

By Representatives Brummer, Feeney, Fasano and Posey

1 A bill to be entitled
2 An act relating to postprison supervision;
3 creating the "Mandatory Postprison Supervision
4 Act of 2000"; amending ss. 20.055, 186.003, and
5 255.502, F.S.; deleting Parole Commission from
6 the definition of "state agency" for purposes
7 of agency inspectors general, the Florida State
8 Comprehensive Planning Act of 1972, and the
9 Florida Building and Facilities Act; amending
10 s. 186.005, F.S., relating to designation of
11 departmental planning officer in state
12 agencies, to conform; amending ss. 20.315,
13 20.32, 23.21, 112.011, 216.0172, 322.16,
14 394.926, 394.927, 775.089, 775.16, 784.07,
15 843.01, 843.02, 843.08, 893.11, 921.001,
16 921.16, 921.20, 921.21, 921.22, 940.03, 940.05,
17 941.23, 943.06, 943.325, 944.012, 944.02,
18 944.024, 944.23, 944.605, 945.091, 945.10,
19 945.25, 945.47, 945.73, 947.005, 947.01,
20 947.02, 947.021, 947.022, 947.03, 947.05,
21 947.06, 947.07, 947.071, 947.10, 947.11,
22 947.146, 947.149, 947.15, 947.16, 947.165,
23 947.168, 947.172, 947.173, 947.174, 947.1745,
24 947.1746, 947.1747, 947.175, 947.177, 947.18,
25 947.181, 947.185, 947.19, 947.20, 947.21,
26 947.22, 947.23, 947.24, 947.26, 948.09, 948.10,
27 949.05, 957.06, 958.045, 960.001, 960.17,
28 985.04, and 985.05, F.S.; renaming the Parole
29 Commission as the Parole Board; renaming
30 chapter 947, F.S., to conform; amending ss.
31 775.21, 921.0017, and 948.04, F.S.; conforming

1 cross references to changes made by the act;
2 amending ss. 921.187 and 944.291, F.S.;
3 requiring mandatory postprison probation for
4 certain offenders; amending s. 944.28, F.S.;
5 revising language relating to forfeiture of
6 gain-time; amending s. 947.002, F.S.; removing
7 administrative responsibilities from the board;
8 amending s. 947.04, F.S.; removing
9 administrative responsibilities from the board
10 and providing for certain administrative
11 support to the board by the Department of
12 Corrections; amending s. 947.12, F.S.;
13 requiring bills for board members' travel
14 expenses to be submitted to the department;
15 authorizing reimbursement for per diem and
16 travel expenses for members of the parole
17 qualifications committee; amending s. 947.13,
18 F.S.; requiring the Department of Juvenile
19 Justice to cooperate with the board in certain
20 investigations; amending s. 947.1405, F.S.;
21 providing responsibilities of the department
22 with regard to the conditional release program;
23 requiring the board to review department
24 recommendations; revising provisions relating
25 to mandatory curfews for persons under
26 conditional release supervision; providing for
27 court-ordered electronic monitoring of persons
28 under conditional release supervision;
29 providing conditions for revocation of
30 conditional release and mandatory postprison
31 probation, and forfeiture of gain-time;

1 prohibiting placing offenders on conditional
2 release supervision for convictions with
3 offense dates on or after July 1, 2000;
4 amending s. 947.141, F.S.; providing a
5 timeframe for applicability of said section to
6 violations of conditional release; providing
7 circumstances for certain hearings in circuit
8 courts; amending s. 948.001, F.S.; adding
9 definitions of "department" and "mandatory
10 postprison probation"; amending s. 948.01,
11 F.S.; requiring court-ordered mandatory
12 postprison probation for certain defendants;
13 amending s. 948.03, F.S.; revising terms and
14 conditions of probation and community control
15 to require court-ordered mandatory postprison
16 probation for certain defendants; specifying
17 conditions of supervision; providing for
18 calculation of date of termination of
19 postprison probation; authorizing the court to
20 impose a split sentence in addition to
21 postprison probation; amending s. 948.06, F.S.;
22 revising provisions relating to violation of
23 probation and community control to include
24 violations of conditional release; providing
25 circumstances for revocation of conditional
26 release and postprison probation and forfeiture
27 of gain-time under certain circumstances;
28 providing circumstances for certain hearings in
29 circuit courts; authorizing the court to
30 continue, modify, or revoke terms and
31 conditions of conditional release; repealing s.

1 947.135, F.S., the Mutual Participation Program
2 Act of 1976; repealing s. 958.15, F.S.,
3 relating to mutual participation agreements;
4 providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Short title.--This act may be cited as the
9 "Mandatory Postprison Supervision Act of 2000."

10 Section 2. Paragraph (a) of subsection (1) of section
11 20.055, Florida Statutes, is amended to read:

12 20.055 Agency inspectors general.--

13 (1) For the purposes of this section:

14 (a) "State agency" means each department created
15 pursuant to this chapter, and also includes the Executive
16 Office of the Governor, the Department of Military Affairs,
17 ~~the Parole Commission,~~the Board of Regents, the Fish and
18 Wildlife Conservation Commission, the Public Service
19 Commission, and the state courts system.

20 Section 3. Subsections (10) and (11) of section
21 20.315, Florida Statutes, are amended to read:

22 20.315 Department of Corrections.--There is created a
23 Department of Corrections.

24 (10) FORM OF COMMITMENT; NOTICE OF PAROLE
25 VIOLATION.--All commitments shall state the statutory
26 authority therefor. The Secretary of Corrections shall have
27 the authority to prescribe the form to be used for
28 commitments. Nothing in this act shall be construed to
29 abridge the authority and responsibility of the Parole Board
30 ~~Commission~~ with respect to the granting and revocation of
31 parole. The Department of Corrections shall notify the Parole

1 ~~Board Commission~~ of all violations of parole conditions and
2 provide reports connected thereto as may be requested by the
3 ~~board commission~~. The ~~board commission~~ shall have the
4 authority to issue orders dealing with supervision of specific
5 parolees, and such orders shall be binding on all parties.

6 (11) SINGLE INFORMATION AND RECORDS SYSTEM.--There
7 shall be only one offender-based information and records
8 system maintained by the Department of Corrections for the
9 joint use of the department and the Parole Board Commission.
10 This data system is managed through the Justice Data Center,
11 which is hereby transferred to the department under this act
12 pursuant to a type two transfer authorized under s. 20.06(2).
13 The department shall develop and maintain, in consultation
14 with the Criminal and Juvenile Justice Information Systems
15 Council under s. 943.08, such offender-based information
16 system designed to serve the needs of both the department and
17 the Parole Board Commission. The department shall notify the
18 commission of all violations of parole and the circumstances
19 thereof.

20 Section 4. Section 20.32, Florida Statutes, is amended
21 to read:

22 20.32 Parole Board Commission.--

23 (1) The Parole and Probation Commission, ~~authorized by~~
24 ~~s. 8(c), Art. IV, State Constitution of 1968, is continued and~~
25 renamed the Parole Board Commission. The ~~board commission~~
26 retains its powers, duties, and functions with respect to the
27 granting and revoking of parole and shall exercise powers,
28 duties, and functions relating to investigations of
29 applications for clemency as directed by the Governor and the
30 Cabinet.

31

1 (2) All powers, duties, and functions relating to the
2 appointment of the Parole Board ~~Commission~~ as provided in s.
3 947.02 or s. 947.021 shall be exercised and performed by the
4 Governor and the Cabinet. Except as provided in s. 947.021,
5 each appointment shall be made from among the first three
6 eligible persons on the list of the persons eligible for said
7 position.

8 (3) The board ~~commission~~ may require any employee of
9 the board ~~commission~~ to give a bond for the faithful
10 performance of his or her duties. The board ~~commission~~ may
11 determine the amount of the bond and must approve the bond. In
12 determining the amount of the bond, the board ~~commission~~ may
13 consider the amount of money or property likely to be in
14 custody of the officer or employee at any one time. The
15 premiums for the bonds must be paid out of the funds of the
16 board ~~commission~~.

17 Section 5. Subsection (1) of section 23.21, Florida
18 Statutes, is amended to read:

19 23.21 Definitions.--For purposes of this part:

20 (1) "Department" means a principal administrative unit
21 within the executive branch of state government, as defined in
22 chapter 20, and includes the State Board of Administration,
23 the Executive Office of the Governor, the Fish and Wildlife
24 Conservation Commission, the Parole Board ~~Commission~~, the
25 Agency for Health Care Administration, the Board of Regents,
26 the State Board of Community Colleges, the Justice
27 Administrative Commission, the Capital Collateral
28 Representative, and separate budget entities placed for
29 administrative purposes within a department.

30 Section 6. Paragraph (b) of subsection (2) of section
31 112.011, Florida Statutes, is amended to read:

1 112.011 Felons; removal of disqualifications for
2 employment, exceptions.--
3 (2)
4 (b) This section shall not be applicable to the
5 employment practices of any fire department relating to the
6 hiring of firefighters. An applicant for employment with any
7 fire department with a prior felony conviction shall be
8 excluded from employment for a period of 4 years after
9 expiration of sentence or final release by the Parole Board
10 ~~Commission~~ unless the applicant, prior to the expiration of
11 the 4-year period, has received a full pardon or has had his
12 or her civil rights restored.

13 Section 7. Subsection (6) of section 186.003, Florida
14 Statutes, is amended to read:

15 186.003 Definitions.--As used in ss. 186.001-186.031
16 and 186.801-186.901, the term:

17 (6) "State agency" means each executive department,
18 the Fish and Wildlife Conservation Commission, ~~the Parole~~
19 ~~Commission~~, and the Department of Military Affairs.

20 Section 8. Subsection (1) of section 186.005, Florida
21 Statutes, is amended to read:

22 186.005 Designation of departmental planning
23 officer.--

24 (1) The head of each executive department and the
25 Public Service Commission, the Fish and Wildlife Conservation
26 Commission, ~~the Parole Commission~~, and the Department of
27 Military Affairs shall select from within such agency a person
28 to be designated as the planning officer for such agency. The
29 planning officer shall be responsible for coordinating with
30 the Executive Office of the Governor and with the planning
31

1 officers of other agencies all activities and responsibilities
2 of such agency relating to planning.

3 Section 9. Paragraph (c) of subsection (6) of section
4 216.0172, Florida Statutes, is amended to read:

5 216.0172 Schedule for submission of performance-based
6 program budgets.--In order to implement the provisions of
7 chapter 94-249, Laws of Florida, state agencies shall submit
8 performance-based program budget legislative budget requests
9 for programs approved pursuant to s. 216.0166 to the Executive
10 Office of the Governor and the Legislature based on the
11 following schedule:

12 (6) By September 1, 1999, for the 2000-2001 fiscal
13 year, by the following:

14 (c) Parole Board ~~and Probation Commission~~.

15 Section 10. Subsection (3) of section 255.502, Florida
16 Statutes, is amended to read:

17 255.502 Definitions; ss. 255.501-255.525.--As used in
18 this act, the following words and terms shall have the
19 following meanings unless the context otherwise requires:

20 (3) "Agency" means any department created by chapter
21 20, the Executive Office of the Governor, the Fish and
22 Wildlife Conservation Commission, ~~the Parole Commission~~, the
23 State Board of Administration, the Department of Military
24 Affairs, or the Legislative Branch or the Judicial Branch of
25 state government.

26 Section 11. Paragraph (c) of subsection (1) of section
27 322.16, Florida Statutes, is amended to read:

28 322.16 License restrictions.--

29 (1)

30 (c) The department may further, at any time, impose
31 other restrictions on the use of the license with respect to

1 time and purpose of use or may impose any other condition or
2 restriction upon recommendation of any court, of the Parole
3 Board ~~Commission~~, or of the Department of Corrections with
4 respect to any individual who is under the jurisdiction,
5 supervision, or control of the entity that made the
6 recommendation.

7 Section 12. Section 394.926, Florida Statutes, is
8 amended to read:

9 394.926 Notice to victims of release of persons
10 committed as sexually violent predators; notice to Department
11 of Corrections and Parole Board ~~Commission~~.--

12 (1) As soon as is practicable, the department shall
13 give written notice of the release of a person committed as a
14 sexually violent predator to any victim of the committed
15 person who is alive and whose address is known to the
16 department or, if the victim is deceased, to the victim's
17 family, if the family's address is known to the department.
18 Failure to notify is not a reason for postponement of release.
19 This section does not create a cause of action against the
20 state or an employee of the state acting within the scope of
21 the employee's employment as a result of the failure to notify
22 pursuant to this part.

23 (2) If a sexually violent predator who has an active
24 or pending term of probation, community control, parole,
25 conditional release, or other court-ordered or postprison
26 release supervision is released from custody, the department
27 must immediately notify the Department of Corrections' Office
28 of Community Corrections in Tallahassee. The Parole Board
29 ~~Commission~~ must also be immediately notified of any releases
30 of a sexually violent predator who has an active or pending
31 term of parole, conditional release, or other postprison

1 release supervision that is administered by the Parole Board
2 ~~Commission~~.

3 Section 13. Section 394.927, Florida Statutes, is
4 amended to read:

5 394.927 Escape while in lawful custody; notice to
6 victim; notice to the Department of Corrections and Parole
7 Board ~~Commission~~.--

8 (1) A person who is held in lawful custody pursuant to
9 a judicial finding of probable cause under s. 394.915 or
10 pursuant to a commitment as a sexually violent predator under
11 s. 394.916 and who escapes or attempts to escape while in such
12 custody commits a felony of the second degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (2) If a person who is held in custody pursuant to a
15 finding of probable cause or commitment as a sexually violent
16 predator escapes while in custody, the department shall
17 immediately notify the victim in accordance with s. 394.926.
18 The state attorney that filed the petition for civil
19 commitment of the escapee must also be immediately notified by
20 the department. If the escapee has an active or pending term
21 of probation, community control, parole, conditional release,
22 or other court-ordered or postprison release supervision, the
23 department shall also immediately notify the Department of
24 Corrections' Office of Community Corrections in Tallahassee.
25 The Parole Board ~~Commission~~ shall also be immediately notified
26 of an escape if the escapee has an active or pending term of
27 parole, conditional release, or other postprison release
28 supervision that is administered by the Parole Board
29 ~~Commission~~.

30 Section 14. Subsection (4) of section 775.089, Florida
31 Statutes, is amended to read:

1 775.089 Restitution.--

2 (4) If a defendant is placed on probation or paroled,
3 complete satisfaction of any restitution ordered under this
4 section shall be a condition of such probation or parole. The
5 court may revoke probation, and the Parole Board ~~Commission~~
6 may revoke parole, if the defendant fails to comply with such
7 order.

8 Section 15. Subsection (1) and paragraphs (a) and (b)
9 of subsection (2) of section 775.16, Florida Statutes, are
10 amended to read:

11 775.16 Drug offenses; additional penalties.--In
12 addition to any other penalty provided by law, a person who
13 has been convicted of sale of or trafficking in, or conspiracy
14 to sell or traffic in, a controlled substance under chapter
15 893, if such offense is a felony, or who has been convicted of
16 an offense under the laws of any state or country which, if
17 committed in this state, would constitute the felony of
18 selling or trafficking in, or conspiracy to sell or traffic
19 in, a controlled substance under chapter 893, is:

20 (1) Disqualified from applying for employment by any
21 agency of the state, unless:

22 (a) The person has completed all sentences of
23 imprisonment or supervisory sanctions imposed by the court, by
24 the Parole Board ~~Commission~~, or by law; or

25 (b) The person has complied with the conditions of
26 subparagraphs 1. and 2. which shall be monitored by the
27 Department of Corrections while the person is under any
28 supervisory sanctions. The person under supervision may:

29 1. Seek evaluation and enrollment in, and once
30 enrolled maintain enrollment in until completion, a drug
31 treatment and rehabilitation program which is approved by the

1 Department of Children and Family Services, unless it is
2 deemed by the program that the person does not have a
3 substance abuse problem. The treatment and rehabilitation
4 program may be specified by:

5 a. The court, in the case of court-ordered supervisory
6 sanctions;

7 b. The Parole Board ~~Commission~~, in the case of parole,
8 control release, or conditional release; or

9 c. The Department of Corrections, in the case of
10 imprisonment or any other supervision required by law.

