

1 technical violation of a term of probation or
2 community control; requiring the department to
3 provide the court with recommendations
4 concerning the disposition of an offender who
5 has violated probation or community control;
6 specifying the factors to be considered by the
7 department in making its recommendation;
8 requiring submission of a statement regarding
9 the offender's ability to pay; creating s.
10 948.061, F.S.; requiring the Department of
11 Corrections to develop a risk assessment and
12 alert system to monitor certain offenders
13 placed on probation or community control;
14 requiring increased supervision of such
15 offenders under certain circumstances;
16 requiring that information be provided to the
17 court by the correctional probation officer;
18 creating s. 948.062, F.S.; requiring the
19 Department of Corrections to review the
20 circumstances of certain arrests of offenders
21 on probation or community control; requiring
22 the Office of Program Policy Analysis and
23 Government Accountability to analyze the
24 reviews and report to the President of the
25 Senate and the Speaker of the House of
26 Representatives; providing legislative findings
27 with respect to the necessity for increased
28 supervision of high-risk offenders who violate
29 community supervision; requesting that the
30 Supreme Court amend a Rule of Criminal
31 Procedure to require that certain offenders

1 arrested for a violation of probation or
2 community control be detained while awaiting a
3 hearing on the violation; creating s. 903.0473,
4 F.S.; permitting the court to order appearance
5 bonds for probationers; providing effective
6 dates.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (2) of section 944.473, Florida
11 Statutes, is amended to read:

12 944.473 Inmate substance abuse testing program.--

13 (2) SUBSTANCE ABUSE TREATMENT PROGRAMS.--

14 (a) An inmate who meets the criteria established by
15 the department shall participate in substance abuse program
16 services when such services are available. A right to
17 substance abuse program services is not stated, intended, or
18 otherwise implied by this chapter.

19 (b) Upon arrival at a department's reception center
20 for initial processing, each inmate shall be screened and
21 assessed to determine if the inmate meets the department's
22 criteria for mandated participation in a substance-abuse
23 program. Criteria for mandated substance abuse program
24 services shall be based on:

- 25 1. The presence of a diagnosed psychoactive substance
26 dependence or use disorder;
- 27 2. The severity of the addiction;
- 28 3. A history of criminal behavior related to substance
29 abuse;
- 30 4. A recommendation by a sentencing authority for
31 substance abuse program services;

1 5. Unsuccessful participation in community-based
2 substance abuse services;

3 6. Sentencing by a drug court or drug division; ~~and~~

4 7. Previous substantive or technical violations
5 related to substance abuse while on community supervision; and

6 ~~8.7.~~ Other classification or program criteria that the
7 department finds will ensure security and optimal program
8 placement.

9 (c) An inmate who has been identified as needing
10 substance abuse treatment pursuant to this section and who has
11 not been provided an opportunity to receive such treatment
12 while incarcerated shall be automatically identified by the
13 department as needing substance abuse treatment as a basic
14 support service in the release orientation program pursuant to
15 s. 944.705.

16 ~~(d)(e)~~ When selecting contract providers to administer
17 substance abuse treatment programs, the department shall make
18 every effort to consider qualified faith-based service groups
19 on an equal basis with other private organizations.

20 Section 2. Section 944.705, Florida Statutes, is
21 amended to read:

22 944.705 Release orientation program.--

23 (1) The department shall provide participation in a
24 standardized release orientation program to every eligible
25 inmate.

26 (2) The release orientation program instruction must
27 include, but is not limited to:

28 (a) Employment skills.

29 (b) Money management skills.

30 (c) Personal development and planning.

31 (d) Special needs.

1 (e) Community reentry concerns.

2 (f) Community reentry support.

3 (g) Any other appropriate instruction to ensure the
4 inmate's successful reentry into the community.

5 (3) Any inmate who claims to be a victim of domestic
6 violence as defined in s. 741.28 shall receive, as part of the
7 release orientation program, referral to the nearest domestic
8 violence center certified under chapter 39.

9 (4) Any inmate who demonstrates a history of substance
10 abuse or addiction shall receive as part of the release
11 orientation program referral to the nearest community
12 substance abuse program.

