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Committee on Criminal Justice

Senator Victor D. Crist, Chairman

REVIEW OF CHAPTER 948, F.S., CONCERNING PROBATION AND COMMUNITY CONTROL

SUMMARY

This report provides a broad overview of ch. 948, F.S., concerning the full range of probation and community control programs in Florida, how they were developed and adjusted over time to meet changing demands, how they operate presently, and recommendations for clarifying or removing conflicting and obsolete sections.

Representatives from the Department of Corrections (department), courts, prosecution and defense met with and corresponded with Senate staff to find a consensus on what changes need to be made to ch. 948, F.S., to reorganize the statutes to be more "user friendly" and to repeal obsolete language.

Section 948.01, F.S., (when the court may place defendant on probation or into community control) and s. 948.03, F.S., (terms and conditions of probation or community control) can be reorganized into separate sections for each type of community supervision.

Other statutes that can be moved or reorganized are:

- Terms of supervision specific to the offender and ordered by the court, with rules for such, and
- All references to electronic monitoring can be grouped together.

Obsolete statutes that can be repealed are:

- Criminal quarantine community control,
- Community residential drug punishment centers,
- Community corrections assistance to counties, and
- Local offender advisory councils.

parole officers (correctional probation officers) and responsibility for supervision of offenders in the community were removed from the authority of the Florida Parole Commission and placed under the control of the Department of Offender Rehabilitation.¹ Prior to the "Correctional Organization Act of 1975," the Florida Parole Commission employed and directed all the probation and parole officers supervising offenders in the community and the prison system was a division of the Department of Health and Rehabilitative services. The Department of Offender Rehabilitation created by this act was later renamed the Department of Corrections.² The Department of Corrections has grown to become one of the largest parts of Florida Government, and the Florida Parole Commission has been reduced to a quasi judicial function concerning a shrinking pool of offenders.

Chapter 948, F.S., has been amended to some degree in almost every year since its inception. New programs have been added. Additional terms and conditions have been added to specific types of community supervision. Statutes have been crafted to regulate emerging technologies such as electronic monitoring. As a result some sections have become obsolete, superseded, or enlarged to contain multiple programs and ideas.

OVERVIEW OF COMMUNITY CORRECTIONS

Community Corrections Population

According to department reports, there are over 150,000 offenders on some form of supervision in Florida.³ This number fluctuates as offenders are added to supervision, are released from prison onto supervision, have their supervision revoked and are

BACKGROUND

The current system for probation and community control programs began in 1975 when probation and

¹ Ch. 75-49, s. 2, 1975 *Laws of Fla.* 114, 116-117 (CS/SB 169 (1975)).

² Ch. 79-3, 1979 *Laws of Fla.* 12, 13-52 (HB 642 (1979)).

³ Florida Department of Corrections, Annual Report 1999-00, p. 41.

sent to prison, or successfully complete their term of supervision.

The department currently employs over 3,200 correctional probation officers out of nearly 26,000 employees. Slightly more than half of the total correctional probation officers are male and more than one in three are minorities. This staff supervise offenders on:

- Probation (123,579);
- Community Control (13,615);
- Pretrial Intervention (8,632);
- Drug Offender Probation (13,289);
- Sex Offender Probation (1,416);
- Parole (2,241);
- Conditional Release (3,834);
- Control release (220); and
- Conditional Medical Release (10).

The numbers for drug offender probation and sex offender probation are included in the totals for probation and community control, and should not be read as additional offenders under supervision. Roughly 60 percent of the parolees are from out of state and are supervised by the department under the interstate compact on parole and probation supervision.⁴

While all the offenders listed above are under the supervision of the department, those on probation, community control, and pretrial intervention are under the jurisdiction of the circuit court, and those on parole and some other form of post-prison release supervision are under the quasi-judicial jurisdiction of the Parole Commission.

The Department of Correction's most recent "Monthly Status Report" dated July 2001, offers the following picture of Florida's community supervision population.⁵

- 152,146 offenders are on active community supervision.
- 128,106 are in the community.
- 24,040 are monitored in a prison, hospital, drug treatment center or other facility.

⁴ See s. 949.07, F.S. (2000).

⁵ *Florida's Community Supervision Population, Monthly Status Report*, Florida Department of Corrections, Bureau of Research and Data Analysis, Community Supervision Section, 1 (July 2001).

Another 4,177 offenders placed on supervision in Florida are supervised in other states. Some 46,309 offenders are listed as absconders, but this number includes all those not accounted for regardless of the year they left active supervision, and may well include a number of deceased offenders, according to the Community Supervision Section of the Department of Corrections.

