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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Criminal Justice (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (1) of section  
921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations;  
scoresheets.—

(1)

(b) WORKSHEET KEY:



555360

11 Legal status points are assessed when any form of legal status  
12 existed at the time the offender committed an offense before the  
13 court for sentencing. Four (4) sentence points are assessed for  
14 an offender's legal status.

15

16 Community sanction violation points are assessed when a  
17 community sanction violation is before the court for sentencing.  
18 Six (6) sentence points are assessed for each community sanction  
19 violation and each successive community sanction violation,  
20 unless any of the following apply:

21 1. If the community sanction violation includes a new  
22 felony conviction before the sentencing court, twelve (12)  
23 community sanction violation points are assessed for the  
24 violation, and for each successive community sanction violation  
25 involving a new felony conviction.

26 2. If the community sanction violation is committed by a  
27 violent felony offender of special concern as defined in s.  
28 948.06:

29 a. Twelve (12) community sanction violation points are  
30 assessed for the violation and for each successive violation of  
31 felony probation or community control where:

32 I. The violation does not include a new felony conviction;  
33 and

34 II. The community sanction violation is not based solely on  
35 the probationer or offender's failure to pay costs or fines or  
36 make restitution payments.

37 b. Twenty-four (24) community sanction violation points are  
38 assessed for the violation and for each successive violation of  
39 felony probation or community control where the violation



40 includes a new felony conviction.

41

42 Multiple counts of community sanction violations before the  
43 sentencing court shall not be a basis for multiplying the  
44 assessment of community sanction violation points.

45

46 If the community sanction violation is resolved through the  
47 alternative sanctioning program under s. 948.06(9), no points  
48 are assessed. If a community sanction violation not resolved  
49 through the alternative sanctioning program is before the court,  
50 no points are assessed for prior violations that were resolved  
51 through the alternative sanctioning program.

52

53 Prior serious felony points: If the offender has a primary  
54 offense or any additional offense ranked in level 8, level 9, or  
55 level 10, and one or more prior serious felonies, a single  
56 assessment of thirty (30) points shall be added. For purposes of  
57 this section, a prior serious felony is an offense in the  
58 offender's prior record that is ranked in level 8, level 9, or  
59 level 10 under s. 921.0022 or s. 921.0023 and for which the  
60 offender is serving a sentence of confinement, supervision, or  
61 other sanction or for which the offender's date of release from  
62 confinement, supervision, or other sanction, whichever is later,  
63 is within 3 years before the date the primary offense or any  
64 additional offense was committed.

65

66 Prior capital felony points: If the offender has one or more  
67 prior capital felonies in the offender's criminal record, points  
68 shall be added to the subtotal sentence points of the offender



555360

69 equal to twice the number of points the offender receives for  
70 the primary offense and any additional offense. A prior capital  
71 felony in the offender's criminal record is a previous capital  
72 felony offense for which the offender has entered a plea of nolo  
73 contendere or guilty or has been found guilty; or a felony in  
74 another jurisdiction which is a capital felony in that  
75 jurisdiction, or would be a capital felony if the offense were  
76 committed in this state.

77

78 Possession of a firearm, semiautomatic firearm, or machine gun:  
79 If the offender is convicted of committing or attempting to  
80 commit any felony other than those enumerated in s. 775.087(2)  
81 while having in his or her possession: a firearm as defined in  
82 s. 790.001, an additional eighteen (18) sentence points are  
83 assessed; or if the offender is convicted of committing or  
84 attempting to commit any felony other than those enumerated in  
85 s. 775.087(3) while having in his or her possession a  
86 semiautomatic firearm as defined in s. 775.087(3) or a machine  
87 gun as defined in s. 790.001, an additional twenty-five (25)  
88 sentence points are assessed.

89

90 Sentencing multipliers:

91

92 Drug trafficking: If the primary offense is drug trafficking  
93 under s. 893.135, the subtotal sentence points are multiplied,  
94 at the discretion of the court, for a level 7 or level 8  
95 offense, by 1.5. The state attorney may move the sentencing  
96 court to reduce or suspend the sentence of a person convicted of  
97 a level 7 or level 8 offense, if the offender provides



555360

98 substantial assistance as described in s. 893.135(4).

99

100 Violent offenses committed against specified justice system  
101 personnel: If the primary offense is a violation of s.  
102 775.0823(2), (3), or (4), the subtotal sentence points are  
103 multiplied by 2.5. If the primary offense is a violation of s.  
104 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
105 are multiplied by 2.0. If the primary offense is a violation of  
106 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the  
107 subtotal sentence points are multiplied by 1.5.