13 (5)(4) The department shall conduct a needs assessment
14 of every inmate to determine which, if any, basic support
15 services the inmate needs after release. Substance abuse
16 treatment shall be deemed a basic support service for any
17 inmate who has been identified as needing substance abuse
18 treatment pursuant to s. 944.473 and who has not been provided
19 an opportunity to receive such treatment while incarcerated.

20 (6)(5) The department may contract with public or
21 private entities, including faith-based service groups, for
22 the provision of all or part of the services pursuant to this
23 section.

24 (7)(6)(a) The department shall notify every inmate, in
25 no less than 18-point type in the inmate's release documents,
26 that the inmate may be sentenced pursuant to s. 775.082(9) if
27 the inmate commits any felony offense described in s.
28 775.082(9) within 3 years after the inmate's release. This
29 notice must be prefaced by the word "WARNING" in boldfaced
30 type.

31

1 (b) Nothing in this section precludes the sentencing
2 of a person pursuant to s. 775.082(9), nor shall evidence that
3 the department failed to provide this notice prohibit a person
4 from being sentenced pursuant to s. 775.082(9). The state
5 shall not be required to demonstrate that a person received
6 any notice from the department in order for the court to
7 impose a sentence pursuant to s. 775.082(9).

8 Section 3. Subsection (2) of section 947.22, Florida
9 Statutes, is amended to read:

10 947.22 Authority to arrest parole violators with or
11 without warrant.--

12 (2) Any parole and probation officer, when she or he
13 has reasonable ground to believe that a parolee, control
14 releasee, or conditional releasee has violated the terms and
15 conditions of her or his parole, control release, or
16 conditional release in a material respect, has the right to
17 arrest or request any law enforcement officer to arrest the
18 releasee or parolee without warrant and bring her or him
19 forthwith before one or more commissioners or a duly
20 authorized representative of the Parole Commission or Control
21 Release Authority; and proceedings shall thereupon be had as
22 provided herein when a warrant has been issued by a member of
23 the commission or authority or a duly authorized
24 representative of the commission or authority. Local law
25 enforcement officers shall assist the probation officer, upon
26 request, in making warrantless arrests, taking the offender
27 into custody and transporting the offender to the county jail.

28 Section 4. Subsections (1) and (3) of section 948.03,
29 Florida Statutes, as amended by section 136 of chapter
30 2003-402, Laws of Florida, are amended to read:

31

1 948.03 Terms and conditions of probation or community
2 control.--

3 (1) The court shall determine the terms and conditions
4 of probation or community control. Conditions specified in
5 paragraphs ~~(a)-(n)(a)-(m)~~ do not require oral pronouncement
6 at the time of sentencing and may be considered standard
7 conditions of probation. Conditions specified in paragraphs
8 ~~(a)-(n)(a)-(m)~~ and (2)(a) do not require oral pronouncement
9 at sentencing and may be considered standard conditions of
10 community control. These conditions may include among them
11 the following, that the probationer or offender in community
12 control shall:

13 (a) Report to the probation officers ~~and parole~~
14 ~~supervisors~~ as directed. The offender shall provide to the
15 probation officer a full, truthful, and complete written
16 report each month. The report must include, but need not be
17 limited to, the offender's employment status, monthly
18 earnings, and financial ability. At the discretion of the
19 department, the reporting requirement may include electronic
20 monitoring.

21 (b) Permit such officers ~~supervisors~~ to visit him or
22 her at his or her home or elsewhere.

23 (c) Work faithfully at suitable employment insofar as
24 may be possible.

25 (d) Remain within a specified place.

26 (e) Make reparation or restitution to the aggrieved
27 party for the damage or loss caused by his or her offense in
28 an amount to be determined by the court. The court shall make
29 such reparation or restitution a condition of probation,
30 unless it determines that clear and compelling reasons exist
31 to the contrary. If the court does not order restitution, or

1 orders restitution of only a portion of the damages, as
2 provided in s. 775.089, it shall state on the record in detail
3 the reasons therefor.

