

By Senator Perry

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1                   A bill to be entitled  
2           An act relating to terms and conditions of probation;  
3           amending s. 948.03, F.S.; authorizing remote reporting  
4           to probation officers in certain circumstances;  
5           deleting an order to remain in a specified place as a  
6           standard condition of probation; specifying that  
7           noncriminal moving violations are not considered  
8           probation violations; revising what may be considered  
9           association with persons engaged in criminal  
10          activities; providing requirements in order for a  
11          court to add additional terms and conditions of  
12          probation; creating s. 948.051, F.S.; providing  
13          definitions; providing for the award of probation  
14          credits by the Department of Corrections; specifying  
15          circumstances in which such credits may be awarded;  
16          providing for periodic accountings of such credits;  
17          providing for rulemaking; requiring a report; amending  
18          s. 948.04, F.S.; conforming a provision to changes  
19          made by the act; amending s. 948.09, F.S.; conforming  
20          a cross-reference; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Paragraphs (a), (d), (e), and (k) of subsection  
25           (1) and subsection (2) of section 948.03, Florida Statutes, are  
26           amended to read:

27           948.03 Terms and conditions of probation.—

28           (1) The court shall determine the terms and conditions of  
29           probation. Conditions specified in this section do not require

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30 oral pronouncement at the time of sentencing and may be  
31 considered standard conditions of probation. These conditions  
32 may include among them the following, that the probationer or  
33 offender in community control shall:

34 (a) Report to the probation officer as directed. Such  
35 reporting requirements may be fulfilled through remote reporting  
36 if approved by the relevant probation officer, relevant county  
37 probation authority or entity, or the Department of Corrections.  
38 The probation officer shall schedule meetings required as a  
39 condition of probation at times and locations that take into  
40 consideration and accommodate the work schedule, family  
41 caregiver obligations, and medical care of the probationer  
42 unless doing so would cause a threat to public safety. The  
43 Department of Corrections and county probation authorities or  
44 entities shall promulgate and make available probation reporting  
45 policies that allow for remote reporting and consider the  
46 scheduling conflicts referenced in this paragraph.

47 ~~(d) Remain within a specified place.~~

48 (d) ~~(e)~~ Live without violating any law, except that a  
49 noncriminal moving violation is not a violation of the law for  
50 the purposes of this paragraph. A conviction in a court of law  
51 is not necessary for such a violation of law to constitute a  
52 violation of probation, community control, or any other form of  
53 court-ordered supervision.

54 (j) ~~(k)~~ Not knowingly associate with persons engaged in  
55 criminal activities, except that a violation of this prohibition  
56 cannot be based solely on the fact that a person has a criminal  
57 record.

58 (2) The enumeration of specific kinds of terms and

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59 conditions does not prevent the court from adding thereto such  
60 other or others as it considers proper, to the extent that such  
61 conditions involve only such deprivations of liberty or property  
62 as are reasonably necessary to protect the public from the  
63 probationer's conduct in the underlying conviction or violation  
64 and the court states on the record the purpose of each condition  
65 in protecting the public from the probationer's conduct in the  
66 underlying conviction or violation. However, the sentencing  
67 court may only impose a condition of supervision allowing an  
68 offender convicted of s. 794.011, s. 800.04, s. 827.071, s.  
69 847.0135(5), or s. 847.0145 to reside in another state if the  
70 order stipulates that it is contingent upon the approval of the  
71 receiving state interstate compact authority. The court may  
72 rescind or modify at any time the terms and conditions  
73 theretofore imposed by it upon the probationer. However, if the  
74 court withholds adjudication of guilt or imposes a period of  
75 incarceration as a condition of probation, the period may not  
76 exceed 364 days, and incarceration shall be restricted to either  
77 a county facility, or a probation and restitution center under  
78 the jurisdiction of the Department of Corrections.

79 Section 2. Section 948.051, Florida Statutes, is created to  
80 read:

81 948.051 Probation credits.-

82 (1) As used in this section, the term:

83 (a) "Compliance" means the absence of a violation report  
84 submitted by a probation officer during a calendar month, a  
85 technical violation notification letter filed during a calendar  
86 month, an alternative sanction imposed under s. 948.06 during a  
87 calendar month, a motion to revoke or motion to suspend

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88 probation filed in a calendar month, or a determination of the  
89 probationer's guilt of a probation violation or criminal  
90 offense, whether by trial, hearing, or plea.

91 (b) "Department" means the Department of Corrections.

92 (c) "Life skills program" means a program approved by the  
93 department which is designed to reduce recidivism by addressing,  
94 at a minimum, education, job skills, interpersonal skills,  
95 stress and anger management, and personal development.

96 (2) The department may grant deductions from terms of  
97 probation in the form of probation credits to encourage  
98 satisfactory behavior on probation, to provide a meaningful  
99 incentive for probationers to participate in and complete  
100 recidivism-reducing activities and programs, and to reward  
101 probationers who perform outstanding deeds or services. Credits  
102 shall be awarded in accordance with the following terms:

103 (a) A probationer shall be eligible to earn probation  
104 credits to reduce his or her term of probation during each full  
105 calendar month in which the probationer is in compliance with  
106 the terms of his or her probation.

107 (b) As a means of encouraging satisfactory behavior and  
108 successful reentry, the department shall grant a probationer a  
109 probation credit for good behavior which shall reduce a  
110 probationer's term of probation by 10 days for each calendar  
111 month of compliance with the terms of his or her probation.

112 1. A probation credit for good behavior for a partial month  
113 shall be prorated on the basis of a 30-day month.

