

26 | an offender's legal status.

27 |

28 | Community sanction violation points are assessed when a
29 | community sanction violation is before the court for sentencing.
30 | Six (6) sentence points are assessed for each community sanction
31 | violation and each successive community sanction violation,
32 | unless any of the following apply:

33 | 1. If the community sanction violation includes a new
34 | felony conviction before the sentencing court, twelve (12)
35 | community sanction violation points are assessed for the
36 | violation, and for each successive community sanction violation
37 | involving a new felony conviction.

38 | 2. If the community sanction violation is committed by a
39 | violent felony offender of special concern as defined in s.
40 | 948.06:

41 | a. Twelve (12) community sanction violation points are
42 | assessed for the violation and for each successive violation of
43 | felony probation or community control where:

44 | I. The violation does not include a new felony conviction;
45 | and

46 | II. The community sanction violation is not based solely
47 | on the probationer or offender's failure to pay costs or fines
48 | or make restitution payments.

49 | b. Twenty-four (24) community sanction violation points
50 | are assessed for the violation and for each successive violation

51 of felony probation or community control where the violation
52 includes a new felony conviction. If the community sanction
53 violation is resolved through the alternative sanctioning
54 program under s. 948.06(9), no points are assessed. If a
55 community sanction violation not resolved through the
56 alternative sanctioning program is before the court, no points
57 are assessed for prior violations that were resolved through the
58 alternative sanctioning program.

59
60 ~~Multiple counts of community sanction violations before the~~
61 ~~sentencing court shall not be a basis for multiplying the~~
62 ~~assessment of community sanction violation points.~~

63
64 Prior serious felony points: If the offender has a primary
65 offense or any additional offense ranked in level 8, level 9, or
66 level 10, and one or more prior serious felonies, a single
67 assessment of thirty (30) points shall be added. For purposes of
68 this section, a prior serious felony is an offense in the
69 offender's prior record that is ranked in level 8, level 9, or
70 level 10 under s. 921.0022 or s. 921.0023 and for which the
71 offender is serving a sentence of confinement, supervision, or
72 other sanction or for which the offender's date of release from
73 confinement, supervision, or other sanction, whichever is later,
74 is within 3 years before the date the primary offense or any
75 additional offense was committed.

76
 77 Prior capital felony points: If the offender has one or more
 78 prior capital felonies in the offender's criminal record, points
 79 shall be added to the subtotal sentence points of the offender
 80 equal to twice the number of points the offender receives for
 81 the primary offense and any additional offense. A prior capital
 82 felony in the offender's criminal record is a previous capital
 83 felony offense for which the offender has entered a plea of nolo
 84 contendere or guilty or has been found guilty; or a felony in
 85 another jurisdiction which is a capital felony in that
 86 jurisdiction, or would be a capital felony if the offense were
 87 committed in this state.

88
 89 Possession of a firearm, semiautomatic firearm, or machine gun:
 90 If the offender is convicted of committing or attempting to
 91 commit any felony other than those enumerated in s. 775.087(2)
 92 while having in his or her possession: a firearm as defined in
 93 s. 790.001, an additional eighteen (18) sentence points are
 94 assessed; or if the offender is convicted of committing or
 95 attempting to commit any felony other than those enumerated in
 96 s. 775.087(3) while having in his or her possession a
 97 semiautomatic firearm as defined in s. 775.087(3) or a machine
 98 gun as defined in s. 790.001, an additional twenty-five (25)
 99 sentence points are assessed.

100

101 Sentencing multipliers:

102

103 Drug trafficking: If the primary offense is drug trafficking
 104 under s. 893.135, the subtotal sentence points are multiplied,
 105 at the discretion of the court, for a level 7 or level 8
 106 offense, by 1.5. The state attorney may move the sentencing
 107 court to reduce or suspend the sentence of a person convicted of
 108 a level 7 or level 8 offense, if the offender provides
 109 substantial assistance as described in s. 893.135(4).