4 (f) Effective July 1, 1994, and applicable for
5 offenses committed on or after that date, make payment of the
6 debt due and owing to a county or municipal detention facility
7 under s. 951.032 for medical care, treatment, hospitalization,
8 or transportation received by the felony probationer while in
9 that detention facility. The court, in determining whether to
10 order such repayment and the amount of such repayment, shall
11 consider the amount of the debt, whether there was any fault
12 of the institution for the medical expenses incurred, the
13 financial resources of the felony probationer, the present and
14 potential future financial needs and earning ability of the
15 probationer, and dependents, and other appropriate factors.

16 (g) Support his or her legal dependents to the best of
17 his or her ability.

18 (h) Make payment of the debt due and owing to the
19 state under s. 960.17, subject to modification based on change
20 of circumstances.

21 (i) Pay any application fee assessed under s.
22 27.52(2)(a) and attorney's fees and costs assessed under s.
23 938.29, subject to modification based on change of
24 circumstances.

25 (j) Not associate with persons engaged in criminal
26 activities.

27 (k)1. Submit to random testing as directed by the
28 correctional probation officer or the professional staff of
29 the treatment center where he or she is receiving treatment to
30 determine the presence or use of alcohol or controlled
31 substances.

1 2. If the offense was a controlled substance violation
2 and the period of probation immediately follows a period of
3 incarceration in the state correction system or if the offense
4 was a controlled substance violation and the offender had a
5 previous term of imprisonment for a
6 controlled-substance-related offense, the conditions shall
7 include a requirement that the offender submit to random
8 substance abuse testing intermittently throughout the term of
9 supervision, upon the direction of the correctional probation
10 officer as defined in s. 943.10(3).

11 (1) Be prohibited from possessing, carrying, or owning
12 any firearm unless authorized by the court and consented to by
13 the probation officer.

14 (m) Be prohibited from using intoxicants to excess or
15 using or possessing a controlled substance or drug ~~any drugs~~
16 ~~or narcotics~~ unless prescribed by a physician. The probationer
17 or community controllee shall not knowingly visit places where
18 intoxicants, drugs, or other dangerous substances are
19 unlawfully sold, dispensed, or used.

20 (n) Remain at liberty without violating the law.

21 ~~(o)(n)~~ Attend an HIV/AIDS awareness program consisting
22 of a class of not less than 2 hours or more than 4 hours in
23 length, the cost for which shall be paid by the offender, if
24 such a program is available in the county of the offender's
25 residence.

26 ~~(p)(o)~~ Pay not more than \$1 per month during the term
27 of probation or community control to a nonprofit organization
28 established for the sole purpose of supplementing the
29 rehabilitative efforts of the Department of Corrections.

30 (3)(a)1. The Department of Corrections may, at its
31 discretion, instruct an offender to submit to electronic

1 ~~monitoring electronically monitor an offender sentenced to~~
2 ~~community control. In such cases, the electronic monitoring~~
3 ~~shall be considered to be supervisory instructions~~
4 ~~implementing the standard condition of supervision requiring~~
5 ~~the offender to report to probation officers as directed. This~~
6 ~~subparagraph does not limit the judge's discretion to order~~
7 ~~electronic monitoring in appropriate cases.~~

8 2. The Department of Corrections shall electronically
9 monitor an offender sentenced to criminal quarantine community
10 control 24 hours per day.

11 (b) Any offender placed on community control who
12 violates the terms and conditions of community control and is
13 restored to community control may be supervised by means of an
14 electronic monitoring device or system.

15 (c) For those offenders being electronically
16 monitored, the Department of Corrections shall develop
17 procedures to determine, investigate, and report the
18 offender's noncompliance with the terms and conditions of
19 sentence 24 hours per day. All reports of noncompliance shall
20 be immediately investigated by a community control officer.

21 (d) The Department of Corrections may contract with
22 local law enforcement agencies to assist in the location and
23 apprehension of offenders who are in noncompliance as reported
24 by the electronic monitoring system. This contract is intended
25 to provide the department a means for providing immediate
26 investigation of noncompliance reports, especially after
27 normal office hours.

