

1                   A bill to be entitled  
2           An act relating to probation and community control;  
3           amending s. 948.001, F.S.; redefining terms and  
4           deleting a definition; amending s. 948.01, F.S.;  
5           requiring the Department of Corrections to revise and  
6           make available to the courts, rather than develop and  
7           disseminate to the courts, uniform order of  
8           supervision forms; amending s. 948.012, F.S.; adding  
9           the addiction-recovery supervision program as an  
10          exception to the immediate commencement of the period  
11          of probation upon the release of the defendant;  
12          amending s. 948.013, F.S.; revising the list of  
13          offenses that make an offender ineligible for  
14          placement on administrative probation during specified  
15          time periods; amending s. 948.03, F.S.; authorizing  
16          the court to require a probationer or offender to  
17          report to, to permit visits by, to submit to random  
18          testing as directed by, probation officers, rather  
19          than probation and parole supervisors or correctional  
20          probation officers; removing the option of  
21          incarceration in specified locations if a court  
22          withholds adjudication of guilt or imposes  
23          incarceration as a condition of probation; amending s.  
24          948.031, F.S.; replacing the term "public service"  
25          with the term "community service"; amending s.

26 | 948.035, F.S.; removing a probation program drug  
27 | punishment treatment community facility from the list  
28 | of residential treatment or incarceration facilities  
29 | that an offender must be restricted to under certain  
30 | circumstances; requiring a qualified practitioner to  
31 | provide, rather than a court to obtain, an assessment  
32 | and recommendation on the treatment needs of an  
33 | offender entering a treatment facility; amending s.  
34 | 948.037, F.S.; authorizing, rather than requiring, a  
35 | court to require an offender to make a good faith  
36 | effort toward completion of certain skills or a  
37 | specific diploma as a condition of community control,  
38 | probation, or probation following incarceration;  
39 | amending s. 948.06, F.S.; replacing the term "parole  
40 | or probation supervisor" with the term "probation  
41 | officer"; specifying that the probationary period is  
42 | tolled after the issuance of a violation of probation  
43 | or community control warrant, rather than an arrest  
44 | warrant; authorizing a chief judge to direct the  
45 | department to use a notice to appear for technical  
46 | violations; amending s. 948.09, F.S.; expanding the  
47 | types of supervision under which an offender must pay  
48 | for the cost of supervision; conforming provisions to  
49 | changes made by the act; revising the factors under  
50 | which the department may exempt an offender from

51 payments; requiring the certification of student  
52 status to be supplied to the offender's probation  
53 officer, rather than to the Secretary of Corrections;  
54 deleting duties of the secretary; deleting provisions  
55 authorizing the department to provide monthly payments  
56 to court-approved entities that provide supervision or  
57 rehabilitation for offenders under certain  
58 circumstances; deleting provisions relating to  
59 contract terms with, and a monthly report from,  
60 certain entities; amending s. 948.10, F.S.; requiring  
61 a community control program to focus on the provision  
62 of home confinement with limitations, rather than  
63 sanctions and consequences, commensurate with the  
64 crime committed; specifying and revising who the  
65 target population is for the community control  
66 program; revising departmental requirements for the  
67 operation of the program and caseloads; making  
68 technical changes; specifying the types of facilities  
69 used for the community control program; deleting an  
70 annual reporting requirement of the department to the  
71 Governor and the Legislature which includes certain  
72 information; amending s. 948.101, F.S.; conforming  
73 provisions to changes made by the act; amending s.  
74 948.11, F.S.; requiring, rather than authorizing, the  
75 department to electronically monitor offenders

76 sentenced to community control under certain  
77 circumstances; conforming terminology to changes made  
78 by the act; amending s. 948.15, F.S.; revising the  
79 required terms of the contract for a private entity  
80 providing services for the supervision of misdemeanor  
81 probationers; repealing s. 948.50, F.S., relating to a  
82 short title; reenacting s. 921.187(1)(n), F.S.,  
83 relating to disposition and sentencing, alternatives,  
84 and restitution, to incorporate the amendment made to  
85 s. 948.013, F.S., in a reference thereto; reenacting  
86 s. 947.1405(7)(b), F.S., relating to the conditional  
87 release program, to incorporate the amendment made to  
88 s. 948.09, F.S., in a reference thereto; reenacting  
89 ss. 947.1747 and 948.01(3), F.S., relating to  
90 community control as a special condition of parole and  
91 when a court may place a defendant on probation or  
92 into community control, respectively, to incorporate  
93 the amendment made to s. 948.10, F.S., in references  
94 thereto; providing effective dates.

