

CHAPTER 2021-210

House Bill No. 661

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

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

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

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

(2)

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

- a. The term of supervision is probation.
- b. The probationer does not qualify as a violent felony offender of special concern, as defined in paragraph (8)(b).
- c. The violation is a low-risk technical violation, as defined in paragraph (9)(b).
- d. The court has not previously found the probationer in violation of his or her probation pursuant to a filed violation of probation affidavit during the current term of supervision. A probationer who has successfully completed sanctions through the alternative sanctioning program is eligible for mandatory modification or continuation of his or her probation.

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

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

4. For purposes of imposing a jail sentence under this paragraph only, the court may grant credit only for time served in the county jail since the probationer's most recent arrest for the violation. However, the court may

not order the probationer to a total term of incarceration greater than the maximum provided by s. 775.082.

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.