

By Senator Gainer

2-00980-22

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1                   A bill to be entitled  
2           An act relating to probationary or supervision  
3           services for misdemeanor offenders; amending s.  
4           948.01, F.S.; deleting a prohibition on private  
5           entities providing probationary or supervision  
6           services to certain misdemeanor offenders; providing  
7           an effective date.

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9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Paragraph (a) of subsection (1) and subsection  
12           (5) of section 948.01, Florida Statutes, are amended to read:

13           948.01 When court may place defendant on probation or into  
14           community control.-

15           (1) Any state court having original jurisdiction of  
16           criminal actions may at a time to be determined by the court,  
17           with or without an adjudication of the guilt of the defendant,  
18           hear and determine the question of the probation of a defendant  
19           in a criminal case, except for an offense punishable by death,  
20           who has been found guilty by the verdict of a jury, has entered  
21           a plea of guilty or a plea of nolo contendere, or has been found  
22           guilty by the court trying the case without a jury.

23           (a) If the court places the defendant on probation or into  
24           community control for a felony, the department shall provide  
25           immediate supervision by an officer employed in compliance with  
26           the minimum qualifications for officers as provided in s.  
27           943.13. A private entity may not provide probationary or  
28           supervision services to felony ~~or misdemeanor~~ offenders  
29           sentenced or placed on probation or other supervision ~~by the~~

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30 ~~circuit court.~~

31 (5) The imposition of sentence may not be suspended and the  
32 defendant thereupon placed on probation or into community  
33 control unless the defendant is placed under the custody of the  
34 department or another public or private entity. A private entity  
35 may not provide probationary or supervision services to felony  
36 ~~or misdemeanor~~ offenders sentenced or placed on probation or  
37 other supervision ~~by the circuit court.~~

38 Section 2. This act shall take effect July 1, 2022.