95  
96 Be It Enacted by the Legislature of the State of Florida:

97  
98 Section 1. Subsection (1) and present subsections (4) and  
99 (9) of section 948.001, Florida Statutes, are amended, and  
100 present subsections (5) through (14) of that section are

101 redesignated as subsections (4) through (13), respectively, to  
 102 read:

103 948.001 Definitions.—As used in this chapter, the term:

104 (1) "Administrative probation" means a form of no contact,  
 105 nonreporting ~~noncontact~~ supervision in which an offender who  
 106 presents a low risk of harm to the community may, upon  
 107 satisfactory completion of half the term of probation, be  
 108 transferred by the Department of Corrections to this type of  
 109 reduced level of supervision, as provided in s. 948.013  
 110 ~~nonreporting status until expiration of the term of supervision.~~

111 ~~(4) "Community residential drug punishment center" means a~~  
 112 ~~residential drug punishment center designated by the Department~~  
 113 ~~of Corrections. The Department of Corrections shall adopt rules~~  
 114 ~~as necessary to define and operate such a center.~~

115 (8) ~~(9)~~ "Probation" means a form of community supervision  
 116 requiring specified contacts with ~~parole and~~ probation officers  
 117 and other terms and conditions as provided in s. 948.03.

118 Section 2. Paragraph (b) of subsection (1) of section  
 119 948.01, Florida Statutes, is amended to read:

120 948.01 When court may place defendant on probation or into  
 121 community control.—

122 (1) Any state court having original jurisdiction of  
 123 criminal actions may at a time to be determined by the court,  
 124 with or without an adjudication of the guilt of the defendant,  
 125 hear and determine the question of the probation of a defendant

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126 in a criminal case, except for an offense punishable by death,  
127 who has been found guilty by the verdict of a jury, has entered  
128 a plea of guilty or a plea of nolo contendere, or has been found  
129 guilty by the court trying the case without a jury.

130 (b) The department, in consultation with the Office of the  
131 State Courts Administrator, shall revise and make available  
132 ~~develop and disseminate~~ to the courts uniform order of  
133 supervision forms by July 1 of each year or as necessary. The  
134 courts shall use the uniform order of supervision forms provided  
135 by the department for all persons placed on community  
136 supervision.

137 Section 3. Subsection (1) of section 948.012, Florida  
138 Statutes, is amended, and subsections (4), (5), and (6) of that  
139 section are republished, to read:

140 948.012 Split sentence of probation or community control  
141 and imprisonment.—

142 (1) If punishment by imprisonment for a misdemeanor or a  
143 felony, except for a capital felony, is prescribed, the court  
144 may, at the time of sentencing, impose a split sentence whereby  
145 the defendant is to be placed on probation or, with respect to  
146 any such felony, into community control upon completion of any  
147 specified period of such sentence which may include a term of  
148 years or less. In such case, the court shall stay and withhold  
149 the imposition of the remainder of sentence imposed upon the  
150 defendant and direct that the defendant be placed upon probation

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151 or into community control after serving such period as may be  
152 imposed by the court. Except as provided in s. 944.4731(2)(b)  
153 and subsection (6), the period of probation or community control  
154 shall commence immediately upon the release of the defendant  
155 from incarceration, whether by parole or gain-time allowances.

156 (4) Effective for offenses committed on or after September  
157 1, 2005, the court must impose a split sentence pursuant to  
158 subsection (1) for any person who is convicted of a life felony  
159 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)  
160 if the court imposes a term of years in accordance with s.  
161 775.082(3)(a)4.a.(II) rather than life imprisonment. The  
162 probation or community control portion of the split sentence  
163 imposed by the court for a defendant must extend for the  
164 duration of the defendant's natural life and include a condition  
165 that he or she be electronically monitored.

166 (5)(a) Effective for offenses committed on or after  
167 October 1, 2014, if the court imposes a term of years in  
168 accordance with s. 775.082 which is less than the maximum  
169 sentence for the offense, the court must impose a split sentence  
170 pursuant to subsection (1) for any person who is convicted of a  
171 violation of:

- 172 1. Section 782.04(1)(a)2.c.;
- 173 2. Section 787.01(3)(a)2. or 3.;
- 174 3. Section 787.02(3)(a)2. or 3.;
- 175 4. Section 794.011, excluding s. 794.011(10);

- 176           5. Section 800.04;  
 177           6. Section 825.1025; or  
 178           7. Section 847.0135(5).

179           (b) The probation or community control portion of the  
 180 split sentence imposed by the court must extend for at least 2  
 181 years. However, if the term of years imposed by the court  
 182 extends to within 2 years of the maximum sentence for the  
 183 offense, the probation or community control portion of the split  
 184 sentence must extend for the remainder of the maximum sentence.

185           (6) If a defendant who has been sentenced to a split  
 186 sentence pursuant to subsection (1) is transferred to the  
 187 custody of the Department of Children and Families pursuant to  
 188 part V of chapter 394, the period of probation or community  
 189 control is tolled until such person is no longer in the custody  
 190 of the Department of Children and Families. This subsection  
 191 applies to all sentences of probation or community control which  
 192 begin on or after October 1, 2014, regardless of the date of the  
 193 underlying offense.

