

1 A bill to be entitled
2 An act relating to corrections; amending s.
3 775.084, F.S.; clarifying that the gain-time
4 that the Department of Corrections may award to
5 a habitual felony offender, a habitual violent
6 felony offender, or a violent career criminal
7 is limited to monthly incentive gain-time;
8 amending s. 921.0017, F.S.; clarifying that
9 credit for time served means time spent in
10 state prison or county jail on the same
11 offense; amending s. 944.279, F.S.; providing
12 that a prisoner who is found to have brought a
13 frivolous or malicious action or brought false
14 information before the court is subject to
15 disciplinary procedures; defining the term
16 "prisoner"; amending s. 944.35, F.S., relating
17 to authorized use of force by a departmental
18 employee against an inmate or supervised
19 offender; removing requirement that a report on
20 such use of force be kept in the file of an
21 employee; providing for notation of a
22 use-of-force incident and outcome in the file
23 of an employee; amending s. 944.472, F.S.,
24 relating to drug-free corrections; providing
25 legislative findings and purposes with respect
26 to reasonable suspicion of substance-abuse
27 testing programs for inmates; amending s.
28 944.473, F.S.; providing for adoption of rules
29 for such programs; amending s. 944.801, F.S.,
30 relating to education for state prisoners;
31 entitling certain inmates who qualify for

1 special educational services and programs under
2 federal law to request hearings before the
3 Division of Administrative Hearings; providing
4 that administrative law judges are not required
5 to travel to state and private correctional
6 institutions and facilities to conduct such
7 hearings; amending s. 948.01, F.S., relating to
8 the court's authority to place a defendant on
9 probation or community control; authorizing the
10 court to revoke, modify, or continue
11 supervision upon violation; providing certain
12 sentencing authority upon violation;
13 prohibiting the court from awarding credit for
14 time served under certain circumstances;
15 providing limitations on the court for
16 subsequent supervision upon violation; amending
17 s. 948.03, F.S., relating to terms and
18 conditions of probation or community control;
19 deleting attendance at an HIV/AIDS awareness
20 program as a standard condition; authorizing
21 courts to impose such a condition if such a
22 program is available as specified; amending s.
23 948.06, F.S.; prohibiting the award of credit
24 for time served while on probation or community
25 control for subsequent terms of supervision
26 following a revocation of probation or
27 community control; providing limitations on the
28 court for imposing a subsequent term of
29 supervision following revocation; amending s.
30 947.04, F.S.; authorizing the chairman of the
31 Parole Commission to serve successive terms;

1 amending s. 947.1405, F.S.; clarifying the
2 inclusion of violent career criminals as
3 eligible for conditional release supervision;
4 clarifying that conditional release supervision
5 applies to all sentences of an inmate if the
6 inmate's overall sentences include one or more
7 sentences that are eligible for conditional
8 release supervision; providing an effective
9 date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (j) of subsection (4) of section
14 775.084, Florida Statutes, 1996 Supplement, is amended to
15 read:

16 775.084 Violent career criminals; habitual felony
17 offenders and habitual violent felony offenders; definitions;
18 procedure; enhanced penalties.--

19 (4)

20 (j)1. A defendant sentenced under this section as a
21 habitual felony offender, a habitual violent felony offender,
22 or a violent career criminal is eligible for gain-time granted
23 by the Department of Corrections as provided in s.
24 944.275(4)(b)~~s. 944.275(4)~~.

25 2. For an offense committed on or after October 1,
26 1995, a defendant sentenced under this section as a violent
27 career criminal is not eligible for any form of discretionary
28 early release, other than pardon or executive clemency, or
29 conditional medical release granted pursuant to s. 947.149.

30 Section 2. Section 921.0017, Florida Statutes, is
31 amended to read:

1 921.0017 Credit upon recommitment of offender serving
2 split sentence.--Effective for offenses committed on or after
3 January 1, 1994, if an offender's probation or community
4 control is revoked and the offender is serving a split
5 sentence pursuant to s. 948.01, upon recommitment to the
6 Department of Corrections, the court shall order credit for
7 time served in state prison or county jail only, without
8 considering any type of gain-time earned before release to
9 supervision, or any type of sentence reduction granted to
10 avoid prison overcrowding, including, but not limited to, any
11 sentence reduction resulting from administrative gain-time,
12 provisional credits, or control release. The court shall
13 determine the amount of jail-time credit to be awarded for
14 time served between the date of arrest as a violator and the
15 date of recommitment, and shall direct the Department of
16 Corrections to compute and apply credit for all other time
17 served previously on the prior sentence for the offense for
18 which the offender is being recommitted. This section does
19 not affect or limit the department's authority to forfeit
20 gain-time under ss. 944.28(1) and 948.06(6).

