

By Senator Siplin

19-00978-11

2011710\_\_

1 A bill to be entitled

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

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

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

14 948.032 Condition of probation; restitution.—

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

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

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

19-00978-11

2011710\_\_

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

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