Community Corrections Regions

Community supervision services are organized into 4 regions made up of multiple judicial circuits:

- North Florida, circuits 1,2,3,4,7,8,14;
- Central and East Florida, circuits 5,9,10,18,19;
- Southeast Florida, circuits 11,15,16,17; and
- Southwest Florida, circuits 6,12,13,20.

The regions supervise roughly equal numbers of offenders. The regions do not correspond to the four regions the department uses to organize its correctional facilities. Prisoners can be moved around to utilize available prison space. Offenders in community supervision are generally confined to their county of residence.

Who is Placed on Community Supervision

People who are found to have committed crimes can be placed on some form of community supervision, such as probation or community control by any court having jurisdiction over criminal actions.⁶ The statute recommends community supervision for offenders who appear not likely to reoffend and present the lowest danger to the welfare of society. Generally, this means those offenders whose sentencing guidelines score sheet does not recommend incarceration under the Criminal Punishment Code.⁷ There is also the possibility that a person can be diverted to a pretrial intervention program without having to go to trial or enter a plea, as will be discussed later.

Over half the people on community supervision committed either a theft, forgery, fraud or drug offense as their most serious offense.⁸ Of those placed on probation, 63.2 percent have no prior community

⁶ See s. 948.01, F.S., (2000), except offenses punishable by death.

⁷ See s. 921.0024, F.S., (2000).

⁸ *Florida's Community Supervision Population, Monthly Status Report*, Florida Department of Corrections, Bureau of Research and Data Analysis, Community Supervision Section, 1 (July 2001).

supervision commitments and 86.7 percent have never been sentenced to prison. Of those placed into community control, 35.9 percent have no prior community supervision commitments and 80.9 percent have never been sentenced to prison.⁹ According to representatives of the department, offenders on probation average 2.5 prior convictions, and offenders on community control average 4.9 prior convictions, with a range of convictions from 0 to 378. Of the nearly 150,000 persons on some form of supervision, almost 100,000 a year will be removed from supervision one way or another.¹⁰ They will be replaced by nearly 100,000 annual admissions to supervision.¹¹

Who Manages Community Supervision

The department supervises all of the offenders who are sentenced to some form of community supervision out of circuit court.¹² Counties manage probation and other types of supervision originating in county court, but this may be contracted out to private entities.¹³ Private entities may also handle some pretrial intervention programs.¹⁴

TYPES OF SUPERVISION

As noted above, there are several types of community supervision, each of which is described in ch. 948, F.S., with terms and conditions for each type of supervision. It should be noted that the Florida Parole Commission shares jurisdiction over some post-prison release cases such as parole and conditional release. Some of the terms and conditions governing those offenders are described in ch. 947, F.S. This report does not deal with ch. 947, F.S., in the substantial way it does with ch. 948, F.S. The court may also impose case or offender specific terms and conditions that in a sense describe forms of supervision. The following sections describe the types of supervision in terms of the statutes.

⁹ *Florida's Community Supervision Population, Monthly Status Report*, Florida Department of Corrections, Bureau of Research and Data Analysis, Community Supervision Section, 13 (July 2001).

¹⁰ Florida Department of Corrections, Annual Report 1999-00, p. 70.

¹¹ Florida Department of Corrections, Annual Report 1999-00, p. 43.

¹² See s. 948.01, F.S., (2000).

¹³ See s. 948.15, F.S., (2000).

¹⁴ See s. 948.08(8), F.S., (2000).

Probation

As the numbers indicate this is by far the most common form of community supervision. Probation is a term or sentence imposed by the court with 13 or more conditions specified by statute¹⁵ as well as those special conditions imposed by the court, lasting a specific period of time that can not exceed the maximum sentence for the offense. The first two conditions that apply to probation and all forms of supervision require the probationer to report to his or her correctional probation officer and permit the officer to visit the probationer at work, home, or elsewhere. This requirement ensures contact is maintained throughout the term of probation.

Every probationer is required to pay a cost of supervision fee, which goes into the general revenue fund, and the Legislature allocates money to the department to fund community corrections. The department collects other fees, court costs and restitution through its Court Ordered Payments System. These monies are distributed by formula, with preference given to the payment of victims' restitution. It should be noted that the failure to pay fees and restitution cannot be the sole basis for revocation of probation or any other supervision, unless the state proves the offender had the means to pay, but willfully refused to do so. This complies with the constitutional prohibition against imprisonment for debts.