11 2. Submit to periodic urine drug testing pursuant to
12 procedures prescribed by the Department of Corrections. If
13 the person is indigent, the costs shall be paid by the
14 Department of Corrections.

15 (2) Disqualified from applying for a license, permit,
16 or certificate required by any agency of the state to
17 practice, pursue, or engage in any occupation, trade,
18 vocation, profession, or business, unless:

19 (a) The person has completed all sentences of
20 imprisonment or supervisory sanctions imposed by the court, by
21 the Parole Board ~~Commission~~, or by law;

22 (b) The person has complied with the conditions of
23 subparagraphs 1. and 2. which shall be monitored by the
24 Department of Corrections while the person is under any
25 supervisory sanction. If the person fails to comply with
26 provisions of these subparagraphs by either failing to
27 maintain treatment or by testing positive for drug use, the
28 department shall notify the licensing, permitting, or
29 certifying agency, which may refuse to reissue or reinstate
30 such license, permit, or certification. The licensee,
31 permittee, or certificateholder under supervision may:

1 1. Seek evaluation and enrollment in, and once
2 enrolled maintain enrollment in until completion, a drug
3 treatment and rehabilitation program which is approved or
4 regulated by the Department of Children and Family Services,
5 unless it is deemed by the program that the person does not
6 have a substance abuse problem. The treatment and
7 rehabilitation program may be specified by:

8 a. The court, in the case of court-ordered supervisory
9 sanctions;

10 b. The Parole Board ~~Commission~~, in the case of parole,
11 control release, or conditional release; or

12 c. The Department of Corrections, in the case of
13 imprisonment or any other supervision required by law.

14 2. Submit to periodic urine drug testing pursuant to
15 procedures prescribed by the Department of Corrections. If
16 the person is indigent, the costs shall be paid by the
17 Department of Corrections; or

18 (c) The person has successfully completed an
19 appropriate program under the Correctional Education Program.

20
21 The provisions of this section do not apply to any of the
22 taxes, fees, or permits regulated, controlled, or administered
23 by the Department of Revenue in accordance with the provisions
24 of s. 213.05.

25 Section 16. Paragraph (b) of subsection (3) of section
26 775.21, Florida Statutes, is amended to read:

27 775.21 The Florida Sexual Predators Act; definitions;
28 legislative findings, purpose, and intent; criteria;
29 designation; registration; community and public notification;
30 immunity; penalties.--

31

1 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
2 INTENT.--
3 (b) The high level of threat that a sexual predator
4 presents to the public safety, and the long-term effects
5 suffered by victims of sex offenses, provide the state with
6 sufficient justification to implement a strategy that
7 includes:
8 1. Incarcerating sexual predators and maintaining
9 adequate facilities to ensure that decisions to release sexual
10 predators into the community are not made on the basis of
11 inadequate space.
12 2. Providing for specialized supervision of sexual
13 predators who are in the community by specially trained
14 probation officers with low caseloads, as described in ss.
15 947.1405(8)~~(7)~~ and 948.03(5). The sexual predator is subject
16 to specified terms and conditions implemented at sentencing or
17 at the time of release from incarceration, with a requirement
18 that those who are financially able must pay all or part of
19 the costs of supervision.
20 3. Requiring the registration of sexual predators,
21 with a requirement that complete and accurate information be
22 maintained and accessible for use by law enforcement
23 authorities, communities, and the public.
24 4. Providing for community and public notification
25 concerning the presence of sexual predators.
26 5. Prohibiting sexual predators from working with
27 children, either for compensation or as a volunteer.
28 Section 17. Paragraph (a) of subsection (1) of section
29 784.07, Florida Statutes, is amended to read:
30 784.07 Assault or battery of law enforcement officers,
31 firefighters, emergency medical care providers, public transit

1 employees or agents, or other specified officers;
2 reclassification of offenses; minimum sentences.--
3 (1) As used in this section, the term:
4 (a) "Law enforcement officer" includes a law
5 enforcement officer, a correctional officer, a correctional
6 probation officer, a part-time law enforcement officer, a
7 part-time correctional officer, an auxiliary law enforcement
8 officer, and an auxiliary correctional officer, as those terms
9 are respectively defined in s. 943.10, and any county
10 probation officer; employee or agent of the Department of
11 Corrections who supervises or provides services to inmates;
12 officer of the Parole Board ~~Commission~~; and law enforcement
13 personnel of the Fish and Wildlife Conservation Commission,
14 the Department of Environmental Protection, or the Department
15 of Law Enforcement.

16 Section 18. Section 843.01, Florida Statutes, is
17 amended to read:

18 843.01 Resisting officer with violence to his or her
19 person.--Whoever knowingly and willfully resists, obstructs,
20 or opposes any officer as defined in s. 943.10(1), (2), (3),
21 (6), (7), (8), or (9); member of the Parole Board ~~Commission~~
22 or any administrative aide or supervisor employed by the board
23 ~~commission~~; parole and probation supervisor; county probation
24 officer; personnel or representative of the Department of Law
25 Enforcement; or other person legally authorized to execute
26 process in the execution of legal process or in the lawful
27 execution of any legal duty, by offering or doing violence to
28 the person of such officer or legally authorized person, is
29 guilty of a felony of the third degree, punishable as provided
30 in s. 775.082, s. 775.083, or s. 775.084.

31

1 Section 19. Section 843.02, Florida Statutes, is
2 amended to read:

3 843.02 Resisting officer without violence to his or
4 her person.--Whoever shall resist, obstruct, or oppose any
5 officer as defined in s. 943.10(1), (2), (3), (6), (7), (8),
6 or (9); member of the Parole Board ~~Commission~~ or any
7 administrative aide or supervisor employed by the board
8 ~~commission~~; county probation officer; parole and probation
9 supervisor; personnel or representative of the Department of
10 Law Enforcement; or other person legally authorized to execute
11 process in the execution of legal process or in the lawful
12 execution of any legal duty, without offering or doing
13 violence to the person of the officer, shall be guilty of a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.082 or s. 775.083.

16 Section 20. Section 843.08, Florida Statutes, is
17 amended to read:

18 843.08 Falsely personating officer, etc.--A person who
19 falsely assumes or pretends to be a sheriff, officer of the
20 Florida Highway Patrol, officer of the Fish and Wildlife
21 Conservation Commission, officer of the Department of
22 Environmental Protection, officer of the Department of
23 Transportation, officer of the Department of Corrections,
24 correctional probation officer, deputy sheriff, state attorney
25 or assistant state attorney, statewide prosecutor or assistant
26 statewide prosecutor, state attorney investigator, coroner,
27 police officer, lottery special agent or lottery investigator,
28 beverage enforcement agent, or watchman, or any member of the
29 Parole Board ~~Commission~~ and any administrative aide or
30 supervisor employed by the board ~~commission~~, or any personnel
31 or representative of the Department of Law Enforcement, and

1 takes upon himself or herself to act as such, or to require
2 any other person to aid or assist him or her in a matter
3 pertaining to the duty of any such officer, commits a felony
4 of the third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084; however, a person who falsely
6 personates any such officer during the course of the
7 commission of a felony commits a felony of the second degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084; except that if the commission of the felony results
10 in the death or personal injury of another human being, the
11 person commits a felony of the first degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084.

13 Section 21. Paragraph (a) of subsection (1) of section
14 893.11, Florida Statutes, is amended to read:

15 893.11 Suspension, revocation, and reinstatement of
16 business and professional licenses.--Upon the conviction in
17 any court of competent jurisdiction of any person holding a
18 license, permit, or certificate issued by a state agency, for
19 sale of, or trafficking in, a controlled substance or for
20 conspiracy to sell, or traffic in, a controlled substance, if
21 such offense is a felony, the clerk of said court shall send a
22 certified copy of the judgment of conviction with the person's
23 license number, permit number, or certificate number on the
24 face of such certified copy to the agency head by whom the
25 convicted defendant has received a license, permit, or
26 certificate to practice his or her profession or to carry on
27 his or her business. Such agency head shall suspend or revoke
28 the license, permit, or certificate of the convicted defendant
29 to practice his or her profession or to carry on his or her
30 business. Upon a showing by any such convicted defendant whose
31 license, permit, or certificate has been suspended or revoked

1 pursuant to this section that his or her civil rights have
2 been restored or upon a showing that the convicted defendant
3 meets the following criteria, the agency head may reinstate or
4 reactivate such license, permit, or certificate when:

5 (1) The person has complied with the conditions of
6 paragraphs (a) and (b) which shall be monitored by the
7 Department of Corrections while the person is under any
8 supervisory sanction. If the person fails to comply with
9 provisions of these paragraphs by either failing to maintain
10 treatment or by testing positive for drug use, the department
11 shall notify the licensing, permitting, or certifying agency,
12 which shall revoke the license, permit, or certification. The
13 person under supervision may:

14 (a) Seek evaluation and enrollment in, and once
15 enrolled maintain enrollment in until completion, a drug
16 treatment and rehabilitation program which is approved or
17 regulated by the Department of Children and Family Services.
18 The treatment and rehabilitation program shall be specified
19 by:

20 1. The court, in the case of court-ordered supervisory
21 sanctions;

22 2. The Parole Board ~~Commission~~, in the case of parole,
23 control release, or conditional release; or

24 3. The Department of Corrections, in the case of
25 imprisonment or any other supervision required by law.

26 Section 22. Paragraph (a) of subsection (9) of section
27 921.001, Florida Statutes, is amended to read:

28 921.001 Sentencing Commission and sentencing
29 guidelines generally.--

30 (9)(a) The Sentencing Commission and the office of the
31 State Courts Administrator shall conduct ongoing research on

1 the impact of the sentencing guidelines, the use of
2 imprisonment and alternatives to imprisonment, and plea
3 bargaining. The commission, with the aid of the office of the
4 State Courts Administrator, the Department of Corrections, and
5 the Parole Board ~~Commission~~, shall estimate the impact of any
6 proposed changes to the sentencing guidelines on future rates
7 of incarceration and levels of prison population, based in
8 part on historical data of sentencing practices which have
9 been accumulated by the office of the State Courts
10 Administrator and on Department of Corrections records
11 reflecting average time served for offenses covered by the
12 proposed changes to the guidelines. The commission shall
13 review the projections of impact and shall make them available
14 to other appropriate agencies of state government, including
15 the Legislature, by October 1 of each year.

16 Section 23. Section 921.0017, Florida Statutes, is
17 amended to read:

18 921.0017 Credit upon recommitment of offender serving
19 split sentence.--Effective for offenses committed on or after
20 January 1, 1994, if an offender's probation or community
21 control is revoked and the offender is serving a split
22 sentence pursuant to s. 948.01, upon recommitment to the
23 Department of Corrections, the court shall order credit for
24 time served in state prison or county jail only, without
25 considering any type of gain-time earned before release to
26 supervision, or any type of sentence reduction granted to
27 avoid prison overcrowding, including, but not limited to, any
28 sentence reduction resulting from administrative gain-time,
29 provisional credits, or control release. The court shall
30 determine the amount of jail-time credit to be awarded for
31 time served between the date of arrest as a violator and the

1 date of recommitment, and shall direct the Department of
2 Corrections to compute and apply credit for all other time
3 served previously on the prior sentence for the offense for
4 which the offender is being recommitted. This section does
5 not affect or limit the department's authority to forfeit
6 gain-time under ss. 944.28(1) and 948.06(8)~~(7)~~.

7 Section 24. Subsection (2) of section 921.16, Florida
8 Statutes, is amended to read:

9 921.16 When sentences to be concurrent and when
10 consecutive.--

11 (2) A county court or circuit court of this state may
12 direct that the sentence imposed by such court be served
13 concurrently with a sentence imposed by a court of another
14 state or of the United States or, for purposes of this
15 section, concurrently with a sentence to be imposed in another
16 jurisdiction. In such case, the Department of Corrections may
17 designate the correctional institution of the other
18 jurisdiction as the place for reception and confinement of
19 such person and may also designate the place in Florida for
20 reception and confinement of such person in the event that
21 confinement in the other jurisdiction terminates before the
22 expiration of the Florida sentence. The sheriff shall forward
23 commitment papers and other documents specified in s. 944.17
24 to the department. Upon imposing such a sentence, the court
25 shall notify the Parole Board ~~Commission~~ as to the
26 jurisdiction in which the sentence is to be served. Any
27 prisoner so released to another jurisdiction shall be eligible
28 for consideration for parole by the Parole Board ~~Commission~~
29 pursuant to the provisions of chapter 947, except that the
30 board ~~commission~~ shall determine the presumptive parole
31 release date and the effective parole release date by

1 requesting such person's file from the receiving jurisdiction.
2 Upon receiving such records, the board ~~commission~~ shall
3 determine these release dates based on the relevant
4 information in that file and shall give credit toward
5 reduction of the Florida sentence for gain-time granted by the
6 jurisdiction where the inmate is serving the sentence. The
7 Parole Board ~~Commission~~ may concur with the parole release
8 decision of the jurisdiction granting parole and accepting
9 supervision.

10 Section 25. Subsection (4) is added to section
11 921.187, Florida Statutes, to read:

12 921.187 Disposition and sentencing; alternatives;
13 restitution.--

14 (4) For any offense committed on or after July 1,
15 2000, if an offender receives a state prison sentence, the
16 court shall order that any portion of the prison sentence that
17 is not served by an offender due to the application of
18 gain-time must be served on mandatory postprison probation
19 pursuant to s. 948.03(6). In imposing such sentence, the court
20 shall order terms and conditions for the probation portion of
21 the sentence. Conditions of mandatory postprison probation
22 may include any condition that is authorized by law.

23 Section 26. Section 921.20, Florida Statutes, is
24 amended to read:

25 921.20 Classification summary; Parole Board
26 ~~Commission~~.--As soon as possible after a prisoner has been
27 placed in the custody of the Department of Corrections, the
28 classification board shall furnish a classification summary to
29 the Parole Board ~~Commission~~ for use as provided in s. 947.13
30 ~~947.14~~. The summary shall include the criminal, personal,
31 social, and environmental background and other relevant

1 factors considered in classifying the prisoner for a penal
2 environment best suited for the prisoner's rapid
3 rehabilitation.

4 Section 27. Section 921.21, Florida Statutes, is
5 amended to read:

6 921.21 Progress reports to Parole Board
7 ~~Commission~~.--From time to time the Department of Corrections
8 shall submit to the Parole Board ~~Commission~~ progress reports
9 and recommendations regarding prisoners sentenced under s.
10 921.18. When the classification board of the Department of
11 Corrections determines that justice and the public welfare
12 will best be served by paroling or discharging a prisoner, it
13 shall transmit its finding to the Parole Board ~~Commission~~.
14 The Parole Board ~~commission~~ shall have the authority to place
15 the prisoner on parole as provided by law or give the prisoner
16 a full discharge from custody. The period of a parole granted
17 by the Parole Board ~~Commission~~ shall be in its discretion, but
18 the parole period shall not exceed the maximum term for which
19 the prisoner was sentenced.

20 Section 28. Section 921.22, Florida Statutes, is
21 amended to read:

22 921.22 Determination of exact period of imprisonment
23 by Parole Board ~~Commission~~.--Upon the recommendation of the
24 Department of Corrections, the Parole Board ~~Commission~~ shall
25 have the authority to determine the exact period of
26 imprisonment to be served by defendants sentenced under the
27 provisions of s. 921.18, but a prisoner shall not be held in
28 custody longer than the maximum sentence provided for the
29 offense.

30 Section 29. Section 940.03, Florida Statutes, is
31 amended to read:

1 940.03 Application for executive clemency.--When any
2 person intends to apply for remission of any fine or
3 forfeiture or the commutation of any punishment, or for pardon
4 or restoration of civil rights, he or she shall request an
5 application form from the Parole Board ~~Commission~~ in
6 compliance with such rules regarding application for executive
7 clemency as are adopted by the Governor with the approval of
8 three members of the Cabinet. Such application may require the
9 submission of a certified copy of the applicant's indictment
10 or information, the judgment adjudicating the applicant to be
11 guilty, and the sentence, if sentence has been imposed, and
12 may also require the applicant to send a copy of the
13 application to the judge and prosecuting attorney of the court
14 in which the applicant was convicted, notifying them of the
15 applicant's intent to apply for executive clemency. An
16 application for executive clemency for a person who is
17 sentenced to death must be filed within 1 year after the date
18 the Supreme Court issues a mandate on a direct appeal or the
19 United States Supreme Court denies a petition for certiorari,
20 whichever is later.