21 Section 3. Section 944.279, Florida Statutes, 1996
22 Supplement, is amended to read:

23 944.279 Disciplinary procedures applicable to prisoner
24 ~~Loss of gain-time~~ for filing frivolous or malicious actions or
25 bringing false information before court.--

26 (1) At any time, and upon its own motion or on motion
27 of a party, a court may conduct an inquiry into whether any
28 action or appeal brought by a prisoner was brought in good
29 faith. A prisoner who is found by a court to have brought a
30 frivolous or malicious suit, action, claim, proceeding, or
31 appeal in any court of this state or in any federal court,

1 which is filed after June 30, 1996, or who knowingly or with
 2 reckless disregard for the truth brought false information or
 3 evidence before the court, is subject to disciplinary
 4 procedures pursuant to the rules of the Department of
 5 Corrections forfeiture of gain-time and the right to earn
 6 gain-time. The court shall issue a written finding and direct
 7 that a certified copy be forwarded to the appropriate
 8 institution or facility for disciplinary procedures pursuant
 9 to the rules of the department ~~action~~ as provided in s. 944.09
 10 944.28(2).

11 (2) This section does not apply to a criminal
 12 proceeding or a collateral criminal proceeding.

13 (3) For purposes of this section, "prisoner" means a
 14 person who is convicted of a crime and is incarcerated for
 15 that crime or who is being held in custody pending extradition
 16 or sentencing.

17 Section 4. Subsection (2) of section 944.35, Florida
 18 Statutes, 1996 Supplement, is amended to read:

19 944.35 Authorized use of force; malicious battery and
 20 sexual misconduct prohibited; reporting required; penalties.--

21 (2) Each employee of the department who either applies
 22 physical force or was responsible for making the decision to
 23 apply physical force upon an inmate or an offender supervised
 24 by the department in the community pursuant to this subsection
 25 shall prepare, date, and sign an independent report within 5
 26 working days of the incident. The report shall be delivered to
 27 the superintendent or the regional administrator, who shall
 28 have an investigation made and shall approve or disapprove the
 29 force used. The employee's report, together with the
 30 superintendent's or regional administrator's written approval
 31 or disapproval of the force used and the reasons therefor,

1 shall be forwarded within 5 working days of the date of the
2 completion of the investigation to the regional director. The
3 regional director shall, in writing, concur in the
4 superintendent's or regional administrator's evaluation or
5 disapprove it. Copies of the employee's report, the
6 superintendent's or regional administrator's evaluation, and
7 the regional director's review shall be kept in the files of
8 ~~both~~ the inmate or the offender supervised by the department
9 in the community, ~~and the employee~~. A notation of each
10 incident involving use of force and the outcome based on the
11 superintendent's or regional director's evaluation and the
12 regional administrator's review shall be kept in the
13 employee's file.

14 Section 5. Paragraph (c) of subsection (1) and
15 subsection (2) of section 944.472, Florida Statutes, are
16 amended to read:

17 944.472 Drug-free corrections; legislative findings
18 and purposes.--

19 (1) FINDINGS.--The Legislature finds that:

20 (c) Certain substance abuse testing standards are
21 necessary to ensure uniform and economical application of
22 policy throughout the state's institutions and to protect both
23 inmates and employers participating in random and reasonable
24 suspicion substance abuse testing programs.

25 (2) PURPOSES.--The purposes of the Drug-Free
26 Corrections Act of 1992 are to:

27 (a) Promote the goal of a drug-free correctional
28 system through fair, economical, and reasonable methods of
29 random and reasonable suspicion substance abuse testing of
30 inmates for the protection of inmates, employees, employers,
31 and the public.

1 (b) Establish an aggressive, routine random substance
2 abuse testing program and a reasonable suspicion substance
3 abuse testing program to identify substance-abusing inmates,
4 determine appropriate treatment, and provide a strong
5 deterrent to future substance abuse.