114 2. A probationer may not earn a probation credit for good  
115 behavior on the last full calendar month of his or her  
116 probation.

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117 3. If earned, probation credits for good behavior shall be  
118 credited and applied by the probationer's probation officer at  
119 least quarterly.

120 (c)1. As a means of encouraging employment and public  
121 safety and well-being, the department shall grant a probation  
122 credit for rehabilitation which shall reduce a probationer's  
123 term of probation by 60 days for each completion of a  
124 recidivism-reducing activity, including the following:

125 a. A high school equivalency diploma.

126 b. An academic degree, vocational course, or certificate.

127 c. Validated substance abuse or mental health treatment not  
128 required as a condition of supervision.

129 d. Life skills programs and other recidivism-reducing  
130 programs and activities approved by the court or the relevant  
131 office of supervision.

132 2. If earned, probation credits for rehabilitation shall be  
133 credited and applied by the probationer's probation officer at  
134 least quarterly.

135 3. Probation credits for rehabilitation awarded for  
136 completing a recidivism-reducing activity under this paragraph  
137 are retroactive.

138 (d) The department may grant additional probation credits  
139 for rehabilitation of up to 20 days for each month in which a  
140 probationer works diligently, participates in training or  
141 education, uses time constructively, or otherwise engages in  
142 positive activities. If earned, probation credits for  
143 rehabilitation shall be credited and applied by the  
144 probationer's probation officer at least quarterly.

145 (e) To encourage outstanding deeds or service to the

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146 community, the department may award a probationer probation  
147 credits for meritorious actions under the terms and in the  
148 amount applicable to inmates as provided in s. 944.275(4)(c).  
149 Probation credits awarded under this paragraph may be applied  
150 retroactively. If earned, probation credits shall be credited  
151 and applied by the probationer's probation officer at least  
152 quarterly.

153 (f) A probationer may not earn any probation credits for a  
154 calendar month in which a sustained violation occurred, he or  
155 she absconded from probation, or he or she is incarcerated on a  
156 conviction or a sustained violation.

157 (g) The calculation of probation credits begins on the  
158 probationer's first day of probation or on July 1, 2022, if the  
159 probationer began a term of probation before June 1, 2022.

160 (h) When a probationer is subject to more than one period  
161 of community supervision, the reductions authorized in this  
162 section shall be applied to each period of supervision to which  
163 the probationer is subject.

164 (i) Any probation credits for good behavior earned under  
165 this section may be rescinded if the court revokes a term of  
166 probation and imposes a term of incarceration.

167 (j) Once the combination of time served on probation and  
168 accrued probation credits satisfies the total term of probation  
169 imposed, the court shall order the supervision terminated, so  
170 long as the probationer has not been found to have willfully  
171 failed to pay any restitution amount.

172 (3) At least quarterly and before consideration of early  
173 termination of supervision under s. 948.04(4), the probationer's  
174 probation officer shall calculate and provide the probationer in

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175 writing, by electronic communication, or at a scheduled check-  
176 in, with an account of his or her earned probation credits by  
177 type of credits earned under subsection (2) and the length of  
178 the remaining term. If the probationer disagrees with the  
179 probation officer's calculation of his or her credits, the  
180 probationer may ask for court review of his or her probation  
181 credits before any consideration of early termination of  
182 supervision under s. 948.04(4) and within 3 months before the  
183 probation termination date established by the court under s.  
184 948.04.

185 (4) The department shall adopt rules to implement the  
186 granting, forfeiture, restoration, and deletion of probation  
187 credits for good behavior, probation credits for rehabilitation,  
188 and probation credits for meritorious actions. These rules must  
189 include procedures for informing each probationer at the  
190 commencement of his or her probation term of his or her  
191 eligibility to earn such credits and the processes by which he  
192 or she can earn each type of credit.

193 (5) The department shall collect information and report  
194 annually to the Governor, the President of the Senate, and the  
195 Speaker of the House of Representatives, no later than December  
196 1 of each year, the number of probationers under the supervision  
197 of the department who have earned credits under this section  
198 during that year, the average amount of credits earned per  
199 probationer during that year, the total number of supervision  
200 days reduced due to the awarding of credits under this section,  
201 and the number of probationers terminated from supervision early  
202 that year.

203 Section 3. Paragraph (a) of subsection (4) of section

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204 948.04, Florida Statutes, is amended to read:

205 948.04 Period of probation; duty of probationer; early  
206 termination; conversion of term.—

207 (4) Except as provided in subsection (5), for defendants  
208 sentenced to probation on or after October 1, 2019, the court,  
209 upon motion by the probationer or the probation officer, shall  
210 either early terminate the probationer's supervision or convert  
211 the supervisory term to administrative probation if all of the  
212 following requirements are met:

213 (a) The probationer has completed at least half of the term  
214 of probation to which he or she was sentenced, accounting for  
215 the application of any credits earned under s. 948.051.

216 Section 4. Subsection (6) of section 948.09, Florida  
217 Statutes, is amended to read:

218 948.09 Payment for cost of supervision and other monetary  
219 obligations.—

220 (6) The department shall establish a payment plan for all  
221 costs ordered by the courts for collection by the department and  
222 a priority order for payments, except that victim restitution  
223 payments authorized under s. 948.03(1)(e) ~~s. 948.03(1)(f)~~ take  
224 precedence over all other court-ordered payments. The department  
225 is not required to disburse cumulative amounts of less than \$10  
226 to individual payees established on this payment plan.

227 Section 5. This act shall take effect July 1, 2022.