21 Section 30. Subsection (3) of section 940.05, Florida
22 Statutes, is amended to read:

23 940.05 Restoration of civil rights.--Any person who
24 has been convicted of a felony may be entitled to the
25 restoration of all the rights of citizenship enjoyed by him or
26 her prior to conviction if the person has:

27 (3) Been granted his or her final release by the
28 Parole Board ~~Commission~~.

29 Section 31. Subsections (2) and (3) of section 941.23,
30 Florida Statutes, are amended to read:

31

1 941.23 Application for issuance of requisition; by
2 whom made; contents.--

3 (2) When the return to this state is required of a
4 person who has been convicted of a crime in this state and has
5 escaped from confinement or broken the terms of his or her
6 bail, probation, or parole, the state attorney of the county
7 in which the offense was committed, the Parole Board
8 ~~Commission~~, the Department of Corrections, or the warden of
9 the institution or sheriff of the county, from which escape
10 was made, shall present to the Governor a written application
11 for a requisition for the return of such person, in which
12 application shall be stated the name of the person, the crime
13 of which the person was convicted, the circumstances of his or
14 her escape from confinement or of the breach of the terms of
15 his or her bail, probation, or parole, and the state in which
16 the person is believed to be, including the location of the
17 person therein at the time application is made.

18 (3) The application shall be verified by affidavit,
19 shall be executed in duplicate, and shall be accompanied by
20 two certified copies of the indictment returned or information
21 and affidavit filed or of the complaint made to the judge,
22 stating the offense with which the accused is charged, or of
23 the judgment of conviction or of the sentence. The
24 prosecuting officer, Parole Board ~~Commission~~, Department of
25 Corrections, warden, or sheriff may also attach such further
26 affidavits and other documents in duplicate as he or she shall
27 deem proper to be submitted with such application. One copy
28 of the application, with the action of the Governor indicated
29 by endorsement thereon, and one of the certified copies of the
30 indictment, complaint, information, and affidavits or of the
31 judgment of conviction or of the sentence shall be filed in

1 the office of the Department of State to remain of record in
2 that office. The other copies of all papers shall be forwarded
3 with the Governor's requisition.

4 Section 32. Subsection (1) of section 943.06, Florida
5 Statutes, is amended to read:

6 943.06 Criminal and Juvenile Justice Information
7 Systems Council.--There is created a Criminal and Juvenile
8 Justice Information Systems Council within the department.

9 (1) The council shall be composed of 14 members,
10 consisting of the Attorney General or a designated assistant;
11 the executive director of the Department of Law Enforcement or
12 a designated assistant; the secretary of the Department of
13 Corrections or a designated assistant; the chair of the Parole
14 Board ~~Commission~~ or a designated assistant; the Secretary of
15 Juvenile Justice or a designated assistant; the executive
16 director of the Department of Highway Safety and Motor
17 Vehicles or a designated assistant; the State Courts
18 Administrator or a designated assistant; 1 public defender
19 appointed by the Florida Public Defender Association, Inc.; 1
20 state attorney appointed by the Florida Prosecuting Attorneys
21 Association, Inc.; and 5 members, to be appointed by the
22 Governor, consisting of 2 sheriffs, 2 police chiefs, and 1
23 clerk of the circuit court.

24 Section 33. Paragraph (a) of subsection (9) of section
25 943.325, Florida Statutes, is amended to read:

26 943.325 Blood specimen testing for DNA analysis.--

27 (9) The Department of Law Enforcement shall:

28 (a) Receive, process, and store blood samples and the
29 data derived therefrom furnished pursuant to subsection (1) or
30 pursuant to a requirement of supervision imposed by the court
31

1 or the Parole Board ~~Commission~~ with respect to a person
2 convicted of any offense specified in subsection (1).

3 Section 34. Subsection (5) of section 944.012, Florida
4 Statutes, is amended to read:

5 944.012 Legislative intent.--The Legislature hereby
6 finds and declares that:

7 (5) In order to make the correctional system an
8 efficient and effective mechanism, the various agencies
9 involved in the correctional process must coordinate their
10 efforts. Where possible, interagency offices should be
11 physically located within major institutions and should
12 include representatives of the Florida State Employment
13 Service, the vocational rehabilitation programs of the
14 Department of Labor and Employment Security, and the Parole
15 Board ~~Commission~~. Duplicative and unnecessary methods of
16 evaluating offenders must be eliminated and areas of
17 responsibility consolidated in order to more economically
18 utilize present scarce resources.

19 Section 35. Subsection (3) of section 944.02, Florida
20 Statutes, is amended to read:

21 944.02 Definitions.--The following words and phrases
22 used in this chapter shall, unless the context clearly
23 indicates otherwise, have the following meanings:

24 (3) "Board ~~Commission~~" means the Parole Board
25 ~~Commission~~.

26 Section 36. Subsection (5) of section 944.024, Florida
27 Statutes, is amended to read:

28 944.024 Adult intake and evaluation.--The state system
29 of adult intake and evaluation shall include:

30 (5) The performance of postsentence intake by the
31 department. Any physical facility established by the

1 department for the intake and evaluation process prior to the
2 offender's entry into the correctional system shall provide
3 for specific office and work areas for the staff of the board
4 ~~commission~~. The purpose of such a physical center shall be to
5 combine in one place as many of the rehabilitation-related
6 functions as possible, including pretrial and posttrial
7 evaluation, parole and probation services, vocational
8 rehabilitation services, family assistance services of the
9 Department of Children and Family Services, and all other
10 rehabilitative and correctional services dealing with the
11 offender.

12 Section 37. Section 944.23, Florida Statutes, is
13 amended to read:

14 944.23 Persons authorized to visit state prisons.--The
15 following persons shall be authorized to visit at their
16 pleasure all state correctional institutions: The Governor,
17 all Cabinet members, members of the Legislature, judges of
18 state courts, state attorneys, public defenders, and
19 authorized representatives of the board ~~commission~~. No other
20 person not otherwise authorized by law shall be permitted to
21 enter a state correctional institution except under such
22 regulations as the department may prescribe. Permission shall
23 not be unreasonably withheld from those who give sufficient
24 evidence to the department that they are bona fide reporters
25 or writers.

26 Section 38. Subsection (1) of section 944.28, Florida
27 Statutes, is amended to read:

28 944.28 Forfeiture of gain-time and the right to earn
29 gain-time in the future.--

30 (1) If a prisoner is convicted of escape, or if the
31 clemency, conditional release as described in chapter 947, any

1 form of probation or community control as described in chapter
2 948, provisional release as described in s. 944.277, parole,
3 or control release as described in s. 947.146 granted to the
4 prisoner is revoked, the department may, without notice or
5 hearing, declare a forfeiture of all gain-time earned
6 according to the provisions of law by such prisoner prior to
7 such escape or his or her release under such clemency,
8 conditional release, any form of probation, community control,
9 provisional release, control release, or parole.

10 Section 39. Section 944.291, Florida Statutes, is
11 amended to read:

12 944.291 Prisoner released by reason of gain-time
13 allowances or attainment of provisional release date;
14 mandatory postprison probation.--

15 (1) Notwithstanding any provision of law to the
16 contrary, a prisoner who has served his or her term or terms,
17 less allowable gain-time deductions as provided by law, or who
18 has attained his or her provisional release date shall, upon
19 release, be placed under further supervision and control of
20 the department. Any released prisoner who is not under further
21 supervision and control of the department or who is not
22 subject to any statute relating to parole shall be eligible,
23 on a voluntary basis, for any assistance available to him or
24 her through any parole or probation office under the
25 department.

26 (2) Any prisoner who is convicted of a crime committed
27 on or after October 1, 1988, and before July 1, 2000, which
28 crime is contained in category 1, category 2, category 3, or
29 category 4 of Rule 3.701 and Rule 3.988, Florida Rules of
30 Criminal Procedure, and who has served at least one prior
31 felony commitment at a state or federal correctional

1 institution, or is sentenced as a habitual or violent habitual
2 offender pursuant to s. 775.084, may only be released under
3 conditional release supervision as described in chapter 947.
4 Not fewer than 90 days prior to the tentative release date or
5 provisional release date, whichever is earlier, the department
6 shall provide the board ~~commission~~ with the name and inmate
7 identification number for each eligible inmate.

8 (3) Any person who is convicted of an offense
9 committed on or after July 1, 2000, and who has been sentenced
10 to state prison must be placed on mandatory postprison
11 probation as described in s. 948.03(6).

12 Section 40. Section 944.605, Florida Statutes, is
13 amended to read:

14 944.605 Inmate release; notice by Department of
15 Corrections, Control Release Authority, or Parole Board
16 ~~Commission~~.--

17 (1) Within 6 months before the release of an inmate
18 from the custody of the Department of Corrections or a private
19 correctional facility by expiration of sentence under s.
20 944.275, any release program provided by law, or parole under
21 chapter 947, or as soon as possible if the offender is
22 released earlier than anticipated, notification of such
23 anticipated release date shall be made known by the
24 appropriate agency to the chief judge of the circuit in which
25 the offender was sentenced, the appropriate state attorney,
26 the original arresting law enforcement agency, the Department
27 of Law Enforcement, and the sheriff as chief law enforcement
28 officer of the county in which the inmate plans to reside. In
29 addition, unless otherwise requested by the victim or the
30 personal representative of the victim, the state attorney, the
31 Department of Corrections, the Control Release Authority, or

1 the Parole Board ~~Commission~~, whichever is appropriate, shall
2 notify such person within 6 months before the inmate's
3 release, or as soon as possible if the offender is released
4 earlier than anticipated, when the name and address of such
5 victim or representative of the victim has been furnished to
6 the agency. The state attorney shall provide the latest
7 address documented for the victim to the sheriff with the
8 other documents required by law for the delivery of inmates to
9 those agencies for service of sentence. For the purposes of
10 this section, the Parole Board ~~Commission~~ or the Control
11 Release Authority is the appropriate agency for any type of
12 release it grants, and the Department of Corrections is the
13 appropriate agency for any type of release it authorizes.
14 This section does not imply any repeal or modification of any
15 provision of law relating to notification of victims.

16 (2) Within 60 days before the anticipated release of
17 an inmate under subsection (1), a digitized photograph of the
18 inmate to be released shall be made by the Department of
19 Corrections or a private correctional facility, whichever has
20 custody of the inmate. If a private correctional facility
21 makes the digitized photograph, this photograph shall be
22 provided to the Department of Corrections. Additionally, the
23 digitized photograph, whether made by the Department of
24 Corrections or a private correctional facility, shall be
25 placed in the inmate's file. The Department of Corrections
26 shall make the digitized photograph available electronically
27 to the Department of Law Enforcement as soon as the digitized
28 photograph is in the department's database and must be in a
29 format that is compatible with the requirements of the Florida
30 Crime Information Center. The department shall provide a copy
31

1 of the digitized photograph to a local law enforcement agency
2 upon request.

3 (3) If an inmate is to be released after having served
4 one or more sentences for a conviction of robbery, sexual
5 battery, home-invasion robbery, or carjacking, or an inmate to
6 be released has a prior conviction for robbery, sexual
7 battery, home-invasion robbery, or carjacking or similar
8 offense, in this state or in another jurisdiction, and if such
9 prior conviction information is contained in department
10 records, the appropriate releasing agency shall release to the
11 sheriff of the county in which the inmate plans to reside,
12 and, if the inmate plans to reside within a municipality, to
13 the chief of police of that municipality, the following
14 information, which must include, but need not be limited to:

- 15 (a) Name;
 - 16 (b) Social security number;
 - 17 (c) Date of birth;
 - 18 (d) Race;
 - 19 (e) Sex;
 - 20 (f) Height;
 - 21 (g) Weight;
 - 22 (h) Hair and eye color;
 - 23 (i) Tattoos or other identifying marks;
 - 24 (j) Fingerprints; and
 - 25 (k) A digitized photograph as provided in subsection
- 26 (2).

27
28 The department, the Parole Board ~~Commission~~, or the Control
29 Release Authority shall release the information specified in
30 this subsection within 6 months prior to the discharge of the
31 inmate from the custody of the department.

1 (4) An inmate who refuses to submit to the taking of a
2 digitized photograph commits a felony of the third degree,
3 punishable as provided in s. 775.082, s. 775.083, or s.
4 775.084.

5 Section 41. Paragraph (b) of subsection (1) and
6 paragraph (b) of subsection (6) of section 945.091, Florida
7 Statutes, are amended to read:

8 945.091 Extension of the limits of confinement;
9 restitution by employed inmates.--

10 (1) The department is authorized to adopt regulations
11 permitting the extension of the limits of the place of
12 confinement of an inmate as to whom there is reasonable cause
13 to believe that the inmate will honor his or her trust by
14 authorizing the inmate, under prescribed conditions and
15 following investigation and approval by the secretary, or the
16 secretary's designee, who shall maintain a written record of
17 such action, to leave the confines of that place unaccompanied
18 by a custodial agent for a prescribed period of time to:

19 (b) Work at paid employment, participate in an
20 education or a training program, or voluntarily serve a public
21 or nonprofit agency in the community, while continuing as an
22 inmate of the institution or facility in which the inmate is
23 confined, except during the hours of his or her employment,
24 education, training, or service and traveling thereto and
25 therefrom. An inmate may participate in paid employment only
26 during the last 36 months of his or her confinement, unless
27 sooner requested by the Parole Board ~~Commission~~ or the Control
28 Release Authority.

29 (6)

30 (b) An offender who is required to provide restitution
31 or reparation may petition the circuit court to amend the

1 amount of restitution or reparation required or to revise the
2 schedule of repayment established by the department or the
3 Parole Board ~~Commission~~.

4 Section 42. Paragraph (d) of subsection (1),
5 paragraphs (a) and (b) of subsection (2), and subsection (5)
6 of section 945.10, Florida Statutes, are amended to read:

7 945.10 Confidential information.--

8 (1) Except as otherwise provided by law or in this
9 section, the following records and information of the
10 Department of Corrections are confidential and exempt from the
11 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution:

13 (d) Parole Board ~~Commission~~ records which are
14 confidential or exempt from public disclosure by law.

15 (2) The records and information specified in
16 paragraphs (1)(b)-(h) may be released as follows unless
17 expressly prohibited by federal law:

18 (a) Information specified in paragraphs (1)(b), (d),
19 and (f) to the Office of the Governor, the Legislature, the
20 Parole Board ~~Commission~~, the Department of Children and Family
21 Services, a private correctional facility or program that
22 operates under a contract, the Department of Legal Affairs, a
23 state attorney, the court, or a law enforcement agency. A
24 request for records or information pursuant to this paragraph
25 need not be in writing.

26 (b) Information specified in paragraphs (1)(c), (e),
27 and (h) to the Office of the Governor, the Legislature, the
28 Parole Board ~~Commission~~, the Department of Children and Family
29 Services, a private correctional facility or program that
30 operates under contract, the Department of Legal Affairs, a
31 state attorney, the court, or a law enforcement agency. A

1 request for records or information pursuant to this paragraph
2 must be in writing and a statement provided demonstrating a
3 need for the records or information.

4
5 Records and information released under this subsection remain
6 confidential and exempt from the provisions of s. 119.07(1)
7 and s. 24(a), Art. I of the State Constitution when held by
8 the receiving person or entity.

9 (5) The Department of Corrections and the Parole Board
10 ~~Commission~~ shall mutually cooperate with respect to
11 maintaining the confidentiality of records that are exempt
12 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
13 the State Constitution.

14 Section 43. Subsection (4) of section 945.25, Florida
15 Statutes, is amended to read:

16 945.25 Records.--

17 (4) Following the initial hearing provided for in s.
18 947.172(1), the board ~~commission~~ shall prepare and the
19 department shall include in the official record a copy of the
20 seriousness-of-offense and favorable-parole-outcome scores and
21 shall include a listing of the specific factors and
22 information used in establishing a presumptive parole release
23 date for the inmate.

