

ENROLLED

HB 661

2021 Legislature

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 2 An act relating to modification or continuation of
 3 terms of probation; amending s. 948.06, F.S.; revising
 4 the circumstances under which a court must modify or
 5 continue a term of probation; providing an effective
 6 date.

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

9
 10 Section 1. Paragraph (f) of subsection (2) of section
 11 948.06, Florida Statutes, is amended to read:

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

15 (2)

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

- 20 a. The term of supervision is probation.
- 21 b. The probationer does not qualify as a violent felony
- 22 offender of special concern, as defined in paragraph (8)(b).
- 23 c. The violation is a low-risk technical violation, as
- 24 defined in paragraph (9)(b).
- 25 d. The court has not previously found the probationer in

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

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

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

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

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