28 Section 5. Section 948.032, Florida Statutes, is
29 amended to read:

30 948.032 Condition of probation; restitution.--If a
31 defendant is placed on probation, any restitution ordered

1 | under s. 775.089 shall be a condition of the probation. The
2 | court may revoke probation if the defendant fails to comply
3 | with the order. In determining whether to revoke probation,
4 | the court shall consider the defendant's employment status,
5 | earning ability, and financial resources; the willfulness of
6 | the defendant's failure to pay; and any other special
7 | circumstances that may have a bearing on the defendant's
8 | ability to pay. As provided in s. 948.06(5), it shall be the
9 | responsibility of the defendant to prove his or her inability
10 | to pay restitution ordered by the court.

11 | Section 6. Effective July 1, 2004, and applicable to
12 | offenses committed on or after that date, section 948.06,
13 | Florida Statutes, is amended to read:

14 | 948.06 Violation of probation or community control;
15 | revocation; modification; continuance; failure to pay
16 | restitution or cost of supervision.--

17 | (1)(a) Whenever within the period of probation or
18 | community control there are reasonable grounds to believe that
19 | a probationer or offender in community control has violated
20 | his or her probation or community control in a material
21 | respect, any law enforcement officer who is aware of the
22 | probationary or community control status of the probationer or
23 | offender in community control or any parole or probation
24 | supervisor may arrest or request any county or municipal law
25 | enforcement officer to arrest such probationer or offender
26 | without warrant wherever found and forthwith return him or her
27 | to the court granting such probation or community control.
28 | Local law enforcement officers shall assist the probation
29 | officer, upon request, in making warrantless arrests, taking
30 | offenders into custody, and transporting offenders to the
31 | county jail.

1 **(b)** Any committing magistrate may issue a warrant,
2 upon the facts being made known to him or her by affidavit of
3 one having knowledge of such facts, for the arrest of the
4 probationer or offender, returnable forthwith before the court
5 granting such probation or community control.

6 **(c)** Any parole or probation supervisor, any officer
7 authorized to serve criminal process, or any peace officer of
8 this state is authorized to serve and execute such warrant.

9 **(d)** Upon the filing of an affidavit alleging a
10 violation of probation or community control and following
11 issuance of a warrant under s. 901.02 or upon a warrantless
12 arrest, the probationary period is tolled until the court
13 enters a ruling on the violation. Notwithstanding the tolling
14 of probation as provided in this subsection, the court shall
15 retain jurisdiction over the offender for any violation of the
16 conditions of probation or community control that is alleged
17 to have occurred during the tolling period. The probation
18 officer is permitted to continue to supervise any offender who
19 remains available to the officer for supervision until the
20 supervision expires pursuant to the order of probation or
21 community control or until the court revokes or terminates the
22 probation or community control, whichever comes first.

23 **(2)(a)** The court, upon the probationer or offender
24 being brought before it, shall advise him or her of such
25 charge of violation and, if such charge is admitted to be
26 true, may forthwith revoke, modify, or continue the probation
27 or community control or place the probationer into a community
28 control program.

29 **(b)** If probation or community control is revoked, the
30 court shall adjudge the probationer or offender guilty of the
31 offense charged and proven or admitted, unless he or she has

1 | previously been adjudged guilty, and impose any sentence which
2 | it might have originally imposed before placing the
3 | probationer on probation or the offender into community
4 | control.

5 | (c) If such violation of probation or community
6 | control is not admitted by the probationer or offender, the
7 | court may commit him or her or release him or her with or
8 | without bail to await further hearing, or it may dismiss the
9 | charge of probation or community control violation.

10 | (d) If such charge is not at that time admitted by the
11 | probationer or offender and if it is not dismissed, the court,
12 | as soon as may be practicable, shall give the probationer or
13 | offender an opportunity to be fully heard on his or her behalf
14 | in person or by counsel.

15 | (e) After such hearing, the court may revoke, modify,
16 | or continue the probation or community control or place the
17 | probationer into community control. If such probation or
18 | community control is revoked, the court shall adjudge the
19 | probationer or offender guilty of the offense charged and
20 | proven or admitted, unless he or she has previously been
21 | adjudged guilty, and impose any sentence which it might have
22 | originally imposed before placing the probationer or offender
23 | on probation or into community control.

