

1 A bill to be entitled
 2 An act relating to probation violations; amending s.
 3 948.06, F.S.; revising the circumstances under which a
 4 court must modify or continue a term of probation;
 5 providing an effective date.

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

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 9 Section 1. Paragraph (f) of subsection (2) of section
 10 948.06, Florida Statutes, is amended to read:

11 948.06 Violation of probation or community control;
 12 revocation; modification; continuance; failure to pay
 13 restitution or cost of supervision.—

14 (2)

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

19 a. The term of supervision is probation.

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

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

24 d. The court has not previously found the probationer in
 25 violation of his or her probation pursuant to a filed violation

26 | of probation affidavit during the current term of supervision. A
27 | probationer who has successfully completed sanctions through the
28 | alternative sanctioning program is eligible for mandatory
29 | modification or continuation of his or her probation.

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

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

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

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