

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-3773

KEVIN MARCUS BOYD,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Alachua County.
Phillip A. Pena, Judge.

April 22, 2019

PER CURIAM.

Appellant challenges the trial court's order modifying his probation because he contends the State failed to put forward evidence that he willfully violated two conditions. We affirm the trial court's finding that appellant willfully violated his probation by ignoring his financial obligation.

However, we find the trial court erred in finding appellant willfully violated the condition of his probation requiring him to maintain either full-time employment or full-time education. Such a provision is invalid as a matter of law unless it provides a "good faith effort" exception. *See Aviles v. State*, 165 So. 3d 841, 843 (Fla. 1st DCA 2015) (holding that a full-time employment condition of probation was invalid because it did not contain an

exception if factors outside of the probationer's control could prevent completion of the requirement); *see also Silas v. State*, 208 So. 3d 1289, 1290 (Fla. 1st DCA 2017) (holding that a condition of probation requiring a probationer to obtain a GED was invalid because it did not provide a "good faith effort" exception).

Accordingly, we AFFIRM the trial court's order modifying appellant's probation but REMAND for entry of a corrected modification order. *See Redd v. State*, 204 So. 3d 558, 559 (Fla. 4th DCA 2016).

WOLF, OSTERHAUS, and JAY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Joel Arnold, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Daniel Krumbholz, Assistant Attorney General, Tallahassee, for Appellee.