24 Section 44. Subsection (3) of section 945.47, Florida
25 Statutes, is amended to read:

26 945.47 Discharge of inmate from mental health
27 treatment.--

28 (3) At any time that an inmate who has received mental
29 health treatment while in the custody of the department
30 becomes eligible for release on parole, a complete record of
31 the inmate's treatment shall be provided to the Parole Board

1 ~~Commission~~ and to the Department of Children and Family
2 Services. The record shall include, at least, the inmate's
3 diagnosis, length of stay in treatment, clinical history,
4 prognosis, prescribed medication, and treatment plan and
5 recommendations for aftercare services. In the event that the
6 inmate is released on parole, the record shall be provided to
7 the parole officer who shall assist the inmate in applying for
8 services from a professional or an agency in the community.
9 The application for treatment and continuation of treatment by
10 the inmate may be made a condition of parole, as provided in
11 s. 947.19(1); and a failure to participate in prescribed
12 treatment may be a basis for initiation of parole violation
13 hearings.

14 Section 45. Subsection (6) of section 945.73, Florida
15 Statutes, is amended to read:

16 945.73 Inmate training program operation.--

17 (6) The department shall work cooperatively with the
18 Control Release Authority, the ~~Florida~~ Parole Board
19 ~~Commission~~, or such other authority as may exist or be
20 established in the future which is empowered by law to effect
21 the release of an inmate who has successfully completed the
22 requirements established by ss. 945.71-945.74.

23 Section 46. Chapter 947, Florida Statutes, entitled
24 "Parole Commission," is renamed "Parole Board."

25 Section 47. Subsection (3) of section 947.002, Florida
26 Statutes, is amended to read:

27 947.002 Intent.--

28 (3) The chair shall ~~be the agency head~~ the board.
29 While the board ~~commission~~ is responsible for making decisions
30 on the granting and revoking of parole, the chair shall
31 establish, execute, and be held accountable for all

1 ~~administrative~~ policy decisions relating to the board's
2 responsibilities and activities. The routine operational
3 ~~administrative~~ decisions are the full responsibility of the
4 chair.

5 Section 48. Subsection (1) of section 947.005, Florida
6 Statutes, is amended to read:

7 947.005 Definitions.--As used in this chapter, unless
8 the context clearly indicates otherwise:

9 (1) "Board Commission" means the Parole Board
10 Commission.

11 Section 49. Section 947.01, Florida Statutes, is
12 amended to read:

13 947.01 Parole Board Commission; creation; number of
14 members.--A Parole Board Commission is created to consist of
15 six members who are residents of the state. Effective July 1,
16 1996, the membership of the board commission shall be three
17 members.

18 Section 50. Section 947.02, Florida Statutes, is
19 amended to read:

20 947.02 Parole Board Commission; members,
21 appointment.--

22 (1) Except as provided in s. 947.021, the members of
23 the Parole Board Commission shall be appointed by the Governor
24 and Cabinet from a list of eligible applicants submitted by a
25 parole qualifications committee. The appointments of members
26 of the board commission shall be certified to the Senate by
27 the Governor and Cabinet for confirmation, and the membership
28 of the board commission shall include representation from
29 minority persons as defined in s. 288.703.

30 (2) A parole qualifications committee shall consist of
31 five persons who are appointed by the Governor and Cabinet.

1 One member shall be designated as chair by the Governor and
2 Cabinet. The committee shall provide for statewide
3 advertisement and the receiving of applications for any
4 position or positions on the board ~~commission~~ and shall devise
5 a plan for the determination of the qualifications of the
6 applicants by investigations and comprehensive evaluations,
7 including, but not limited to, investigation and evaluation of
8 the character, habits, and philosophy of each applicant. Each
9 parole qualifications committee shall exist for 2 years. If
10 additional vacancies on the board ~~commission~~ occur during this
11 2-year period, the committee may advertise and accept
12 additional applications; however, all previously submitted
13 applications shall be considered along with the new
14 applications according to the previously established plan for
15 the evaluation of the qualifications of applicants.

16 (3) Within 90 days before an anticipated vacancy by
17 expiration of term pursuant to s. 947.03 or upon any other
18 vacancy, the Governor and Cabinet shall appoint a parole
19 qualifications committee if one has not been appointed during
20 the previous 2 years. The committee shall consider
21 applications for the board ~~commission~~ seat, including the
22 application of an incumbent board member ~~commissioner~~ if he or
23 she applies, according to the provisions of subsection (2).
24 The committee shall submit a list of three eligible
25 applicants, which may include the incumbent if the committee
26 so decides, without recommendation, to the Governor and
27 Cabinet for appointment to the board ~~commission~~. In the case
28 of an unexpired term, the appointment must be for the
29 remainder of the unexpired term and until a successor is
30 appointed and qualified. If more than one seat is vacant, the
31 committee shall submit a list of eligible applicants, without

1 recommendation, containing a number of names equal to three
2 times the number of vacant seats; however, the names submitted
3 shall not be distinguished by seat, and each submitted
4 applicant shall be considered eligible for each vacancy.

5 (4) Upon receiving a list of eligible persons from the
6 parole qualifications committee, the Governor and Cabinet may
7 reject the list. If the list is rejected, the committee shall
8 reinstate the application and examination procedure according
9 to the provisions of subsection (2).

10 (5) The provisions of s. 120.525 and chapters 119 and
11 286 apply to all activities and proceedings of a parole
12 qualifications committee.

13 Section 51. Section 947.021, Florida Statutes, is
14 amended to read:

15 947.021 Parole Board ~~Commission~~; expedited
16 appointments.--Whenever the Legislature decreases the
17 membership of the board ~~commission~~, all terms of office shall
18 expire, notwithstanding any law to the contrary. Under such
19 circumstances, the Governor and Cabinet shall expedite the
20 appointment of board members ~~commissioners~~. Notwithstanding
21 the parole qualifications committee procedure in s. 947.02,
22 members shall be directly appointed by the Governor and
23 Cabinet. Members appointed to the board ~~commission~~ may be
24 selected from incumbents. Members shall be certified to the
25 Senate by the Governor and Cabinet for confirmation, and the
26 membership of the board ~~commission~~ shall include
27 representation from minority persons as defined in s. 288.703.

28 Section 52. Section 947.022, Florida Statutes, is
29 amended to read:

30 947.022 Parole Board ~~Commission~~; expiration of terms;
31 terms of new members.--

1 ~~(1)~~ Due to fundamental changes in the duties of the
2 Parole Board ~~Commission~~, including workload reductions of the
3 Control Release Authority as provided for in this act,
4 effective June 30, 1996, the terms of all members of the board
5 ~~commission~~ shall expire. The membership ~~members~~ of the Parole
6 Board ~~Commission~~ shall be three members as provided in s.
7 947.01. Members of the board ~~newly constituted commission~~
8 shall serve staggered terms of appointment. Effective July 1,
9 1996, for the initial appointments, the term of one member of
10 the board ~~newly constituted commission~~ shall be for 2 years,
11 one member for 4 years, and one member for 6 years.

12 ~~(2) This section shall take effect upon this act~~
13 ~~becoming a law.~~

14 Section 53. Section 947.03, Florida Statutes, is
15 amended to read:

16 947.03 Board members ~~Commissioners~~; tenure and
17 removal.--

18 (1) Unless otherwise provided by law, each board
19 member ~~commissioner~~ serving on July 1, 1983, shall be
20 permitted to remain in office until completion of his or her
21 current term. Upon the expiration of the term, a successor
22 shall be appointed in the manner prescribed pursuant to the
23 provisions of this section, unless otherwise provided by law.
24 Members appointed by the Governor and Cabinet shall be
25 appointed for terms of 6 years, unless otherwise provided by
26 law. No person is eligible to be appointed for more than two
27 consecutive 6-year terms.

28 (2) Vacancies in the membership of the board
29 ~~commission~~ shall be filled by the Governor and Cabinet for the
30 unexpired term in the manner provided for in s. 947.02.

31

1 (3) Each member appointed by the Governor and Cabinet
2 is accountable to the Governor and Cabinet for the proper
3 performance of the duties of his or her office. The Governor
4 and Cabinet may remove from office any such member for
5 malfeasance, misfeasance, neglect of duty, drunkenness,
6 incompetence, or permanent inability to perform official
7 duties or for pleading guilty or nolo contendere to, or being
8 found guilty of, a felony. All such removals shall be
9 submitted to the Senate for its consent ~~as provided by the~~
10 ~~constitution.~~

11 Section 54. Section 947.04, Florida Statutes, is
12 amended to read:

13 947.04 Organization of Parole Board ~~commission;~~
14 ~~officers; offices.--~~

15 (1) Before July 1 of each even-numbered year, the
16 Governor and Cabinet shall select a chair who shall serve for
17 a period of 2 years and until a successor is selected and
18 qualified. The Governor and Cabinet shall, at the same time
19 that a chair is selected, select a vice chair to serve during
20 the same 2-year period as the chair, in the absence of the
21 chair. The chair may succeed himself or herself. The chair,
22 as chief ~~administrative~~ officer of the board ~~commission~~, has
23 the authority and responsibility to plan, direct, coordinate,
24 and execute the powers, duties, and responsibilities assigned
25 to the board ~~commission~~, except those of granting and revoking
26 parole as provided for in this chapter. Subject to approval by
27 the Governor and the Cabinet, the chair may assign consenting
28 retired parole commissioners or board members or former parole
29 commissioners or board members to temporary duty when there is
30 a workload need. Any such commissioner or board member shall
31 be paid \$100 for each day or portion of a day spent on the

1 work of the board ~~commission~~ and shall be reimbursed for
2 travel expenses as provided in s. 112.061. The chair is
3 authorized to provide or disseminate information relative to
4 parole by means of documents, seminars, programs, or otherwise
5 as he or she determines necessary. The chair shall establish,
6 execute, and be held accountable for all operational
7 ~~administrative~~ policy decisions. However, decisions to grant
8 or revoke parole shall be made in accordance with the
9 provisions of ss. 947.172, 947.174, and 947.23. The board
10 members ~~commissioners~~ shall be directly accountable to the
11 chair in the execution of their duties as board members
12 ~~commissioners~~, and the chair has authority to recommend to the
13 Governor suspension of a board member ~~commissioner~~ who fails
14 to perform the duties provided for by statute.

15 (2) Notwithstanding the provisions of s. 20.05(1)(g),
16 the chair shall appoint administrators with responsibility for
17 the management of board ~~commission~~ activities in the following
18 functional areas:

19 (a) ~~Administration.~~

20 (a)(b) ~~Operations.~~

21 (b)(c) ~~Clemency.~~

22 (3) The board members ~~commissioners~~ shall select from
23 their number a secretary who shall serve for a period of 1
24 year or until a successor is elected and qualified.

25 (4) The board ~~commission~~ may establish and maintain
26 offices in centrally and conveniently located places in
27 Florida. Board staff may also be colocated with department
28 staff in department offices and facilities. ~~Headquarters shall~~
29 be located in Tallahassee. The business of the board
30 ~~commission~~ shall be transacted anywhere in the state as
31 provided in s. 947.06. The board ~~commission~~ shall keep its

1 official records and papers at the headquarters, which it
2 shall furnish and equip.

3 (5) The department shall provide administrative support
4 and services to the board such as accounting, budget,
5 purchasing, and personnel action support and other ancillary
6 administrative functions. This support does not include
7 providing clerical support to the board. The board is subject
8 to control, supervision, and direction by the department.

9 (6)(5) Acts and decisions of the chair may be modified
10 as provided in s. 947.06.

11 Section 55. Section 947.05, Florida Statutes, is
12 amended to read:

13 947.05 Seal.--The board ~~commission~~ shall adopt an
14 official seal of which the courts shall take judicial notice.

15 Section 56. Section 947.06, Florida Statutes, is
16 amended to read:

17 947.06 Meeting; when board ~~commission~~ may act.--The
18 board ~~commission~~ shall meet at regularly scheduled intervals
19 and from time to time as may otherwise be determined by the
20 chair. The making of recommendations to the Governor and
21 Cabinet in matters relating to modifications of acts and
22 decisions of the chair as provided in s. 947.04(1) shall be by
23 a majority vote of the board ~~commission~~. No inmate ~~prisoner~~
24 shall be placed on parole except as provided in ss. 947.172
25 and 947.174 by a panel of no fewer than two board members
26 ~~commissioners~~ appointed by the chair. All matters relating to
27 the granting, denying, or revoking of parole shall be decided
28 in a meeting at which the public shall have the right to be
29 present. Victims of the crime committed by the inmate shall
30 be permitted to make an oral statement or submit a written
31 statement regarding their views as to the granting, denying,

1 or revoking of parole. Persons not members or employees of
2 the board ~~commission~~ or victims of the crime committed by the
3 inmate may be permitted to participate in deliberations
4 concerning the granting and revoking of paroles only upon the
5 prior written approval of the chair of the board ~~commission~~.
6 To facilitate the ability of victims and other persons to
7 attend board ~~commission~~ meetings, the board ~~commission~~ shall
8 meet in various counties including, but not limited to,
9 Broward, Dade, Duval, Escambia, Hillsborough, Leon, Orange,
10 and Palm Beach, with the location chosen being as close as
11 possible to the location where the parole-eligible inmate
12 committed the offense for which the parole-eligible inmate was
13 sentenced. The board ~~commission~~ shall adopt rules governing
14 the oral participation of victims and the submission of
15 written statements by victims.

16 Section 57. Section 947.07, Florida Statutes, is
17 amended to read:

18 947.07 Rules.--The board ~~commission~~ has authority to
19 adopt rules pursuant to ss. 120.536(1) and 120.54 for its
20 governance, including among other things rules of practice and
21 procedure and rules prescribing qualifications to be possessed
22 by its employees.

23 Section 58. Section 947.071, Florida Statutes, is
24 amended to read:

25 947.071 Rulemaking procedures; indexing of orders.--

26 (1) It is the intent of the Legislature that all
27 rulemaking procedures by the board ~~commission~~ be conducted
28 pursuant to the Administrative Procedure Act, chapter 120.

29 (2) The only final orders of the board ~~commission~~
30 which shall be indexed pursuant to chapter 120 are:

31 (a) Orders granting parole.

- 1 (b) Orders revoking parole.
2 (c) Orders restoring to supervision.
3 (d) Orders releasing from custody and further
4 supervision.
5 (e) Early parole termination orders.
6 (f) Orders granting conditional release.
7 (g) Orders revoking conditional release.

8 Section 59. Section 947.10, Florida Statutes, is
9 amended to read:

10 947.10 Business and political activity upon part of
11 members and full-time employees of the board ~~commission~~.--No
12 member of the board ~~commission~~ and no full-time employee
13 thereof shall, during her or his service upon or under the
14 board ~~commission~~, engage in any other business or profession
15 or hold any other public office, nor shall she or he serve as
16 the representative of any political party, or any executive
17 committee or other governing body thereof, or as an executive
18 officer or employee of any political committee, organization,
19 or association or be engaged on the behalf of any candidate
20 for public office in the solicitation of votes or otherwise.
21 However, this shall not be deemed to exclude the appointment
22 of the Secretary of Corrections to the board ~~commission~~ under
23 the terms and conditions set forth in this chapter.

24 Section 60. Section 947.11, Florida Statutes, is
25 amended to read:

26 947.11 Legal adviser.--The Department of Legal Affairs
27 shall be the legal adviser of the board ~~commission~~.

28 Section 61. Section 947.12, Florida Statutes, is
29 amended to read:

30 947.12 Members, employees, expenses.--
31

1 (1) The members of the board ~~commission~~ and its
2 employees shall be reimbursed for travel expenses as provided
3 in s. 112.061. All bills for expenses shall be properly
4 receipted, audited, ~~and~~ approved, and processed through the
5 department forwarded to the Comptroller and shall be paid in a
6 manner and form as the bills for the expenses of the several
7 departments of the state government are paid. All expenses,
8 including salaries and other compensation, shall be paid from
9 the General Revenue Fund and within the appropriation as fixed
10 therefor by the Legislature. Such expenses shall be paid by
11 the Treasurer upon proper warrants issued by the Comptroller
12 of the state, drawn upon vouchers and requisitions approved by
13 the board ~~commission~~, and signed by the Comptroller.

