

1 A bill to be entitled
2 An act relating to offenders under correctional
3 supervision; amending s. 947.1405, F.S.,
4 relating to conditional release; providing that
5 a conditional releasee must submit to searches
6 of his or her person, property, or residence as
7 requested by a correctional probation officer;
8 reenacting s. 775.084(4)(i), F.S., relating to
9 habitual felony offenders and habitual violent
10 felony offenders, to incorporate said amendment
11 in a reference; amending s. 947.18, F.S.,
12 relating to conditions of parole; providing
13 that a parolee must submit to searches of his
14 or her person, property, or residence as
15 requested by a correctional probation officer;
16 amending s. 947.22, F.S.; providing for
17 issuance of arrest warrant for a parole
18 violation by a correctional probation officer,
19 under specified circumstances; authorizing a
20 correctional probation officer to arrest
21 without warrant a parolee, control releasee, or
22 conditional releasee, or to search or request
23 search by a law enforcement officer of the
24 parolee or releasee's person, property, or
25 residence, under specified circumstances if
26 there are reasonable grounds to believe a
27 violation has occurred or if there are
28 reasonable grounds to believe the parolee or
29 releasee possesses prohibited items; providing
30 that evidence is admissible at a hearing for
31 violation of supervision even if no reasonable

1 ground for seizure exists; amending s. 948.03,
2 F.S., relating to probation and community
3 control; requiring a probationer or community
4 controllee on supervision to submit to certain
5 searches of his or her person, property, or
6 residence; requiring notice to offender to be
7 provided; prohibiting a probationer or
8 community controllee from having "contact," as
9 defined, with the victim unless authorized by
10 the court; reenacting s. 947.23(6), F.S.,
11 relating to action of Parole Commission upon
12 arrest of parolee, s. 948.001(5), F.S.,
13 relating to definition of "probation" with
14 respect to chapter 948, F.S., and s. 958.03(4),
15 F.S., relating to definition of "probation"
16 with respect to specified provisions in chapter
17 958, F.S., to incorporate said amendment in
18 references; amending s. 948.06, F.S., relating
19 to violations of probation or community
20 control; authorizing law enforcement officers
21 and probation or community control officers to
22 search without a warrant the person, property,
23 or residence of any of specified offenders
24 under certain circumstances; limiting authority
25 for searches of residences; requiring report
26 when residence is searched; defining reasonable
27 grounds; prohibiting the exclusion or
28 suppression of evidence from trials for
29 subsequent offenses by offenders on probation,
30 parole, conditional release, or community
31 control under certain circumstances when there

1 were "reasonable grounds," to believe that at
2 the time of the search the offender violated
3 the law or the terms of supervision; providing
4 that evidence is admissible at a hearing for
5 violation of supervision even if no reasonable
6 ground for seizure exists; prohibiting the
7 exclusion or suppression of evidence from
8 hearings for violation of supervision of
9 offenders on probation, parole, conditional
10 release, or community control; reenacting s.
11 948.01(9), (11)(b), and (13)(b), F.S., relating
12 to circumstances when a court may place a
13 defendant on probation or into community
14 control, and s. 958.14, F.S., relating to
15 violation of probation or community control
16 program, to incorporate said amendment in
17 references; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (2) of section 947.1405, Florida
22 Statutes, is amended to read:

23 947.1405 Conditional release program.--

24 (1) This section and s. 947.141 may be cited as the
25 "Conditional Release Program Act."

26 (2) Any inmate who:

27 (a) Is convicted of a crime committed on or after
28 October 1, 1988, and before January 1, 1994, and any inmate
29 who is convicted of a crime committed on or after January 1,
30 1994, which crime is or was contained in category 1, category
31 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,

1 Florida Rules of Criminal Procedure (1993), and who has served
2 at least one prior felony commitment at a state or federal
3 correctional institution;

4 (b) Is sentenced as a habitual or violent habitual
5 offender or a violent career criminal pursuant to s. 775.084;
6 or