Drug Offender Probation

The statute defines drug offender probation as "a form of intensive supervision which emphasizes treatment."¹⁶ Correctional probation officers with specific training or experience are assigned to supervise drug offender probationers. Each offender in this program has an individualized plan of treatment that includes additional surveillance and random drug testing. The caseloads for these officers are limited to 50 offenders. Of course, all the standard terms and conditions of standard probation apply to persons on drug offender probation.

Sex Offender Probation

The statute defines sex offender probation, as well as sex offender community control as "a form of intensive supervision, with or without electronic monitoring, which emphasizes treatment."¹⁷ Like drug offender probation, officers with specific training or experience are assigned to supervise sex offenders. Each offender

¹⁵ See s. 948.03(1)(a)-(m), F.S. (2000)

¹⁶ See s. 948.001(4), F.S., (2000).

¹⁷ See s. 948.001(7), F.S., (2000).

in this program has an individualized plan of treatment. The caseloads for these officers are limited. According to one officer who supervises sex offenders, his caseload is kept under 40.

As specified in the law, all the standard terms and conditions of standard probation apply to persons on sex offender probation. There are 10 to 15 additional terms and conditions of sex offender probation specified in the statutes.¹⁸ These conditions restrict the sex offender in terms of where he or she may live, work, and visit, with whom he or she may associate, and when he or she may be outside the residence. The statute also requires DNA samples, polygraph testing, and active participation in sex offender treatment.

Community Control

The statute defines community control as “a form of intensive, supervised custody.”¹⁹ The term custody and other language in the statute, such as “placed into community control”²⁰ support the department’s description of this form of supervision as “house arrest.”²¹ Community control is described in several sections of ch. 948, F.S.: ss. 948.001(2), 948.01, 948.03, and 948.10, F.S. (2000). The statutes direct the courts to place into community control programs only those felony offenders who are not suitable for probation, and would otherwise be sent to prison.

Correctional probation officers with specific training or experience are assigned to supervise offenders placed into community control. The caseloads for these officers are limited to 25 offenders, and the department is supposed to commit not less than 10 percent of its officers to supervise these offenders.

As with other forms of supervision, all the standard terms and conditions of standard probation apply to persons on community control. In addition to those conditions, the statute suggests that the court impose more contact with correctional probation officers, confinement to the residence except during work hours, mandatory public service, and electronic monitoring.²² Some sex offenders are placed on sex offender community control for heightened supervision, in which the additional sex offender conditions discussed

in the section on sex offender probation would also apply.

Electronic monitoring is often used in community control cases to track the offender’s movement or monitor compliance with terms of confinement to the residence.²³ There are 2 types of electronic monitoring, radio frequency and global positioning.²⁴ Radio frequency electronically “tethers” the offender to his or her residence while not at work or during some other approved time window. This is done by a device attached to the offender and a monitor in the residence, usually attached to the telephone. There are 356 offenders on radio frequency. Global positioning continuously tracks the movements of the offender in the community. A device is attached to the offender that emits a signal to a satellite. There are 579 offenders on global positioning.²⁵

Pretrial Intervention

The state of Florida operates or oversees a number of different pretrial intervention programs, such as drug courts.²⁶ The criminal justice system diverts some of the least serious offenders into these programs. These programs have conditions similar to probation, including fees, restitution, public service, and counseling to prevent a return to criminal behavior.

The chief judge of each circuit appoints an advisory committee that includes representatives of the prosecution, defense, and others to oversee the programs locally. Admission is limited to first time offenders, charged with a third degree felony or less. The prior approval of the state attorney, and victim, if there is one, is required. The participant has to waive speedy trial for the duration of the program. If the participant fails to successfully complete the program, the case reverts to normal prosecution. If the participant successfully completes the program, the state dismisses the charges and he or she avoids a criminal record.

Other Forms of Supervision

The department supervises a limited number of post-prison offenders on parole, conditional release, and

¹⁸ See s. 948.03(4)(5), F.S., (2000).

¹⁹ See s. 948.001(2), F.S., (2000).

²⁰ See s. 948.03(2)(a), F.S., (2000).

²¹ Florida Department of Corrections, Annual Report 1999-00, p. 41.

²² See s. 948.03(2), F.S., (2000).

²³ Florida Department of Corrections, Annual Report 1999-00, p. 42.

²⁴ Florida Department of Corrections, Annual Report 1999-00, p. 42.

