

By Senator Bracy

11-00280-18

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1                                   A bill to be entitled  
2           An act relating to offender probation, parole, and  
3           supervision; creating s. 948.95, F.S.; providing a  
4           short title; creating s. 948.951, F.S.; providing  
5           definitions; creating s. 948.952, F.S.; requiring the  
6           Department of Corrections and certain local  
7           governmental agencies, hereinafter known as "the  
8           agency," to adopt policies and rules that by a  
9           specified date result in all supervised individuals  
10          being supervised in accordance with evidence-based  
11          practices, or practices developed based upon evidence-  
12          based practices; requiring the agency to consult with  
13          and seek recommendations from local law enforcement  
14          agencies, circuit courts, state attorney offices, and  
15          community corrections programs on adopting policies  
16          and rules for evidence-based supervision practices;  
17          providing requirements for the adopted policies and  
18          rules; requiring, by a specified date, all postrelease  
19          supervision programs receiving state funds to be  
20          established in accordance with evidence-based  
21          practices or developed based upon evidence-based  
22          practices; requiring the agency, by a specified date,  
23          to eliminate supervision policies, procedures,  
24          programs, and practices intended to reduce recidivism  
25          but which scientific research demonstrates do not  
26          reduce recidivism; requiring certain data collected  
27          and maintained regarding recidivism rates to be  
28          collected and maintained in a specified manner;  
29          creating s. 948.953, F.S.; requiring the agency to

11-00280-18

2018344\_\_

30 adopt policies and rules that improve crime victim  
31 satisfaction with the criminal justice system, subject  
32 to certain requirements; requiring the Office of the  
33 Attorney General to develop a victim satisfaction  
34 survey for use by the agency; creating s. 948.954,  
35 F.S.; requiring the agency to provide its employees  
36 and supervising agents with intensive initial and  
37 ongoing training and professional development services  
38 to support the implementation of evidence-based  
39 practices, subject to certain requirements; creating  
40 s. 948.955, F.S.; authorizing the department to form  
41 partnerships or enter into contracts with certain  
42 institutions or other organizations for assistance  
43 with data collection, analysis, and research; creating  
44 s. 948.956, F.S.; requiring the agency to submit,  
45 beginning on a specified date and each year  
46 thereafter, to the Governor, the Chief Justice of the  
47 Supreme Court, and the Legislature a comprehensive  
48 report on its efforts to implement this act; providing  
49 requirements for the report; requiring the agency to  
50 make the report and an executive summary of the report  
51 available to the general public on its website;  
52 creating s. 948.957, F.S.; providing rulemaking  
53 authority; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 948.95, Florida Statutes, is created to  
58 read:

11-00280-18

2018344\_\_

59 948.95 Short title.—Sections 948.95-948.957 may be cited as  
60 the “Evidence-Based Practices of Supervision Act.”

61 Section 2. Section 948.951, Florida Statutes, is created to  
62 read:

63 948.951 Definitions.—As used in ss. 948.95-948.957, the  
64 term:

65 (1) “Agency” means both of the following:

66 (a) The Department of Corrections.

67 (b) Any regional, local, or county governmental agency that  
68 receives state funding and that is responsible for supervising  
69 individuals who are placed on probation or who are serving a  
70 period of parole or postrelease supervision from a prison or  
71 jail.

72 (2) “Case plan” means an individualized accountability and  
73 behavior change strategy for supervised individuals which does  
74 all of the following:

75 (a) Identifies and prioritizes the specific criminal risk  
76 factors of the offender.

77 (b) Matches programs to the offender’s individual  
78 characteristics, such as gender, culture, motivation,  
79 developmental stage, or learning style.

80 (c) Establishes a timetable for achieving specific  
81 behavioral goals, including a schedule for payment of victim  
82 restitution, child support, and other financial obligations. The  
83 agency shall determine the offender’s ability to pay in  
84 establishing a timetable under this paragraph for payment of  
85 victim restitution, child support, and other financial  
86 obligations.

87 (d) Specifies positive and negative actions that will be

11-00280-18

2018344\_\_

88 taken in response to the supervised individual's behaviors.