6 Section 6. Subsections (1) and (3) of section 944.473,
7 Florida Statutes, are amended to read:

8 944.473 Inmate substance abuse testing program.--

9 (1) RULES AND PROCEDURES.--The department shall
10 establish programs ~~a program~~ for random and reasonable
11 suspicion drug and alcohol testing by urinalysis or other
12 noninvasive procedure for inmates to effectively identify
13 those inmates abusing drugs, alcohol, or both. The department
14 shall also adopt rules relating to fair, economical, and
15 accurate operations and procedures of a random inmate
16 substance abuse testing program and a reasonable suspicion
17 substance abuse testing program by urinalysis or other
18 noninvasive procedure which enumerate penalties for positive
19 test results, including but not limited to the forfeiture of
20 both basic and incentive gain-time, and which do not limit the
21 number of times an inmate may be tested in any one fiscal or
22 calendar year.

23 (3) REPORTING REQUIREMENT.--The department shall, as
24 part of its annual report, report the number of random and
25 reasonable suspicion substance abuse tests administered in the
26 fiscal year, the number of positive results obtained, the
27 number of negative results obtained, the number of inmates
28 requesting and participating in substance abuse treatment
29 programs as the result of a positive random or reasonable
30 suspicion substance abuse test, and the number of repeat
31 substance abuse offenders.

1 Section 7. Subsection (4) is added to section 944.801,
2 Florida Statutes, 1996 Supplement, to read:

3 944.801 Education for state prisoners.--

4 (4) Notwithstanding s. 120.81(3), all inmates under 22
5 years of age who qualify for special educational services and
6 programs pursuant to the Individuals with Disabilities
7 Education Act, 20 U.S.C. ss. 1400 et seq., and who request a
8 due process hearing as provided by that act shall be entitled
9 to such hearing before the Division of Administrative
10 Hearings. Administrative law judges shall not be required to
11 travel to state or private correctional institutions and
12 facilities in order to conduct these hearings.

13 Section 8. Subsection (11) of section 948.01, Florida
14 Statutes, 1996 Supplement, is amended to read:

15 948.01 When court may place defendant on probation or
16 into community control.--

17 (11) The court may also impose a split sentence
18 whereby the defendant is sentenced to a term of probation
19 which may be followed by a period of incarceration or, with
20 respect to a felony, into community control, as follows:

21 (a) If the offender meets the terms and conditions of
22 probation or community control, any term of incarceration may
23 be modified by court order to eliminate the term of
24 incarceration.

25 (b) If the offender does not meet the terms and
26 conditions of probation or community control, the court may
27 revoke, modify, or continue the probation or community control
28 as provided in s. 948.06. If the probation or community
29 control is revoked, the court may impose any sentence that it
30 could have imposed at the time the offender was placed on
31 probation or community control. The court may not provide

1 credit for time served for any portion of a probation of
 2 community control term toward a subsequent term of probation
 3 or community control. However, the court may not impose a
 4 subsequent term of probation or community control which, when
 5 combined with any amount of time served on preceding terms of
 6 probation or community control for offenses pending before the
 7 court for sentencing, would exceed the maximum penalty
 8 allowable as provided in s. 775.082 ~~shall impose a term of~~
 9 ~~incarceration equal to the remaining portion of the order of~~
 10 ~~probation or community control.~~ Such term of incarceration
 11 shall be served under applicable law or county ordinance
 12 governing service of sentences in state or county
 13 jurisdiction. This paragraph does not prohibit any other
 14 sanction provided by law.

15 Section 9. Subsection (1) of section 948.03, Florida
 16 Statutes, 1996 Supplement, is amended to read:

17 948.03 Terms and conditions of probation or community
 18 control.--

19 (1) The court shall determine the terms and conditions
 20 of probation or community control. Conditions specified in
 21 paragraphs (a) through and including (m) ~~(n)~~ do not require
 22 oral pronouncement at the time of sentencing and may be
 23 considered standard conditions of probation. Conditions
 24 specified in paragraphs (a) through and including (m) ~~(n)~~ and
 25 (2)(a) do not require oral pronouncement at sentencing and may
 26 be considered standard conditions of community control. These
 27 conditions may include among them the following, that the
 28 probationer or offender in community control shall:

29 (a) Report to the probation and parole supervisors as
 30 directed.

31

1 (b) Permit such supervisors to visit him at his home
2 or elsewhere.