108

109 Grand theft of a motor vehicle: If the primary offense is grand  
110 theft of the third degree involving a motor vehicle and in the  
111 offender's prior record, there are three or more grand thefts of  
112 the third degree involving a motor vehicle, the subtotal  
113 sentence points are multiplied by 1.5.

114

115 Offense related to a criminal gang: If the offender is convicted  
116 of the primary offense and committed that offense for the  
117 purpose of benefiting, promoting, or furthering the interests of  
118 a criminal gang as defined in s. 874.03, the subtotal sentence  
119 points are multiplied by 1.5. If applying the multiplier results  
120 in the lowest permissible sentence exceeding the statutory  
121 maximum sentence for the primary offense under chapter 775, the  
122 court may not apply the multiplier and must sentence the  
123 defendant to the statutory maximum sentence.

124

125 Domestic violence in the presence of a child: If the offender is  
126 convicted of the primary offense and the primary offense is a



555360

127 crime of domestic violence, as defined in s. 741.28, which was  
128 committed in the presence of a child under 16 years of age who  
129 is a family or household member as defined in s. 741.28(3) with  
130 the victim or perpetrator, the subtotal sentence points are  
131 multiplied by 1.5.

132

133 Adult-on-minor sex offense: If the offender was 18 years of age  
134 or older and the victim was younger than 18 years of age at the  
135 time the offender committed the primary offense, and if the  
136 primary offense was an offense committed on or after October 1,  
137 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
138 violation involved a victim who was a minor and, in the course  
139 of committing that violation, the defendant committed a sexual  
140 battery under chapter 794 or a lewd act under s. 800.04 or s.  
141 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
142 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
143 800.04; or s. 847.0135(5), the subtotal sentence points are  
144 multiplied by 2.0. If applying the multiplier results in the  
145 lowest permissible sentence exceeding the statutory maximum  
146 sentence for the primary offense under chapter 775, the court  
147 may not apply the multiplier and must sentence the defendant to  
148 the statutory maximum sentence.

149 Section 2. Paragraph (f) of subsection (2) and subsection  
150 (4) of section 948.06, Florida Statutes, are amended to read:

151 948.06 Violation of probation or community control;  
152 revocation; modification; continuance; failure to pay  
153 restitution or cost of supervision.—

154 (2)

155 (f)1. Except as provided in subparagraph 3. or upon waiver



555360

156 by the probationer, the court shall modify or continue a  
157 probationary term upon finding a probationer in violation when  
158 all of the following apply:

159 a. The term of supervision is probation.

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

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

164 d. The court has not, on two or more separate occasions,  
165 previously found the probationer in violation of his or her  
166 probation pursuant to a filed violation of probation affidavit  
167 during the current term of supervision. A probationer who has  
168 successfully completed sanctions through the alternative  
169 sanctioning program is eligible for mandatory modification or  
170 continuation of his or her probation.

171 2. Upon modifying probation under subparagraph 1., the  
172 court may include in the sentence a maximum of 90 days in county  
173 jail as a special condition of probation. If the court has  
174 previously found the probationer in violation of his or her  
175 probation and modified probation with up to 90 days in county  
176 jail as a special condition of probation, it may, upon  
177 modification of probation under subparagraph 1., include in the  
178 sentence a maximum of 120 days in county jail as a special  
179 condition of probation.

180 3. Notwithstanding s. 921.0024, if a probationer meets the  
181 criteria for mandatory modification in subparagraph 1. but has  
182 less time on supervision remaining than the number of days in  
183 jail authorized in subparagraph 2. ~~than 90 days of supervision~~  
184 remaining on his or her term of probation and meets the criteria



555360

185 ~~for mandatory modification or continuation in subparagraph 1.,~~  
186 the court may revoke probation and sentence the probationer to a  
187 maximum of 90 or 120 days in county jail as provided in  
188 subparagraph 2.

189         4. For purposes of imposing a jail sentence under this  
190 paragraph only, the court may grant credit only for time served  
191 in the county jail since the probationer's most recent arrest  
192 for the violation. However, the court may not order the  
193 probationer to a total term of incarceration greater than the  
194 maximum provided by s. 775.082.