²⁵ *Florida’s Community Supervision Population, Monthly Status Report*, Florida Department of Corrections, Bureau of Research and Data Analysis, Community Supervision Section, 1 (July 2001).

²⁶ See s. 948.08, F.S., (2000).

control release. The provisions and conditions for these programs are outlined in ch. 947, F.S., which deals with the Florida Parole Commission. This type of term of supervision is not ordered by the court, as is a term of probation to follow a term of incarceration. Rather, parole is granted by the Parole Commission to a parole eligible inmate who has served a portion of his or her sentence.²⁷ Eligibility for parole was closed in 1983 when the sentencing guidelines were established.²⁸

In 1988, the Legislature created the conditional release program.²⁹ The statute mandates that certain inmates convicted for committing very serious crimes, who receive gain time, will serve the remaining balance of their full sentence on community supervision, so that gain time will not shorten their sentences.³⁰ The time frames for conditional release were reduced when the state enacted the rule requiring inmates to serve at least 85 percent of their sentences.³¹

Violation, Revocation, Modification

Whenever an offender on supervision is alleged to have violated the terms or conditions, including a new criminal offense, he or she can be arrested by any law enforcement officer with or without a warrant. The statute requires the offender be returned to the court that imposed the supervision and that the court advise the offender of the alleged violation. The offender may admit the violation, in which case the court may dispose of the case or schedule a hearing on the matter. If the offender does not admit the violation, the court may release or detain the offender pending an evidentiary hearing on the matter. Violation of the terms and conditions of probation, community control, or some other form of court ordered supervision may result in revocation of community supervision and the imposition of any legal sentence, but could also result in reinstatement of the same supervision or some modification of the terms and conditions.³² Dismissal of the affidavit of violation will permit the term of supervision to continue as originally imposed.

Over the past 10 years, the community supervision population has grown to average about 150,000

²⁷ See s. 948.16, F.S., (2000).

²⁸ Ch. 83-131, s. 9, 1983 *Laws of Fla.* 435, 443-445 (CS/CS/HB 1012 (1983)). Eligibility for parole for capital felonies was eliminated in 1995.

²⁹ Ch. 88-122, s.19, 1988 *Laws of Fla.* 527-542-543 (CS/HB 1574, 1422, 1430, 1438, 1439, and 1567).

³⁰ See s. 947.1405, F.S., (2000).

³¹ Ch. 95-182, s. 2, 1995 *Laws of Fla.*, 1665, 1670 (CS/SB 168 (1995)).

³² See s. 948.06, F.S., (2000).

offenders at any given time.³³ Because the average term of supervision is less than 3 years, almost 100,000 offenders on supervision leave supervision annually, one way or another. According to the department, 48.2 percent of offenders satisfy their sentences and are released from supervision, 19.1 percent commit a new offense, which may lead to revocation, modification, or incarceration, and 30 percent commit a technical violation, which may lead to revocation, modification, or incarceration. About 3 percent are sent out of state or die.³⁴

METHODOLOGY

Senate staff conducted a thorough examination of ch. 948, F.S. In addition, staff has looked at referenced statutes and corresponding procedural rules. Staff has reviewed Florida's offender supervision programs and relevant literature provided by the Department of Corrections, Office of Community Supervision.

Staff met with officials and support staff within the department individually, as well as with representatives of the Governor's office, the Florida Corrections Commission, prosecutors, defense counsel, and the state's judicial system, (stakeholders). Staff visited local probation offices and went out on routine visits of offenders with probation officers.

Finally, staff assembled representatives from the entities mentioned above on August 2, 2001, to review findings of staff's research, and consider recommendations to address the conflicts and other problems in ch. 948, F.S. The consensus reached forms the basis for the proposed legislation and this report.

FINDINGS

This report and the proposed legislation that goes with it pertain to several sections and subsections of ch. 948, F.S. For the sake of organization, the "findings" will address each area of concern in the order each item appears in the statutes.

1. Section 948.001(1), F.S., defines "Administrative probation" and contains language describing how the department will handle offenders transferred from regular probation to administrative probation. It was the consensus of the stakeholders and staff that the terms and conditions of administrative

³³ Florida Department of Corrections, Annual Report 1999-00, p. 56.

³⁴ Florida Department of Corrections, Annual Report 1999-00, p. 71.

probation found in this subsection and other places in the chapter could be moved to a new section addressing only administrative probation.

