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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

03/03/2022 02:40 PM

Senator Perry moved the following:

Senate Amendment (with title amendment)

Delete lines 62 - 182

and insert:

Section 2. Paragraphs (a) of subsection (1) of section 948.03, Florida Statutes, is 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 considered standard conditions of probation. These conditions



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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, relevant county
17 probation authority or entity, or the Department of Corrections
18 and if the court has not excluded the possibility of remote
19 reporting by the defendant in his or her order of probation. If
20 the Department of Corrections or a county probation authority or
21 entity elects to authorize remote reporting, it must adopt and
22 make available remote probation reporting policies.

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

25 948.05 Court to admonish or commend probationer or offender
26 in community control; graduated incentives.—

27 (2) The department shall implement a system of graduated
28 incentives to promote compliance with the terms of supervision,
29 encourage educational achievement and stable employment, and
30 prioritize the highest levels of supervision for probationers or
31 offenders presenting the greatest risk of recidivism.

32 (a) As part of the graduated incentives system, the
33 department may, without leave of court, offer the following
34 incentives to a compliant probationer or offender in community
35 control:

- 36 1. Up to 25 percent reduction of required community service
37 hours;
- 38 2. Waiver of supervision fees;
- 39 3. Reduction in frequency of reporting;
- 40 4. Permission to report by mail or telephone; or



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41 5. Transfer of an eligible offender to administrative
42 probation as authorized under s. 948.013.

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

- 46 1. Permission to travel;
- 47 2. Reduction of supervision type;
- 48 3. Modification or cessation of curfew;
- 49 4. Reduction or cessation of substance abuse testing; or
- 50 5. Early termination of supervision.

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

59 (d) The department shall, without leave of court,
60 incentivize stable employment by awarding a compliant
61 probationer or offender in community control a 30-day reduction
62 of his or her term of supervision for each period of workforce
63 achievement he or she completes during the term of supervision.
64 As used in this paragraph, the term "workforce achievement"
65 means continuous and verifiable full-time employment, for at
66 least 30 hours per week for a 6-month period, for which the
67 probationer or offender earns a wage. The department shall
68 verify such employment through supporting documentation, which
69 may include, but need not be limited to, any record, letter, pay



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70 stub, contract, or other department-approved method of
71 verification.

72 (e)~~(e)~~ A probationer or offender who commits a subsequent
73 violation of probation may forfeit any previously earned
74 probation incentive, as determined appropriate by his or her
75 probation officer.

76 Section 4. Subsections (2) and (3) of section 948.15,
77 Florida Statutes, are amended to read:

78 948.15 Misdemeanor probation services.—

79 (2) A private entity or public entity, including a licensed
80 substance abuse education and intervention program, under the
81 supervision of the board of county commissioners or the court
82 may provide probation services and licensed substance abuse
83 education and treatment intervention programs for misdemeanor
84 offenders sentenced or placed on probation ~~by the county court.~~

85 (3) Any private entity, including a licensed substance
86 abuse education and intervention program, providing services for
87 the supervision of misdemeanor probationers must contract with
88 the county in which the services are to be rendered. The chief
89 judge ~~In a county having a population of fewer than 70,000, the~~
90 ~~county court judge, or the administrative judge of the county~~
91 ~~court in a county that has more than one county court judge,~~
92 must approve the contract. Terms of the contract must state, but
93 are not limited to:

94 (a) The extent of the services to be rendered by the entity
95 providing supervision or rehabilitation.

96 (b) Staff qualifications and criminal record checks of
97 staff.

98 (c) Staffing levels.



- 99 (d) The number of face-to-face contacts with the offender.
- 100 (e) Procedures for handling the collection of all offender
- 101 fees and restitution.
- 102 (f) Procedures for handling indigent offenders which ensure
- 103 placement irrespective of ability to pay.
- 104 (g) Circumstances under which revocation of an offender's
- 105 probation may be recommended.
- 106 (h) Reporting and recordkeeping requirements.
- 107 (i) Default and contract termination procedures.
- 108 (j) Procedures that aid offenders with job assistance.
- 109 (k) Procedures for accessing criminal history records of
- 110 probationers.

111
112 In addition, the entity shall supply the chief judge's office
113 with a quarterly report summarizing the number of offenders
114 supervised by the private entity, payment of the required
115 contribution under supervision or rehabilitation, and the number
116 of offenders for whom supervision or rehabilitation will be
117 terminated. All records of the entity must be open to inspection
118 upon the request of the county, the court, the Auditor General,
119 the Office of Program Policy Analysis and Government
120 Accountability, or agents thereof.

121
122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete lines 12 - 28

125 and insert:

126 circumstances; requiring the department and county
127 probation authorities or entities to adopt and make



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128 available remote probation reporting policies under
129 certain circumstances; amending s. 948.05, F.S.;
130 requiring the department to reduce a probationer's or
131 offender's supervision term by a specified amount of
132 time for completing an educational advancement
133 activity; defining the term "educational advancement
134 activity"; requiring the department to incentivize
135 stable employment by reducing a probationer's or
136 offender's term of supervision by a specified amount
137 of time for each period of workforce achievement;
138 defining the term "workforce achievement"; requiring
139 the department to verify such employment; amending s.
140 948.15, F.S.; authorizing a private or public entity
141 to provide probation services and other specified
142 programming to misdemeanor offenders; revising who
143 must approve specified contracts; providing an
144 effective