

CHAPTER 2022-166

Committee Substitute for Committee Substitute for Senate Bill No. 752

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. 948.03, F.S.; authorizing a probationer or offender in community control to report to a probation officer through remote reporting under specified circumstances; requiring the department and county probation authorities or entities to adopt and make available remote probation reporting policies under certain circumstances; amending s. 948.05, F.S.; requiring the department to reduce a probationer's or offender's supervision term by a specified amount of time for completing an educational advancement activity; defining the term "educational advancement activity"; requiring the department to incentivize stable employment by reducing a probationer's or offender's term of supervision by a specified amount of time for each period of workforce achievement; defining the term "workforce achievement"; requiring the department to verify such employment; 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 must approve specified contracts; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection (5) of section 948.01, Florida Statutes, are 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, with or without an adjudication of the guilt of the defendant, hear and determine the question of the probation of a defendant in a criminal case, except for an offense punishable by death, who has been found guilty by the verdict of a jury, has entered a plea of guilty or a plea of nolo contendere, or has been found guilty by the court trying the case without a jury.

(a) If the court places the defendant on probation or into community control for a felony, the department shall provide immediate supervision by an officer employed in compliance with the minimum qualifications for officers as provided in s. 943.13. The department may provide supervision to misdemeanor offenders sentenced or placed on probation by a circuit court when so ordered by the sentencing court. A private entity may not provide

probationary or supervision services to felony ~~or misdemeanor~~ offenders sentenced or placed on probation or other supervision by ~~the circuit court~~.

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

Section 2. Paragraphs (a) of subsection (1) of section 948.03, Florida Statutes, is amended to read:

948.03 Terms and conditions of probation.—

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

(a) Report to the probation officer as directed. Such reporting requirements may be fulfilled through remote reporting if approved by the relevant probation officer, relevant county probation authority or entity, or the Department of Corrections and if the court has not excluded the possibility of remote reporting by the defendant in his or her order of probation. If the Department of Corrections or a county probation authority or entity elects to authorize remote reporting, it must adopt and make available remote probation reporting policies.

Section 3. Subsection (2) of section 948.05, Florida Statutes, is amended to read:

948.05 Court to admonish or commend probationer or offender in community control; graduated incentives.—

(2) The department shall implement a system of graduated incentives to promote compliance with the terms of supervision, encourage educational achievement and stable employment, and prioritize the highest levels of supervision for probationers or offenders presenting the greatest risk of recidivism.

(a) As part of the graduated incentives system, the department may, without leave of court, offer the following incentives to a compliant probationer or offender in community control:

1. Up to 25 percent reduction of required community service hours;
2. Waiver of supervision fees;
3. Reduction in frequency of reporting;

4. Permission to report by mail or telephone; or
5. Transfer of an eligible offender to administrative probation as authorized under s. 948.013.

(b) The department may also incentivize positive behavior and compliance with recommendations to the court to modify the terms of supervision, including recommending:

1. Permission to travel;
2. Reduction of supervision type;
3. Modification or cessation of curfew;
4. Reduction or cessation of substance abuse testing; or
5. Early termination of supervision.

(c) The department shall, without leave of court, incentivize educational achievement by awarding a compliant probationer or offender in community control with a 60-day reduction of his or her term of supervision for each educational advancement activity he or she completes during the term of supervision. As used in this paragraph, the term “educational advancement activity” means a high school equivalency degree, an academic degree, or a vocational certificate.

(d) The department shall, without leave of court, incentivize stable employment by awarding a compliant probationer or offender in community control a 30-day reduction of his or her term of supervision for each period of workforce achievement he or she completes during the term of supervision. As used in this paragraph, the term “workforce achievement” means continuous and verifiable full-time employment, for at least 30 hours per week for a 6-month period, for which the probationer or offender earns a wage. The department shall verify such employment through supporting documentation, which may include, but need not be limited to, any record, letter, pay stub, contract, or other department-approved method of verification.

(e)(e) A probationer or offender who commits a subsequent violation of probation may forfeit any previously earned probation incentive, as determined appropriate by his or her probation officer.

Section 4. Subsections (2) and (3) of section 948.15, Florida Statutes, are amended to read:

948.15 Misdemeanor probation services.—

(2) A private entity or public entity, including a licensed substance abuse education and intervention program, under the supervision of the board of county commissioners or the court may provide probation services and

licensed substance abuse education and treatment intervention programs for misdemeanor offenders sentenced or placed on probation by the county court.

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

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

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

(c) Staffing levels.

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

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

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

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

(h) Reporting and recordkeeping requirements.

(i) Default and contract termination procedures.

(j) Procedures that aid offenders with job assistance.

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

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 5. This act shall take effect July 1, 2022.

Approved by the Governor June 3, 2022.

Filed in Office Secretary of State June 3, 2022.