

1 A bill to be entitled
2 An act relating to probationary or supervision
3 services for misdemeanor offenders; amending s.
4 948.01, F.S.; authorizing the Department of
5 Corrections to supervise certain misdemeanor
6 offenders; removing a prohibition on private entities
7 from providing probationary or supervision services to
8 certain misdemeanor offenders; amending s. 948.15,
9 F.S.; authorizing a private or public entity to
10 provide probation services and other specified
11 programming to misdemeanor offenders; revising who may
12 approve specified contracts; providing an effective
13 date.

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

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

19 948.01 When court may place defendant on probation or into
20 community control.—

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

26 | who has been found guilty by the verdict of a jury, has entered
 27 | a plea of guilty or a plea of nolo contendere, or has been found
 28 | guilty by the court trying the case without a jury.

29 | (a) If the court places the defendant on probation or into
 30 | community control for a felony, the department shall provide
 31 | immediate supervision by an officer employed in compliance with
 32 | the minimum qualifications for officers as provided in s.
 33 | 943.13. The department may provide supervision to misdemeanor
 34 | offenders sentenced or placed on probation by a circuit court,
 35 | when so ordered by the sentencing court. A private entity may
 36 | not provide probationary or supervision services to felony ~~or~~
 37 | ~~misdemeanor~~ offenders sentenced or placed on probation or other
 38 | supervision ~~by the circuit court.~~

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

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

48 | 948.15 Misdemeanor probation services.—

49 | (2) A private entity or public entity, including a
 50 | licensed substance abuse education and intervention program,

51 | under the supervision of the board of county commissioners or
 52 | the court may provide probation services and licensed substance
 53 | abuse education and treatment intervention programs for
 54 | misdemeanor offenders sentenced or placed on probation ~~by the~~
 55 | ~~county court.~~

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

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

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

69 | (c) Staffing levels.

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

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

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

75 | (g) Circumstances under which revocation of an offender's

76 probation may be recommended.

77 (h) Reporting and recordkeeping requirements.

78 (i) Default and contract termination procedures.

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

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

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

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