7 (c) Is found to be a sexual predator under s. 775.21
8 or former s. 775.23,

9
10 shall, upon reaching the tentative release date or provisional
11 release date, whichever is earlier, as established by the
12 Department of Corrections, be released under supervision
13 subject to specified terms and conditions, including payment
14 of the cost of supervision pursuant to s. 948.09. Such
15 supervision shall be applicable to all sentences within the
16 overall term of sentences if an inmate's overall term of
17 sentences includes one or more sentences that are eligible for
18 conditional release supervision as provided herein. Effective
19 July 1, 1994, and applicable for offenses committed on or
20 after that date, the commission may require, as a condition of
21 conditional release, that the releasee make payment of the
22 debt due and owing to a county or municipal detention facility
23 under s. 951.032 for medical care, treatment, hospitalization,
24 or transportation received by the releasee while in that
25 detention facility. The commission, in determining whether to
26 order such repayment and the amount of such repayment, shall
27 consider the amount of the debt, whether there was any fault
28 of the institution for the medical expenses incurred, the
29 financial resources of the releasee, the present and potential
30 future financial needs and earning ability of the releasee,
31 and dependents, and other appropriate factors. If an inmate

1 has received a term of probation or community control
 2 supervision to be served after release from incarceration, the
 3 period of probation or community control must be substituted
 4 for the conditional release supervision. A panel of no fewer
 5 than two commissioners shall establish the terms and
 6 conditions of any such release. If the offense was a
 7 controlled substance violation, the conditions shall include a
 8 requirement that the offender submit to random substance abuse
 9 testing intermittently throughout the term of conditional
 10 release supervision, upon the direction of the correctional
 11 probation officer as defined in s. 943.10(3). Regardless of
 12 the offense, the offender must consent to a search of his or
 13 her person, property, or residence as requested by the
 14 correctional probation officer.The commission shall also
 15 determine whether the terms and conditions of such release
 16 have been violated and whether such violation warrants
 17 revocation of the conditional release.

18 Section 2. For the purpose of incorporating the
 19 amendment to s. 947.1405, Florida Statutes, in a reference
 20 thereto, paragraph (i) of subsection (4) of section 775.084,
 21 Florida Statutes, is reenacted to read:

22 775.084 Violent career criminals; habitual felony
 23 offenders and habitual violent felony offenders; definitions;
 24 procedure; enhanced penalties.--

25 (4)

26 (i) The provisions of s. 947.1405 shall apply to
 27 persons sentenced as habitual felony offenders and persons
 28 sentenced as habitual violent felony offenders.

29 Section 3. Section 947.18, Florida Statutes, is
 30 amended to read:

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1 947.18 Conditions of parole.--No person shall be
2 placed on parole merely as a reward for good conduct or
3 efficient performance of duties assigned in prison. No person
4 shall be placed on parole until and unless the commission
5 finds that there is reasonable probability that, if the person
6 is placed on parole, he or she will live and conduct himself
7 or herself as a respectable and law-abiding person and that
8 the person's release will be compatible with his or her own
9 welfare and the welfare of society. No person shall be placed
10 on parole unless and until the commission is satisfied that he
11 or she will be suitably employed in self-sustaining employment
12 or that he or she will not become a public charge. The
13 commission shall determine the terms upon which such person
14 shall be granted parole. If the person's conviction was for a
15 controlled substance violation, one of the conditions must be
16 that the person submit to random substance abuse testing
17 intermittently throughout the term of supervision, upon the
18 direction of the correctional probation officer as defined in
19 s. 943.10(3). Regardless of the offense, the offender must
20 consent to a search of his or her person, property, or
21 residence as requested by the correctional probation officer.
22 In addition to any other lawful condition of parole, the
23 commission may make the payment of the debt due and owing to
24 the state under s. 960.17 or the payment of the attorney's
25 fees and costs due and owing to a county under s. 938.29 a
26 condition of parole subject to modification based on change of
27 circumstances.

28 Section 4. Subsections (1) and (2) of section 947.22,
29 Florida Statutes, are amended to read:

30 947.22 Authority to arrest and search ~~parole~~ violators
31 with or without warrant.--

1 (1) If a member of the commission or a duly authorized
2 representative of the commission has reasonable grounds to
3 believe that a parolee has violated the terms and conditions
4 of her or his parole in a material respect, such member or
5 representative may issue a warrant for the arrest of such
6 parolee. The warrant shall be returnable before a member of
7 the commission or a duly authorized representative of the
8 commission. The commission, a commissioner, or a parole
9 examiner with approval of the parole examiner supervisor, may
10 release the parolee on bail or her or his own recognizance,
11 conditioned upon her or his appearance at any hearings noticed
12 by the commission. If not released on bail or her or his own
13 recognizance, the parolee shall be committed to jail pending
14 hearings pursuant to s. 947.23. The commission, at its
15 election, may have the hearing conducted by one or more
16 commissioners or by a duly authorized representative of the
17 commission. Any correctional probation officer ~~parole and~~
18 ~~probation officer~~, any officer authorized to serve criminal
19 process, or any peace officer of this state is authorized to
20 execute the warrant.

