

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 Section 1. Subsection (1) and present subsections (4) and
 98 (9) of section 948.001, Florida Statutes, are amended, and
 99 present subsections (5) through (14) of that section are
 100 redesignated as subsections (4) through (13), respectively, to

101 read:

102 948.001 Definitions.—As used in this chapter, the term:

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

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

114 ~~(8)-(9)~~ (8) "Probation" means a form of community supervision
 115 requiring specified contacts with ~~parole and~~ probation officers
 116 and other terms and conditions as provided in s. 948.03.

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

119 948.01 When court may place defendant on probation or into
 120 community control.—

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

126 | who has been found guilty by the verdict of a jury, has entered
 127 | a plea of guilty or a plea of nolo contendere, or has been found
 128 | guilty by the court trying the case without a jury.

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

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

139 | 948.012 Split sentence of probation or community control
 140 | and imprisonment.—

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

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

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

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

- 171 1. Section 782.04(1)(a)2.c.;
- 172 2. Section 787.01(3)(a)2. or 3.;
- 173 3. Section 787.02(3)(a)2. or 3.;
- 174 4. Section 794.011, excluding s. 794.011(10);
- 175 5. Section 800.04;

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

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

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

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

195 948.013 Administrative probation.—

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

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

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

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

217 948.03 Terms and conditions of probation.—

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

224 (a) Report to the probation officer ~~and parole supervisors~~
 225 as directed.

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

228 (1)1. Submit to random testing as directed by the
 229 ~~correctional~~ probation officer or the professional staff of the
 230 treatment center where he or she is receiving treatment to
 231 determine the presence or use of alcohol or controlled
 232 substances.

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

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

242 1. Firearm.

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

245 (2) The enumeration of specific kinds of terms and
 246 conditions does ~~shall~~ not prevent the court from adding thereto
 247 such other or others as it considers proper. However, the
 248 sentencing court may only impose a condition of supervision
 249 allowing an offender convicted of s. 794.011, s. 800.04, s.
 250 827.071, s. 847.0135(5), or s. 847.0145~~7~~ to reside in another

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

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

266 948.031 Condition of probation or community control;
 267 community ~~public~~ service.-

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

275 (2) Upon the request of the chief judge of the circuit,

276 the Department of Corrections shall establish a community ~~public~~
 277 service program for a county, which program may include, but is
 278 ~~shall not be~~ limited to, any of the following types of community
 279 ~~public~~ service:

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

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

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

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

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

292 948.035 Residential treatment as a condition of probation
 293 or community control.—

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

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

300 ~~(b) A probation program drug punishment treatment~~

301 ~~community;~~

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

305 (c) ~~(d)~~ A county-owned facility.

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

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

322 948.037 Education and learning as a condition of probation
 323 or community control.—

324 (1) As a condition of community control, probation, or
 325 probation following incarceration, the court may ~~shall~~ require

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

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

347 948.06 Violation of probation or community control;
348 revocation; modification; continuance; failure to pay
349 restitution or cost of supervision.—

350 (1) (a) Whenever within the period of probation or

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

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

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

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

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

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

394 948.09 Payment for cost of supervision and other monetary
 395 obligations ~~rehabilitation.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

475 ~~(4) In addition to the contribution required under~~

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

498 (4)~~(5)~~ As a condition of an interstate compact adopted
 499 pursuant to chapter 949, the department shall require each out-
 500 of-state probationer or parolee transferred to this state to

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

506 (5)~~(6)~~ In addition to any other required contributions,
 507 the department, at its discretion, may require offenders under
 508 any form of supervision to submit to and pay for urinalysis
 509 testing to identify drug usage as part of the rehabilitation
 510 program. Any failure to make such payment, or participate, may
 511 be considered a ground for revocation by the court, the Florida
 512 Commission on Offender Review, or the Control Release Authority,
 513 or for removal from the pretrial intervention program by the
 514 state attorney. The department may exempt a person from such
 515 payment if it determines that any of the factors specified in
 516 subsection (3) exist.