3 (c) Work faithfully at suitable employment insofar as
4 may be possible.

5 (d) Remain within a specified place.

6 (e) Make reparation or restitution to the aggrieved
7 party for the damage or loss caused by his offense in an
8 amount to be determined by the court. The court shall make
9 such reparation or restitution a condition of probation,
10 unless it determines that clear and compelling reasons exist
11 to the contrary. If the court does not order restitution, or
12 orders restitution of only a portion of the damages, as
13 provided in s. 775.089, it shall state on the record in detail
14 the reasons therefor.

15 (f) Effective July 1, 1994, and applicable for
16 offenses committed on or after that date, make payment of the
17 debt due and owing to a county or municipal detention facility
18 under s. 951.032 for medical care, treatment, hospitalization,
19 or transportation received by the felony probationer while in
20 that detention facility. The court, in determining whether to
21 order such repayment and the amount of such repayment, shall
22 consider the amount of the debt, whether there was any fault
23 of the institution for the medical expenses incurred, the
24 financial resources of the felony probationer, the present and
25 potential future financial needs and earning ability of the
26 probationer, and dependents, and other appropriate factors.

27 (g) Support his legal dependents to the best of his
28 ability.

29 (h) Make payment of the debt due and owing to the
30 state under s. 960.17, subject to modification based on change
31 of circumstances.

1 (i) Pay any attorney's fees and costs assessed under
2 s. 27.56, subject to modification based on change of
3 circumstances.

4 (j) Not associate with persons engaged in criminal
5 activities.

6 (k)1. Submit to random testing as directed by the
7 correctional probation officer or the professional staff of
8 the treatment center where he is receiving treatment to
9 determine the presence or use of alcohol or controlled
10 substances.

11 2. If the offense was a controlled substance violation
12 and the period of probation immediately follows a period of
13 incarceration in the state correction system, the conditions
14 shall include a requirement that the offender submit to random
15 substance abuse testing intermittently throughout the term of
16 supervision, upon the direction of the correctional probation
17 officer as defined in s. 943.10(3).

18 (l) Be prohibited from possessing, carrying, or owning
19 any firearm unless authorized by the court and consented to by
20 the probation officer.

21 (m) Be prohibited from using intoxicants to excess or
22 possessing any drugs or narcotics unless prescribed by a
23 physician. The probationer or community controlee shall not
24 knowingly visit places where intoxicants, drugs, or other
25 dangerous substances are unlawfully sold, dispensed, or used.

26 (n) Attend an HIV/AIDS awareness program consisting of
27 a class of not less than 2 hours or more than 4 hours in
28 length, the cost for which shall be paid by the offender, if
29 such a program is available in the county of the offender's
30 residence.

31

1 (o) Pay not more than \$1 per month during the term of
2 probation or community control to a nonprofit organization
3 established for the sole purpose of supplementing the
4 rehabilitative efforts of the Department of Corrections.

5 Section 10. Section 948.06, Florida Statutes, is
6 amended to read:

7 948.06 Violation of probation or community control;
8 revocation; modification; continuance; failure to pay
9 restitution or cost of supervision.--

10 (1) Whenever within the period of probation or
11 community control there are reasonable grounds to believe that
12 a probationer or offender in community control has violated
13 his probation or community control in a material respect, any
14 parole or probation supervisor may arrest or request any
15 county or municipal law enforcement officer to arrest such
16 probationer or offender without warrant wherever found and
17 forthwith return him to the court granting such probation or
18 community control. Any committing magistrate may issue a
19 warrant, upon the facts being made known to him by affidavit
20 of one having knowledge of such facts, for the arrest of the
21 probationer or offender, returnable forthwith before the court
22 granting such probation or community control. Any parole or
23 probation supervisor, any officer authorized to serve criminal
24 process, or any peace officer of this state is authorized to
25 serve and execute such warrant. The court, upon the
26 probationer or offender being brought before it, shall advise
27 him of such charge of violation and, if such charge is
28 admitted to be true, may forthwith revoke, modify, or continue
29 the probation or community control or place the probationer
30 into a community control program. If probation or community
31 control is revoked, the court shall adjudge the probationer or