21 (2) Any correctional probation officer ~~parole and~~
22 ~~probation officer~~, when she or he has reasonable ground to
23 believe that a parolee, control releasee, or conditional
24 releasee has violated the terms and conditions of her or his
25 parole, control release, or conditional release in a material
26 respect, has the right to arrest the releasee or parolee
27 without warrant and bring her or him forthwith before one or
28 more commissioners or a duly authorized representative of the
29 Parole Commission or Control Release Authority; and
30 proceedings shall thereupon be had as provided herein when a
31 warrant has been issued by a member of the commission or

1 authority or a duly authorized representative of the
2 commission or authority. When any correctional probation
3 officer has reasonable grounds to believe that a parolee,
4 control releasee, or conditional releasee has violated the
5 terms and conditions of her or his parole, control release, or
6 conditional release in a material respect or is in possession
7 of contraband or other items that the person is prohibited
8 from possessing, the correctional probation officer may search
9 the person, property, or residence of the parolee or releasee
10 or request a law enforcement officer to do the same. However,
11 if a correctional probation officer conducts a search without
12 reasonable grounds, the evidence seized may only be admitted
13 at a hearing for a violation of supervision.

14 Section 5. Subsection (1) of section 948.03, Florida
15 Statutes, is amended to read:

16 948.03 Terms and conditions of probation or community
17 control.--

18 (1) The court shall determine the terms and conditions
19 of probation or community control. Conditions specified in
20 paragraphs (a) through and including ~~(o)~~ do not require
21 oral pronouncement at the time of sentencing and may be
22 considered standard conditions of probation. Conditions
23 specified in paragraphs (a) through and including ~~(o)~~ and
24 (2)(a) do not require oral pronouncement at sentencing and may
25 be considered standard conditions of community control. These
26 conditions may include among them the following, that the
27 probationer or offender in community control shall:

28 (a) Report to the probation and parole supervisors as
29 directed.

30 (b) Permit such supervisors to visit him or her at his
31 or her home or elsewhere.

1 (c) Work faithfully at suitable employment insofar as
2 may be possible.

3 (d) Remain within a specified place.

4 (e) Make reparation or restitution to the aggrieved
5 party for the damage or loss caused by his or her offense in
6 an amount to be determined by the court. The court shall make
7 such reparation or restitution a condition of probation,
8 unless it determines that clear and compelling reasons exist
9 to the contrary. If the court does not order restitution, or
10 orders restitution of only a portion of the damages, as
11 provided in s. 775.089, it shall state on the record in detail
12 the reasons therefor.

13 (f) Effective July 1, 1994, and applicable for
14 offenses committed on or after that date, make payment of the
15 debt due and owing to a county or municipal detention facility
16 under s. 951.032 for medical care, treatment, hospitalization,
17 or transportation received by the felony probationer while in
18 that detention facility. The court, in determining whether to
19 order such repayment and the amount of such repayment, shall
20 consider the amount of the debt, whether there was any fault
21 of the institution for the medical expenses incurred, the
22 financial resources of the felony probationer, the present and
23 potential future financial needs and earning ability of the
24 probationer, and dependents, and other appropriate factors.

25 (g) Support his or her legal dependents to the best of
26 his or her ability.

27 (h) Make payment of the debt due and owing to the
28 state under s. 960.17, subject to modification based on change
29 of circumstances.

30 (i) Pay any application fee assessed under s.
31 27.52(1)(c) and attorney's fees and costs assessed under s.

1 938.29, subject to modification based on change of
2 circumstances.

3 (j) Not associate with persons engaged in criminal
4 activities.

5 (k)1. Submit to random testing as directed by the
6 correctional probation officer or the professional staff of
7 the treatment center where he or she is receiving treatment to
8 determine the presence or use of alcohol or controlled
9 substances.

10 2. If the offense was a controlled substance violation
11 and the period of probation immediately follows a period of
12 incarceration in the state correction system, the conditions
13 shall include a requirement that the offender submit to random
14 substance abuse testing intermittently throughout the term of
15 supervision, upon the direction of the correctional probation
16 officer as defined in s. 943.10(3).

17 (l) Be prohibited from possessing, carrying, or owning
18 any firearm unless authorized by the court and consented to by
19 the probation officer.