24 | (f) Notwithstanding s. 775.082, when a period of
25 | probation or community control has been tolled, upon
26 | revocation or modification of the probation or community
27 | control, the court may impose a sanction with a term that when
28 | combined with the amount of supervision served and tolled,
29 | exceeds the term permissible pursuant to s. 775.082 for a term
30 | up to the amount of the tolled period supervision.
31 |

1 (g) If the court dismisses an affidavit alleging a
2 violation of probation or community control, the offender's
3 probation or community control shall continue as previously
4 imposed, and the offender shall receive credit for all tolled
5 time against his or her term of probation or community
6 control.

7 (h) The chief judge of each judicial circuit may
8 direct the department to use a notification letter of a
9 technical violation in lieu of a violation report, affidavit,
10 and warrant when the violation is not a new felony offense.
11 Such direction must be in writing and specify the types of
12 specific violations which are to be reported by a notification
13 letter of a technical violation, any exceptions, the required
14 process for submission, and the actions that the court intends
15 to take in response to the notification. At the direction of
16 the chief judge, the department shall send the notification
17 letter of a technical violation to the court.

18 (i)1. For each case in which the offender admits to
19 committing a violation or is found to have committed a
20 violation, the department shall provide the court with a
21 recommendation as to disposition by the court. The department
22 shall make a written determination as to the reasons for its
23 recommendation, and shall include an evaluation of the
24 following factors:

25 a. The appropriateness or inappropriateness of
26 community facilities, programs, or services for treatment or
27 supervision of the offender.

28 b. The ability or inability of the department to
29 provide an adequate level of supervision of the offender in
30 the community and a statement of what constitutes an adequate
31 level of supervision.

1 c. The existence of other treatment modalities that
2 the offender could use but that do not currently exist in the
3 community.

4 2. The report must also include a summary of the
5 offender's prior supervision history, including the offender's
6 prior participation in treatment, educational, and vocational
7 programs, and any other actions or circumstances of the
8 offender which are relevant.

9 3. The court may specify whether the report must be
10 oral or written and may waive the requirement for a report in
11 an individual case or a class of cases. This paragraph does
12 not prohibit the department from making any other report or
13 recommendation that is provided for by law or requested by the
14 court.

15 ~~(3)(2)~~(a) When any state or local law enforcement
16 agency investigates or arrests a person for committing, or
17 attempting, soliciting, or conspiring to commit, a violation
18 of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071,
19 s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
20 agency shall contact the Department of Corrections to verify
21 whether the person under investigation or under arrest is on
22 probation, community control, parole, conditional release, or
23 control release.

24 (b) If the law enforcement agency finds that the
25 person under investigation or under arrest is on probation,
26 community control, parole, conditional release, or control
27 release, the law enforcement agency shall immediately notify
28 the person's probation officer or release supervisor of the
29 investigation or the arrest.

30 (3) When the court imposes a subsequent term of
31 supervision following a revocation of probation or community

1 control, it shall not provide credit for time served while on
2 probation or community control toward any subsequent term of
3 probation or community control. However, the court may not
4 impose a subsequent term of probation or community control
5 which, when combined with any amount of time served on
6 preceding terms of probation or community control for offenses
7 before the court for sentencing, would exceed the maximum
8 penalty allowable as provided by s. 775.082. No part of the
9 time that the defendant is on probation or in community
10 control shall be considered as any part of the time that he or
11 she shall be sentenced to serve.

12 (4) Notwithstanding any other provision of this
13 section, a probationer or an offender in community control who
14 is arrested for violating his or her probation or community
15 control in a material respect may be taken before the court in
16 the county or circuit in which the probationer or offender was
17 arrested. That court shall advise him or her of such charge of
18 a violation and, if such charge is admitted, shall cause him
19 or her to be brought before the court which granted the
20 probation or community control.

21 (a) If such violation is not admitted by the
22 probationer or offender, the court may commit him or her or
23 release him or her with or without bail to await further
24 hearing. The court, as soon as is practicable, shall give the
25 probationer or offender an opportunity to be fully heard on
26 his or her behalf in person or by counsel.

27 (b) After such hearing, the court shall make findings
28 of fact and forward the findings to the court which granted
29 the probation or community control and to the probationer or
30 offender or his or her attorney. The findings of fact by the
31 hearing court are binding on the court which granted the

1 | probation or community control. Upon the probationer or
2 | offender being brought before it, the court which granted the
3 | probation or community control may revoke, modify, or continue
4 | the probation or community control or may place the
5 | probationer into community control as provided in this
6 | section.