194           Section 4. Effective October 1, 2017, subsection (2) of  
 195 section 948.013, Florida Statutes, is amended to read:

196           948.013 Administrative probation.—

197           (2) (a) Effective for an offense committed on or after July  
 198 1, 1998, and before October 1, 2017, a person is ineligible for  
 199 placement on administrative probation if the person is sentenced  
 200 to or is serving a term of probation or community control,



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201 regardless of the conviction or adjudication, for committing, or  
202 attempting, conspiring, or soliciting to commit, any of the  
203 felony offenses described in s. 787.01 or s. 787.02, where the  
204 victim is a minor and the defendant is not the victim's parent;  
205 s. 787.025; s. 787.06(3)(g); chapter 794; former s. 796.03; s.  
206 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135;  
207 or s. 847.0145.

208 (b) Effective for an offense committed on or after October  
209 1, 2017, a person is ineligible for placement on administrative  
210 probation if the person is sentenced to or is serving a term of  
211 probation or community control, regardless of the conviction or  
212 adjudication, for committing, or attempting, conspiring, or  
213 soliciting to commit, any of the felony offenses described in s.  
214 775.21(4)(a)1.a. or (4)(a)1.b. or s. 943.0435(1)(h)1.a.

215 Section 5. Paragraphs (a), (b), (l), and (m) of subsection  
216 (1) and subsection (2) of section 948.03, Florida Statutes, are  
217 amended to read:

218 948.03 Terms and conditions of probation.—

219 (1) The court shall determine the terms and conditions of  
220 probation. Conditions specified in this section do not require  
221 oral pronouncement at the time of sentencing and may be  
222 considered standard conditions of probation. These conditions  
223 may include among them the following, that the probationer or  
224 offender in community control shall:

225 (a) Report to the probation officer ~~and parole supervisors~~

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226 as directed.

227 (b) Permit the probation officer ~~such supervisors~~ to visit  
228 him or her at his or her home or elsewhere.

229 (1)1. Submit to random testing as directed by the  
230 ~~correctional~~ probation officer or the professional staff of the  
231 treatment center where he or she is receiving treatment to  
232 determine the presence or use of alcohol or controlled  
233 substances.

234 2. If the offense was a controlled substance violation and  
235 the period of probation immediately follows a period of  
236 incarceration in the state correction system, the conditions  
237 must ~~shall~~ include a requirement that the offender submit to  
238 random substance abuse testing intermittently throughout the  
239 term of supervision, upon the direction of the ~~correctional~~  
240 probation officer ~~as defined in s. 943.10(3)~~.

241 (m) Be prohibited from possessing, carrying, or owning  
242 any:

243 1. Firearm.

244 2. Weapon without first procuring the consent of the  
245 ~~correctional~~ probation officer.

246 (2) The enumeration of specific kinds of terms and  
247 conditions does ~~shall~~ not prevent the court from adding thereto  
248 such other or others as it considers proper. However, the  
249 sentencing court may only impose a condition of supervision  
250 allowing an offender convicted of s. 794.011, s. 800.04, s.

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251 827.071, s. 847.0135(5), or s. 847.0145~~7~~ to reside in another  
252 state~~7~~ if the order stipulates that it is contingent upon the  
253 approval of the receiving state interstate compact authority.  
254 The court may rescind or modify at any time the terms and  
255 conditions theretofore imposed by it upon the probationer.  
256 However, if the court withholds adjudication of guilt or imposes  
257 a period of incarceration as a condition of probation, the  
258 period may ~~shall~~ not exceed 364 days, and incarceration shall be  
259 restricted to either a county facility, or a probation and  
260 restitution center under the jurisdiction of the Department of  
261 Corrections, ~~a probation program drug punishment phase I secure~~  
262 ~~residential treatment institution, or a community residential~~  
263 ~~facility owned or operated by any entity providing such~~  
264 ~~services.~~

265 Section 6. Section 948.031, Florida Statutes, is amended  
266 to read:

267 948.031 Condition of probation or community control;  
268 community public service.-

269 (1) Any person who is convicted of a felony or misdemeanor  
270 and who is placed on probation or into community control may be  
271 required as a condition of supervision to perform some type of  
272 community public service for a tax-supported or tax-exempt  
273 entity, with the consent of such entity. Such community public  
274 service shall be performed at a time other than during such  
275 person's regular hours of employment.

276 (2) Upon the request of the chief judge of the circuit,  
277 the Department of Corrections shall establish a community ~~public~~  
278 service program for a county, which program may include, but is  
279 ~~shall not be~~ limited to, any of the following types of community  
280 ~~public~~ service:

281 (a) Maintenance work on any property or building owned or  
282 leased by any state, county, or municipality or any nonprofit  
283 organization or agency.

284 (b) Maintenance work on any state-owned, county-owned, or  
285 municipally owned road or highway.

286 (c) Landscaping or maintenance work in any state, county,  
287 or municipal park or recreation area.

288 (d) Work in any state, county, or municipal hospital or  
289 any developmental services institution or other nonprofit  
290 organization or agency.

