

1 A bill to be entitled
 2 An act relating to violation of probation or community
 3 control; amending s. 948.06, F.S.; requiring a court,
 4 under certain circumstances, to revoke a probationer's or
 5 offender's probation or community control, adjudicate the
 6 person guilty of the offense forming the basis of the
 7 probation or community control, and impose a term of
 8 imprisonment that the court might have imposed before
 9 placing the person on probation or in community control;
 10 amending s. 921.0017, F.S.; conforming a cross-reference;
 11 providing an effective date.

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

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 15 Section 1. Subsections (3) through (7) of section 948.06,
 16 Florida Statutes, are renumbered as subsections (4) through (8),
 17 respectively, and a new subsection (3) is added to that section,
 18 to read:

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

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

24 (a) Is placed on probation or community control for a
 25 first degree felony offense committed on or after July 1, 2006;

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

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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;
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33 the court shall revoke the probationer's 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, 2006.