7 | (5) Whenever the department submits a violation report
8 | to the court for failure to pay court-ordered obligations, the
9 | department shall include a statement by the probationer or
10 | offender on community control concerning his or her ability to
11 | pay. In any hearing in which the failure of a probationer or
12 | offender in community control to pay restitution or the cost
13 | of supervision as provided in s. 948.09, as directed, is
14 | established by the state, if the probationer or offender
15 | asserts his or her inability to pay restitution or the cost of
16 | supervision, it is incumbent upon the probationer or offender
17 | to prove by clear and convincing evidence that he or she does
18 | not have the present resources available to pay restitution or
19 | the cost of supervision despite sufficient bona fide efforts
20 | legally to acquire the resources to do so. If the probationer
21 | or offender cannot pay restitution or the cost of supervision
22 | despite sufficient bona fide efforts, the court shall consider
23 | alternate measures of punishment other than imprisonment. Only
24 | if alternate measures are not adequate to meet the state's
25 | interests in punishment and deterrence may the court imprison
26 | a probationer or offender in community control who has
27 | demonstrated sufficient bona fide efforts to pay restitution
28 | or the cost of supervision.

29 | (6) Any parolee in a community control program who has
30 | allegedly violated the terms and conditions of such placement
31 | is subject to the provisions of ss. 947.22 and 947.23.

1 (7) Any provision of law to the contrary
2 notwithstanding, whenever probation, community control, or
3 control release, including the probationary, community control
4 portion of a split sentence, is violated and the probation or
5 community control is revoked, the offender, by reason of his
6 or her misconduct, shall be deemed to have forfeited all
7 gain-time or commutation of time for good conduct, as provided
8 by law, earned up to the date of his or her release on
9 probation, community control, or control release. This
10 subsection does not deprive the prisoner of his or her right
11 to gain-time or commutation of time for good conduct, as
12 provided by law, from the date on which the prisoner is
13 returned to prison. However, if a prisoner is sentenced to
14 incarceration following termination from a drug punishment
15 program imposed as a condition of probation, the sentence may
16 include incarceration without the possibility of gain-time or
17 early release for the period of time remaining in his or her
18 treatment program placement term.

19 Section 7. Section 948.061, Florida Statutes, is
20 created to read:

21 ~~948.061 Identifying, assessing, and monitoring certain~~
22 ~~high-risk offenders on community supervision; providing~~
23 ~~cumulative criminal and supervision histories to the court.--~~

24 (1) ~~By December 1, 2004, the department shall develop~~
25 ~~a graduated risk assessment and alert system that continuously~~
26 ~~identifies, assesses, and closely monitors the population of~~
27 ~~offenders placed on probation or community control who have:~~

28 (a) ~~Previously been placed on probation or community~~
29 ~~control and who have a history of committing multiple~~
30 ~~community supervision violations in this state or in other~~
31

1 jurisdictions or who have previously been incarcerated in this
2 state or in other jurisdictions; and

3 (b) Have experienced more than one of the following
4 risk factors that could potentially make the offender more
5 likely to pose a danger to others:

6 1. Attempted suicide or severe depression;

7 2. Marital instability or history of domestic
8 violence;

9 3. History of substance abuse;

10 4. Unemployment or substantial financial difficulties;

11 5. History of violence, particularly involving
12 strangers; or

13 6. Any other risk factor identified by the department.

14 (2) Recognizing that there may be a propensity for
15 these offenders with extensive criminal histories and multiple
16 risk factors to pose a serious threat to the community, the
17 department shall consider the cumulative impact of these risk
18 factors and, if necessary, place these offenders on an
19 elevated alert status and provide the highest level of
20 supervision available for these offenders until the situation
21 stabilizes and the department no longer believes that the
22 offender poses a threat to others. In providing such
23 supervision and surveillance, the department shall increase
24 the number of office and home visits conducted by the
25 correctional probation officer; expand the number of and type
26 of employment, family, community, and neighborhood contacts by
27 the correctional probation officer; increase referrals to
28 available community mental health facilities and community
29 assistance programs; develop emergency communication plans and
30 alert systems for law enforcement agencies and the court in
31 order to quickly detain the offender in response to a

1 violation; and prioritize its resources in order to more
2 closely monitor the offender's activities in an effort to
3 prevent escalating criminal behavior.