20 (m) Be prohibited from using intoxicants to excess or
21 possessing any drugs or narcotics unless prescribed by a
22 physician. The probationer or community controllee shall not
23 knowingly visit places where intoxicants, drugs, or other
24 dangerous substances are unlawfully sold, dispensed, or used.

25 (n) For offenses involving victims, not have contact
26 with the victim unless otherwise authorized by the court. If
27 the court authorizes the defendant to have contact with the
28 victim, over the objection of the victim or state attorney,
29 the court shall state on the record in detail the reasons
30 therefor. For purposes of this paragraph, "contact" means
31 willful and knowing intent to be physically in the presence of

1 the victim in any manner, or oral or written communication to
2 the victim by any means. Contact is established by the conduct
3 of the defendant, or by anyone acting at the direction of the
4 defendant. It shall be the duty of the defendant to leave
5 immediately the presence of the victim under any circumstance
6 when incidental or unintended contact takes place.

7 (o) Consent to search of his or her person, property,
8 or residence as requested by the supervising probation or
9 community control officer. The offender must be given actual
10 notice that he or she must consent to a search and that
11 evidence seized may be used against the offender in a trial of
12 a new substantive offense. Such notice must be given orally
13 and in writing by the court and by a probation or community
14 control officer in order for the offender to be subject to
15 this paragraph.

16 (p)~~(n)~~ Attend an HIV/AIDS awareness program consisting
17 of a class of not less than 2 hours or more than 4 hours in
18 length, the cost for which shall be paid by the offender, if
19 such a program is available in the county of the offender's
20 residence.

21 (q)~~(o)~~ Pay not more than \$1 per month during the term
22 of probation or community control to a nonprofit organization
23 established for the sole purpose of supplementing the
24 rehabilitative efforts of the Department of Corrections.

25 Section 6. For the purpose of incorporating the
26 amendment to section 948.03, Florida Statutes, in references
27 thereto, the following sections or subdivisions of Florida
28 Statutes are reenacted to read:

29 947.23 Action of commission upon arrest of parolee.--

30 (6) Within a reasonable time after the hearing, the
31 commissioner, commissioners, or duly authorized representative

1 of the commission who conducted the hearing shall make
2 findings of fact in regard to the alleged parole violation.

3 (a) If the hearing was conducted by three or more
4 commissioners, a majority of them shall enter an order
5 determining whether the charges of parole violation have been
6 sustained, based on the findings of fact made by them. By
7 such order they shall revoke the parole and return the parolee
8 to prison to serve the sentence theretofore imposed upon her
9 or him, reinstate the original order of parole, order the
10 placement of the parolee into a community control program as
11 set forth in s. 948.03, or enter such other order as is
12 proper.

13 (b) If the hearing was conducted by one or two
14 commissioners or a duly authorized representative of the
15 commission, at least two commissioners shall enter an order
16 determining whether or not the charges of parole violation
17 have been sustained, based on the findings of fact made by the
18 commissioner, commissioners, or duly authorized representative
19 of the commission. The commissioners, by such order, shall
20 revoke the parole and return the parolee to prison to serve
21 the sentence theretofore imposed upon her or him, reinstate
22 the original order of parole, order the placement of the
23 parolee into a community control program as set forth in s.
24 948.03, or enter such other order as is proper.

25 (c) If the disposition after the revocation hearing is
26 to place the parolee into a community control program, the
27 commission shall be guided by the procedures and requirements
28 provided in chapter 948 which apply to the courts regarding
29 the development and implementation of community control.

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1 However, any decision to revoke parole shall be based on a
2 violation of a term or condition specifically enumerated in
3 the parole release order. In a case in which parole is
4 revoked, the majority of the commission or the two
5 commissioners shall make a written statement of the evidence
6 relied on and the reasons for revoking parole.

7 948.001 Definitions.--As used in this chapter, the
8 term:

9 (5) "Probation" means a form of community supervision
10 requiring specified contacts with parole and probation
11 officers and other terms and conditions as provided in s.
12 948.03.

13 958.03 Definitions.--As used in this act:

14 (4) "Probation" means a form of community supervision
15 requiring specified contacts with parole and probation
16 officers and other terms and conditions as provided in s.
17 948.03.

