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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2022	.	
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Appropriations Subcommittee on Criminal and Civil Justice
(Perry) recommended the following:

Senate Amendment (with title amendment)

Between lines 45 and 46

insert:

Section 2. Paragraphs (a) and (d) of subsection (1) of
section 948.03, Florida Statutes, are amended to read:

948.03 Terms and conditions of probation.—

(1) The court shall determine the terms and conditions of
probation. Conditions specified in this section do not require
oral pronouncement at the time of sentencing and may be



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11 considered standard conditions of probation. These conditions
12 may include among them the following, that the probationer or
13 offender in community control shall:

14 (a) Report to the probation officer as directed. Such
15 reporting requirements may be fulfilled through remote reporting
16 if approved by the relevant probation officer, the relevant
17 county probation authority or entity, or the Department of
18 Corrections and if the court has not excluded the possibility of
19 remote reporting by the defendant in his or her order of
20 probation. The probation officer shall schedule meetings
21 required as a condition of probation at times and locations that
22 take into consideration and accommodate the work schedule,
23 family caregiver obligations, and medical care of the
24 probationer unless doing so would cause a threat to public
25 safety. The Department of Corrections and county probation
26 authorities or entities shall adopt and make available probation
27 reporting policies that allow for remote reporting and consider
28 the scheduling conflicts referenced in this paragraph.

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

30 Section 3. Subsection (2) of section 948.05, Florida
31 Statutes, is amended to read:

32 948.05 Court to admonish or commend probationer or offender
33 in community control; graduated incentives.-

34 (2) The department shall implement a system of graduated
35 incentives to promote compliance with the terms of supervision,
36 encourage stable employment, and prioritize the highest levels
37 of supervision for probationers or offenders presenting the
38 greatest risk of recidivism.

39 (a) As part of the graduated incentives system, the



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40 department may, without leave of court, offer the following
41 incentives to a compliant probationer or offender in community
42 control:

- 43 1. Up to 25 percent reduction of required community service
44 hours;
- 45 2. Waiver of supervision fees;
- 46 3. Reduction in frequency of reporting;
- 47 4. Permission to report by mail or telephone; or
- 48 5. Transfer of an eligible offender to administrative
49 probation as authorized under s. 948.013.

50 (b) The department may also incentivize positive behavior
51 and compliance with recommendations to the court to modify the
52 terms of supervision, including recommending:

- 53 1. Permission to travel;
- 54 2. Reduction of supervision type;
- 55 3. Modification or cessation of curfew;
- 56 4. Reduction or cessation of substance abuse testing; or
- 57 5. Early termination of supervision.

58 (c) The department shall, without leave of court,
59 incentivize educational achievement by awarding a compliant
60 probationer or offender in community control with a 60-day
61 reduction of his or her term of supervision for each educational
62 advancement activity he or she completes during the term of
63 supervision. As used in this paragraph, the term "educational
64 advancement activity" means a high school equivalency degree, an
65 academic degree, or a vocational certificate.

66 (d) A probationer or offender who commits a subsequent
67 violation of probation may forfeit any previously earned
68 probation incentive, as determined appropriate by his or her



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69 probation officer.

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

72 948.09 Payment for cost of supervision and other monetary
73 obligations.-

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

81

82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 8

85 and insert:

86 certain misdemeanor offenders; amending s. 948.03,
87 F.S.; authorizing a probationer or offender in
88 community control to report to a probation officer
89 through remote reporting under specified
90 circumstances; requiring a probation officer to take
91 specified circumstances into consideration when
92 scheduling meetings; requiring the Department of
93 Corrections and county probation authorities or
94 entities to adopt and make available certain probation
95 reporting policies; deleting remaining within a
96 specified place as a standard condition of probation;
97 amending s. 948.05, F.S.; requiring the Department of



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98 Corrections to reduce a probationer's or offender's
99 supervision term by a specified amount of time for
100 completing an educational advancement activity;
101 defining the term "educational advancement activity";
102 amending s. 948.09, F.S.; conforming a cross-
103 reference; amending s. 948.15,