

By the Committee on Criminal Justice; and Senators Gainer and Pizzo

591-02279-22

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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.; authorizing the Department of
5 Corrections to supervise certain misdemeanor
6 offenders; deleting a prohibition on private entities
7 providing probationary or supervision services to
8 certain misdemeanor offenders; amending s. 948.15,
9 F.S.; authorizing a private or public entity to
10 provide probation services and other specified
11 programming to misdemeanor offenders; revising who may
12 approve specified contracts; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 948.01 When court may place defendant on probation or into
20 community control.—

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

29 (a) If the court places the defendant on probation or into

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30 community control for a felony, the department shall provide
31 immediate supervision by an officer employed in compliance with
32 the minimum qualifications for officers as provided in s.
33 943.13. The department may provide supervision to misdemeanor
34 offenders sentenced or placed on probation by a circuit court
35 when so ordered by the sentencing court. A private entity may
36 not provide probationary or supervision services to felony ~~or~~
37 ~~misdemeanor~~ offenders sentenced or placed on probation or other
38 supervision ~~by the circuit court.~~

39 (5) The imposition of sentence may not be suspended and the
40 defendant thereupon placed on probation or into community
41 control unless the defendant is placed under the custody of the
42 department or another public or private entity. A private entity
43 may not provide probationary or supervision services to felony
44 ~~or misdemeanor~~ offenders sentenced or placed on probation or
45 other supervision ~~by the circuit court.~~

46 Section 2. Subsections (2) and (3) of section 948.15,
47 Florida Statutes, are amended to read:

48 948.15 Misdemeanor probation services.—

49 (2) A private entity or public entity, including a licensed
50 substance abuse education and intervention program, under the
51 supervision of the board of county commissioners or the court
52 may provide probation services and licensed substance abuse
53 education and treatment intervention programs for misdemeanor
54 offenders sentenced or placed on probation ~~by the county court.~~

55 (3) Any private entity, including a licensed substance
56 abuse education and intervention program, providing services for
57 the supervision of misdemeanor probationers must contract with
58 the county in which the services are to be rendered. The chief

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59 ~~judge~~ ~~In a county having a population of fewer than 70,000, the~~
60 ~~county court judge, or the administrative judge of the county~~
61 ~~court in a county that has more than one county court judge,~~
62 must approve the contract. Terms of the contract must state, but
63 are not limited to:

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

66 (b) Staff qualifications and criminal record checks of
67 staff.

68 (c) Staffing levels.

69 (d) The number of face-to-face contacts with the offender.

70 (e) Procedures for handling the collection of all offender
71 fees and restitution.

72 (f) Procedures for handling indigent offenders which ensure
73 placement irrespective of ability to pay.

74 (g) Circumstances under which revocation of an offender's
75 probation may be recommended.

76 (h) Reporting and recordkeeping requirements.

77 (i) Default and contract termination procedures.

78 (j) Procedures that aid offenders with job assistance.

79 (k) Procedures for accessing criminal history records of
80 probationers.

81
82 In addition, the entity shall supply the chief judge's office
83 with a quarterly report summarizing the number of offenders
84 supervised by the private entity, payment of the required
85 contribution under supervision or rehabilitation, and the number
86 of offenders for whom supervision or rehabilitation will be
87 terminated. All records of the entity must be open to inspection

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88 upon the request of the county, the court, the Auditor General,
89 the Office of Program Policy Analysis and Government
90 Accountability, or agents thereof.

91 Section 3. This act shall take effect July 1, 2022.