14 (2) The members of the parole qualifications committee
15 ~~examining board~~ created in s. 947.02 shall each be paid per
16 diem and travel expenses pursuant to s. 112.061 when traveling
17 in the performance of their duties.

18 Section 62. Section 947.13, Florida Statutes, is
19 amended to read:

20 947.13 Powers and duties of the board ~~commission~~.--

21 (1) The board ~~commission~~ shall have the powers and
22 perform the duties of:

23 (a) Determining what persons shall be placed on
24 parole, subject to the provisions of ss. 947.172 and 947.174.

25 (b) Fixing the time and conditions of parole, as
26 provided in this chapter.

27 (c) Determining whether a person has violated parole
28 and taking action with respect to such a violation.

29 (d) Making such investigations as may be necessary.

30 (e) Reporting to the Board of Executive Clemency the
31 circumstances, the criminal records, and the social, physical,

1 mental, and psychiatric conditions and histories of persons
2 under consideration by the board for pardon, commutation of
3 sentence, or remission of fine, penalty, or forfeiture.

4 (f) Establishing the terms and conditions of persons
5 released on conditional release under s. 947.1405, and
6 determining subsequent ineligibility for conditional release
7 due to a violation of the terms or conditions of conditional
8 release and taking action with respect to such a violation.

9 (g) As the Control Release Authority, determining what
10 persons will be released on control release under s. 947.146,
11 establishing the time and conditions of control release, if
12 any, and determining whether a person has violated the
13 conditions of control release and taking action with respect
14 to such a violation.

15 (h) Determining what persons will be released on
16 conditional medical release under s. 947.149, establishing the
17 conditions of conditional medical release, and determining
18 whether a person has violated the conditions of conditional
19 medical release and taking action with respect to such a
20 violation.

21 (2)(a) The board ~~commission~~ shall immediately examine
22 records of the department under s. 945.25, and any other
23 records which it obtains, and may make such other
24 investigations as may be necessary.

25 (b) The Department of Children and Family Services,
26 the Department of Juvenile Justice, and all other state,
27 county, and city agencies, sheriffs and their deputies, and
28 all peace officers shall cooperate with the board ~~commission~~
29 and the department and shall aid and assist them in the
30 performance of their duties.

31

1 Section 63. Section 947.1405, Florida Statutes, is
2 amended to read:

3 947.1405 Conditional release program.--

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

6 (2) Any inmate who:

7 (a) Is convicted of a crime committed on or after
8 October 1, 1988, and before January 1, 1994, and any inmate
9 who is convicted of a crime committed on or after January 1,
10 1994, and before July 1, 2000, which crime is or was contained
11 in category 1, category 2, category 3, or category 4 of Rule
12 3.701 and Rule 3.988, Florida Rules of Criminal Procedure
13 (1993), and who has served at least one prior felony
14 commitment at a state or federal correctional institution;

15 (b) Is sentenced as a habitual or violent habitual
16 offender or a violent career criminal pursuant to s. 775.084
17 based on an offense committed before July 1, 2000; or

18 (c) Is found to be a sexual predator under s. 775.21
19 or former s. 775.23 based on an offense committed before July
20 1, 2000,

21
22 shall, upon reaching the tentative release date or provisional
23 release date, whichever is earlier, as established by the
24 Department of Corrections, be released under supervision
25 subject to specified terms and conditions, including payment
26 of the cost of supervision pursuant to s. 948.09. Such
27 supervision shall be applicable to all sentences within the
28 overall term of sentences if an inmate's overall term of
29 sentences includes one or more sentences that are eligible for
30 conditional release supervision as provided herein. Effective
31 July 1, 1994, and applicable for offenses committed on or

1 after that date, the board ~~commission~~ may require, as a
2 condition of conditional release, that the releasee make
3 payment of the debt due and owing to a county or municipal
4 detention facility under s. 951.032 for medical care,
5 treatment, hospitalization, or transportation received by the
6 releasee while in that detention facility. The board
7 ~~commission~~, in determining whether to order such repayment and
8 the amount of such repayment, shall consider the amount of the
9 debt, whether there was any fault of the institution for the
10 medical expenses incurred, the financial resources of the
11 releasee, the present and potential future financial needs and
12 earning ability of the releasee, and dependents, and other
13 appropriate factors. If an inmate has received a term of
14 probation or community control supervision to be served after
15 release from incarceration, the period of probation or
16 community control must be substituted for the conditional
17 release supervision. A panel of no fewer than two board
18 members ~~commissioners~~ shall establish the terms and conditions
19 of any such release. If the offense was a controlled substance
20 violation, the conditions shall include a requirement that the
21 offender submit to random substance abuse testing
22 intermittently throughout the term of conditional release
23 supervision, upon the direction of the correctional probation
24 officer as defined in s. 943.10(3). The board ~~commission~~ shall
25 also determine whether the terms and conditions of such
26 release have been violated and whether such violation warrants
27 revocation of the conditional release.

28 (3) As part of the conditional release process, the
29 board ~~commission~~ shall, through review and consideration of
30 information provided to the board by the department,
31 determine:

- 1 (a) The amount of reparation or restitution.
- 2 (b) The consequences of the offense as reported by the
3 aggrieved party.
- 4 (c) The aggrieved party's fear of the inmate or
5 concerns about the release of the inmate.
- 6 (4) The board ~~commission~~ shall provide to the
7 aggrieved party information regarding the manner in which
8 notice of any developments concerning the status of the inmate
9 during the term of conditional release may be requested.
- 10 (5) Within 180 days prior to the tentative release
11 date or provisional release date, whichever is earlier, a
12 representative of the department ~~commission~~ shall ~~interview~~
13 ~~the inmate.~~ ~~The commission representative~~ shall review the
14 inmate's program participation, disciplinary record,
15 psychological and medical records, criminal records, and any
16 other information pertinent to the impending release. A
17 department ~~commission~~ representative shall conduct a personal
18 interview with the inmate for the purpose of determining the
19 details of the inmate's release plan, including the inmate's
20 planned residence and employment. ~~The results of the~~
21 ~~interview must be forwarded to the commission in writing.~~
- 22 (6) Based upon a review of the inmate's record and
23 interview, the department shall, in writing, advise the board
24 of the inmate's release plan and recommend to the board terms
25 and conditions of the conditional release.
- 26 (7)~~(6)~~ Upon receipt of notice as required under s.
27 947.175, the board ~~commission~~ shall review the recommendations
28 of the department and may conduct a review of the inmate's
29 record for the purpose of establishing the terms and
30 conditions of the conditional release. The board ~~commission~~
31 may impose any additional special conditions it considers

1 warranted from its review and is in no way compelled to adopt
2 the recommendations of the department ~~of the record~~. If the
3 board ~~commission~~ determines that the inmate is eligible for
4 release under this section, the board ~~commission~~ shall enter
5 an order establishing the length of supervision and the
6 conditions attendant thereto. However, an inmate who has been
7 convicted of a violation of chapter 794 or found by the court
8 to be a sexual predator is subject to the maximum level of
9 supervision provided, with the mandatory conditions as
10 required in subsection ~~(8)(7)~~, and that supervision shall
11 continue through the end of the releasee's original
12 court-imposed sentence. The length of supervision must not
13 exceed the maximum penalty imposed by the court.

14 (8)(7)(a) Any inmate who is convicted of a crime
15 committed on or after October 1, 1995, or who has been
16 previously convicted of a crime committed on or after October
17 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
18 or s. 847.0145, and is subject to conditional release
19 supervision, shall have, in addition to any other conditions
20 imposed, the following special conditions imposed by the board
21 ~~commission~~:

22 1. A mandatory curfew from 10 p.m. to 6 a.m., or the
23 board ~~court~~ may designate another 8-hour period ~~if the~~
24 ~~offender's employment precludes the above specified time, and~~
25 ~~such alternative is recommended by the Department of~~
26 ~~Corrections~~. If the board ~~court~~ determines that imposing a
27 curfew would endanger the victim or any potential victim, the
28 board ~~court~~ may consider alternative sanctions.

29 2. If the victim was under the age of 18, a
30 prohibition on living within 1,000 feet of a school, day care
31

1 center, park, playground, or other place where children
2 regularly congregate.

3 3. Active participation in and successful completion
4 of a sex offender treatment program with therapists
5 specifically trained to treat sex offenders, at the releasee's
6 own expense. If a specially trained therapist is not available
7 within a 50-mile radius of the releasee's residence, the
8 offender shall participate in other appropriate therapy.

9 4. A prohibition on any contact with the victim,
10 directly or indirectly, including through a third person,
11 unless approved by the victim, the offender's therapist, and
12 the sentencing court.

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

20 6. If the victim was under age 18, a prohibition on
21 working for pay or as a volunteer at any school, day care
22 center, park, playground, or other place where children
23 regularly congregate, as prescribed by the board ~~commission~~.

24 7. Unless otherwise indicated in the treatment plan
25 provided by the sexual offender treatment program, a
26 prohibition on viewing, owning, or possessing any obscene,
27 pornographic, or sexually stimulating visual or auditory
28 material, including telephone, electronic media, computer
29 programs, or computer services that are relevant to the
30 offender's deviant behavior pattern.

31

1 8. 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 9. A requirement that the releasee make restitution to
5 the victim, as determined by the sentencing court or the board
6 ~~commission~~, for all necessary medical and related professional
7 services relating to physical, psychiatric, and psychological
8 care.

9 10. Submission to a warrantless search by the
10 community control or probation officer of the probationer's or
11 community controllee's person, residence, or vehicle.

12 (b) For a releasee whose crime was committed on or
13 after October 1, 1997, in violation of chapter 794, s. 800.04,
14 s. 827.071, or s. 847.0145, and who is subject to conditional
15 release supervision, in addition to any other provision of
16 this subsection, the board ~~commission~~ shall impose the
17 following additional conditions of conditional release
18 supervision:

19 1. As part of a treatment program, participation in a
20 minimum of one annual polygraph examination to obtain
21 information necessary for risk management and treatment and to
22 reduce the sex offender's denial mechanisms. The polygraph
23 examination must be conducted by a polygrapher trained
24 specifically in the use of the polygraph for the monitoring of
25 sex offenders, where available, and at the expense of the sex
26 offender. The results of the polygraph examination shall not
27 be used as evidence in a hearing to prove that a violation of
28 supervision has occurred.

29 2. Maintenance of a driving log and a prohibition
30 against driving a motor vehicle alone without the prior
31 approval of the supervising officer.

1 3. A prohibition against obtaining or using a post
2 office box without the prior approval of the supervising
3 officer.

4 4. If there was sexual contact, a submission to, at
5 the probationer's or community controllee's expense, an HIV
6 test with the results to be released to the victim or the
7 victim's parent or guardian.

8 5. Electronic monitoring of any form when ~~deemed~~
9 ~~necessary by the community control or probation officer and~~
10 ~~his or her supervisor, and ordered by the board court at the~~
11 ~~recommendation of the Department of Corrections.~~

12 (9)(8) It is the finding of the Legislature that the
13 population of offenders released from state prison into the
14 community who meet the conditional release criteria poses the
15 greatest threat to the public safety of the groups of
16 offenders under community supervision. Therefore, the
17 Department of Corrections is to provide intensive supervision
18 by experienced correctional probation officers to conditional
19 release offenders. Subject to specific appropriation by the
20 Legislature, caseloads may be restricted to a maximum of 40
21 conditional release offenders per officer to provide for
22 enhanced public safety and to effectively monitor conditions
23 of electronic monitoring or curfews, if so ordered by the
24 board commission.

25 (10) For inmates who are eligible for conditional
26 release for one or more offenses and also placed on mandatory
27 postprison probation pursuant to s. 948.03(6) for one or more
28 offenses, within the overall term of sentences, such person
29 shall be supervised pursuant to the order imposed by the
30 court, and the board shall defer to such supervision. If the
31 court revokes the mandatory postprison probation and

1 resentsences the offender to a term of incarceration, such
2 revocation also constitutes a sufficient basis for the
3 revocation of conditional release without further hearing by
4 the board. If any postprison probation supervision is revoked,
5 such revocation may result in a forfeiture of all gain-time,
6 and the board may revoke the deferred conditional release
7 supervision or take other action it considers appropriate. If
8 the term of conditional release supervision exceeds that of
9 the mandatory postprison probation, authority for the
10 supervision shall revert to the board and the supervision
11 shall be subject to the conditions set by the board upon
12 expiration of the mandatory postprison probation.

13 (11) Offenders shall not be placed on conditional
14 release supervision for convictions with offense dates on or
15 after July 1, 2000.

16 Section 64. Section 947.141, Florida Statutes, is
17 amended to read:

18 947.141 Violations of conditional release, control
19 release, or conditional medical release.--

20 (1) If a member of the board ~~commission~~ or a duly
21 authorized representative of the board ~~commission~~ has
22 reasonable grounds to believe that an offender who is on
23 release supervision under s. 947.1405, s. 947.146, or s.
24 947.149 has violated the terms and conditions of the release
25 in a material respect, such member or representative may cause
26 a warrant to be issued for the arrest of the releasee; if the
27 offender was found to be a sexual predator, the warrant must
28 be issued.

29 (2) Upon the arrest on a felony charge of an offender
30 who is on release supervision under s. 947.1405, s. 947.146,
31 or s. 947.149, the offender must be detained without bond

1 until the initial appearance of the offender at which a
2 judicial determination of probable cause is made. If the
3 magistrate determines that there was no probable cause for the
4 arrest, the offender may be released. If the magistrate
5 determines that there was probable cause for the arrest, such
6 determination also constitutes reasonable grounds to believe
7 that the offender violated the conditions of the release.
8 Within 24 hours after the magistrate's finding of probable
9 cause, the detention facility administrator or designee shall
10 notify the board ~~commission~~ and the department of the finding
11 and transmit to each a facsimile copy of the probable cause
12 affidavit or the sworn offense report upon which the
13 magistrate's probable cause determination is based. The
14 offender must continue to be detained without bond for a
15 period not exceeding 72 hours excluding weekends and holidays
16 after the date of the probable cause determination, pending a
17 decision by the board ~~commission~~ whether to issue a warrant
18 charging the offender with violation of the conditions of
19 release. Upon the issuance of the board's ~~commission's~~
20 warrant, the offender must continue to be held in custody
21 pending a revocation hearing held in accordance with this
22 section.

23 (3) Within 45 days after notice to the Parole Board
24 ~~Commission~~ of the arrest of a releasee charged with a
25 violation of the terms and conditions of conditional release,
26 control release, or conditional medical release, the releasee
27 must be afforded a hearing conducted by a board member
28 ~~commissioner~~ or a duly authorized representative thereof. If
29 the releasee elects to proceed with a hearing, the releasee
30 must be informed orally and in writing of the following:
31

1 (a) The alleged violation with which the releasee is
2 charged.
3 (b) The releasee's right to be represented by counsel.
4 (c) The releasee's right to be heard in person.
5 (d) The releasee's right to secure, present, and
6 compel the attendance of witnesses relevant to the proceeding.
7 (e) The releasee's right to produce documents on the
8 releasee's own behalf.
9 (f) The releasee's right of access to all evidence
10 used against the releasee and to confront and cross-examine
11 adverse witnesses.
12 (g) The releasee's right to waive the hearing.
13 (4) Within a reasonable time following the hearing,
14 the board member ~~commissioner~~ or the board member's
15 ~~commissioner's~~ duly authorized representative who conducted
16 the hearing shall make findings of fact in regard to the
17 alleged violation. A panel of no fewer than two board members
18 ~~commissioners~~ shall enter an order determining whether the
19 charge of violation of conditional release, control release,
20 or conditional medical release has been sustained based upon
21 the findings of fact presented by the hearing board member
22 ~~commissioner~~ or authorized representative. By such order, the
23 panel may revoke conditional release, control release, or
24 conditional medical release and thereby return the releasee to
25 prison to serve the sentence imposed, reinstate the original
26 order granting the release, or enter such other order as it
27 considers proper. Effective for inmates whose offenses were
28 committed on or after July 1, 1995, the panel may order the
29 placement of a releasee, upon a finding of violation pursuant
30 to this subsection, into a local detention facility as a
31 condition of supervision.