1 offender guilty of the offense charged and proven or admitted,
2 unless he has previously been adjudged guilty, and impose any
3 sentence which it might have originally imposed before placing
4 the probationer on probation or the offender into community
5 control. If such violation of probation or community control
6 is not admitted by the probationer or offender, the court may
7 commit him or release him with or without bail to await
8 further hearing, or it may dismiss the charge of probation or
9 community control violation. If such charge is not at that
10 time admitted by the probationer or offender and if it is not
11 dismissed, the court, as soon as may be practicable, shall
12 give the probationer or offender an opportunity to be fully
13 heard on his behalf in person or by counsel. After such
14 hearing, the court may revoke, modify, or continue the
15 probation or community control or place the probationer into
16 community control. If such probation or community control is
17 revoked, the court shall adjudge the probationer or offender
18 guilty of the offense charged and proven or admitted, unless
19 he has previously been adjudged guilty, and impose any
20 sentence which it might have originally imposed before placing
21 the probationer or offender on probation or into community
22 control.

23 (2) When the court imposes a subsequent term of
24 supervision following a revocation of probation or community
25 control, it shall not provide credit for time served while on
26 probation or community control toward any subsequent term of
27 probation or community control. However, the court may not
28 impose a subsequent term of probation or community control
29 which, when combined with any amount of time served on
30 preceding terms of probation or community control for offenses
31 before the court for sentencing, would exceed the maximum

1 penalty allowable as provided by s. 775.082.No part of the
2 time that the defendant is on probation or in community
3 control shall be considered as any part of the time that he or
4 she shall be sentenced to serve.

5 (3) Notwithstanding any other provision of this
6 section, a probationer or an offender in community control who
7 is arrested for violating his probation or community control
8 in a material respect may be taken before the court in the
9 county or circuit in which he was arrested. That court shall
10 advise him of such charge of a violation and, if such charge
11 is admitted, shall cause him to be brought before the court
12 which granted the probation or community control. If such
13 violation is not admitted by the probationer or offender, the
14 court may commit him or release him with or without bail to
15 await further hearing. The court, as soon as is practicable,
16 shall give the probationer or offender an opportunity to be
17 fully heard on his behalf in person or by counsel. After such
18 hearing, the court shall make findings of fact and forward the
19 findings to the court which granted the probation or community
20 control and to the probationer or offender or his attorney.
21 The findings of fact by the hearing court are binding on the
22 court which granted the probation or community control. Upon
23 the probationer or offender being brought before it, the court
24 which granted the probation or community control may revoke,
25 modify, or continue the probation or community control or may
26 place the probationer into community control as provided in
27 this section.

28 (4) In any hearing in which the failure of a
29 probationer or offender in community control to pay
30 restitution or the cost of supervision as provided in s.
31 948.09, as directed, is established by the state, if the

1 probationer or offender asserts his inability to pay
2 restitution or the cost of supervision, it is incumbent upon
3 him to prove by clear and convincing evidence that he does not
4 have the present resources available to pay restitution or the
5 cost of supervision despite sufficient bona fide efforts
6 legally to acquire the resources to do so. If the probationer
7 or offender cannot pay restitution or the cost of supervision
8 despite sufficient bona fide efforts, the court shall consider
9 alternate measures of punishment other than imprisonment.
10 Only if alternate measures are not adequate to meet the
11 state's interests in punishment and deterrence may the court
12 imprison a probationer or offender in community control who
13 has demonstrated sufficient bona fide efforts to pay
14 restitution or the cost of supervision.

15 (5) Any parolee in a community control program who has
16 allegedly violated the terms and conditions of such placement
17 is subject to the provisions of ss. 947.22 and 947.23.

18 (6) Any provision of law to the contrary
19 notwithstanding, whenever probation, community control, or
20 control release, including the probationary, community control
21 portion of a split sentence, is violated and the probation or
22 community control is revoked, the offender, by reason of his
23 misconduct, may be deemed to have forfeited all gain-time or
24 commutation of time for good conduct, as provided by law,
25 earned up to the date of his release on probation, community
26 control, or control release. This subsection does not deprive
27 the prisoner of his right to gain-time or commutation of time
28 for good conduct, as provided by law, from the date on which
29 he is returned to prison. However, if a prisoner is sentenced
30 to incarceration following termination from a drug punishment
31 program imposed as a condition of probation, the sentence may

1 include incarceration without the possibility of gain-time or
2 early release for the period of time remaining in his
3 treatment program placement term.

