

2022752er

1
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. 948.03,
9 F.S.; authorizing a probationer or offender in
10 community control to report to a probation officer
11 through remote reporting under specified
12 circumstances; requiring the department and county
13 probation authorities or entities to adopt and make
14 available remote probation reporting policies under
15 certain circumstances; amending s. 948.05, F.S.;
16 requiring the department to reduce a probationer's or
17 offender's supervision term by a specified amount of
18 time for completing an educational advancement
19 activity; defining the term "educational advancement
20 activity"; requiring the department to incentivize
21 stable employment by reducing a probationer's or
22 offender's term of supervision by a specified amount
23 of time for each period of workforce achievement;
24 defining the term "workforce achievement"; requiring
25 the department to verify such employment; amending s.
26 948.15, F.S.; authorizing a private or public entity
27 to provide probation services and other specified
28 programming to misdemeanor offenders; revising who
29 must approve specified contracts; providing an

2022752er

30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Paragraph (a) of subsection (1) and subsection
35 (5) of section 948.01, Florida Statutes, are amended to read:

36 948.01 When court may place defendant on probation or into
37 community control.—

38 (1) Any state court having original jurisdiction of
39 criminal actions may at a time to be determined by the court,
40 with or without an adjudication of the guilt of the defendant,
41 hear and determine the question of the probation of a defendant
42 in a criminal case, except for an offense punishable by death,
43 who has been found guilty by the verdict of a jury, has entered
44 a plea of guilty or a plea of nolo contendere, or has been found
45 guilty by the court trying the case without a jury.

46 (a) If the court places the defendant on probation or into
47 community control for a felony, the department shall provide
48 immediate supervision by an officer employed in compliance with
49 the minimum qualifications for officers as provided in s.
50 943.13. The department may provide supervision to misdemeanor
51 offenders sentenced or placed on probation by a circuit court
52 when so ordered by the sentencing court. A private entity may
53 not provide probationary or supervision services to felony ~~or~~
54 ~~misdemeanor~~ offenders sentenced or placed on probation or other
55 supervision ~~by the circuit court.~~

56 (5) The imposition of sentence may not be suspended and the
57 defendant thereupon placed on probation or into community
58 control unless the defendant is placed under the custody of the

2022752er

59 department or another public or private entity. A private entity
60 may not provide probationary or supervision services to felony
61 ~~or misdemeanor~~ offenders sentenced or placed on probation or
62 other supervision ~~by the circuit court.~~

63 Section 2. Paragraphs (a) of subsection (1) of section
64 948.03, Florida Statutes, is amended to read:

65 948.03 Terms and conditions of probation.—

66 (1) The court shall determine the terms and conditions of
67 probation. Conditions specified in this section do not require
68 oral pronouncement at the time of sentencing and may be
69 considered standard conditions of probation. These conditions
70 may include among them the following, that the probationer or
71 offender in community control shall:

72 (a) Report to the probation officer as directed. Such
73 reporting requirements may be fulfilled through remote reporting
74 if approved by the relevant probation officer, relevant county
75 probation authority or entity, or the Department of Corrections
76 and if the court has not excluded the possibility of remote
77 reporting by the defendant in his or her order of probation. If
78 the Department of Corrections or a county probation authority or
79 entity elects to authorize remote reporting, it must adopt and
80 make available remote probation reporting policies.

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

83 948.05 Court to admonish or commend probationer or offender
84 in community control; graduated incentives.—

85 (2) The department shall implement a system of graduated
86 incentives to promote compliance with the terms of supervision,
87 encourage educational achievement and stable employment, and

2022752er

88 prioritize the highest levels of supervision for probationers or
89 offenders presenting the greatest risk of recidivism.

90 (a) As part of the graduated incentives system, the
91 department may, without leave of court, offer the following
92 incentives to a compliant probationer or offender in community
93 control:

94 1. Up to 25 percent reduction of required community service
95 hours;

96 2. Waiver of supervision fees;

97 3. Reduction in frequency of reporting;

98 4. Permission to report by mail or telephone; or

99 5. Transfer of an eligible offender to administrative
100 probation as authorized under s. 948.013.

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

104 1. Permission to travel;

105 2. Reduction of supervision type;

106 3. Modification or cessation of curfew;

107 4. Reduction or cessation of substance abuse testing; or

108 5. Early termination of supervision.

109 (c) The department shall, without leave of court,
110 incentivize educational achievement by awarding a compliant
111 probationer or offender in community control with a 60-day
112 reduction of his or her term of supervision for each educational
113 advancement activity he or she completes during the term of
114 supervision. As used in this paragraph, the term "educational
115 advancement activity" means a high school equivalency degree, an
116 academic degree, or a vocational certificate.

2022752er

117 (d) The department shall, without leave of court,
118 incentivize stable employment by awarding a compliant
119 probationer or offender in community control a 30-day reduction
120 of his or her term of supervision for each period of workforce
121 achievement he or she completes during the term of supervision.
122 As used in this paragraph, the term "workforce achievement"
123 means continuous and verifiable full-time employment, for at
124 least 30 hours per week for a 6-month period, for which the
125 probationer or offender earns a wage. The department shall
126 verify such employment through supporting documentation, which
127 may include, but need not be limited to, any record, letter, pay
128 stub, contract, or other department-approved method of
129 verification.

130 (e)~~(e)~~ A probationer or offender who commits a subsequent
131 violation of probation may forfeit any previously earned
132 probation incentive, as determined appropriate by his or her
133 probation officer.

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

136 948.15 Misdemeanor probation services.—

137 (2) A private entity or public entity, including a licensed
138 substance abuse education and intervention program, under the
139 supervision of the board of county commissioners or the court
140 may provide probation services and licensed substance abuse
141 education and treatment intervention programs for misdemeanor
142 offenders sentenced or placed on probation ~~by the county court.~~

143 (3) Any private entity, including a licensed substance
144 abuse education and intervention program, providing services for
145 the supervision of misdemeanor probationers must contract with

2022752er

146 the county in which the services are to be rendered. The chief
147 judge ~~In a county having a population of fewer than 70,000, the~~
148 ~~county court judge, or the administrative judge of the county~~
149 ~~court in a county that has more than one county court judge,~~
150 must approve the contract. Terms of the contract must state, but
151 are not limited to:

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

154 (b) Staff qualifications and criminal record checks of
155 staff.

156 (c) Staffing levels.

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

158 (e) Procedures for handling the collection of all offender
159 fees and restitution.

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

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

164 (h) Reporting and recordkeeping requirements.

165 (i) Default and contract termination procedures.

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

167 (k) Procedures for accessing criminal history records of
168 probationers.

169
170 In addition, the entity shall supply the chief judge's office
171 with a quarterly report summarizing the number of offenders
172 supervised by the private entity, payment of the required
173 contribution under supervision or rehabilitation, and the number
174 of offenders for whom supervision or rehabilitation will be

2022752er

175 terminated. All records of the entity must be open to inspection
176 upon the request of the county, the court, the Auditor General,
177 the Office of Program Policy Analysis and Government
178 Accountability, or agents thereof.

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