

By Senator Crist

12-1029-05

1 A bill to be entitled

2 An act relating to a violation of probation or

3 community control; amending s. 948.06, F.S.;

4 requiring a court, under certain circumstances,

5 to revoke an offender's probation or community

6 control, adjudicate the offender guilty of the

7 offense forming the basis of the probation or

8 community control, and impose a term of

9 imprisonment which the court might have imposed

10 before placing the offender on probation or in

11 community control; amending s. 921.0017, F.S.;

12 conforming a cross-reference; providing an

13 effective date.

14

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

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17 Section 1. Present subsections (3) through (7) of

18 section 948.06, Florida Statutes, are redesignated subsections

19 (4) through (8), respectively, and a new subsection (3) is

20 added to that 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 (3) For any probationer or offender on community

25 control who:

26 (a) Is placed on probation or community control for a

27 first-degree felony offense committed on or after July 1,

28 2005;

29 (b) Is found to have committed a violation of a

30 condition of probation or community control during the period

31 of supervision; and

1 (c) Has previously or concurrently been found to have
2 committed two or more violations of a condition of probation
3 or community control during the period of supervision;
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5 the court shall revoke the offender's probation or community
6 control, adjudicate the probationer or offender guilty of the
7 offense forming the basis of the probation or community
8 control, unless the offender has previously been adjudicated
9 guilty, and impose a term of imprisonment which the court
10 might have originally imposed before placing the probationer
11 on probation or the offender in community control.

12 Section 2. Section 921.0017, Florida Statutes, is
13 amended to read:

14 921.0017 Credit upon recommitment of offender serving
15 split sentence.--Effective for offenses committed on or after
16 January 1, 1994, if an offender's probation or community
17 control is revoked and the offender is serving a split
18 sentence pursuant to s. 948.012, upon recommitment to the
19 Department of Corrections, the court shall order credit for
20 time served in state prison or county jail only, without
21 considering any type of gain-time earned before release to
22 supervision, or any type of sentence reduction granted to
23 avoid prison overcrowding, including, but not limited to, any
24 sentence reduction resulting from administrative gain-time,
25 provisional credits, or control release. The court shall
26 determine the amount of jail-time credit to be awarded for
27 time served between the date of arrest as a violator and the
28 date of recommitment, and shall direct the Department of
29 Corrections to compute and apply credit for all other time
30 served previously on the prior sentence for the offense for
31 which the offender is being recommitted. This section does not

1 affect or limit the department's authority to forfeit
2 gain-time under ss. 944.28(1) and 948.06(8) ~~948.06(7)~~.

3 Section 3. This act shall take effect July 1, 2005.
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6 SENATE SUMMARY

7 Requires a court, under certain circumstances, to revoke
8 an offender's probation or community control, adjudicate
9 the person guilty of the offense forming the basis of the
10 probation or community control, and impose a term of
11 imprisonment which the court might have imposed before
12 placing the offender on probation or in community
13 control.
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