1 (5) Effective for inmates whose offenses were
2 committed on or after July 1, 1995, notwithstanding the
3 provisions of ss. 775.08, former 921.001, 921.002, 921.187,
4 921.188, 944.02, and 951.23, or any other law to the contrary,
5 by such order as provided in subsection (4), the panel, upon a
6 finding of guilt, may, as a condition of continued
7 supervision, place the releasee in a local detention facility
8 for a period of incarceration not to exceed 22 months. Prior
9 to the expiration of the term of incarceration, or upon
10 recommendation of the chief correctional officer of that
11 county, the board ~~commission~~ shall cause inquiry into the
12 inmate's release plan and custody status in the detention
13 facility and consider whether to restore the inmate to
14 supervision, modify the conditions of supervision, or enter an
15 order of revocation, thereby causing the return of the inmate
16 to prison to serve the sentence imposed. The provisions of
17 this section do not prohibit the panel from entering such
18 other order or conducting any investigation that it deems
19 proper. The board ~~commission~~ may only place a person in a
20 local detention facility pursuant to this section if there is
21 a contractual agreement between the chief correctional officer
22 of that county and the Department of Corrections. The
23 agreement must provide for a per diem reimbursement for each
24 person placed under this section, which is payable by the
25 Department of Corrections for the duration of the offender's
26 placement in the facility. This section does not limit the
27 board's ~~commission's~~ ability to place a person in a local
28 detention facility for less than 1 year.

29 (6) Whenever a conditional release, control release,
30 or conditional medical release is revoked by a panel of no
31 fewer than two board members ~~commissioners~~ and the releasee is

1 ordered to be returned to prison, the releasee, by reason of
2 the misconduct, shall be deemed to have forfeited all
3 gain-time or commutation of time for good conduct, as provided
4 for by law, earned up to the date of release. However, if a
5 conditional medical release is revoked due to the improved
6 medical or physical condition of the releasee, the releasee
7 shall not forfeit gain-time accrued before the date of
8 conditional medical release. This subsection does not deprive
9 the prisoner of the right to gain-time or commutation of time
10 for good conduct, as provided by law, from the date of return
11 to prison.

12 (7) This section applies to alleged violations of
13 conditional release which occur prior to July 1, 2000. Alleged
14 violations of conditional release occurring on or after July
15 1, 2000, shall be heard in the circuit court where the
16 offender committed the offense or offenses that resulted in
17 conditional release supervision.

18 Section 65. Subsection (1) and paragraph (b) of
19 subsection (7) of section 947.146, Florida Statutes, are
20 amended to read:

21 947.146 Control Release Authority.--

22 (1) There is created a Control Release Authority which
23 shall be composed of the members of the Parole Board
24 ~~Commission~~ and which shall have the same chair as the board
25 ~~commission~~. The authority shall utilize such board ~~commission~~
26 staff as it determines is necessary to carry out its purposes.

27 (7) The authority has the power and duty to:

28 (b) Authorize an individual board member ~~commissioner~~
29 to postpone a control release date for not more than 60 days
30 without a hearing for any inmate who has become the subject of
31 a disciplinary proceeding, a criminal arrest, an information,

1 or an indictment; who has been terminated from work release;
2 or about whom there is any recently discovered information as
3 specified in paragraph (a).

4 Section 66. Section 947.149, Florida Statutes, is
5 amended to read:

6 947.149 Conditional medical release.--

7 (1) The board ~~commission~~ shall, in conjunction with
8 the department, establish the conditional medical release
9 program. An inmate is eligible for consideration for release
10 under the conditional medical release program when the inmate,
11 because of an existing medical or physical condition, is
12 determined by the department to be within one of the following
13 designations:

14 (a) "Permanently incapacitated inmate," which means an
15 inmate who has a condition caused by injury, disease, or
16 illness which, to a reasonable degree of medical certainty,
17 renders the inmate permanently and irreversibly physically
18 incapacitated to the extent that the inmate does not
19 constitute a danger to herself or himself or others.

20 (b) "Terminally ill inmate," which means an inmate who
21 has a condition caused by injury, disease, or illness which,
22 to a reasonable degree of medical certainty, renders the
23 inmate terminally ill to the extent that there can be no
24 recovery and death is imminent, so that the inmate does not
25 constitute a danger to herself or himself or others.

26 (2) Notwithstanding any provision to the contrary, any
27 person determined eligible under this section and sentenced to
28 the custody of the department may, upon referral by the
29 department, be considered for conditional medical release by
30 the board ~~commission~~, in addition to any parole consideration
31 for which the inmate may be considered, except that

1 conditional medical release is not authorized for an inmate
2 who is under sentence of death. No inmate has a right to
3 conditional medical release or to a medical evaluation to
4 determine eligibility for such release.

5 (3) The authority and whether or not to grant
6 conditional medical release and establish additional
7 conditions of conditional medical release rests solely within
8 the discretion of the board ~~commission~~, in accordance with the
9 provisions of this section, together with the authority to
10 approve the release plan to include necessary medical care and
11 attention. The department shall identify inmates who may be
12 eligible for conditional medical release based upon available
13 medical information and shall refer them to the board
14 ~~commission~~ for consideration. In considering an inmate for
15 conditional medical release, the board ~~commission~~ may require
16 that additional medical evidence be produced or that
17 additional medical examinations be conducted, and may require
18 such other investigations to be made as may be warranted.

19 (4) The conditional medical release term of an inmate
20 released on conditional medical release is for the remainder
21 of the inmate's sentence, without diminution of sentence for
22 good behavior. Supervision of the medical releasee must
23 include periodic medical evaluations at intervals determined
24 by the board ~~commission~~ at the time of release.

25 (5)(a) If it is discovered during the conditional
26 medical release that the medical or physical condition of the
27 medical releasee has improved to the extent that she or he
28 would no longer be eligible for conditional medical release
29 under this section, the board ~~commission~~ may order that the
30 releasee be returned to the custody of the department for a
31 conditional medical release revocation hearing, in accordance

1 with s. 947.141. If conditional medical release is revoked
2 due to improvement in the medical or physical condition of the
3 releasee, she or he shall serve the balance of her or his
4 sentence with credit for the time served on conditional
5 medical release and without forfeiture of any gain-time
6 accrued prior to conditional medical release. If the person
7 whose conditional medical release is revoked due to an
8 improvement in medical or physical condition would otherwise
9 be eligible for parole or any other release program, the
10 person may be considered for such release program pursuant to
11 law.

12 (b) In addition to revocation of conditional medical
13 release pursuant to paragraph (a), conditional medical release
14 may also be revoked for violation of any condition of the
15 release established by the board ~~commission~~, in accordance
16 with s. 947.141, and the releasee's gain-time may be forfeited
17 pursuant to s. 944.28(1).

18 (6) The department and the board ~~commission~~ shall
19 adopt rules as necessary to implement the conditional medical
20 release program.

21 Section 67. Section 947.15, Florida Statutes, is
22 amended to read:

23 947.15 Reports.--On or before January 1 of each year,
24 the board ~~commission~~ shall make a written report to the
25 Governor and Cabinet of its activities together with a full
26 and detailed financial statement, copies of which shall be
27 sent to the Department of Legal Affairs and to such other
28 officials and persons as the board ~~commission~~ may deem
29 advisable. One copy of said report shall become a part of the
30 records of the board ~~commission~~.

31

1 Section 68. Section 947.16, Florida Statutes, is
2 amended to read:

3 947.16 Eligibility for parole; initial parole
4 interviews; powers and duties of board ~~commission~~.--

5 (1) Every person who has been convicted of a felony or
6 who has been convicted of one or more misdemeanors and whose
7 sentence or cumulative sentences total 12 months or more, who
8 is confined in execution of the judgment of the court, and
9 whose record during confinement or while under supervision is
10 good, shall, unless otherwise provided by law, be eligible for
11 interview for parole consideration of her or his cumulative
12 sentence structure as follows:

13 (a) An inmate who has been sentenced for an
14 indeterminate term or a term of 3 years or less shall have an
15 initial interview conducted by a hearing examiner within 8
16 months after the initial date of confinement in execution of
17 the judgment.

18 (b) An inmate who has been sentenced for a minimum
19 term in excess of 3 years but of less than 6 years shall have
20 an initial interview conducted by a hearing examiner within 14
21 months after the initial date of confinement in execution of
22 the judgment.

23 (c) An inmate who has been sentenced for a minimum
24 term of 6 or more years but other than for a life term shall
25 have an initial interview conducted by a hearing examiner
26 within 24 months after the initial date of confinement in
27 execution of the judgment.

28 (d) An inmate who has been sentenced for a term of
29 life shall have an initial interview conducted by a hearing
30 examiner within 5 years after the initial date of confinement
31 in execution of the judgment.

1 (e) An inmate who has been convicted and sentenced
2 under ss. 958.011-958.15, or any other inmate who has been
3 determined by the department to be a youthful offender, shall
4 be interviewed by a parole examiner within 8 months after the
5 initial date of confinement in execution of the judgment.

6 (2) The following special types of cases shall have
7 their initial parole interview as follows:

8 (a) An initial interview may be postponed for a period
9 not to exceed 90 days. Such postponement shall be for good
10 cause, which shall include, but need not be limited to, the
11 need for the department to obtain a presentence or
12 postsentence investigation report or a probation or parole or
13 mandatory conditional release violation report. The reason
14 for postponement shall be noted in writing and included in the
15 official record. No postponement for good cause shall result
16 in an initial interview being conducted later than 90 days
17 after the inmate's initially scheduled initial interview.

18 (b) An initial interview may be deferred for any
19 inmate who is out to court. Such deferral shall not result in
20 an initial interview being conducted later than 90 days after
21 the department provides written notice to the board ~~commission~~
22 that the inmate has been returned from court.

23 (c) An initial interview may be deferred for any
24 inmate confined in any appropriate treatment facility within
25 the state, public or private, by virtue of transfer from the
26 department under any applicable law. Such deferral shall not
27 result in an initial interview being conducted later than 90
28 days after the department provides written notice to the board
29 ~~commission~~ that the inmate has been returned to the
30 department.
31

1 (d) An inmate designated a mentally disordered sex
2 offender shall have an initial interview conducted within 90
3 days of receiving written notification by the department to
4 the board ~~commission~~ of the need for such interview and that
5 the inmate's file contains all investigative reports deemed
6 necessary by the board ~~commission~~ to conduct such interview.

7 (e) Any inmate who has been determined to be an
8 incapacitated person pursuant to s. 744.331 shall have an
9 initial interview conducted within 90 days after the date the
10 board ~~commission~~ is provided with written notice that the
11 inmate has been restored to capacity by the court.

12 (f) An initial interview may be held at the discretion
13 of the board ~~commission~~ after the entry of a board ~~commission~~
14 order to revoke parole or mandatory conditional release.

15 (g) For purposes of determining eligibility for parole
16 interview and release, the mandatory minimum portion of a
17 concurrent sentence will begin on the date the sentence begins
18 to run as provided in s. 921.161. The mandatory minimum
19 portions of consecutive sentences shall be served at the
20 beginning of the maximum sentence as established by the
21 Department of Corrections. Each mandatory minimum portion of
22 consecutive sentences shall be served consecutively; provided,
23 that in no case shall a sentence begin to run before the date
24 of imposition. The board ~~commission~~ shall conduct an initial
25 interview for an inmate serving a mandatory minimum sentence
26 according to the following schedule:

27 1. An inmate serving a mandatory term of 7 years or
28 less shall have an initial interview no sooner than 6 months
29 prior to the expiration of the mandatory minimum portion of
30 the sentence.

31

1 2. An inmate serving a mandatory term in excess of 7
2 years but of less than 15 years shall have an initial
3 interview no sooner than 12 months prior to the expiration of
4 the mandatory minimum portion of the sentence.

5 3. An inmate serving a mandatory term of 15 years or
6 more shall have an initial interview no sooner than 18 months
7 prior to the expiration of the mandatory minimum portion of
8 the sentence.

9 (h) If an inmate is serving a sentence imposed by a
10 county or circuit court of this state concurrently with a
11 sentence imposed by a court of another state or of the United
12 States, and if the department has designated the correctional
13 institution of the other jurisdiction as the place for
14 reception and confinement of such person, the inmate so
15 released to another jurisdiction shall be eligible for
16 consideration for parole, except that the board ~~commission~~
17 shall determine the presumptive parole release date and the
18 effective parole release date by requesting such person's
19 record file from the receiving jurisdiction. Upon receiving
20 such records, the board ~~commission~~ panel assigned by the chair
21 shall determine such release dates based on the relevant
22 information in that file. The board ~~commission~~ may concur
23 with the parole release decision of the jurisdiction granting
24 parole and accepting supervision. The provisions of s.
25 947.174 do not apply to an inmate serving a concurrent
26 sentence in another jurisdiction pursuant to s. 921.16(2).

27 (3) Notwithstanding the provisions of ss. 775.021 and
28 921.16, if an inmate has received a consecutive sentence or
29 sentences imposed by a court or courts of this state, the
30 inmate shall be eligible for consideration for parole, unless
31 otherwise expressly prohibited by law.

1 (4) A person who has become eligible for an initial
2 parole interview and who may, according to the objective
3 parole guidelines of the board ~~commission~~, be granted parole
4 shall be placed on parole in accordance with the provisions of
5 this law; except that, in any case of a person convicted of
6 murder, robbery, burglary of a dwelling or burglary of a
7 structure or conveyance in which a human being is present,
8 aggravated assault, aggravated battery, kidnapping, sexual
9 battery or attempted sexual battery, incest or attempted
10 incest, an unnatural and lascivious act or an attempted
11 unnatural and lascivious act, lewd and lascivious behavior,
12 assault or aggravated assault when a sexual act is completed
13 or attempted, battery or aggravated battery when a sexual act
14 is completed or attempted, arson, or any felony involving the
15 use of a firearm or other deadly weapon or the use of
16 intentional violence, at the time of sentencing the judge may
17 enter an order retaining jurisdiction over the offender for
18 review of a board ~~commission~~ release order. This jurisdiction
19 of the trial court judge is limited to the first one-third of
20 the maximum sentence imposed. When any person is convicted of
21 two or more felonies and concurrent sentences are imposed,
22 then the jurisdiction of the trial court judge as provided
23 herein applies to the first one-third of the maximum sentence
24 imposed for the highest felony of which the person was
25 convicted. When any person is convicted of two or more
26 felonies and consecutive sentences are imposed, then the
27 jurisdiction of the trial court judge as provided herein
28 applies to one-third of the total consecutive sentences
29 imposed.

30 (a) In retaining jurisdiction for the purposes of this
31 act, the trial court judge shall state the justification with

1 individual particularity, and such justification shall be made
2 a part of the court record. A copy of such justification
3 shall be delivered to the department together with the
4 commitment issued by the court pursuant to s. 944.16.

5 (b) Gain-time as provided for by law shall accrue,
6 except that an offender over whom the trial court has retained
7 jurisdiction as provided herein shall not be released during
8 the first one-third of her or his sentence by reason of
9 gain-time.

10 (c) In such a case of retained jurisdiction, the board
11 ~~commission~~, within 30 days after the entry of its release
12 order, shall send notice of its release order to the original
13 sentencing judge and to the appropriate state attorney. The
14 release order shall be made contingent upon entry of an order
15 by the appropriate circuit judge relinquishing jurisdiction as
16 provided for in paragraphs (d) and (f). If the original
17 sentencing judge is no longer in service, such notice shall be
18 sent to the chief judge of the circuit in which the offender
19 was sentenced. The chief judge may designate any circuit judge
20 within the circuit to act in the place of the original
21 sentencing judge. Such notice shall stay the time
22 requirements of s. 947.1745.

23 (d) Within 10 days after receipt of the notice
24 provided for in paragraph (c), the original sentencing judge
25 or her or his replacement shall notify the board ~~commission~~ as
26 to whether or not the court further desires to retain
27 jurisdiction. If the original sentencing judge or her or his
28 replacement does not so notify the board ~~commission~~ within the
29 10-day period or notifies the board ~~commission~~ that the court
30 does not desire to retain jurisdiction, then the board
31 ~~commission~~ may dispose of the matter as it sees fit.