110

111 Violent offenses committed against specified justice system
 112 personnel: If the primary offense is a violation of s.
 113 775.0823(2), (3), or (4), the subtotal sentence points are
 114 multiplied by 2.5. If the primary offense is a violation of s.
 115 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 116 are multiplied by 2.0. If the primary offense is a violation of
 117 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
 118 subtotal sentence points are multiplied by 1.5.

119

120 Grand theft of a motor vehicle: If the primary offense is grand
 121 theft of the third degree involving a motor vehicle and in the
 122 offender's prior record, there are three or more grand thefts of
 123 the third degree involving a motor vehicle, the subtotal
 124 sentence points are multiplied by 1.5.

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126 Offense related to a criminal gang: If the offender is convicted
127 of the primary offense and committed that offense for the
128 purpose of benefiting, promoting, or furthering the interests of
129 a criminal gang as defined in s. 874.03, the subtotal sentence
130 points are multiplied by 1.5. If applying the multiplier results
131 in the lowest permissible sentence exceeding the statutory
132 maximum sentence for the primary offense under chapter 775, the
133 court may not apply the multiplier and must sentence the
134 defendant to the statutory maximum sentence.

135

136 Domestic violence in the presence of a child: If the offender is
137 convicted of the primary offense and the primary offense is a
138 crime of domestic violence, as defined in s. 741.28, which was
139 committed in the presence of a child under 16 years of age who
140 is a family or household member as defined in s. 741.28(3) with
141 the victim or perpetrator, the subtotal sentence points are
142 multiplied by 1.5.

143

144 Adult-on-minor sex offense: If the offender was 18 years of age
145 or older and the victim was younger than 18 years of age at the
146 time the offender committed the primary offense, and if the
147 primary offense was an offense committed on or after October 1,
148 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
149 violation involved a victim who was a minor and, in the course
150 of committing that violation, the defendant committed a sexual

151 battery under chapter 794 or a lewd act under s. 800.04 or s.
152 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
153 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
154 800.04; or s. 847.0135(5), the subtotal sentence points are
155 multiplied by 2.0. If applying the multiplier results in the
156 lowest permissible sentence exceeding the statutory maximum
157 sentence for the primary offense under chapter 775, the court
158 may not apply the multiplier and must sentence the defendant to
159 the statutory maximum sentence.

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

162 948.06 Violation of probation or community control;
163 revocation; modification; continuance; failure to pay
164 restitution or cost of supervision.—

165 (2)

166 (f)1. Except as provided in subparagraph 3. or upon waiver
167 by the probationer, the court shall modify or continue a
168 probationary term upon finding a probationer in violation when
169 all of the following apply:

170 a. The term of supervision is probation.

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

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

175 d. The court has not, on two or more separate occasions,

176 | previously found the probationer in violation of his or her
177 | probation pursuant to a filed violation of probation affidavit
178 | during the current term of supervision. A probationer who has
179 | successfully completed sanctions through the alternative
180 | sanctioning program is eligible for mandatory modification or
181 | continuation of his or her probation.

182 | 2. Upon modifying probation under subparagraph 1., the
183 | court may include in the sentence a maximum of 90 days in county
184 | jail as a special condition of probation. If the court has
185 | previously found the probationer in violation of his or her
186 | probation and modified probation with up to 90 days in county
187 | jail as a special condition of probation, it may, upon
188 | modification of probation under subparagraph 1., include in the
189 | sentence a maximum of 120 days in county jail as a special
190 | condition of probation.

191 | ~~3.2.~~ Upon modifying probation under subparagraph 1., the
192 | court may include in the sentence a maximum of 90 days in county
193 | jail as a special condition of probation.

194 | ~~4.3.~~ Notwithstanding s. 921.0024, if a probationer meets
195 | the criteria for mandatory modification in subparagraph 1. but
196 | has less time on supervision remaining than the number of days
197 | in jail authorized in subparagraph 2. than 90 days of
198 | supervision remaining on his or her term of probation and meets
199 | the criteria for mandatory modification or continuation in
200 | subparagraph 1., the court may revoke probation and sentence the

201 probationer to a maximum of 90 or 120 days in county jail as
202 provided in subparagraph 2.