4 Section 11. Section 947.04, Florida Statutes, 1996
5 Supplement, is amended to read:

6 947.04 Organization of commission; officers;
7 offices.--

8 (1) Before July 1 of each even-numbered year, the
9 Governor and Cabinet shall select a chairman who shall serve
10 for a period of 2 years and until a successor is selected and
11 qualified. The Governor and Cabinet shall, at the same time
12 that a chairman is selected, select a vice chairman to serve
13 during the same 2-year period as the chairman, in the absence
14 of the chairman. The chairman may ~~not~~ succeed himself or
15 herself. The chairman, as chief administrative officer of the
16 commission, has the authority and responsibility to plan,
17 direct, coordinate, and execute the powers, duties, and
18 responsibilities assigned to the commission, except those of
19 granting and revoking parole as provided for in this chapter.
20 Subject to approval by the Governor and the Cabinet, the
21 chairman may assign consenting retired commissioners or former
22 commissioners to temporary duty when there is a workload need.
23 Any such commissioner shall be paid \$100 for each day or
24 portion of a day spent on the work of the commission and shall
25 be reimbursed for travel expenses as provided in s. 112.061.
26 The chairman is authorized to provide or disseminate
27 information relative to parole by means of documents,
28 seminars, programs, or otherwise as he determines necessary.
29 The chairman shall establish, execute, and be held accountable
30 for all administrative policy decisions. However, decisions to
31 grant or revoke parole shall be made in accordance with the

1 provisions of ss. 947.172, 947.174, and 947.23. The
2 commissioners shall be directly accountable to the chairman in
3 the execution of their duties as commissioners, and the
4 chairman has authority to recommend to the Governor suspension
5 of a commissioner who fails to perform the duties provided for
6 by statute.

7 (2) Notwithstanding the provisions of s. 20.05(1)(g),
8 the chairman shall appoint administrators with responsibility
9 for the management of commission activities in the following
10 functional areas:

11 (a) Administration.

12 (b) Operations.

13 (c) Clemency.

14 (3) The commissioners shall select from their number a
15 secretary who shall serve for a period of 1 year or until a
16 successor is elected and qualified.

17 (4) The commission may establish and maintain offices
18 in centrally and conveniently located places in Florida.
19 Headquarters shall be located in Tallahassee. The business of
20 the commission shall be transacted anywhere in the state as
21 provided in s. 947.06. The commission shall keep its official
22 records and papers at the headquarters, which it shall furnish
23 and equip.

24 (5) Acts and decisions of the chairman may be modified
25 as provided in s. 947.06.

26 Section 12. Section 947.1405, Florida Statutes, 1996
27 Supplement, is amended to read:

28 947.1405 Conditional release program.--

29 (1) This section and s. 947.141 may be cited as the
30 "Conditional Release Program Act."

31 (2) Any inmate who:

1 (a) Is convicted of a crime committed on or after
2 October 1, 1988, and before January 1, 1994, and any inmate
3 who is convicted of a crime committed on or after January 1,
4 1994, which crime is or was contained in category 1, category
5 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,
6 Florida Rules of Criminal Procedure (1993), and who has served
7 at least one prior felony commitment at a state or federal
8 correctional institution;

9 (b) Is sentenced as a habitual or violent habitual
10 offender or violent career criminal pursuant to s. 775.084; or

11 (c) Is found to be a sexual predator under s. 775.21
12 or former s. 775.23,

13
14 shall, upon reaching the tentative release date or provisional
15 release date, whichever is earlier, as established by the
16 Department of Corrections, be released under supervision
17 subject to specified terms and conditions, including payment
18 of the cost of supervision pursuant to s. 948.09. Such
19 supervision is applicable to all sentences within the overall
20 term of sentences if an inmate's overall term of sentences
21 includes one or more sentences that are eligible for
22 conditional release supervision as provided in this section.