195         (4) Notwithstanding any other provision of this section, a  
196 felony probationer or an offender in community control who is  
197 arrested for violating his or her probation or community control  
198 in a material respect may be taken before the court in the  
199 county or circuit in which the probationer or offender was  
200 arrested. That court shall advise him or her of the charge of a  
201 violation and, if such charge is admitted, shall cause him or  
202 her to be brought before the court that granted the probation or  
203 community control. If the violation is not admitted by the  
204 probationer or offender, the court may commit him or her or  
205 release him or her with or without bail to await further  
206 hearing. However, if the probationer or offender is under  
207 supervision for any criminal offense proscribed in chapter 794,  
208 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a  
209 registered sexual predator or a registered sexual offender, or  
210 is under supervision for a criminal offense for which he or she  
211 would meet the registration criteria in s. 775.21, s. 943.0435,  
212 or s. 944.607 but for the effective date of those sections, the  
213 court must make a finding that the probationer or offender is



555360

214 not a danger to the public prior to release with or without  
215 bail. In determining the danger posed by the offender's or  
216 probationer's release, the court may consider the nature and  
217 circumstances of the violation and any new offenses charged; the  
218 offender's or probationer's past and present conduct, including  
219 convictions of crimes; any record of arrests without conviction  
220 for crimes involving violence or sexual crimes; any other  
221 evidence of allegations of unlawful sexual conduct or the use of  
222 violence by the offender or probationer; the offender's or  
223 probationer's family ties, length of residence in the community,  
224 employment history, and mental condition; his or her history and  
225 conduct during the probation or community control supervision  
226 from which the violation arises and any other previous  
227 supervisions, including disciplinary records of previous  
228 incarcerations; the likelihood that the offender or probationer  
229 will engage again in a criminal course of conduct; the weight of  
230 the evidence against the offender or probationer; and any other  
231 facts the court considers relevant. The court, as soon as is  
232 practicable, shall give the probationer or offender an  
233 opportunity to be fully heard on his or her behalf in person or  
234 by counsel. If the alleged violation is a low-risk violation, as  
235 defined in paragraph (9)(b), the court shall, within 30 days  
236 after the probationer's or offender's arrest, give the  
237 probationer or offender an opportunity to be fully heard on his  
238 or her behalf in person or by counsel. If a hearing is not held  
239 within 30 days after such arrest, the court must release the  
240 probationer or offender without bail unless the court finds that  
241 a hearing was not held in the applicable timeframe due to  
242 circumstances attributable to the probationer or offender. If



555360

243 the probationer or offender is released, the court may impose  
244 nonmonetary conditions of release. After the hearing, the court  
245 shall make findings of fact and forward the findings to the  
246 court that granted the probation or community control and to the  
247 probationer or offender or his or her attorney. The findings of  
248 fact by the hearing court are binding on the court that granted  
249 the probation or community control. Upon the probationer or  
250 offender being brought before it, the court that granted the  
251 probation or community control may revoke, modify, or continue  
252 the probation or community control or may place the probationer  
253 into community control as provided in this section. However, the  
254 probationer or offender shall not be released and shall not be  
255 admitted to bail, but shall be brought before the court that  
256 granted the probation or community control if any violation of  
257 felony probation or community control other than a failure to  
258 pay costs or fines or make restitution payments is alleged to  
259 have been committed by:

260 (a) A violent felony offender of special concern, as  
261 defined in this section;

262 (b) A person who is on felony probation or community  
263 control for any offense committed on or after March 12, 2007,  
264 ~~the effective date of this act~~ and who is arrested for a  
265 qualifying offense as defined in this section; or

266 (c) A person who is on felony probation or community  
267 control and has previously been found by a court to be a  
268 habitual violent felony offender as defined in s. 775.084(1)(b),  
269 a three-time violent felony offender as defined in s.  
270 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
271 arrested for committing a qualifying offense as defined in this



555360

272 section on or after March 12, 2007 ~~the effective date of this~~  
273 ~~act.~~

274 Section 3. This act shall take effect July 1, 2024.

275

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

277 And the title is amended as follows:

278 Delete everything before the enacting clause  
279 and insert:

280 A bill to be entitled  
281 An act relating to probation and community control  
282 violations; amending s. 921.0024, F.S.; revising the  
283 sentencing score sheet to reflect the absence of  
284 community sanction points assessed in certain  
285 circumstances; amending s. 948.06, F.S.; revising  
286 sanctions for probation violations; providing for  
287 hearings within a specified time period for low-risk  
288 probation or community control violations; providing  
289 for the release of offenders in certain circumstances  
290 if a hearing is not held; providing for nonmonetary  
291 conditions of release; making technical changes;  
292 providing an effective date.