2. Section 948.001(3), F.S., defines “Criminal quarantine community control.” This definition and s. 948.01(14), F.S., describe a form of house arrest for persons who violate s. 775.0877, F.S., prohibiting the criminal transmission of the HIV virus. These provisions were enacted to deal specifically with those offenders who knowingly and intentionally infected others with the HIV virus.³⁵ According to the department, there are no offenders presently on criminal quarantine community control and such offenders can be supervised on standard community control or sex offender probation. In view of these facts, the consensus of the stakeholders was that criminal quarantine community control and references to that elsewhere in the statutes are obsolete.
3. Section 948.001(6), F.S., defines “Community residential drug punishment center.” The program is detailed in s. 948.034, F.S. According to the department and the Governor’s office, this program has not been funded, and is not in use. According to one judge, the existence of this program in the statutes causes confusion especially for judges rotating onto the criminal bench for the first time. Probation officers have to explain to them why this option is not available. It was the consensus of the stakeholders that all references to community residential drug punishment centers should be deleted from the statutes. The department feels that other drug treatment options are available to sentencing courts. Additionally the department provides mandatory drug treatment in prisons.
4. There was a suggestion by a judge to add a definition of “Sentence” to the statutes that would correspond to the working description of a sentence in the rules of procedure.³⁶ There was agreement that adding a definition of sentence to ch. 948, F.S., should express what a sentence is in relation to a term of probation or community control. See the proposed committee bill for that definition.
5. Section 948.01(1), F.S., contains a passage stating what the department is required to do when the court places an offender on supervision. Staff

suggested and the stakeholders agreed that this could be moved to an as yet unnumbered section to be entitled, “Requirements of the department.”

6. Section 948.01(1), F.S., contains a passage stating that private entities cannot provide probationary services in cases sentenced in circuit court. Staff suggested and the stakeholders agreed that this could be moved to an as yet unnumbered section to be entitled, “Circuit court probation to be administered by the department.”
7. Sections 948.01(3), 948.01(9), 948.01(10), and 948.03(2), F.S., contain passages that deal with some aspects of community control. Various stakeholders suggested and reached consensus that these could be moved to s. 948.10, F.S., or an as yet unnumbered section describing community control programs.
8. Sections 948.01(4), F.S., contains a passage that limits the term of community control to 2 years. Probation staff suggested that this be stated more clearly and the stakeholders agreed that this could be moved to s. 948.10, F.S., describing community control programs.
9. Sections 948.01(6) and 948.01(12), F.S., deal with split sentences. Staff suggested and the stakeholders agreed that these sections could be moved to an as yet unnumbered section to be entitled, “When and how the court may impose a split sentence.”
10. Section 948.01(13), F.S., contains language dealing with when the court should put a person on drug offender probation. Staff suggested and the stakeholders agreed that this could be moved to an as yet unnumbered section to be entitled, “When the court may place the defendant on drug offender probation.”
11. Section 948.011 is entitled, “When the court may impose fine and place on probation or into community control as to imprisonment.” One judge commented that the words “as ‘an alternative’ to imprisonment” seemed to make more sense. There was a consensus that the section would seem more complete if it read, “When the court may impose fine and place on probation or into community control as an alternative to imprisonment.”
12. Section 948.03 is entitled, “Terms and conditions of probation or community control.” This is the longest section in ch. 948, F.S. It contains the terms

³⁵ Ch. 93-227, ss. 8, 13, 14, 1993 *Laws of Fla.* 2338, 2343-2352 (CS/HB 153 (1993)).

³⁶ See Rule 3.700(a), Fla.R.Crim.P. (2000).

and conditions of probation, terms and conditions of community control, electronic monitoring, sex offender evaluation procedures, terms and conditions of sex offender probation, as well as residential treatment, work programs, education, and DNA testing as conditions of community supervision. Staff suggested that this section be divided into its parts and labeled so readers could quickly find the part of the statute they are looking for to answer their questions. The representatives of the department and other stakeholders agreed this would make the law more user friendly.

There was general consensus to use some existing section numbers and create new sections so that each form of court ordered community supervision would be described by a section stating when the court may place the defendant on that form of supervision and a subsequent section stating the terms and conditions of that form of supervision. This has been achieved in the proposed committee bill (*see* bill).

There was general consensus that the sections that did not relate to a form of supervision could be reorganized into as yet unnumbered sections for residential treatment, work programs, education, and DNA testing.

