

1 A bill to be entitled
 2 An act relating to terms and conditions of probation;
 3 amending s. 948.03, F.S.; authorizing remote reporting
 4 to probation officers in certain circumstances;
 5 deleting an order to remain in a specified place as a
 6 standard condition of probation; specifying that
 7 noncriminal moving violations are not considered
 8 probation violations; revising what may be considered
 9 association with persons engaged in criminal
 10 activities; providing requirements in order for a
 11 court to add additional terms and conditions of
 12 probation; creating s. 948.051, F.S.; providing
 13 definitions; providing for the award of probation
 14 credits by the Department of Corrections; specifying
 15 circumstances in which such credits may be awarded;
 16 providing for periodic accountings of such credits;
 17 providing for rulemaking; requiring a report; amending
 18 ss. 948.04 and 948.09, F.S.; conforming provisions to
 19 changes made by the act; providing an effective date.
 20

21 Be It Enacted by the Legislature of the State of Florida:
 22

23 Section 1. Paragraphs (e) through (p) of subsection (1) of
 24 section 948.03, Florida Statutes, are redesignated as paragraphs
 25 (d) through (o), respectively, and present paragraphs (a), (d),

26 (e), and (k) of that subsection and subsection (2) are amended
 27 to read:

28 948.03 Terms and conditions of probation.—

29 (1) The court shall determine the terms and conditions of
 30 probation. Conditions specified in this section do not require
 31 oral pronouncement at the time of sentencing and may be
 32 considered standard conditions of probation. These conditions
 33 may include among them the following, that the probationer or
 34 offender in community control shall:

35 (a) Report to the probation officer as directed. Such
 36 reporting requirements may be fulfilled through remote reporting
 37 if approved by the relevant probation officer, relevant county
 38 probation authority or entity, or the Department of Corrections.
 39 The probation officer shall schedule meetings required as a
 40 condition of probation at times and locations that take into
 41 consideration and accommodate the work schedule, family
 42 caregiver obligations, and medical care of the probationer
 43 unless doing so would cause a threat to public safety. The
 44 Department of Corrections and county probation authorities or
 45 entities shall promulgate and make available probation reporting
 46 policies that allow for remote reporting and consider the
 47 scheduling conflicts referenced in this paragraph.

48 ~~(d) Remain within a specified place.~~

49 ~~(d)(e)~~ Live without violating any law, except that a
 50 noncriminal moving violation is not a violation of the law for

51 the purposes of this paragraph. A conviction in a court of law
52 is not necessary for such a violation of law to constitute a
53 violation of probation, community control, or any other form of
54 court-ordered supervision.

55 ~~(j)-(k)~~ Not knowingly associate with persons engaged in
56 criminal activities, except that a violation of this prohibition
57 cannot be based solely on the fact that a person has a criminal
58 record.

59 (2) The enumeration of specific kinds of terms and
60 conditions does not prevent the court from adding thereto such
61 other or others as it considers proper, to the extent that such
62 conditions involve only such deprivations of liberty or property
63 as are reasonably necessary to protect the public from the
64 probationer's conduct in the underlying conviction or violation
65 and the court states on the record the purpose of each condition
66 in protecting the public from the probationer's conduct in the
67 underlying conviction or violation. However, the sentencing
68 court may only impose a condition of supervision allowing an
69 offender convicted of s. 794.011, s. 800.04, s. 827.071, s.
70 847.0135(5), or s. 847.0145 to reside in another state if the
71 order stipulates that it is contingent upon the approval of the
72 receiving state interstate compact authority. The court may
73 rescind or modify at any time the terms and conditions
74 theretofore imposed by it upon the probationer. However, if the
75 court withholds adjudication of guilt or imposes a period of

76 incarceration as a condition of probation, the period may not
 77 exceed 364 days, and incarceration shall be restricted to either
 78 a county facility, or a probation and restitution center under
 79 the jurisdiction of the Department of Corrections.

80 Section 2. Section 948.051, Florida Statutes, is created
 81 to read:

82 948.051 Probation credits.-

83 (1) As used in this section, the term:

84 (a) "Compliance" means the absence of a violation report
 85 submitted by a probation officer during a calendar month, a
 86 technical violation notification letter filed during a calendar
 87 month, an alternative sanction imposed under s. 948.06 during a
 88 calendar month, a motion to revoke or motion to suspend
 89 probation filed in a calendar month, or a determination of the
 90 probationer's guilt of a probation violation or criminal
 91 offense, whether by trial, hearing, or plea.

92 (b) "Department" means the Department of Corrections.

93 (c) "Life skills program" means a program approved by the
 94 department which is designed to reduce recidivism by addressing,
 95 at a minimum, education, job skills, interpersonal skills,
 96 stress and anger management, or personal development.

97 (2) The department may grant deductions from terms of
 98 probation in the form of probation credits to encourage
 99 satisfactory behavior on probation, to provide a meaningful
 100 incentive for probationers to participate in and complete

101 recidivism-reducing activities and programs, and to reward
102 probationers who perform outstanding deeds or services. Credits
103 shall be awarded in accordance with the following terms:

104 (a) A probationer shall be eligible to earn probation
105 credits to reduce his or her term of probation during each full
106 calendar month in which the probationer is in compliance with
107 the terms of his or her probation.

108 (b) As a means of encouraging satisfactory behavior and
109 successful reentry, the department shall grant a probationer a
110 probation credit for good behavior which shall reduce a
111 probationer's term of probation by 10 days for each calendar
112 month of compliance with the terms of his or her probation.