291 Section 7. Subsections (1) and (3) of section 948.035,  
292 Florida Statutes, are amended to read:

293 948.035 Residential treatment as a condition of probation  
294 or community control.—

295 (1) If the court imposes a period of residential treatment  
296 or incarceration as a condition of probation or community  
297 control, the residential treatment or incarceration shall be  
298 restricted to the following facilities:

299 (a) A Department of Corrections probation and restitution  
300 center;

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301 ~~(b) A probation program drug punishment treatment~~  
302 ~~community;~~

303 (b)-(e) A community residential facility that ~~which~~ is  
304 owned and operated by a ~~any~~ public or private entity, excluding  
305 a community correctional center as defined in s. 944.026; or

306 (c)-(d) A county-owned facility.

307 (3) Before ~~Prior to~~ admission to such a facility or center  
308 ~~treatment community~~, a qualified practitioner must provide the  
309 ~~court shall obtain~~ an individual assessment and recommendation  
310 on the appropriate treatment needs ~~pursuant to the Community~~  
311 ~~Control Implementation Manual which shall be considered by the~~  
312 ~~court in ordering such placements~~. Placement in such a facility  
313 or center may, ~~or in the phase I secure residential phase of a~~  
314 ~~probation program drug punishment treatment community~~, shall not  
315 exceed 364 days. Early completion of an offender's placement  
316 shall be recommended to the court, when appropriate, by the  
317 facility or center supervisor, by the supervising probation  
318 officer, or by the program manager. The Department of  
319 Corrections is authorized to contract with appropriate agencies  
320 for provision of services.

321 Section 8. Subsection (1) of section 948.037, Florida  
322 Statutes, is amended to read:

323 948.037 Education and learning as a condition of probation  
324 or community control.—

325 (1) As a condition of community control, probation, or

326 probation following incarceration, the court may ~~shall~~ require  
327 an offender who has not obtained a high school diploma or high  
328 school equivalency diploma or who lacks basic or functional  
329 literacy skills, upon acceptance by an adult education program,  
330 to make a good faith effort toward completion of such basic or  
331 functional literacy skills or high school equivalency diploma,  
332 as defined in s. 1003.435, in accordance with the assessed adult  
333 general education needs of the individual offender. The court  
334 may ~~shall~~ not revoke community control, probation, or probation  
335 following incarceration because of the offender's inability to  
336 achieve such skills or diploma but may revoke community control,  
337 probation, or probation following incarceration if the offender  
338 fails to make a good faith effort to achieve such skills or  
339 diploma. The court may grant early termination of community  
340 control, probation, or probation following incarceration upon  
341 the offender's successful completion of the approved program. As  
342 used in this subsection, "good faith effort" means the offender  
343 is enrolled in a program of instruction and is attending and  
344 making satisfactory progress toward completion of the  
345 requirements.

346 Section 9. Paragraphs (a), (e), (f), and (g) of subsection  
347 (1) of section 948.06, Florida Statutes, are amended to read:

348 948.06 Violation of probation or community control;  
349 revocation; modification; continuance; failure to pay  
350 restitution or cost of supervision.—

351 (1) (a) Whenever within the period of probation or  
352 community control there are reasonable grounds to believe that a  
353 probationer or offender in community control has violated his or  
354 her probation or community control in a material respect, any  
355 law enforcement officer who is aware of the probationary or  
356 community control status of the probationer or offender in  
357 community control or any ~~parole or~~ probation officer ~~supervisor~~  
358 may arrest or request any county or municipal law enforcement  
359 officer to arrest such probationer or offender without warrant  
360 wherever found and return him or her to the court granting such  
361 probation or community control.

362 (e) Any ~~parole or~~ probation officer ~~supervisor~~, any  
363 officer authorized to serve criminal process, or any peace  
364 officer of this state is authorized to serve and execute such  
365 warrant. Any ~~parole or~~ probation officer ~~supervisor~~ is  
366 authorized to serve such notice to appear.

367 (f) Upon the filing of an affidavit alleging a violation  
368 of probation or community control and following issuance of a  
369 warrant for such violation ~~under s. 901.02~~, a warrantless arrest  
370 under this section, or a notice to appear under this section,  
371 the probationary period is tolled until the court enters a  
372 ruling on the violation. Notwithstanding the tolling of  
373 probation, the court shall retain jurisdiction over the offender  
374 for any violation of the conditions of probation or community  
375 control that is alleged to have occurred during the tolling

376 | period. The probation officer is permitted to continue to  
377 | supervise any offender who remains available to the officer for  
378 | supervision until the supervision expires pursuant to the order  
379 | of probation or community control or until the court revokes or  
380 | terminates the probation or community control, whichever comes  
381 | first.

382 | (g) The chief judge of each judicial circuit may direct  
383 | the department to use a notification letter of a technical  
384 | violation in appropriate cases in lieu of a violation report,  
385 | affidavit, and warrant or a notice to appear when the alleged  
386 | violation is not a new felony or misdemeanor offense. Such  
387 | direction must be in writing and must specify the types of  
388 | specific technical violations which are to be reported by a  
389 | notification letter of a technical violation, any exceptions to  
390 | those violations, and the required process for submission. At  
391 | the direction of the chief judge, the department shall send the  
392 | notification letter of a technical violation to the court.