4 (3) In providing criminal history and background
5 information to the court on these complex and high-risk cases,
6 the correctional probation officer shall provide to the court
7 in each report submitted to the court and at every hearing
8 before the court a clear, complete, and concise cumulative and
9 integrated chronology of the offender's criminal history and
10 prior terms of community supervision, including all
11 substantive or technical violations of community supervision.

12 Section 8. Section 948.062, Florida Statutes, is
13 created to read:

14 948.062 Reviewing and reporting serious offenses
15 committed by offenders placed on community supervision.--

16 (1) The department shall review the circumstances
17 related to offenders placed on community supervision who have
18 been arrested while on supervision for the following serious
19 offenses:

20 (a) Any murder as provided in s. 782.04;

21 (b) Any sexual battery as provided in s. 794.011 or s.
22 794.023;

23 (c) Any sexual performance by a child as provided in
24 s. 827.071;

25 (d) Any kidnapping, false imprisonment, or luring of a
26 child as provided in s. 787.01, s. 782.07, or s. 787.025;

27 (e) Any lewd and lascivious battery or lewd and
28 lascivious molestation as provided in s. 800.04(4) or s.
29 800.04(5);

30 (f) Any aggravated child abuse as provided in s.
31 827.03(2);

1 (g) Any robbery with a firearm or other deadly weapon,
2 home invasion robbery, or carjacking as provided in s.
3 812.13(2)(a), s. 812.135, or s. 812.133;

4 (h) Any aggravated stalking as provided in s.
5 784.048(3), (4), or (5);

6 (i) Any forcible felony as provided in s. 776.08
7 committed by any person under community supervision designated
8 as a sexual predator; or

9 (j) Any DUI manslaughter as provided in s.
10 316.193(3)(c), or vehicular or vessel homicide as provided in
11 s. 782.071 or s. 787.072, committed by any person under
12 community supervision for an offense involving death or injury
13 resulting from a driving incident.

14
15 The review shall document whether the supervision of the
16 offender met enumerated rules, policies, and procedures and
17 whether supervision practices were followed.

18 (2) On an annual basis, the department shall provide
19 these reviews to the Office of Program Policy Analysis and
20 Government Accountability. The Office of Program Policy
21 Analysis and Government Accountability shall annually analyze
22 these reviews and provide a written report to the President of
23 the Senate and the Speaker of the House of Representatives.
24 The report must include, at a minimum, any identified systemic
25 deficiencies in managing high-risk offenders on community
26 supervision and the judicial disposition of such offenders;
27 any patterns of noncompliance by correctional probation
28 officers and any inconsistent or inefficient judicial case
29 processing for offenders who have violated community
30 supervision; and recommendations for improving the community
31 supervision program.

1 Section 9. (1) The 2004 Legislature closely examined
2 chapter 948, Florida Statutes, to address certain critical
3 public safety concerns and substantive policy issues involving
4 offenders who violate probation or community control. The
5 Legislature has carefully scrutinized the effectiveness of the
6 state's community supervision system and concluded that the
7 system should increase the level of supervision of high-risk
8 offenders who violate community supervision. The Legislature
9 finds there may be a propensity for such offenders with
10 extensive criminal histories and multiple risk factors to pose
11 a serious threat to the community. In addition, the
12 Legislature finds that the system should consider the
13 cumulative impact of such histories and factors and quickly
14 detain offenders alleged to be in violation of community
15 supervision in order to protect the public and prevent
16 escalating criminal behavior.

17 (2)(a) Therefore, the Legislature strongly urges the
18 Florida Supreme Court to amend the concomitant Rule of
19 Criminal Procedure which sets forth the procedures the lower
20 courts must follow when considering bail in cases of
21 violations of probation and community control.