517 (6)~~(7)~~ The department shall establish a payment plan for
 518 all costs ordered by the courts for collection by the department
 519 and a priority order for payments, except that victim
 520 restitution payments authorized under s. 948.03(1)(f) take
 521 precedence over all other court-ordered payments. The department
 522 is not required to disburse cumulative amounts of less than \$10
 523 to individual payees established on this payment plan.

524 Section 11. Section 948.10, Florida Statutes, is amended
 525 to read:

526 948.10 Community control programs; home confinement.—
 527 (1) The Department of Corrections shall develop and
 528 administer a community control program. This ~~complementary~~
 529 program shall be rigidly structured and designed to accommodate
 530 offenders who, in the absence of such a program, would have been
 531 incarcerated in a jail or prison. The program shall focus on the
 532 provision of home confinement subject to an authorized level of
 533 limited freedom and special conditions ~~sanctions and~~
 534 ~~consequences which~~ that are commensurate with the seriousness of
 535 the crime. The program shall offer the courts and the Florida
 536 Commission on Offender Review an alternative, community-based
 537 method to punish an offender in lieu of incarceration and shall
 538 provide intensive supervision to closely monitor compliance with
 539 restrictions and special conditions, including, but not limited
 540 to, treatment or rehabilitative programs. The targeted
 541 population for this community control program includes ~~if the~~
 542 ~~offender is a member of one of the following target groups:~~
 543 (a) Probation violators charged with technical violations
 544 or new misdemeanor ~~violations~~ of law.
 545 (b) Parole or conditional release violators charged with
 546 technical violations or new misdemeanor ~~violations~~ of law.
 547 (c) Individuals found guilty of felonies, who, due to
 548 their criminal backgrounds or the seriousness of the offenses,
 549 would not be placed on regular probation.
 550 (2) ~~The department shall commit not less than 10 percent~~

551 ~~of the parole and probation field staff and supporting resources~~
552 ~~to the operation of the community control program.~~ Caseloads
553 should be restricted to a maximum of 30 ~~25~~ cases per officer in
554 order to ensure an adequate level of staffing. Community control
555 is an individualized program in which the offender is restricted
556 to a residential treatment facility or a nursing facility
557 ~~noninstitutional quarters~~ or restricted to his or her approved
558 ~~own~~ residence subject to an authorized level of limited freedom.

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

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

573 ~~(5) In its annual report to the Governor, the President of~~
574 ~~the Senate, and the Speaker of the House of Representatives~~
575 ~~under s. 20.315(5), the department shall include a detailed~~

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

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

585 948.101 Terms and conditions of community control.—

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

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

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

608 948.11 Electronic monitoring devices.—

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

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

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

624 (5) Any person being electronically monitored by the
 625 department as a result of being placed on supervision shall pay

626 the department for the electronic monitoring services as
 627 provided in s. 948.09(2).

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

630 948.15 Misdemeanor probation services.—

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

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

643
 644 In addition, the entity shall supply the chief judge's office
 645 with a quarterly report summarizing the number of offenders
 646 supervised by the private entity, payment of the required
 647 contribution under supervision or rehabilitation, and the number
 648 of offenders for whom supervision or rehabilitation will be
 649 terminated. All records of the entity must be open to inspection
 650 upon the request of the county, the court, the Auditor General,

651 the Office of Program Policy Analysis and Government
 652 Accountability, or agents thereof.

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

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

658 921.187 Disposition and sentencing; alternatives;
 659 restitution.—

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

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

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

674 947.1405 Conditional release program.—

675 (7)

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

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

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

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

700 4. If there was sexual contact, a submission to, at the

701 releasee's expense, an HIV test with the results to be released
 702 to the victim or the victim's parent or guardian.

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

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

717 947.1747 Community control as a special condition of
 718 parole.—Upon the establishment of an effective parole release
 719 date as provided for in ss. 947.1745 and 947.1746, the
 720 commission may, as a special condition of parole, require an
 721 inmate to be placed in the community control program of the
 722 Department of Corrections as described in s. 948.10 for a period
 723 not exceeding 6 months. In every case in which the commission
 724 decides to place an inmate on community control as a special
 725 condition of parole, the commission shall provide a written

726 explanation of the reasons for its decision.

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

731 948.01 When court may place defendant on probation or into
 732 community control.—

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

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

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

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