

By the Committee on Criminal Justice and Senator Laurent

307-1773-00

1 A bill to be entitled
2 An act relating to violations of probation or
3 community control; amending s. 948.06, F.S.;
4 providing for the period of probation or
5 community control for an offender to be tolled
6 following the filing of an affidavit alleging a
7 violation of the probation or community control
8 and the issuance of a warrant; providing for
9 reinstatement of a previously imposed period of
10 probation or community control following
11 dismissal of such an affidavit; providing an
12 effective date.

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

16 Section 1. Subsection (1) of section 948.06, Florida
17 Statutes, is amended to read:

18 948.06 Violation of probation or community control;
19 revocation; modification; continuance; failure to pay
20 restitution or cost of supervision.--

21 (1) Whenever within the period of probation or
22 community control there are reasonable grounds to believe that
23 a probationer or offender in community control has violated
24 his or her probation or community control in a material
25 respect, any law enforcement officer who is aware of the
26 probationary or community control status of the probationer or
27 offender in community control or any parole or probation
28 supervisor may arrest or request any county or municipal law
29 enforcement officer to arrest such probationer or offender
30 without warrant wherever found and forthwith return him or her
31 to the court granting such probation or community control. Any

1 committing magistrate may issue a warrant, upon the facts
2 being made known to him or her by affidavit of one having
3 knowledge of such facts, for the arrest of the probationer or
4 offender, returnable forthwith before the court granting such
5 probation or community control. Any parole or probation
6 supervisor, any officer authorized to serve criminal process,
7 or any peace officer of this state is authorized to serve and
8 execute such warrant. Upon the filing of an affidavit alleging
9 a violation of probation or community control, and the
10 issuance of a warrant pursuant to s. 901.02(1), the
11 probationary period is tolled until the violation is ruled
12 upon by the court.The court, upon the probationer or offender
13 being brought before it, shall advise him or her of such
14 charge of violation and, if such charge is admitted to be
15 true, may forthwith revoke, modify, or continue the probation
16 or community control or place the probationer into a community
17 control program. If probation or community control is revoked,
18 the court shall adjudge the probationer or offender guilty of
19 the offense charged and proven or admitted, unless he or she
20 has previously been adjudged guilty, and impose any sentence
21 which it might have originally imposed before placing the
22 probationer on probation or the offender into community
23 control. If such violation of probation or community control
24 is not admitted by the probationer or offender, the court may
25 commit him or her or release him or her with or without bail
26 to await further hearing, or it may dismiss the charge of
27 probation or community control violation. If such charge is
28 not at that time admitted by the probationer or offender and
29 if it is not dismissed, the court, as soon as may be
30 practicable, shall give the probationer or offender an
31 opportunity to be fully heard on his or her behalf in person

1 or by counsel. After such hearing, the court may revoke,
2 modify, or continue the probation or community control or
3 place the probationer into community control. If such
4 probation or community control is revoked, the court shall
5 adjudge the probationer or offender guilty of the offense
6 charged and proven or admitted, unless he or she has
7 previously been adjudged guilty, and impose any sentence which
8 it might have originally imposed before placing the
9 probationer or offender on probation or into community
10 control. If the court dismisses an affidavit alleging a
11 violation of probation or community control, the offender's
12 probation or community control shall continue as previously
13 imposed, notwithstanding any period the probation or community
14 control was tolled.

15 Section 2. This act shall take effect July 1, 2000.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 1132

- 20 - Requires the issuance of a warrant to toll the
21 probationary period.
22 - Does not require a hearing, but merely a ruling by the
23 court on the violation.
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