393 | Section 10. Section 948.09, Florida Statutes, is amended  
394 | to read:

395 | 948.09 Payment for cost of supervision and other monetary  
396 | obligations ~~rehabilitation.~~

397 | (1) (a) 1. Any person ordered by the court, the Department  
398 | of Corrections, or the Florida Commission on Offender Review to  
399 | be placed under ~~on probation, drug offender probation, community~~  
400 | ~~control, parole, control release, provisional release~~



401 ~~supervision, addiction-recovery supervision, or conditional~~  
402 ~~release~~ supervision under this chapter, chapter 944, chapter  
403 945, chapter 947, or chapter 958, or in a pretrial intervention  
404 program, must, as a condition of any placement, pay the  
405 department a total sum of money equal to the total month or  
406 portion of a month of supervision times the court-ordered  
407 amount, but not to exceed the actual per diem cost of the  
408 supervision. The department shall adopt rules by which an  
409 offender who pays in full and in advance of regular termination  
410 of supervision may receive a reduction in the amount due. The  
411 rules shall incorporate provisions by which the offender's  
412 ability to pay is linked to an established written payment plan.  
413 Funds collected from felony offenders may be used to offset  
414 costs of the Department of Corrections associated with community  
415 supervision programs, subject to appropriation by the  
416 Legislature.

417 2. In addition to any other contribution or surcharge  
418 imposed by this section, each felony offender assessed under  
419 this paragraph shall pay a \$2-per-month surcharge to the  
420 department. The surcharge shall be deemed to be paid only after  
421 the full amount of any monthly payment required by the  
422 established written payment plan has been collected by the  
423 department. These funds shall be used by the department to pay  
424 for correctional probation officers' training and equipment,  
425 including radios, and firearms training, firearms, and attendant

426 equipment necessary to train and equip officers who choose to  
427 carry a concealed firearm while on duty. This subparagraph does  
428 not limit the department's authority to determine who shall be  
429 authorized to carry a concealed firearm while on duty, or limit  
430 the right of a correctional probation officer to carry a  
431 personal firearm approved by the department.

432 (b) Any person placed on misdemeanor probation by a county  
433 court must contribute not less than \$40 per month, as decided by  
434 the sentencing court, to the court-approved public or private  
435 entity providing misdemeanor supervision.

436 (2) Any person being electronically monitored by the  
437 department as a result of being placed on supervision shall pay  
438 the department for electronic monitoring services at a rate that  
439 may not exceed the full cost of the monitoring service in  
440 addition to the cost of supervision as directed by the  
441 sentencing court. The funds collected under this subsection  
442 shall be deposited in the General Revenue Fund. The department  
443 may exempt a person from paying all or any part of the costs of  
444 the electronic monitoring service if it finds that any of the  
445 factors listed in subsection (3) exist.

446 (3) Any failure to pay contribution as required under this  
447 section may constitute a ground for the revocation of  
448 supervision ~~probation~~ by the court or, ~~the revocation of parole~~  
449 ~~or conditional release~~ by the Florida Commission on Offender  
450 Review, the revocation of control release by the Control Release

451 Authority, or the removal from the pretrial intervention program  
452 by the state attorney. The Department of Corrections may exempt  
453 a person from the payment of all or any part of the contribution  
454 if it finds any of the following factors ~~to exist~~:

455 (a) The offender has diligently attempted, but has been  
456 unable, to obtain or maintain employment that ~~which~~ provides him  
457 or her sufficient income to make such payments.

458 (b) The offender is a student in a school, college,  
459 university, or course of career training designed to fit the  
460 student for gainful employment. Certification of such student  
461 status shall be supplied to the offender's probation officer  
462 ~~Secretary of Corrections~~ by the educational institution in which  
463 the offender is enrolled.

464 (c) The offender has an employment handicap, as determined  
465 by a physical, psychological, or psychiatric examination  
466 ~~acceptable to, or ordered by, the secretary.~~

467 (d) The offender's age prevents him or her from obtaining  
468 employment.

469 (e) The offender is responsible for the support of  
470 dependents, and the payment of such contribution constitutes an  
471 undue hardship on the offender.

472 (f) The offender has been transferred outside the state  
473 under an interstate compact adopted pursuant to chapter 949.

474 ~~(g) There are other extenuating circumstances, as~~  
475 ~~determined by the secretary.~~

476       ~~(4) In addition to the contribution required under~~  
477       ~~subsection (1), the department may provide a maximum payment of~~  
478       ~~\$10 per month for each misdemeanor probationer who is~~  
479       ~~contributing \$10 per month to the court-approved public or~~  
480       ~~private entity which is providing him or her with misdemeanor~~  
481       ~~supervision or rehabilitation. The \$10 payment set forth herein~~  
482       ~~shall only be for first degree misdemeanors, petty theft, and~~  
483       ~~worthless checks. The department shall make such payment to the~~  
484       ~~court-approved public or private entity which is providing~~  
485       ~~supervision to the offender under this section. Such payment~~  
486       ~~shall be implemented through a contract to be entered into by~~  
487       ~~the Secretary of Corrections and the entity. Terms of the~~  
488       ~~contract shall state, but are not limited to, the extent of the~~  
489       ~~services to be rendered by the entity providing supervision or~~  
490       ~~rehabilitation. In addition, the entity shall supply the~~  
491       ~~department with a monthly report documenting the acceptance of~~  
492       ~~each offender placed under its supervision by the court,~~  
493       ~~documenting the payment of the required contribution by each~~  
494       ~~offender under supervision or rehabilitation, and notifying the~~  
495       ~~department of all offenders for whom supervision or~~  
496       ~~rehabilitation will be terminated. Supervisory records of the~~  
497       ~~entity shall be open to inspection upon the request of the~~  
498       ~~department or its agents.~~

