 4. Felony probation or community control and has previously
64 been found by a court to be a habitual violent felony offender
65 as defined in s. 775.084(1)(b) and has committed a qualifying
66 offense on or after the effective date of this act;

67 5. Felony probation or community control and has previously
68 been found by a court to be a three-time violent felony offender
69 as defined in s. 775.084(1)(c) and has committed a qualifying
70 offense on or after the effective date of this act; or

71 6. Felony probation or community control and has previously
72 been found by a court to be a sexual predator under s. 775.21
73 and has committed a qualifying offense on or after the effective
74 date of this act.

75 Section 4. This act shall take effect July 1, 2018.