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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2022	.	
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The Committee on Criminal Justice (Gainer) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) Any state court having original jurisdiction of  
criminal actions may at a time to be determined by the court,



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11 with or without an adjudication of the guilt of the defendant,  
12 hear and determine the question of the probation of a defendant  
13 in a criminal case, except for an offense punishable by death,  
14 who has been found guilty by the verdict of a jury, has entered  
15 a plea of guilty or a plea of nolo contendere, or has been found  
16 guilty by the court trying the case without a jury.

17 (a) If the court places the defendant on probation or into  
18 community control for a felony, the department shall provide  
19 immediate supervision by an officer employed in compliance with  
20 the minimum qualifications for officers as provided in s.

21 943.13. The department may provide supervision to misdemeanor  
22 offenders sentenced or placed on probation by a circuit court,  
23 when so ordered by the sentencing court. A private entity may  
24 not provide probationary or supervision services to felony ~~or~~  
25 ~~misdemeanor~~ offenders sentenced or placed on probation or other  
26 supervision ~~by the circuit court.~~

27 (5) The imposition of sentence may not be suspended and the  
28 defendant thereupon placed on probation or into community  
29 control unless the defendant is placed under the custody of the  
30 department or another public or private entity. A private entity  
31 may not provide probationary or supervision services to felony  
32 ~~or misdemeanor~~ offenders sentenced or placed on probation or  
33 other supervision ~~by the circuit court.~~

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

36 948.15 Misdemeanor probation services.—

37 (2) A private entity or public entity, including a licensed  
38 substance abuse education and intervention program, under the  
39 supervision of the board of county commissioners or the court



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40 may provide probation services and licensed substance abuse  
41 education and treatment intervention programs for misdemeanor  
42 offenders sentenced or placed on probation ~~by the county court.~~

43 (3) Any private entity, including a licensed substance  
44 abuse education and intervention program, providing services for  
45 the supervision of misdemeanor probationers must contract with  
46 the county in which the services are to be rendered. The chief  
47 judge ~~In a county having a population of fewer than 70,000, the~~  
48 ~~county court judge, or the administrative judge of the county~~  
49 ~~court in a county that has more than one county court judge,~~  
50 must approve the contract. Terms of the contract must state, but  
51 are not limited to:

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

54 (b) Staff qualifications and criminal record checks of  
55 staff.

56 (c) Staffing levels.

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

58 (e) Procedures for handling the collection of all offender  
59 fees and restitution.

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

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

64 (h) Reporting and recordkeeping requirements.

65 (i) Default and contract termination procedures.

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

67 (k) Procedures for accessing criminal history records of  
68 probationers.



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In addition, the entity shall supply the chief judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity must be open to inspection upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled  
An act relating to probationary or supervision services for misdemeanor offenders; amending s. 948.01, F.S.; authorizing the Department of Corrections to supervise certain misdemeanor offenders; deleting a prohibition on private entities providing probationary or supervision services to certain misdemeanor offenders; amending s. 948.15, F.S.; authorizing a private or public entity to provide probation services and other specified programming to misdemeanor offenders; revising who may approve specified contracts; providing an effective date.