23 Effective July 1, 1994, and applicable for offenses committed
24 on or after that date, the commission may require, as a
25 condition of conditional release, that the releasee make
26 payment of the debt due and owing to a county or municipal
27 detention facility under s. 951.032 for medical care,
28 treatment, hospitalization, or transportation received by the
29 releasee while in that detention facility. The commission, in
30 determining whether to order such repayment and the amount of
31 such repayment, shall consider the amount of the debt, whether

1 there was any fault of the institution for the medical
2 expenses incurred, the financial resources of the releasee,
3 the present and potential future financial needs and earning
4 ability of the releasee, and dependents, and other appropriate
5 factors. If an inmate has received a term of probation or
6 community control supervision to be served after release from
7 incarceration, the period of probation or community control
8 must be substituted for the conditional release supervision. A
9 panel of no fewer than two commissioners shall establish the
10 terms and conditions of any such release. If the offense was a
11 controlled substance violation, the conditions shall include a
12 requirement that the offender submit to random substance abuse
13 testing intermittently throughout the term of conditional
14 release supervision, upon the direction of the correctional
15 probation officer as defined in s. 943.10(3). The commission
16 shall also determine whether the terms and conditions of such
17 release have been violated and whether such violation warrants
18 revocation of the conditional release.

19 (3) As part of the conditional release process, the
20 commission shall determine:

21 (a) The amount of reparation or restitution.

22 (b) The consequences of the offense as reported by the
23 aggrieved party.

24 (c) The aggrieved party's fear of the inmate or
25 concerns about the release of the inmate.

26 (4) The commission shall provide to the aggrieved
27 party information regarding the manner in which notice of any
28 developments concerning the status of the inmate during the
29 term of conditional release may be requested.

30 (5) Within 180 days prior to the tentative release
31 date or provisional release date, whichever is earlier, a

1 representative of the commission shall interview the inmate.
2 The commission representative shall review the inmate's
3 program participation, disciplinary record, psychological and
4 medical records, and any other information pertinent to the
5 impending release. A commission representative shall conduct
6 a personal interview with the inmate for the purpose of
7 determining the details of the inmate's release plan,
8 including his planned residence and employment. The results
9 of the interview must be forwarded to the commission in
10 writing.

11 (6) Upon receipt of notice as required under s.
12 947.175, the commission shall conduct a review of the inmate's
13 record for the purpose of establishing the terms and
14 conditions of the conditional release. The commission may
15 impose any special conditions it considers warranted from its
16 review of the record. If the commission determines that the
17 inmate is eligible for release under this section, the
18 commission shall enter an order establishing the length of
19 supervision and the conditions attendant thereto. However, an
20 inmate who has been convicted of a violation of chapter 794 or
21 found by the court to be a sexual predator is subject to the
22 maximum level of supervision provided, with the mandatory
23 conditions as required in subsection (7), and that supervision
24 shall continue through the end of the releasee's original
25 court-imposed sentence. The length of supervision must not
26 exceed the maximum penalty imposed by the court.

27 (7) Any inmate who is convicted of a crime committed
28 on or after October 1, 1995, or has been previously convicted
29 of a crime committed on or after October 1, 1995, and who
30 meets the criteria of s. 775.21 or former s. 775.23(2)(a) or
31

1 (b) shall have, in addition to any other conditions imposed,
2 the following special conditions imposed by the commission:

3 (a) A curfew, if appropriate, during hours set by the
4 commission.

5 (b) If the victim was under the age of 18, a
6 prohibition on living within 1,000 feet of a school, day care
7 center, park, playground, or other place where children
8 regularly congregate.

9 (c) Active participation in and successful completion
10 of a sex offender treatment program, at the releasee's own
11 expense, unless one is not available within a 50-mile radius
12 of the releasee's residence.

13 (d) A prohibition on any contact with the victim,
14 directly or indirectly, including through a third person,
15 unless approved by the commission.

16 (e) If the victim was under the age of 18, a
17 prohibition, until successful completion of a sex offender
18 treatment program, on unsupervised contact with a child under
19 the age of 18, unless authorized by the commission without
20 another adult present who is responsible for the child's
21 welfare, has been advised of the crime, and is approved by the
22 commission.

23 (f) If the victim was under age 18, a prohibition on
24 working for pay or as a volunteer at any school, day care
25 center, park, playground, or other place where children
26 regularly congregate, as prescribed by the commission.

27 (g) Unless otherwise indicated in the treatment plan
28 provided by the sexual offender treatment program, a
29 prohibition on viewing, owning, or possessing any obscene,
30 pornographic, or sexually explicit material.

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1 (h) A requirement that the releasee must submit two
2 specimens of blood to the Florida Department of Law
3 Enforcement to be registered with the DNA database.

4 Section 13. This act shall take effect upon becoming a
5 law.

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