



184294

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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04/28/2023 12:52 PM

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Senator Simon moved the following:

Senate Amendment (with title amendment)

Delete lines 176 - 400

and insert:

Section 2. Paragraph (c) of subsection (1) and paragraphs (e) and (i) of subsection (9) of section 948.06, Florida Statutes, are amended to read:

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

(1)



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12 (c) If a probationer or offender on community control
13 commits a technical violation, the probation officer shall
14 determine whether the probationer or offender on community
15 control is eligible for the alternative sanctioning program
16 under subsection (9). If the probation officer determines that
17 the probationer or offender on community control is eligible,
18 the probation officer may proceed with the alternative
19 sanctioning program in lieu of filing an affidavit of violation
20 with the court. If the probationer or offender on community
21 control is eligible for the alternative sanctioning program and
22 the violation is a low-risk violation as defined in paragraph
23 (9) (b), the probation officer must proceed with the alternative
24 sanctioning program in lieu of filing an affidavit of violation
25 with the court unless directed by the court to submit or file an
26 affidavit of violation pursuant to paragraph (9) (i). For
27 purposes of this section, the term "technical violation" means
28 an alleged violation of supervision that is not a new felony
29 offense, misdemeanor offense, or criminal traffic offense.

30 (9)

31 (e) For a first or second low-risk violation, as defined in
32 paragraph (b), within the current term of supervision, a
33 probation officer shall ~~may~~ offer an eligible probationer one or
34 more of the following as an alternative sanction:

- 35 1. Up to 5 days in the county jail.
- 36 2. Up to 50 additional community service hours.
- 37 3. Counseling or treatment.
- 38 4. Support group attendance.
- 39 5. Drug testing.
- 40 6. Loss of travel or other privileges.



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41 7. Curfew for up to 30 days.

42 8. House arrest for up to 30 days.

43 9.a. Any other sanction as determined by administrative
44 order of the chief judge of the circuit.

45 b. However, in no circumstance shall participation in an
46 alternative sanctioning program convert a withheld adjudication
47 to an adjudication of guilt.

48

49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete lines 10 - 23

52 and insert:

53 circumstances; correcting provisions concerning
54 limiting prison sentences for first-time revocations
55 for technical violations; revising the definition of
56 the term "technical violation"; providing that an
57 alternative sanction is the required method for
58 resolving certain low-risk violations;