203 ~~5.4.~~ For purposes of imposing a jail sentence under this
204 paragraph only, the court may grant credit only for time served
205 in the county jail since the probationer's most recent arrest
206 for the violation. However, the court may not order the
207 probationer to a total term of incarceration greater than the
208 maximum provided by s. 775.082.

209 (4) Notwithstanding any other provision of this section, a
210 felony probationer or an offender in community control who is
211 arrested for violating his or her probation or community control
212 in a material respect may be taken before the court in the
213 county or circuit in which the probationer or offender was
214 arrested. That court shall advise him or her of the charge of a
215 violation and, if such charge is admitted, shall cause him or
216 her to be brought before the court that granted the probation or
217 community control. If the violation is not admitted by the
218 probationer or offender, the court may commit him or her or
219 release him or her with or without bail to await further
220 hearing. However, if the probationer or offender is under
221 supervision for any criminal offense proscribed in chapter 794,
222 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
223 registered sexual predator or a registered sexual offender, or
224 is under supervision for a criminal offense for which he or she
225 would meet the registration criteria in s. 775.21, s. 943.0435,

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226 or s. 944.607 but for the effective date of those sections, the
227 court must make a finding that the probationer or offender is
228 not a danger to the public prior to release with or without
229 bail. In determining the danger posed by the offender's or
230 probationer's release, the court may consider the nature and
231 circumstances of the violation and any new offenses charged; the
232 offender's or probationer's past and present conduct, including
233 convictions of crimes; any record of arrests without conviction
234 for crimes involving violence or sexual crimes; any other
235 evidence of allegations of unlawful sexual conduct or the use of
236 violence by the offender or probationer; the offender's or
237 probationer's family ties, length of residence in the community,
238 employment history, and mental condition; his or her history and
239 conduct during the probation or community control supervision
240 from which the violation arises and any other previous
241 supervisions, including disciplinary records of previous
242 incarcerations; the likelihood that the offender or probationer
243 will engage again in a criminal course of conduct; the weight of
244 the evidence against the offender or probationer; and any other
245 facts the court considers relevant. The court, as soon as is
246 practicable, shall give the probationer or offender an
247 opportunity to be fully heard on his or her behalf in person or
248 by counsel. If the alleged violation is a low-risk violation, as
249 defined in paragraph (9)(b), the court shall, within 30 days
250 after arrest or after counsel appears for the probationer or

251 offender, whichever occurs later, give the probationer or
252 offender an opportunity to be fully heard on his or her behalf
253 in person or by counsel. If a hearing is not held within 30 days
254 after arrest or after counsel appears for the probationer or
255 offender, whichever occurs later, the court must release the
256 probationer or offender without bail unless the court finds that
257 a hearing was not held in the applicable timeframe due to
258 circumstances attributable to the probationer or offender. If
259 the probationer or offender is released, the court may impose
260 nonmonetary conditions of release. After the hearing, the court
261 shall make findings of fact and forward the findings to the
262 court that granted the probation or community control and to the
263 probationer or offender or his or her attorney. The findings of
264 fact by the hearing court are binding on the court that granted
265 the probation or community control. Upon the probationer or
266 offender being brought before it, the court that granted the
267 probation or community control may revoke, modify, or continue
268 the probation or community control or may place the probationer
269 into community control as provided in this section. However, the
270 probationer or offender shall not be released and shall not be
271 admitted to bail, but shall be brought before the court that
272 granted the probation or community control if any violation of
273 felony probation or community control other than a failure to
274 pay costs or fines or make restitution payments is alleged to
275 have been committed by:

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

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

282 (c) A person who is on felony probation or community
283 control and has previously been found by a court to be a
284 habitual violent felony offender as defined in s. 775.084(1) (b),
285 a three-time violent felony offender as defined in s.
286 775.084(1) (c), or a sexual predator under s. 775.21, and who is
287 arrested for committing a qualifying offense as defined in this
288 section on or after March 12, 2007 ~~the effective date of this~~
289 ~~act.~~

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