18 Section 7. Subsection (1) of section 948.06, Florida
19 Statutes, is amended, and subsections (8), (9), (10), (11) and
20 (12) are added to said section, to read:

21 948.06 Violation of probation or community control;
22 revocation; modification; continuance; failure to pay
23 restitution or cost of supervision.--

24 (1) Whenever within the period of probation or
25 community control there are reasonable grounds to believe that
26 a violation of probation or community control occurred, or
27 there are reasonable grounds to believe that the person under
28 supervision is in possession of contraband or other items that
29 the person is prohibited from possessing, the person on
30 probation or community control may be arrested without a
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1 warrant or have his or her person, property, or residence
2 searched without a warrant by any of the following people:

3 (a) A probation officer who is aware that the person
4 is on probation;

5 (b) A community control officer who is aware that the
6 person is on community control; or

7 (c) A law enforcement officer who is requested by a
8 probation or community control officer who has knowledge that
9 the person is on probation or community control.

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11 However, if a supervising officer conducts a search without
12 reasonable grounds, the evidence seized may only be admitted
13 at a hearing for violation of supervision.~~Whenever within the~~
14 ~~period of probation or community control there are reasonable~~
15 ~~grounds to believe that a probationer or offender in community~~
16 ~~control has violated his or her probation or community control~~
17 ~~in a material respect, any law enforcement officer who is~~
18 ~~aware of the probationary or community control status of the~~
19 ~~probationer or offender in community control or any parole or~~
20 ~~probation supervisor may arrest or request any county or~~
21 ~~municipal law enforcement officer to arrest such probationer~~
22 ~~or offender without warrant wherever found and forthwith~~
23 ~~return him or her to the court granting such probation or~~
24 ~~community control.~~Any committing magistrate may issue a
25 warrant, upon the facts being made known to him or her by
26 affidavit of one having knowledge of such facts, for the
27 arrest of the probationer or offender, returnable forthwith
28 before the court granting such probation or community control.
29 Any parole or probation supervisor, any officer authorized to
30 serve criminal process, or any peace officer of this state is
31 authorized to serve and execute such warrant. The court, upon

1 the probationer or offender being brought before it, shall
2 advise him or her of such charge of violation and, if such
3 charge is admitted to be true, may forthwith revoke, modify,
4 or continue the probation or community control or place the
5 probationer into a community control program. If probation or
6 community control is revoked, the court shall adjudge the
7 probationer or offender guilty of the offense charged and
8 proven or admitted, unless he or she has previously been
9 adjudged guilty, and impose any sentence which it might have
10 originally imposed before placing the probationer on probation
11 or the offender into community control. If such violation of
12 probation or community control is not admitted by the
13 probationer or offender, the court may commit him or her or
14 release him or her with or without bail to await further
15 hearing, or it may dismiss the charge of probation or
16 community control violation. If such charge is not at that
17 time admitted by the probationer or offender and if it is not
18 dismissed, the court, as soon as may be practicable, shall
19 give the probationer or offender an opportunity to be fully
20 heard on his or her behalf in person or by counsel. After such
21 hearing, the court may revoke, modify, or continue the
22 probation or community control or place the probationer into
23 community control. If such probation or community control is
24 revoked, the court shall adjudge the probationer or offender
25 guilty of the offense charged and proven or admitted, unless
26 he or she has previously been adjudged guilty, and impose any
27 sentence which it might have originally imposed before placing
28 the probationer or offender on probation or into community
29 control.

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1 (6) Any parolee in a community control program who has
2 allegedly violated the terms and conditions of such placement
3 is subject to the provisions of ss. 947.22 and 947.23.

4 (8) Notwithstanding subsection (1), a probation or
5 community control officer may not search, or authorize the
6 search of, a residence without consent of the offender or a
7 warrant issued by a judge, unless there are reasonable grounds
8 to believe the offender violated a condition of community
9 control or probation, or committed a new violation of law, and
10 at least one of the following applies:

11 (a) The approval of the supervisor of the probation or
12 community control officer is obtained;

13 (b) There are exigent circumstances, such as, but not
14 limited to, suspicion the offender will destroy contraband or
15 use a weapon, which require that the search be conducted
16 without approval; or

17 (c) The search was conducted with the assistance of a
18 certified law enforcement officer.

19 (d) This subsection is not intended to expand the
20 definition of the term "constructive possession" as provided
21 by law.

22 (9) A written record of all searches of a residence
23 conducted pursuant to subsection (8) shall be prepared by the
24 probation or community control officer who conducted the
25 search, or who requested a certified law enforcement officer
26 to conduct the search of a residence. The report shall state:

27 (a) The identity of the offender living at the
28 residence searched;

29 (b) The identity of the probation or community control
30 officer who conducted or requested the search;

31 (c) The date, time, and place of the search;

1 (d) The reason for the search;
2 (e) Any items seized pursuant to the search; and
3 (f) Whether any damage was done to the residence or
4 property during the search.