13. Representatives of the department noted that some courts will impose special conditions of probation that are not found in or suggested by the statutes. Some courts have lists of standard special conditions they impose in all cases in addition to those terms and conditions listed in the statutes. Research done by staff in the Governor's office showed that standard probation forms vary through out the state. Staff suggested and the stakeholders agreed that special conditions of supervision not found in the statutes should only be imposed by the court if they are related to the offender to be sentenced or the offense to be disposed of. This could be done by creating a new section entitled, "Specific terms and conditions of probation and community control imposed by court order."
14. Staff suggested and the stakeholders agreed that it could make electronic monitoring easier to manage if sections dealing with electronic monitoring, such as ss. 948.03(3) and 948.09(2), F.S., were moved to s. 948.11, F.S., which is entitled "Electronic monitoring devices."

15. Representatives from the department informed staff that the "Community Corrections Partnership Act,"³⁷ described in s. 948.51, F.S., is not funded and is no longer used as a community corrections strategy. The consensus of the stakeholders was to repeal this section and s. 948.50, F.S., which refers to it.

16. Representatives from the department informed staff that "Local offender advisory councils"³⁸ described in s. 948.90, F.S., are no longer used as a community corrections strategy. Two of the references to local advisory councils are in sections that are recommended for repeal. The consensus of the stakeholders was to repeal this section.

RECOMMENDATIONS

The recommendations made in this report are expressed in the proposed committee bill making changes to ch. 948, F.S. Examination of the bill will display how the large sections, ss. 948.01 and 948.03, F.S., have been broken up into smaller sections describing the various forms of court ordered community supervision and the terms and conditions of those forms of supervision. Some subsections appear repealed but can be found in new sections or reorganized under existing sections. Other sections and subsections have become outdated or obsolete because of subsequent legislation or changes in policy.

The following is a listing of the recommended amendments to ch. 948.

Recommendation # 1

Sections 948.01, F.S. "When the court may place defendant on probation or into community control," and 948.03, F.S., "Terms and conditions of probation or community control," contain instructions for all forms of supervision. The Legislature should break up these large sections and create two new sections for each form of supervision:

- "When the court may place defendant on probation," and "Terms and conditions of probation."
- "When the court may place defendant on community control," and "Terms and conditions of community control."

³⁷ Ch. 91-225, s. 4, 1991 *Laws of Fla.* 2248, 2253-2256 (HB 2373 (1991)).

³⁸ Ch. 83-131, s. 28, 1983 *Laws of Fla.* 2248, 457-458 (CS/CS/HB 1012 (1983)).

- “When the court may place defendant on sex offender probation,” and “Terms and conditions of sex offender probation.”
- “When the court may place defendant on drug offender probation,” and “Terms and conditions of drug offender probation.”
- “When the court may transfer probationer to administrative probation,” and “Terms and conditions of administrative probation.”

Recommendation # 2

The Legislature should repeal s. 948.001(3), F.S., which defines “Criminal quarantine community control,” and s. 948.01(14), F.S., which describes the program.

Recommendation # 3

The Legislature should repeal s. 948.001(6), F.S., which defines “Community residential drug punishment center,” and ss. 948.034 and 948.0345 F.S., which describe the program.

Recommendation # 4

The Legislature should create a definition of “sentence” in terms of community supervision that would establish that a term of supervision with conditions is a criminal sentence.

Recommendation # 5

The Legislature should move two passages from s. 948.01, F.S., to two newly created sections entitled:

- “Requirements of the department,” and
- “Circuit court probation to be administered by the department.”

Recommendation # 6

The Legislature should move two subsections from s. 948.01 F.S., to a newly created section on split sentences which combines a term of incarceration and a term of court ordered community supervision.

Recommendation # 7

The Legislature should move four subsections from s. 948.03 to four newly created sections entitled:

- “Residential treatment as a condition of probation or community control,”
- “Work programs as a condition of probation or community control,”
- “Education and learning as a condition of probation or community control,” and
- “Batterers’ intervention program as a condition of probation or community control.”

Recommendation # 8

The Legislature should create a standard explaining when and how the courts may impose specific terms and conditions of probation and community control not expressed in the statutes.

Recommendation # 9

The Legislature should place all the community supervision statutes dealing with electronic monitoring and other similar technologies into s. 948.11, F.S., “Electronic monitoring devices.”

Recommendation # 10

The Legislature should repeal ss. 948.50 and 948.51, F.S., dealing with the, “Community Corrections Partnership Act.”

Recommendation # 11

The Legislature should repeal s. 948.90, F.S., dealing with, “Local offender advisory councils.”