89 (3) "Community supervision" means the placement of an  
90 individual under supervision after release from prison or jail,  
91 with conditions imposed by the releasing authority for a  
92 specified period.

93 (4) "Criminal risk factors" means characteristics and  
94 behaviors that when addressed or changed affect an individual's  
95 risk for committing crimes. These factors include antisocial  
96 attitudes, values, and beliefs; poor impulse control, criminal  
97 personality, substance abuse, criminal peers, dysfunctional  
98 family, or a lack of employment or education.

99 (5) "Evidence-based practices" means supervision policies,  
100 procedures, programs, and practices that scientific research  
101 demonstrates reduce recidivism among individuals on probation,  
102 parole, or postrelease supervision.

103 (6) "Program" means an intervention, other than medical  
104 services, to which both of the following apply:

105 (a) It is intended to reduce recidivism by supervised  
106 individuals.

107 (b) It is funded in whole or in part by this state or is  
108 administered by an agency of this state.

109 (7) "Recidivism" means an offender's rearrest,  
110 reconviction, or reincarceration in prison or jail for a felony  
111 or misdemeanor offense or a probation or parole violation, as  
112 measured first after 3 years and again after 5 years from the  
113 date of his or her release from incarceration, placement on  
114 probation, or conviction, whichever is later.

115 (8) "Supervised individual" means an individual placed on  
116 probation or serving a period of parole.

11-00280-18

2018344\_\_

117       (9) "Supervising agent" means an individual appointed or  
118 employed by the agency to supervise individuals placed on  
119 community supervision.

120       (10) "Technical parole violation" means a violation of the  
121 terms of a parolee's parole order which is not a violation of a  
122 law of this state, a political subdivision of this state,  
123 another state, or the United States or of tribal law.

124       (11) "Technical probation violation" means a violation of  
125 the terms of a probationer's probation order which is not a  
126 violation of a law of this state, a political subdivision of  
127 this state, another state, or the United States or of tribal  
128 law.

129       Section 3. Section 948.952, Florida Statutes, is created to  
130 read:

131       948.952 Agency policies and rules.-

132       (1) The agency shall adopt policies and rules that by  
133 October 1, 2022, result in all supervised individuals being  
134 supervised in accordance with evidence-based practices, or  
135 practices developed based upon evidence-based practices, in  
136 order to improve the success rates of and to reduce recidivism  
137 rates for supervised individuals. The agency shall consult with  
138 and seek recommendations from local law enforcement agencies,  
139 including sheriff's departments, circuit courts, state attorney  
140 offices, and community corrections programs, in adopting  
141 policies and rules for evidence-based supervision practices.

142       (2) The policies and rules adopted under subsection (1)  
143 must include all of the following:

144       (a) The adoption, validation, and use of an objective risk  
145 and needs assessment tool.

11-00280-18

2018344\_\_

146 (b) The use of assessment scores and other objective  
147 criteria to determine the risk level and program needs of each  
148 supervised individual, prioritizing supervision and program  
149 resources for offenders who are at higher risk to reoffend.

150 (c) Definitions of low-, moderate-, and high-risk levels  
151 during the period of supervision.

152 (d) Guidelines for the development of a case plan, based on  
153 the assessment score, for each individual who is assessed to be  
154 moderate to high risk. The case plan developed under this  
155 paragraph must allow a supervised individual options for  
156 programming, subject to any conditions imposed by a court having  
157 jurisdiction over the supervised individual.

158 (e) The development of a case plan, based on the assessment  
159 score, for each individual who is assessed to be low risk. The  
160 case plan developed under this paragraph must allow a supervised  
161 individual options for programming, subject to any conditions  
162 imposed by a court having jurisdiction over the supervised  
163 individual.

164 (f) The identification of swift, certain, proportionate,  
165 and graduated responses that a supervising agent will apply in  
166 response to a supervised individual's compliant and noncompliant  
167 behaviors.

168 (g) The adoption of caseload guidelines that are based on  
169 offender risk levels and take into account agency resources and  
170 employee and supervising agent workload.

