

1 A bill to be entitled
 2 An act relating to conditions of probation; amending s.
 3 948.032, F.S.; requiring a defendant's probation officer
 4 to evaluate certain specified factors before alleging to
 5 the court that the defendant has violated his or her
 6 probation because the defendant failed to pay court-
 7 ordered restitution; providing an effective date.

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

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 11 Section 1. Section 948.032, Florida Statutes, is amended
 12 to read:

13 948.032 Condition of probation; restitution.—

14 (1) If a defendant is placed on probation, any restitution
 15 ordered under s. 775.089 shall be a condition of the probation.
 16 The court may revoke probation if the defendant fails to comply
 17 with the order.

18 (2) When deciding whether to allege a violation of
 19 probation because the defendant failed to pay his or her court-
 20 ordered restitution, the probation officer shall evaluate and
 21 document for the court's consideration the defendant's
 22 employment status, earning ability, and financial resources; the
 23 willfulness of the defendant's failure to pay; and any other
 24 special circumstance that may have a bearing on the defendant's
 25 ability to pay.

26 (3) In determining whether to revoke probation, the court
 27 shall consider the defendant's employment status, earning
 28 ability, and financial resources; the willfulness of the

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29 | defendant's failure to pay; and any other special circumstances
30 | that may have a bearing on the defendant's ability to pay.

31 | Section 2. This act shall take effect July 1, 2011.