22 (b) As the Supreme Court opined in Bernhardt v. State,
23 288 So. 490 (Fla. 1974), release on bail pending revocation of
24 probation is not a constitutional right. However, the
25 Legislature recognizes that it is the prerogative of the
26 Supreme Court to act in the area of practice and procedure.
27 The Legislature, therefore, recommends that the Supreme Court
28 consider making the following revision to Rule 3.790 regarding
29 bail in certain cases involving a violation of community
30 supervision.

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1 (c) In particular, the Supreme Court is requested to
2 amend its rule to require that a probationer or community
3 controllee who is arrested on an alleged violation, regardless
4 of adjudication in the underlying offense, be detained while
5 awaiting a hearing before the court that granted the probation
6 or community control, if the offense for which the probationer
7 or community controllee is currently on probation or community
8 control is a forcible felony or if the probationer or
9 community controllee has previously been convicted of a
10 forcible felony as provided in section 776.08, Florida
11 Statutes.

12 Section 10. Section 903.0473, Florida Statutes, is
13 created to read:

14 903.0473 Probation appearance bond.--As a condition of
15 any probation, community control, or other court-ordered
16 community supervision authorized pursuant to chapter 948, the
17 court may order the posting of a bond to secure the appearance
18 of the defendant at any subsequent court proceeding. The
19 appearance bond shall be filed by a bail agent with the
20 sheriff who shall provide a copy to the clerk of court. Upon
21 72 hours' notice by the court or the clerk of court, the bail
22 agent shall produce the person on probation, community
23 control, or other court-ordered community supervision to the
24 court. The bail agent shall surrender to the sheriff a person
25 on probation, community control, or court-ordered community
26 supervision upon notice by the probation officer that the
27 person has violated the terms of probation, community control,
28 or court-ordered community supervision. If the bail agent
29 fails to produce the defendant in court at the time noticed by
30 the court or the clerk of court, the bond shall be estreated
31 and forfeited according to the procedures set forth in this

1 chapter and chapter 648. Failure to appear shall be the sole
2 grounds for forfeiture and estreatment of the appearance bond.
3 Where not inconsistent with this subsection, this chapter and
4 chapter 648 shall regulate the relationship between the bail
5 agent and probationer.

6 Section 11. Except as otherwise expressly provided in
7 this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2284

- 4 - The original bill doubled community sanction violation
5 points in the sentencing score sheet. This has been
6 removed in the PCS.
- 6 - The original bill mandated the court impose prospectively
7 a mandatory minimum 5-year prison sentence on certain
8 repeat probation or community control violators who
9 commit a forcible felony. This has been removed in the
10 PCS.
- 9 - The original bill required an interagency agreement
10 between DOC and FDLE to develop an electronic
11 notification process to provide critical and timely
12 offender information to prosecutors when newly released
13 inmates get rearrested. This has been removed in the PCS.
- 12 - The original bill required a drug test to be given to
13 certain probationers no less than once every 45 days.
14 This has been removed in the PCS.
- 14 - The original bill required the DOC inspector general to
15 review cases when probationers committed violent crimes
16 while on probation and determine whether the department
17 was in compliance within 10 business days of the arrest.
18 The requirement for IG involvement and the time
19 restriction are removed, but the requirement is intact in
20 the PCS.
- 18 - The CS contains added provisions that requires law
19 enforcement officers to assist in warrantless arrests.
- 20 - The CS contains an added provision that authorizes the
21 Department of Corrections to order electronic monitoring
22 as a reporting requirement.
- 21 - The CS contains an added provision that clarifies that it
22 is the responsibility of the offender to prove his or her
23 inability to pay restitution ordered by the court.
- 23 - The CS contains an added provision that permits the
24 department to use a notification letter in lieu of a
25 violation report when so directed by the chief judge.
- 25 - The CS contains an added provision that requires the
26 department to provide to the court a recommendation
27 concerning the disposition of an offender who admits to
28 committing a violation or who is found to have committed
29 a violation.
- 28 - Creates s. 903.0473, F.S., authorizing the court to order
30 the posting of an appearance bond for offenders on
31 community supervision. The appearance bond must be filed
by a bail bond agent. The section provides for the bail
bond agent to produce the offender upon notice by a
probation officer of a probation violation or within 72
hours of a request by the court.