171 (h) The establishment of protocols and standards that  
172 assess the degree to which agency policies, procedures,  
173 programs, and practices relating to offender recidivism  
174 reduction are evidence-based.

11-00280-18

2018344\_\_

175 (3) By October 1, 2022, all postrelease supervision  
176 programs receiving state funds must be established in accordance  
177 with evidence-based practices or developed based upon evidence-  
178 based practices.

179 (4) By October 1, 2022, the agency shall eliminate  
180 supervision policies, procedures, programs, and practices  
181 intended to reduce recidivism but which scientific research  
182 demonstrates do not reduce recidivism.

183 (5) Any data collected and maintained under this act  
184 regarding recidivism rates must be collected and maintained in a  
185 manner that separates the data on technical probation violations  
186 and technical parole violations from data on new felony and  
187 misdemeanor convictions.

188 Section 4. Section 948.953, Florida Statutes, is created to  
189 read:

190 948.953 Crime victim satisfaction with the criminal justice  
191 system.—The agency shall adopt policies and rules that improve  
192 crime victim satisfaction with the criminal justice system,  
193 including all of the following:

194 (1) The payment by supervised individuals of victim  
195 restitution and child support.

196 (2) The opportunity for victims to complete victim impact  
197 statements or provide input on presentence investigation  
198 reports.

199 (3) The availability of information for victims about their  
200 rights and the services offered, and referrals to access those  
201 rights and services.

202 (4) The opportunity for victims to complete a victim  
203 satisfaction survey with data that will be used to measure

11-00280-18

2018344\_\_

204 agency performance. The Office of the Attorney General shall  
205 develop a victim satisfaction survey for use by the agency as  
206 provided in this subsection.

207 (5) The facilitating of victim-offender dialogue if the  
208 victim is willing.

209 Section 5. Section 948.954, Florida Statutes, is created to  
210 read:

211 948.954 Training and professional development services.—

212 (1) The agency shall provide its employees and supervising  
213 agents with intensive initial and ongoing training and  
214 professional development services to support the implementation  
215 of evidence-based practices.

216 (2) The training and professional development services as  
217 provided in subsection (1) must include assessment techniques,  
218 case planning, risk reduction and intervention strategies,  
219 effective communication skills, substance abuse intervention  
220 information, and other topics identified by the agency or its  
221 employees and supervising agents.

222 Section 6. Section 948.955, Florida Statutes, is created to  
223 read:

224 948.955 Partnerships and contractual authority.—The  
225 Department of Corrections may form partnerships or enter into  
226 contracts with institutions of higher education or other  
227 qualified organizations for assistance with data collection,  
228 analysis, and research.

229 Section 7. Section 948.956, Florida Statutes, is created to  
230 read:

231 948.956 Reporting requirements.—

232 (1) Beginning in 2019 and annually thereafter, the agency



11-00280-18

2018344\_\_

233 shall submit to the Governor, the Chief Justice of the Supreme  
234 Court, the President of the Senate, and the Speaker of the House  
235 of Representatives by March 1 a comprehensive report on its  
236 efforts to implement this act. The report must include all of  
237 the following:

238 (a) The percentage and number of supervised individuals  
239 being supervised in accordance with evidence-based practices.

240 (b) The amount of state funds expended for programs that  
241 are evidence-based.

242 (c) A list of all programs, including an identification of  
243 all programs that are evidence-based.

244 (d) An identification of all supervision policies,  
245 procedures, programs, and practices that were eliminated.

246 (e) The results of victim satisfaction surveys administered  
247 under s. 948.953.

248 (f) The agency's recommendations for resource allocation,  
249 and any additional collaboration with other state, regional, or  
250 local public agencies, private entities, or faith-based or  
251 community organizations.

252 (2) The agency shall make the full report required under  
253 subsection (1) and an executive summary of that report available  
254 to the general public on its website.

255 Section 8. Section 948.957, Florida Statutes, is created to  
256 read:

257 948.957 Rulemaking authority.—The Department of Corrections  
258 may adopt rules to implement ss. 948.95-948.956.

259 Section 9. This act shall take effect October 1, 2018.