113 1. A probation credit for good behavior for a partial
114 month shall be prorated on the basis of a 30-day month.

115 2. A probationer may not earn a probation credit for good
116 behavior on the last full calendar month of his or her
117 probation.

118 3. If earned, probation credits for good behavior shall be
119 credited and applied by the probationer's probation officer at
120 least quarterly.

121 (c)1. As a means of encouraging employment and public
122 safety and well-being, the department shall grant a probation
123 credit for rehabilitation which shall reduce a probationer's
124 term of probation by 60 days for each completion of a
125 recidivism-reducing activity, including the following:

126 a. A high school equivalency diploma.

127 b. An academic degree, vocational course, or certificate.

128 c. Validated substance abuse or mental health treatment
129 not required as a condition of supervision.

130 d. Life skills programs and other recidivism-reducing
131 programs and activities approved by the court or the relevant
132 office of supervision.

133 2. If earned, probation credits for rehabilitation shall
134 be credited and applied by the probationer's probation officer
135 at least quarterly.

136 3. Probation credits for rehabilitation awarded for
137 completing a recidivism-reducing activity under this paragraph
138 are retroactive.

139 (d) The department may grant additional probation credits
140 for rehabilitation of up to 20 days for each month in which a
141 probationer works diligently, participates in training or
142 education, uses time constructively, or otherwise engages in
143 positive activities. If earned, probation credits for
144 rehabilitation shall be credited and applied by the
145 probationer's probation officer at least quarterly.

146 (e) To encourage outstanding deeds or service to the
147 community, the department may award a probationer probation
148 credits for meritorious actions under the terms and in the
149 amount applicable to inmates as provided in s. 944.275(4)(c).
150 Probation credits awarded under this paragraph may be applied

151 retroactively. If earned, probation credits shall be credited
152 and applied by the probationer's probation officer at least
153 quarterly.

154 (f) A probationer shall not earn any probation credits for
155 a calendar month in which a sustained violation occurred, he or
156 she absconded from probation, or he or she is incarcerated on a
157 conviction or a sustained violation.

158 (g) The calculation of probation credits begins on the
159 probationer's first day of probation or on July 1, 2022, if the
160 probationer began a term of probation before June 1, 2022.

161 (h) When a probationer is subject to more than one period
162 of community supervision, the reductions authorized in this
163 section shall be applied to each period of supervision to which
164 the probationer is subject.

165 (i) Any probation credits for good behavior earned under
166 this section may be rescinded if the court revokes a term of
167 probation and imposes a term of incarceration.

168 (j) Once the combination of time served on probation and
169 accrued probation credits satisfy the total term of probation
170 imposed, the court shall order the supervision terminated, so
171 long as the probationer has not been found to have willfully
172 failed to pay any restitution amount.

173 (3) At least quarterly and before consideration of early
174 termination of supervision under s. 948.04(4), the probationer's
175 probation officer shall calculate and provide the probationer in

176 writing, by electronic communication or at a scheduled check-in,
177 with an account of his or her earned probation credits by type
178 of credits earned under subsection (2) and the length of the
179 remaining term. If the probationer disagrees with the probation
180 officer's calculation of his or her credits, the probationer may
181 ask for court review of his or her probation credits before any
182 consideration of early termination of supervision under s.
183 948.04(4) and within 3 months before the probation termination
184 date established by the court under s. 948.04.

185 (4) The department shall adopt rules to implement the
186 granting, forfeiture, restoration, and deletion of probation
187 credits for good behavior, probation credits for rehabilitation,
188 and probation credits for meritorious actions. These rules must
189 include procedures for informing each probationer at the
190 commencement of his or her probation term of his or her
191 eligibility to earn such credits and the processes by which he
192 or she can earn each type of credit.

193 (5) The department shall collect information and report
194 annually to the Governor, the President of the Senate, and the
195 Speaker of the House of Representatives, and make the report
196 publicly available, no later than December 1st each year. The
197 report must include the number of probationers under the
198 supervision of the department who have earned credits under this
199 section during that year, the average amount of credits earned
200 per probationer during that year, the total number of

201 supervision days reduced due to the awarding of credits under
 202 this section, and the number of probationers terminated from
 203 supervision early that year.

204 Section 3. Paragraph (a) of subsection (4) of section
 205 948.04, Florida Statutes, is amended to read:

206 948.04 Period of probation; duty of probationer; early
 207 termination; conversion of term.—

208 (4) Except as provided in subsection (5), for defendants
 209 sentenced to probation on or after October 1, 2019, the court,
 210 upon motion by the probationer or the probation officer, shall
 211 either early terminate the probationer's supervision or convert
 212 the supervisory term to administrative probation if all of the
 213 following requirements are met:

214 (a) The probationer has completed at least half of the
 215 term of probation to which he or she was sentenced, accounting
 216 for the application of any credits earned under s. 948.051.

217 Section 4. Subsection (6) of section 948.09, Florida
 218 Statutes, is amended to read:

219 948.09 Payment for cost of supervision and other monetary
 220 obligations.—

221 (6) The department shall establish a payment plan for all
 222 costs ordered by the courts for collection by the department and
 223 a priority order for payments, except that victim restitution
 224 payments authorized under s. 948.03(1)(e) ~~s. 948.03(1)(f)~~ take
 225 precedence over all other court-ordered payments. The department

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226 | is not required to disburse cumulative amounts of less than \$10
227 | to individual payees established on this payment plan.

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