499       (4)-(5) As a condition of an interstate compact adopted  
500       pursuant to chapter 949, the department shall require each out-

501 of-state probationer or parolee transferred to this state to  
502 contribute not less than \$30 or more than the cost of  
503 supervision, certified by the Department of Corrections, per  
504 month to defray the cost incurred by this state as a result of  
505 providing supervision and rehabilitation during the period of  
506 supervision.

507 (5)~~(6)~~ In addition to any other required contributions,  
508 the department, at its discretion, may require offenders under  
509 any form of supervision to submit to and pay for urinalysis  
510 testing to identify drug usage as part of the rehabilitation  
511 program. Any failure to make such payment, or participate, may  
512 be considered a ground for revocation by the court, the Florida  
513 Commission on Offender Review, or the Control Release Authority,  
514 or for removal from the pretrial intervention program by the  
515 state attorney. The department may exempt a person from such  
516 payment if it determines that any of the factors specified in  
517 subsection (3) exist.

518 (6)~~(7)~~ The department shall establish a payment plan for  
519 all costs ordered by the courts for collection by the department  
520 and a priority order for payments, except that victim  
521 restitution payments authorized under s. 948.03(1)(f) take  
522 precedence over all other court-ordered payments. The department  
523 is not required to disburse cumulative amounts of less than \$10  
524 to individual payees established on this payment plan.

525 Section 11. Section 948.10, Florida Statutes, is amended

526 to read:

527 948.10 Community control programs; home confinement.—

528 (1) The Department of Corrections shall develop and  
 529 administer a community control program. This ~~complementary~~  
 530 program shall be rigidly structured and designed to accommodate  
 531 offenders who, in the absence of such a program, would have been  
 532 incarcerated in a jail or prison. The program shall focus on the  
 533 provision of home confinement subject to an authorized level of  
 534 limited freedom and special conditions ~~sanctions and~~  
 535 ~~consequences which~~ that are commensurate with the seriousness of  
 536 the crime. The program shall offer the courts and the Florida  
 537 Commission on Offender Review an alternative, community-based  
 538 method to punish an offender in lieu of incarceration and shall  
 539 provide intensive supervision to closely monitor compliance with  
 540 restrictions and special conditions, including, but not limited  
 541 to, treatment or rehabilitative programs. The targeted  
 542 population for this community control program includes ~~if the~~  
 543 ~~offender is a member of one of the following target groups:~~

544 (a) Probation violators charged with technical violations  
 545 or new misdemeanor ~~violations~~ of law.

546 (b) Parole or conditional release violators charged with  
 547 technical violations or new misdemeanor ~~violations~~ of law.

548 (c) Individuals found guilty of felonies, who, due to  
 549 their criminal backgrounds or the seriousness of the offenses,  
 550 would not be placed on regular probation.

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551           (2) ~~The department shall commit not less than 10 percent~~  
552 ~~of the parole and probation field staff and supporting resources~~  
553 ~~to the operation of the community control program.~~ Caseloads  
554 should be restricted to a maximum of 30 ~~25~~ cases per officer in  
555 order to ensure an adequate level of staffing. Community control  
556 is an individualized program in which the offender is restricted  
557 to a residential treatment facility or a nursing facility  
558 ~~noninstitutional quarters~~ or restricted to his or her approved  
559 ~~own~~ residence subject to an authorized level of limited freedom.

560           (3) Procedures governing violations of community control  
561 are ~~shall be~~ the same as those described in s. 948.06 with  
562 respect to probation.

563           (4) Upon completion of the sanctions imposed and ~~in the~~  
564 ~~community control plan~~ before the expiration of the community  
565 control term ordered by the court, the department may petition  
566 the court to terminate early the supervision of ~~discharge~~ the  
567 offender from community control supervision or to return the  
568 offender to a program of regular probation supervision for the  
569 remainder of the term. In considering the petition, the court  
570 should recognize the limited staff resources committed to the  
571 community control program, the purpose of the program, and the  
572 offender's successful compliance with the conditions set forth  
573 in the order of the court.

