

By the Committee on Judiciary

590-03975-20

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1 A bill to be entitled
2 An act relating to probation violations; amending s.
3 948.06, F.S.; requiring a court to modify or continue
4 a probationary term upon finding that a probationer
5 has met all specified conditions, rather than any of
6 the conditions, after a violation of probation;
7 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. Paragraph (f) of subsection (2) of section
12 948.06, Florida Statutes, is amended to read:

13 948.06 Violation of probation or community control;
14 revocation; modification; continuance; failure to pay
15 restitution or cost of supervision.—

16 (2)

17 (f)1. Except as provided in subparagraph 3. or upon waiver
18 by the probationer, the court shall modify or continue a
19 probationary term upon finding a probationer in violation when
20 all ~~any~~ of the following apply ~~applies~~:

21 a. The term of supervision is probation.

22 b. The probationer does not qualify as a violent felony
23 offender of special concern, as defined in paragraph (8)(b).

24 c. The violation is a low-risk technical violation, as
25 defined in paragraph (9)(b).

26 d. The court has not previously found the probationer in
27 violation of his or her probation pursuant to a filed violation
28 of probation affidavit during the current term of supervision. A
29 probationer who has successfully completed sanctions through the

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30 alternative sanctioning program is eligible for mandatory
31 modification or continuation of his or her probation.

32 2. Upon modifying probation under subparagraph 1., the
33 court may include in the sentence a maximum of 90 days in county
34 jail as a special condition of probation.

35 3. Notwithstanding s. 921.0024, if a probationer has less
36 than 90 days of supervision remaining on his or her term of
37 probation and meets the criteria for mandatory modification or
38 continuation in subparagraph 1., the court may revoke probation
39 and sentence the probationer to a maximum of 90 days in county
40 jail.

41 4. For purposes of imposing a jail sentence under this
42 paragraph only, the court may grant credit only for time served
43 in the county jail since the probationer's most recent arrest
44 for the violation. However, the court may not order the
45 probationer to a total term of incarceration greater than the
46 maximum provided by s. 775.082.

47 Section 2. This act shall take effect upon becoming a law.