1 (e) Upon receipt of notice of intent to retain
2 jurisdiction from the original sentencing judge or her or his
3 replacement, the board ~~commission~~ shall, within 10 days,
4 forward to the court its release order, the findings of fact,
5 the parole hearing examiner's report and recommendation, and
6 all supporting information upon which its release order was
7 based.

8 (f) Within 30 days of receipt of the items listed in
9 paragraph (e), the original sentencing judge or her or his
10 replacement shall review the order, findings, and evidence;
11 and, if the judge finds that the order of the board ~~commission~~
12 is not based on competent substantial evidence or that the
13 parole is not in the best interest of the community or the
14 inmate, the court may vacate the release order. The judge or
15 her or his replacement shall notify the board ~~commission~~ of
16 the decision of the court, and, if the release order is
17 vacated, such notification shall contain the evidence relied
18 on and the reasons for denial. A copy of such notice shall be
19 sent to the inmate.

20 (g) The decision of the original sentencing judge or,
21 in her or his absence, the chief judge of the circuit to
22 vacate any parole release order as provided in this section is
23 not appealable. Each inmate whose parole release order has
24 been vacated by the court shall be reinterviewed within 2
25 years after the date of receipt of the vacated release order
26 and every 2 years thereafter, or earlier by order of the court
27 retaining jurisdiction. However, each inmate whose parole
28 release order has been vacated by the court and who has been:
29 1. Convicted of murder or attempted murder;
30 2. Convicted of sexual battery or attempted sexual
31 battery; or

1 3. Sentenced to a 25-year minimum mandatory sentence
2 previously provided in s. 775.082,
3
4 shall be reinterviewed once within 5 years after the date of
5 receipt of the vacated release order and once every 5 years
6 thereafter, if the board ~~commission~~ finds that it is not
7 reasonable to expect that parole would be granted during the
8 following years and states the bases for the finding in
9 writing. For any inmate who is within 7 years of his or her
10 tentative release date, the board ~~commission~~ may establish a
11 reinterview date prior to the 5-year schedule.

12 (h) An inmate whose parole release order has been
13 vacated by the court may not be given a presumptive parole
14 release date during the period of retention of jurisdiction by
15 the court. During such period, a new effective parole release
16 date may be authorized at the discretion of the board
17 ~~commission~~ without further interview unless an interview is
18 requested by no fewer than two board members ~~commissioners~~.
19 Any such new effective parole release date must be reviewed in
20 accordance with the provisions of paragraphs (c), (d), (e),
21 (f), and (g).

22 (5) Within 90 days after any interview for parole, the
23 inmate shall be advised of the presumptive parole release
24 date. Subsequent to the establishment of the presumptive
25 parole release date, the board ~~commission~~ may, at its
26 discretion, review the official record or conduct additional
27 interviews with the inmate. However, the presumptive parole
28 release date may not be changed except for reasons of
29 institutional conduct or the acquisition of new information
30 not available at the time of the initial interview.

31

1 (6) This section as amended by chapter 82-171, Laws of
2 Florida, shall apply only to those persons convicted on or
3 after the effective date of chapter 82-171; and this section
4 as in effect before being amended by chapter 82-171 shall
5 apply to any person convicted before the effective date of
6 chapter 82-171.

7 Section 69. Section 947.165, Florida Statutes, is
8 amended to read:

9 947.165 Objective parole guidelines.--

10 (1) The board ~~commission~~ shall develop and implement
11 objective parole guidelines which shall be the criteria upon
12 which parole decisions are made. The objective parole
13 guidelines shall be developed according to an acceptable
14 research method and shall be based on the seriousness of
15 offense and the likelihood of favorable parole outcome. The
16 guidelines shall require the board ~~commission~~ to aggravate or
17 aggregate each consecutive sentence in establishing the
18 presumptive parole release date. Factors used in arriving at
19 the salient factor score and the severity of offense behavior
20 category shall not be applied as aggravating circumstances.
21 If the sentencing judge files a written objection to the
22 parole release of an inmate as provided for in s. 947.1745(6),
23 such objection may be used by the board ~~commission~~ as a basis
24 to extend the presumptive parole release date.

25 (2) At least once a year, the board ~~commission~~ shall
26 review the objective parole guidelines and make any revisions
27 considered necessary by virtue of statistical analysis of
28 board ~~commission~~ actions, which analysis uses acceptable
29 research and methodology.

30 Section 70. Subsections (3) and (4) of section
31 947.168, Florida Statutes, are amended to read:

1 947.168 Consideration for persons serving
2 parole-eligible and parole-ineligible sentences.--

3 (3) Actual terms of parole service shall not be
4 initiated until the satisfactory completion of the
5 parole-ineligible sentence and subsequent review by the board
6 ~~commission~~ as provided in subsection (4).

7 (4) Following completion of the parole-ineligible
8 sentence, the board ~~commission~~ shall reinterview the offender
9 and consider any new information provided by the Department of
10 Corrections. Upon an affirmative vote by the board
11 ~~commission~~, the offender shall be released on parole and
12 required to meet any conditions set by the board ~~commission~~
13 pursuant to s. 947.19.

14 Section 71. Subsections (2) and (3) of section
15 947.172, Florida Statutes, are amended to read:

16 947.172 Establishment of presumptive parole release
17 date.--

18 (2) Based on the objective parole guidelines and any
19 other competent evidence relevant to aggravating and
20 mitigating circumstances, the hearing examiner shall, within
21 10 days after the interview, recommend in writing to a panel
22 of no fewer than two board members ~~commissioners~~ appointed by
23 the chair a presumptive parole release date for the inmate.
24 The chair shall assign cases to such panels on a random basis,
25 without regard to the inmate or to the board members
26 ~~commissioners~~ sitting on the panel. If the recommended
27 presumptive parole release date falls outside the matrix time
28 ranges as determined by the objective parole guidelines, the
29 hearing examiner shall include with the recommendation a
30 statement in writing as to the reasons for the decision,
31 specifying individual particularities. If a panel fails to

1 reach a decision on a recommended presumptive parole release
2 date, the chair or any other board member ~~commissioner~~
3 designated by the chair shall cast the deciding vote. Within
4 90 days after the date of the initial interview, the inmate
5 shall be notified in writing of the decision as to the
6 inmate's presumptive parole release date.

7 (3) A presumptive parole release date shall become
8 binding on the board ~~commission~~ when agreement on the
9 presumptive parole release date is reached. Should the
10 presumptive parole release date fall outside the matrix time
11 ranges as determined by the objective parole guidelines, the
12 reasons for this decision shall be stated in writing with
13 individual particularities.

14 Section 72. Subsections (2) and (3) of section
15 947.173, Florida Statutes, are amended to read:

16 947.173 Review of presumptive parole release date.--

17 (2) A panel of no fewer than two board members
18 ~~commissioners~~ appointed by the chair shall review the inmate's
19 request for review and shall notify the inmate in writing of
20 its decision within 60 days after the date of receipt of the
21 request by the board ~~commission~~.

22 (3) The board ~~commission~~ may affirm or modify the
23 authorized presumptive parole release date. However, in the
24 event of a decision to modify the presumptive parole release
25 date, in no case shall this modified date be after the date
26 established under the procedures of s. 947.172. It is the
27 intent of this legislation that, once set, presumptive parole
28 release dates be modified only for good cause in exceptional
29 circumstances.

30 Section 73. Section 947.174, Florida Statutes, is
31 amended to read:

1 947.174 Subsequent interviews.--

2 (1)(a) For any inmate, except an inmate convicted of
3 an offense enumerated in paragraph (b), whose presumptive
4 parole release date falls more than 2 years after the date of
5 the initial interview, a hearing examiner shall schedule an
6 interview for review of the presumptive parole release date.
7 Such interview shall take place within 2 years after the
8 initial interview and every 2 years thereafter.

9 (b) For any inmate convicted of murder, attempted
10 murder, sexual battery, attempted sexual battery, or who has
11 been sentenced to a 25-year minimum mandatory sentence
12 previously provided in s. 775.082, and whose presumptive
13 parole release date is more than 5 years after the date of the
14 initial interview, a hearing examiner shall schedule an
15 interview for review of the presumptive parole release date.
16 Such interview shall take place once within 5 years after the
17 initial interview and once every 5 years thereafter if the
18 board ~~commission~~ finds that it is not reasonable to expect
19 that parole will be granted at a hearing during the following
20 years and states the bases for the finding in writing. For
21 any inmate who is within 7 years of his or her tentative
22 release date, the board ~~commission~~ may establish an interview
23 date prior to the 5-year schedule.

24 (c) Such interviews shall be limited to determining
25 whether or not information has been gathered which might
26 affect the presumptive parole release date. The provisions of
27 this subsection shall not apply to an inmate serving a
28 concurrent sentence in another jurisdiction pursuant to s.
29 921.16(2).

30 (2) The board ~~commission~~, for good cause, may at any
31 time request that a hearing examiner conduct a subsequent

1 hearing according to the procedures outlined in this section.
2 Such request shall specify in writing the reasons for such
3 review.

4 (3) The department shall, within a reasonable amount
5 of time, make available and bring to the attention of the
6 board ~~commission~~ such information as is deemed important to
7 the review of the presumptive parole release date, including,
8 but not limited to, current progress reports, psychological
9 reports, and disciplinary reports.

10 (4) The department or a hearing examiner may recommend
11 that an inmate be placed in a work-release program prior to
12 the last 18 months of her or his confinement before the
13 presumptive parole release date. If the board ~~commission~~ does
14 not deny the recommendation within 30 days of the receipt of
15 the recommendation, the inmate may be placed in such a
16 program, and the department shall advise the board ~~commission~~
17 of the fact prior to such placement.

18 (5) For purposes of this section, the board ~~commission~~
19 shall develop and make available to all inmates guidelines
20 which:

21 (a) Define what constitutes an unsatisfactory
22 institutional record. In developing such guidelines, the board
23 ~~commission~~ shall consult with the department.

24 (b) Define what constitutes a satisfactory release
25 plan and what constitutes verification of the plan prior to
26 placement on parole.

27 Section 74. Subsections (1), (4), (5), and (6) of
28 section 947.1745, Florida Statutes, are amended to read:

29 947.1745 Establishment of effective parole release
30 date.--If the inmate's institutional conduct has been
31

1 satisfactory, the presumptive parole release date shall become
2 the effective parole release date as follows:

3 (1) Within 90 days before the presumptive parole
4 release date, a hearing examiner shall conduct a final
5 interview with the inmate in order to establish an effective
6 parole release date and parole release plan. If it is
7 determined that the inmate's institutional conduct has been
8 unsatisfactory, a statement to this effect shall be made in
9 writing with particularity and shall be forwarded to a panel
10 of no fewer than two board members ~~commissioners~~ appointed by
11 the chair.

12 (4) If an effective date of parole has been
13 established, release on that date is conditioned upon the
14 completion of a satisfactory plan for parole supervision. An
15 effective date of parole may be delayed for up to 60 days by a
16 board member ~~commissioner~~ without a hearing for the
17 development and approval of release plans.

18 (5) An effective date of parole may be delayed by a
19 board member ~~commissioner~~ for up to 60 days without a hearing
20 based on:

21 (a) New information not available at the time of the
22 effective parole release date interview.

23 (b) Unsatisfactory institutional conduct which
24 occurred subsequent to the effective parole release date
25 interview.

26 (c) The lack of a verified parole release plan.

27 (6) Within 90 days before the effective parole release
28 date interview, the board ~~commission~~ shall send written notice
29 to the sentencing judge of any inmate who has been scheduled
30 for an effective parole release date interview. If the
31 sentencing judge is no longer serving, the notice must be sent

1 to the chief judge of the circuit in which the offender was
2 sentenced. The chief judge may designate any circuit judge
3 within the circuit to act in the place of the sentencing
4 judge. Within 30 days after receipt of the board's
5 ~~commission's~~ notice, the sentencing judge, or the designee,
6 shall send to the board ~~commission~~ notice of objection to
7 parole release, if the judge objects to such release. If
8 there is objection by the judge, such objection may constitute
9 good cause in exceptional circumstances as described in s.
10 947.173, and the board ~~commission~~ may schedule a subsequent
11 review within 2 years, extending the presumptive parole
12 release date beyond that time. However, for an inmate who has
13 been:

- 14 (a) Convicted of murder or attempted murder;
15 (b) Convicted of sexual battery or attempted sexual
16 battery; or
17 (c) Sentenced to a 25-year minimum mandatory sentence
18 previously provided in s. 775.082,

19
20 the board ~~commission~~ may schedule a subsequent review under
21 this subsection once every 5 years, extending the presumptive
22 parole release date beyond that time if the board ~~commission~~
23 finds that it is not reasonable to expect that parole would be
24 granted at a review during the following years and states the
25 bases for the finding in writing. For any inmate who is within
26 7 years of his or her release date, the board ~~commission~~ may
27 schedule a subsequent review prior to the 5 year schedule.
28 With any subsequent review the same procedure outlined above
29 will be followed. If the judge remains silent with respect to
30 parole release, the board ~~commission~~ may authorize an
31 effective parole release date. This subsection applies if the

1 ~~board commission~~ desires to consider the establishment of an
2 effective release date without delivery of the effective
3 parole release date interview. Notice of the effective
4 release date must be sent to the sentencing judge, and either
5 the judge's response to the notice must be received or the
6 time period allowed for such response must elapse before the
7 ~~board commission~~ may authorize an effective release date.

8 Section 75. Section 947.1746, Florida Statutes, is
9 amended to read:

10 947.1746 Establishment of effective parole release
11 date.--Within 30 days of the receipt of new information or
12 upon receipt of a written recommendation from the department
13 that an inmate be considered for mitigation of the authorized
14 presumptive parole release date, the ~~board commission~~ may, at
15 its discretion, provide for a final interview to establish an
16 effective parole release date or may review the official
17 record and establish an effective parole release date without
18 provision of a final interview, unless an interview is
19 requested by no fewer than two board members ~~commissioners~~.

20 Section 76. Section 947.1747, Florida Statutes, is
21 amended to read:

22 947.1747 Community control as a special condition of
23 parole.--Upon the establishment of an effective parole release
24 date as provided for in ss. 947.1745 and 947.1746, the board
25 ~~commission~~ may, as a special condition of parole, require an
26 inmate to be placed in the community control program of the
27 Department of Corrections as described in s. 948.10 for a
28 period not exceeding 6 months. In every case in which the
29 ~~board commission~~ decides to place an inmate on community
30 control as a special condition of parole, the board commission
31

1 shall provide a written explanation of the reasons for its
2 decision.

3 Section 77. Subsection (1) of section 947.175, Florida
4 Statutes, is amended to read:

5 947.175 Notice to local agencies.--

6 (1) The Parole Board ~~Commission~~ shall, upon
7 establishing the effective parole release date of an inmate,
8 notify the county law enforcement agency in the county in this
9 state in which the inmate is scheduled to be released and any
10 other criminal justice agency which, in writing, requests the
11 board ~~commission~~ to provide such notice.

12 Section 78. Section 947.177, Florida Statutes, is
13 amended to read:

14 947.177 Inmate release; notice by Department of
15 Corrections, Control Release Authority, or Parole Board
16 ~~Commission~~.--

17 (1) Within 6 months before the release of an inmate
18 from the custody of the Department of Corrections or a private
19 correctional facility by expiration of sentence under s.
20 944.275, control release under s. 947.146, or parole under
21 this chapter, or as soon as possible if the offender is
22 released earlier than anticipated, notification of such
23 release date shall be made known by the appropriate agency to
24 the chief judge of the circuit in which the offender was
25 sentenced, the appropriate state attorney, and the sheriff as
26 chief law enforcement officer of the county in which the
27 inmate plans to reside. In addition, unless otherwise
28 requested by the victim or the personal representative of the
29 victim, the state attorney, the Department of Corrections, or
30 the Parole Board ~~Commission~~, whichever is appropriate, shall
31 notify such person within 6 months before the inmate's

1 release, or as soon as possible if the offender is released
2 earlier than anticipated, when the name and address of the
3 victim or representative of the victim has been furnished to
4 the agency. The state attorney shall provide the latest
5 address documented for the victim to the sheriff with the
6 other documents required by law for the delivery of inmates to
7 those agencies for service of sentence. For the purposes of
8 this section, the Parole Board ~~Commission~~ or the Control
9 Release Authority is the appropriate agency for any type of
10 release it grants, and the Department of Corrections is the
11 appropriate agency for any type of release it authorizes. This
12 section does not imply any repeal or modification of any
13 provision of law relating to notification of victims.