5 (10) For the purposes of a search of the person
6 property, or residence of a person on probation, parole,
7 conditional release, or community control, the term
8 "reasonable grounds" means that the reasonable suspicion
9 standard applies. In determining whether reasonable grounds
10 exist, the correctional probation officer shall consider any
11 of the following factors, including but not limited to:

12 (a) The observations of alleged suspicious behavior by
13 correctional probation officers or law enforcement officers.

14 (b) Information provided by informants.

15 (c) The reliability of the information provided by an
16 informant. In evaluating the reliability of the information,
17 the correctional probation officers shall give attention to
18 the detail, consistency and corroboration of the information
19 provided by the informant.

20 (d) The reliability of the informant. In evaluating
21 the informant's reliability, attention shall be given to
22 whether the informant has supplied reliable information in the
23 past and whether the informant has reason to supply inaccurate
24 information.

25 (e) The activity of the offender that relates to
26 whether the offender might possess contraband or might have
27 used or be under the influence of an intoxicating substance.

28 (f) Information provided by the offender that is
29 relevant to whether the offender has used, possesses or is
30 under the influence of an intoxicating substance or possesses
31 any other contraband.

1 (g) The experience of a correctional probation officer
2 with that offender.

3 (h) Prior seizures of contraband from the offender.

4 (i) The need to verify compliance with rules of
5 supervision and state and federal law.

6 (11) Evidence may not be excluded or suppressed from
7 the trial of a new substantive offense if:

8 (a) The defendant was on probation, parole,
9 conditional release, or community control at the time of the
10 offense; and

11 (b) The search was conducted when there were
12 reasonable grounds to believe that the offender was in
13 violation of the law or in violation of the terms of
14 probation, parole, conditional release, or community control.

15 (12) Evidence may not be excluded or suppressed from a
16 hearing for a violation of probation, parole, conditional
17 release, or community control.

18 Section 8. For the purpose of incorporating the
19 amendments to section 948.06, Florida Statutes, in references
20 thereto, the following sections or subdivisions of Florida
21 Statutes are reenacted to read:

22 948.01 When court may place defendant on probation or
23 into community control.--

24 (9) Procedures governing violations of community
25 control shall be the same as those described in s. 948.06 with
26 respect to probation.

27 (11) The court may also impose a split sentence
28 whereby the defendant is sentenced to a term of probation
29 which may be followed by a period of incarceration or, with
30 respect to a felony, into community control, as follows:

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1 (b) If the offender does not meet the terms and
2 conditions of probation or community control, the court may
3 revoke, modify, or continue the probation or community control
4 as provided in s. 948.06. If the probation or community
5 control is revoked, the court may impose any sentence that it
6 could have imposed at the time the offender was placed on
7 probation or community control. The court may not provide
8 credit for time served for any portion of a probation or
9 community control term toward a subsequent term of probation
10 or community control. However, the court may not impose a
11 subsequent term of probation or community control which, when
12 combined with any amount of time served on preceding terms of
13 probation or community control for offenses pending before the
14 court for sentencing, would exceed the maximum penalty
15 allowable as provided in s. 775.082. Such term of
16 incarceration shall be served under applicable law or county
17 ordinance governing service of sentences in state or county
18 jurisdiction. This paragraph does not prohibit any other
19 sanction provided by law.

20 (13) If it appears to the court upon a hearing that
21 the defendant is a chronic substance abuser whose criminal
22 conduct is a violation of chapter 893, the court may either
23 adjudge the defendant guilty or stay and withhold the
24 adjudication of guilt; and, in either case, it may stay and
25 withhold the imposition of sentence and place the defendant on
26 drug offender probation.

27 (b) Offenders placed on drug offender probation are
28 subject to revocation of probation as provided in s. 948.06.

29 958.14 Violation of probation or community control
30 program.--A violation or alleged violation of probation or the
31 terms of a community control program shall subject the

1 youthful offender to the provisions of s. 948.06(1). However,
2 no youthful offender shall be committed to the custody of the
3 department for a substantive violation for a period longer
4 than the maximum sentence for the offense for which he or she
5 was found guilty, with credit for time served while
6 incarcerated, or for a technical or nonsubstantive violation
7 for a period longer than 6 years or for a period longer than
8 the maximum sentence for the offense for which he or she was
9 found guilty, whichever is less, with credit for time served
10 while incarcerated.

11 Section 9. This act shall take effect July 1 of the
12 year in which enacted.

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