574           ~~(5) In its annual report to the Governor, the President of~~  
575 ~~the Senate, and the Speaker of the House of Representatives~~

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576 | ~~under s. 20.315(5), the department shall include a detailed~~  
577 | ~~analysis of the community control program and the department's~~  
578 | ~~specific efforts to protect the public from offenders placed on~~  
579 | ~~community control. The analysis must include, but need not be~~  
580 | ~~limited to, specific information on the department's ability to~~  
581 | ~~meet minimum officer-to-offender contact standards, the number~~  
582 | ~~of crimes committed by offenders on community control, and the~~  
583 | ~~level of community supervision provided.~~

584 | Section 12. Subsection (2) of section 948.101, Florida  
585 | Statutes, is amended to read:

586 | 948.101 Terms and conditions of community control.—

587 | (2) The enumeration of specific kinds of terms and  
588 | conditions does not prevent the court from adding any other  
589 | terms or conditions that the court considers proper. However,  
590 | the sentencing court may only impose a condition of supervision  
591 | allowing an offender convicted of s. 794.011, s. 800.04, s.  
592 | 827.071, s. 847.0135(5), or s. 847.0145 to reside in another  
593 | state if the order stipulates that it is contingent upon the  
594 | approval of the receiving state interstate compact authority.  
595 | The court may rescind or modify at any time the terms and  
596 | conditions theretofore imposed by it upon the offender in  
597 | community control. However, if the court withholds adjudication  
598 | of guilt or imposes a period of incarceration as a condition of  
599 | community control, the period may not exceed 364 days, and  
600 | incarceration shall be restricted to a county facility, a



601 probation and restitution center under the jurisdiction of the  
 602 Department of Corrections, or a ~~probation program drug~~  
 603 ~~punishment phase I secure residential treatment institution, or~~  
 604 ~~a community residential~~ facility owned or operated by any entity  
 605 providing such services.

606 Section 13. Subsections (1), (2), and (3) of section  
 607 948.11, Florida Statutes, are amended, and subsection (5) of  
 608 that section is republished, to read:

609 948.11 Electronic monitoring devices.—

610 (1) The Department of Corrections shall ~~may~~ electronically  
 611 monitor an offender sentenced to community control when the  
 612 court has imposed electronic monitoring as a condition of  
 613 community control.

614 (2) Any offender placed under supervision ~~on community~~  
 615 ~~control~~ who violates the terms and conditions of supervision  
 616 ~~community control~~ and is restored to supervision ~~community~~  
 617 ~~control~~ may be supervised by means of an electronic monitoring  
 618 device or system if ordered by the court.

619 (3) For those offenders being electronically monitored,  
 620 the Department of Corrections shall develop procedures to  
 621 determine, investigate, and report the offender's noncompliance  
 622 with the terms and conditions of sentence 24 hours per day. All  
 623 reports of noncompliance shall be immediately investigated by a  
 624 probation ~~community control~~ officer.

625 (5) Any person being electronically monitored by the

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626 department as a result of being placed on supervision shall pay  
627 the department for the electronic monitoring services as  
628 provided in s. 948.09(2).

629 Section 14. Paragraph (b) of subsection (3) of section  
630 948.15, Florida Statutes, is amended to read:

631 948.15 Misdemeanor probation services.—

632 (3) Any private entity, including a licensed substance  
633 abuse education and intervention program, providing services for  
634 the supervision of misdemeanor probationers must contract with  
635 the county in which the services are to be rendered. In a county  
636 having a population of fewer than 70,000, the county court  
637 judge, or the administrative judge of the county court in a  
638 county that has more than one county court judge, must approve  
639 the contract. Terms of the contract must state, but are not  
640 limited to:

641 (b) Staff qualifications and criminal record checks of  
642 staff ~~in accordance with essential standards established by the~~  
643 ~~American Correctional Association as of January 1, 1991.~~

644  
645 In addition, the entity shall supply the chief judge's office  
646 with a quarterly report summarizing the number of offenders  
647 supervised by the private entity, payment of the required  
648 contribution under supervision or rehabilitation, and the number  
649 of offenders for whom supervision or rehabilitation will be  
650 terminated. All records of the entity must be open to inspection

651 upon the request of the county, the court, the Auditor General,  
 652 the Office of Program Policy Analysis and Government  
 653 Accountability, or agents thereof.

654 Section 15. Section 948.50, Florida Statutes, is repealed.

655 Section 16. For the purpose of incorporating the amendment  
 656 made by this act to section 948.013, Florida Statutes, in a  
 657 reference thereto, paragraph (n) of subsection (1) of section  
 658 921.187, Florida Statutes, is reenacted to read:

659 921.187 Disposition and sentencing; alternatives;  
 660 restitution.—

661 (1) The alternatives provided in this section for the  
 662 disposition of criminal cases shall be used in a manner that  
 663 will best serve the needs of society, punish criminal offenders,  
 664 and provide the opportunity for rehabilitation. If the offender  
 665 does not receive a state prison sentence, the court may:

666 (n) Impose split probation whereby upon satisfactory  
 667 completion of half the term of probation, the Department of  
 668 Corrections may place the offender on administrative probation  
 669 pursuant to s. 948.013 for the remainder of the term of  
 670 supervision.

