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A bill to be entitled
 An act relating to a violation of probation or community control; amending s. 948.06, F.S.; requiring a court, under certain circumstances, to revoke an offender's probation or community control, adjudicate the offender guilty of the offense forming the basis of the probation or community control, and impose a term of imprisonment which the court might have imposed before placing the offender on probation or in community control; amending s. 921.0017, F.S.; conforming a cross reference; providing an effective date.

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

Section 1. Present subsections (3) through (7) of section 948.06, Florida Statutes, are redesignated subsections (4) through (8), respectively, and a new subsection (3) is added to that section, to read:

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

(3) For any probationer or offender on community control or probation who:

(a) Is placed on probation or community control for a first degree felony offense committed on or after July 1, 2005;

(b) Is found to have committed a violation of a condition of probation or community control during the period of supervision; and

29 (c) Has previously or concurrently been found to have
 30 committed two or more violations of a condition of probation or
 31 community control during the period of supervision;
 32
 33 the court shall revoke the probationer or offender's probation
 34 or community control; adjudicate the probationer or offender
 35 guilty of the offense forming the basis of the probation or
 36 community control, unless the probationer or offender has
 37 previously been adjudicated guilty; and impose a term of
 38 imprisonment that the court might have originally imposed before
 39 placing the probationer on probation or the offender in
 40 community control.

41 Section 2. Section 921.0017, Florida Statutes, is amended
 42 to read:

43 921.0017 Credit upon recommitment of offender serving
 44 split sentence.--Effective for offenses committed on or after
 45 January 1, 1994, if an offender's probation or community control
 46 is revoked and the offender is serving a split sentence pursuant
 47 to s. 948.012, upon recommitment to the Department of
 48 Corrections, the court shall order credit for time served in
 49 state prison or county jail only, without considering any type
 50 of gain-time earned before release to supervision, or any type
 51 of sentence reduction granted to avoid prison overcrowding,
 52 including, but not limited to, any sentence reduction resulting
 53 from administrative gain-time, provisional credits, or control
 54 release. The court shall determine the amount of jail-time
 55 credit to be awarded for time served between the date of arrest
 56 as a violator and the date of recommitment, and shall direct the

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57 Department of Corrections to compute and apply credit for all
58 other time served previously on the prior sentence for the
59 offense for which the offender is being recommitted. This
60 section does not affect or limit the department's authority to
61 forfeit gain-time under ss. 944.28(1) and 948.06(8)~~(7)~~.

62 Section 3. This act shall take effect July 1, 2005.