671 Section 17. For the purpose of incorporating the amendment  
 672 made by this act to section 948.09, Florida Statutes, in a  
 673 reference thereto, paragraph (b) of subsection (7) of section  
 674 947.1405, Florida Statutes, is reenacted to read:

675 947.1405 Conditional release program.—

676 (7)

677 (b) For a releasee whose crime was committed on or after  
678 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
679 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
680 conditional release supervision, in addition to any other  
681 provision of this subsection, the commission shall impose the  
682 following additional conditions of conditional release  
683 supervision:

684 1. As part of a treatment program, participation in a  
685 minimum of one annual polygraph examination to obtain  
686 information necessary for risk management and treatment and to  
687 reduce the sex offender's denial mechanisms. The polygraph  
688 examination must be conducted by a polygrapher who is a member  
689 of a national or state polygraph association and who is  
690 certified as a postconviction sex offender polygrapher, where  
691 available, and at the expense of the releasee. The results of  
692 the examination shall be provided to the releasee's probation  
693 officer and qualified practitioner and may not be used as  
694 evidence in a hearing to prove that a violation of supervision  
695 has occurred.

696 2. Maintenance of a driving log and a prohibition against  
697 driving a motor vehicle alone without the prior approval of the  
698 supervising officer.

699 3. A prohibition against obtaining or using a post office  
700 box without the prior approval of the supervising officer.

701           4. If there was sexual contact, a submission to, at the  
 702 releasee's expense, an HIV test with the results to be released  
 703 to the victim or the victim's parent or guardian.

704           5. Electronic monitoring of any form when ordered by the  
 705 commission. Any person who has been placed under supervision and  
 706 is electronically monitored by the department must pay the  
 707 department for the cost of the electronic monitoring service at  
 708 a rate that may not exceed the full cost of the monitoring  
 709 service. Funds collected under this subparagraph shall be  
 710 deposited into the General Revenue Fund. The department may  
 711 exempt a person from the payment of all or any part of the  
 712 electronic monitoring service cost if the department finds that  
 713 any of the factors listed in s. 948.09(3) exist.

714           Section 18. For the purpose of incorporating the amendment  
 715 made by this act to section 948.10, Florida Statutes, in a  
 716 reference thereto, section 947.1747, Florida Statutes, is  
 717 reenacted to read:

718           947.1747 Community control as a special condition of  
 719 parole.—Upon the establishment of an effective parole release  
 720 date as provided for in ss. 947.1745 and 947.1746, the  
 721 commission may, as a special condition of parole, require an  
 722 inmate to be placed in the community control program of the  
 723 Department of Corrections as described in s. 948.10 for a period  
 724 not exceeding 6 months. In every case in which the commission  
 725 decides to place an inmate on community control as a special

726 | condition of parole, the commission shall provide a written  
 727 | explanation of the reasons for its decision.

728 |         Section 19. For the purpose of incorporating the amendment  
 729 | made by this act to section 948.10, Florida Statutes, in a  
 730 | reference thereto, subsection (3) of section 948.01, Florida  
 731 | Statutes, is reenacted to read:

732 |             948.01 When court may place defendant on probation or into  
 733 | community control.-

734 |             (3) If, after considering the provisions of subsection (2)  
 735 | and the offender's prior record or the seriousness of the  
 736 | offense, it appears to the court in the case of a felony  
 737 | disposition that probation is an unsuitable dispositional  
 738 | alternative to imprisonment, the court may place the offender in  
 739 | a community control program as provided in s. 948.10. Or, in a  
 740 | case of prior disposition of a felony commitment, upon motion of  
 741 | the offender or the department or upon its own motion, the court  
 742 | may, within the period of its retained jurisdiction following  
 743 | commitment, suspend the further execution of the disposition and  
 744 | place the offender in a community control program upon such  
 745 | terms as the court may require. The court may consult with a  
 746 | local offender advisory council pursuant to s. 948.90 with  
 747 | respect to the placement of an offender into community control.  
 748 | Not later than 3 working days before the hearing on the motion,  
 749 | the department shall forward to the court all relevant material  
 750 | on the offender's progress while in custody. If this sentencing

751 alternative to incarceration is utilized, the court shall:

752 (a) Determine what community-based sanctions will be  
753 imposed in the community control plan. Community-based sanctions  
754 may include, but are not limited to, rehabilitative restitution  
755 in money or in kind, curfew, revocation or suspension of the  
756 driver license, community service, deprivation of nonessential  
757 activities or privileges, or other appropriate restraints on the  
758 offender's liberty.

759 (b) After appropriate sanctions for the offense are  
760 determined, develop, approve, and order a plan of community  
761 control which contains rules, requirements, conditions, and  
762 programs that are designed to encourage noncriminal functional  
763 behavior and promote the rehabilitation of the offender and the  
764 protection of the community. If the offense was a controlled  
765 substance violation, the conditions shall include a requirement  
766 that the offender submit to random substance abuse testing  
767 intermittently throughout the term of supervision, upon the  
768 direction of the correctional probation officer as defined in s.  
769 943.10(3).

770 Section 20. Except as otherwise expressly provided in this  
771 act, this act shall take effect July 1, 2017.