14 (2) Within 60 days before the anticipated release of
15 an inmate, a digitized photograph of the inmate to be released
16 shall be made by the Department of Corrections or a private
17 correctional facility, whichever has custody of the inmate. If
18 a private correctional facility makes the digitized
19 photograph, this photograph shall be provided to the
20 Department of Corrections. Additionally, the digitized
21 photograph, whether made by the Department of Corrections or a
22 private correctional facility, shall be placed in the inmate's
23 file. The Department of Corrections shall make the digitized
24 photograph available electronically to the Department of Law
25 Enforcement as soon as the digitized photograph is in the
26 agency's database and must be in a format that is compatible
27 with the requirements of the Florida Crime Information Center.

28 (3) If an inmate is to be released after having served
29 one or more sentences for a conviction of robbery, sexual
30 battery, home-invasion robbery, or carjacking, or an inmate to
31 be released has a prior conviction for robbery, sexual

1 battery, home-invasion robbery, or carjacking or similar
2 offense, in this state or in another jurisdiction, and if such
3 prior conviction information is contained in records of the
4 Department of Corrections, the appropriate releasing agency
5 shall release to the sheriff of the county in which the inmate
6 plans to reside, and, if the inmate plans to reside within a
7 municipality, to the chief of police of that municipality, the
8 following information, which must include, but need not be
9 limited to:

- 10 (a) Name;
- 11 (b) Social security number;
- 12 (c) Date of birth;
- 13 (d) Race;
- 14 (e) Sex;
- 15 (f) Height;
- 16 (g) Weight;
- 17 (h) Hair and eye color;
- 18 (i) Tattoos or other identifying marks;
- 19 (j) Fingerprints; and
- 20 (k) A digitized photograph as provided in subsection
21 (2).

22
23 The Department of Corrections, the Parole Board ~~Commission~~, or
24 the Control Release Authority shall release the information
25 specified in this subsection within 6 months prior to the
26 discharge of the inmate from the custody of the Department of
27 Corrections.

28 (4) An inmate who refuses to submit to the taking of a
29 digitized photograph commits a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 Section 79. Section 947.18, Florida Statutes, is
2 amended to read:

3 947.18 Conditions of parole.--No person shall be
4 placed on parole merely as a reward for good conduct or
5 efficient performance of duties assigned in prison. No person
6 shall be placed on parole until and unless the board
7 ~~commission~~ finds that there is reasonable probability that, if
8 the person is placed on parole, he or she will live and
9 conduct himself or herself as a respectable and law-abiding
10 person and that the person's release will be compatible with
11 his or her own welfare and the welfare of society. No person
12 shall be placed on parole unless and until the board
13 ~~commission~~ is satisfied that he or she will be suitably
14 employed in self-sustaining employment or that he or she will
15 not become a public charge. The board ~~commission~~ shall
16 determine the terms upon which such person shall be granted
17 parole. If the person's conviction was for a controlled
18 substance violation, one of the conditions must be that the
19 person submit to random substance abuse testing intermittently
20 throughout the term of supervision, upon the direction of the
21 correctional probation officer as defined in s. 943.10(3). In
22 addition to any other lawful condition of parole, the board
23 ~~commission~~ may make the payment of the debt due and owing to
24 the state under s. 960.17 or the payment of the attorney's
25 fees and costs due and owing to a county under s. 938.29 a
26 condition of parole subject to modification based on change of
27 circumstances.

28 Section 80. Section 947.181, Florida Statutes, is
29 amended to read:

30 947.181 Victim restitution as condition of parole.--
31

1 (1)(a) The Parole Board ~~Commission~~ shall require as a
2 condition of parole reparation or restitution to the aggrieved
3 party for the damage or loss caused by the offense for which
4 the parolee was imprisoned unless the board ~~commission~~ finds
5 reasons to the contrary. If the board ~~commission~~ does not
6 order restitution or orders only partial restitution, the
7 board ~~commission~~ shall state on the record the reasons
8 therefor. The amount of such reparation or restitution shall
9 be determined by the Parole Board ~~Commission~~.

10 (b) If the parolee fails to make the reparation or
11 restitution to the aggrieved party as authorized in paragraph
12 (a), it shall be considered by the board ~~commission~~ as a
13 violation of parole as specified in s. 947.21 and may be cause
14 for revocation of her or his parole.

15 (2) If a defendant is paroled, any restitution ordered
16 under s. 775.089 shall be a condition of such parole. The
17 Parole Board ~~Commission~~ may revoke parole if the defendant
18 fails to comply with such order. In determining whether to
19 revoke parole, the Parole Board ~~Commission~~ shall consider the
20 defendant's employment status, earning ability, and financial
21 resources; the willfulness of the defendant's failure to pay;
22 and any other special circumstances that may have a bearing on
23 the defendant's ability to pay.

24 Section 81. Section 947.185, Florida Statutes, is
25 amended to read:

26 947.185 Application for mental retardation services as
27 condition of parole.--The Parole Board ~~Commission~~ may require
28 as a condition of parole that any inmate who has been
29 diagnosed as mentally retarded as defined in s. 393.063 shall,
30 upon release, apply for retardation services from the
31 Department of Children and Family Services.

1 Section 82. Subsections (1), (2), and (3) of section
2 947.19, Florida Statutes, are amended to read:

3 947.19 Terms of parole.--

4 (1) The board ~~commission~~, upon authorizing an
5 effective parole release date, shall specify in writing the
6 terms and conditions of the parole, a certified copy of which
7 shall be given to the parolee.

8 (2) A parolee may, within 120 days of receipt of the
9 certified copy of the terms and conditions of parole, request
10 that the board ~~commission~~ modify the terms and conditions of
11 parole; the parolee must specify in writing the reasons for
12 requesting such modifications.

13 (3) A panel of no fewer than two board members
14 ~~commissioners~~ appointed by the chair shall consider requests
15 for review of the terms and conditions of parole, render a
16 written decision to continue or to modify the terms and
17 conditions of parole, specifying the reasons therefor, and
18 inform the parolee of the decision in writing within 30 days
19 of the date of receipt of request for review. Such panel
20 shall not include those board members ~~commissioners~~ who
21 authorized the original conditions of parole.

22 Section 83. Section 947.20, Florida Statutes, is
23 amended to read:

24 947.20 Rules of board ~~commission~~.--The board
25 ~~commission~~ shall adopt general rules on the terms and
26 conditions of parole and what shall constitute the violation
27 thereof and may make special rules to govern particular cases.
28 Such rules, both general and special, may include, among other
29 things, a requirement that the parolee shall not leave the
30 state or any definite area in Florida without the consent of
31 the board ~~commission~~; that the parolee shall contribute to the

1 support of her or his dependents to the best of her or his
2 ability; that the parolee shall make reparation or restitution
3 for her or his crime; that the parolee shall not associate
4 with persons engaged in criminal activity; and that the
5 parolee shall carry out the instructions of her or his parole
6 supervisor and, in general, comport herself or himself in
7 accordance with the terms and conditions of her or his parole.

8 Section 84. Subsection (2) of section 947.21, Florida
9 Statutes, is amended to read:

10 947.21 Violations of parole.--

11 (2) An offender whose parole is revoked may, at the
12 discretion of the board ~~commission~~, be credited with any
13 portion of the time the offender has satisfactorily served on
14 parole.

15 Section 85. Section 947.22, Florida Statutes, is
16 amended to read:

17 947.22 Authority to arrest parole violators with or
18 without warrant.--

19 (1) If a member of the board ~~commission~~ or a duly
20 authorized representative of the board ~~commission~~ has
21 reasonable grounds to believe that a parolee has violated the
22 terms and conditions of her or his parole in a material
23 respect, such member or representative may issue a warrant for
24 the arrest of such parolee. The warrant shall be returnable
25 before a member of the board ~~commission~~ or a duly authorized
26 representative of the board ~~commission~~. The board ~~commission~~,
27 a board member ~~commissioner~~, or a parole examiner with
28 approval of the parole examiner supervisor, may release the
29 parolee on bail or her or his own recognizance, conditioned
30 upon her or his appearance at any hearings noticed by the
31 board ~~commission~~. If not released on bail or her or his own

1 recognizance, the parolee shall be committed to jail pending
2 hearings pursuant to s. 947.23. The board commission, at its
3 election, may have the hearing conducted by one or more board
4 members ~~commissioners~~ or by a duly authorized representative
5 of the board commission. Any parole and probation officer,
6 any officer authorized to serve criminal process, or any peace
7 officer of this state is authorized to execute the warrant.

8 (2) Any parole and probation officer, when she or he
9 has reasonable ground to believe that a parolee, control
10 releasee, or conditional releasee has violated the terms and
11 conditions of her or his parole, control release, or
12 conditional release in a material respect, has the right to
13 arrest the releasee or parolee without warrant and bring her
14 or him forthwith before one or more board members
15 ~~commissioners~~ or a duly authorized representative of the
16 Parole Board Commission or Control Release Authority; and
17 proceedings shall thereupon be had as provided herein when a
18 warrant has been issued by a member of the board commission or
19 authority or a duly authorized representative of the board
20 commission or authority.

21 Section 86. Section 947.23, Florida Statutes, is
22 amended to read:

23 947.23 Action of board commission upon arrest of
24 parolee.--

25 (1) Within 30 days after the arrest of a person
26 charged with violation of the terms and conditions of her or
27 his parole, the parolee shall be afforded a prompt preliminary
28 hearing, conducted by a member of the board commission or its
29 duly authorized representative, at or near the place of
30 violation or arrest to determine if there is probable cause or
31 reasonable grounds to believe that the parolee has committed a

1 violation of the terms or conditions of her or his parole.
2 The parolee may knowingly execute a waiver of this hearing, up
3 until the time of such hearing, provided the consequences of
4 such action have been fully explained. If the parolee elects
5 to proceed with the preliminary hearing:

6 (a) The parolee shall be afforded a timely notice of
7 the preliminary hearing, which notice shall state the purpose
8 of the hearing and state the alleged violation.

9 (b) The parolee shall be permitted to cross-examine
10 adverse witnesses, unless it is determined that good cause
11 exists not to allow such examination.

12 (c) The parolee shall be allowed to call witnesses as
13 provided in subsection (3), and present evidence in her or his
14 own behalf.

15 (d) The parolee may be represented by counsel.
16

17 The findings based on the evidence presented at the
18 preliminary hearing shall be made available to the parolee
19 either immediately following the preliminary hearing or within
20 a reasonable time thereafter.

21 (2) If the preliminary hearing results in a finding of
22 probable cause or reasonable grounds to believe that a
23 violation of the terms or conditions of parole has occurred,
24 any one or more board members ~~commissioners~~ or a duly
25 authorized representative of the board ~~commission~~ shall
26 convene a final revocation hearing on the alleged violation.
27 The parolee shall appear at the final hearing in person, and,
28 if the parolee desires, she or he may be represented by
29 counsel. At the final hearing, the state and the parolee may
30 introduce such evidence as is necessary and pertinent to the
31 charge of parole violation.

1 (3) Any one or more board members ~~commissioners~~ or a
2 duly authorized representative of the board ~~commission~~ may
3 administer oaths and compel the attendance of witnesses at
4 such hearing by the issuance of summons, subpoenas, and
5 subpoenas duces tecum. Subpoenas and subpoenas duces tecum
6 shall be enforceable by appropriate proceedings in circuit
7 court, and the failure to comply with a court order enforcing
8 a subpoena or subpoena duces tecum shall constitute contempt
9 of court. Any one or more board members ~~commissioners~~ or a
10 duly authorized representative of the board ~~commission~~ may
11 issue subpoenas on behalf of the state or the parolee. The
12 board ~~commission~~ may decline a request to subpoena a witness
13 whose testimony it finds would be cumulative, irrelevant, or
14 nonprobative. The party requesting the subpoenas shall
15 furnish to the board member, board members ~~commissioner,~~
16 ~~commissioners~~, or duly authorized representative of the board
17 ~~commission~~ the names and addresses of her or his proposed
18 witnesses at least 10 days prior to the hearing date.

19 (4) At the hearing, the parolee shall be informed
20 orally and in writing of:

21 (a) The violation of the terms and conditions of
22 parole with which the parolee has been charged.

23 (b) The right to be represented by counsel.

24 (c) The right to be heard in person.

25 (d) The right to secure, present, and compel the
26 attendance of witnesses as provided in subsection (3) and the
27 production of documents on her or his behalf.

28 (e) The right of access to all evidence used against
29 her or him.

30 (f) The right to confront and cross-examine adverse
31 witnesses, unless the board member, board members

1 ~~commissioner, commissioners,~~ or duly authorized representative
2 of the board ~~commission~~ conducting the hearing finds
3 specifically, and states in writing, good cause not to allow
4 the confrontation.

5 (5)(a) At any such hearing convened by one or more
6 board members ~~commissioners~~ or a duly authorized
7 representative of the board ~~commission~~, the accused may waive
8 her or his right to proceed further if, after being informed
9 of her or his rights and after being advised of the
10 consequences of a waiver in regard to the nature of the order
11 which may be entered as a result of such waiver, the accused
12 affirms, in writing, knowledge and understanding of such
13 rights and consequences and elects, in writing, to execute the
14 waiver.

15 (b) The accused violator may execute a waiver, in
16 writing, of a final revocation hearing prior to the
17 commencement of such hearing. Such waiver may be executed
18 before a member of the board ~~commission~~ or a duly authorized
19 representative of the board ~~commission~~ after the accused
20 violator has been informed of her or his rights and after she
21 or he has been advised of the consequences of a waiver. Within
22 14 days after the execution of a waiver, the accused may
23 withdraw the waiver by executing a withdrawal of waiver before
24 a notary public and forwarding the original of that withdrawal
25 to the board ~~commission~~.

26 (6) Within a reasonable time after the hearing, the
27 board member, board members ~~commissioner, commissioners,~~ or
28 duly authorized representative of the board ~~commission~~ who
29 conducted the hearing shall make findings of fact in regard to
30 the alleged parole violation.

31

1 (a) If the hearing was conducted by three or more
2 board members ~~commissioners~~, a majority of them shall enter an
3 order determining whether the charges of parole violation have
4 been sustained, based on the findings of fact made by them.
5 By such order they shall revoke the parole and return the
6 parolee to prison to serve the sentence theretofore imposed
7 upon her or him, reinstate the original order of parole, order
8 the placement of the parolee into a community control program
9 as set forth in s. 948.03, or enter such other order as is
10 proper.

11 (b) If the hearing was conducted by one or two board
12 members ~~commissioners~~ or a duly authorized representative of
13 the board ~~commission~~, at least two board members ~~commissioners~~
14 shall enter an order determining whether or not the charges of
15 parole violation have been sustained, based on the findings of
16 fact made by the board member, board members ~~commissioner~~,
17 ~~commissioners~~, or duly authorized representative of the board
18 ~~commission~~. The board members ~~commissioners~~, by such order,
19 shall revoke the parole and return the parolee to prison to
20 serve the sentence theretofore imposed upon her or him,
21 reinstate the original order of parole, order the placement of
22 the parolee into a community control program as set forth in
23 s. 948.03, or enter such other order as is proper.

24 (c) If the disposition after the revocation hearing is
25 to place the parolee into a community control program, the
26 board ~~commission~~ shall be guided by the procedures and
27 requirements provided in chapter 948 which apply to the courts
28 regarding the development and implementation of community
29 control.

30
31

1 However, any decision to revoke parole shall be based on a
2 violation of a term or condition specifically enumerated in
3 the parole release order. In a case in which parole is
4 revoked, the majority of the board ~~commission~~ or the two board
5 members ~~commissioners~~ shall make a written statement of the
6 evidence relied on and the reasons for revoking parole.

7 (7) Whenever a parole is revoked by the board
8 ~~commission~~ and the parolee is ordered by the board ~~commission~~
9 to be returned to prison, the parolee, by reason of her or his
10 misconduct, shall be deemed to forfeit all gain-time or
11 commutation of time for good conduct, as provided for by law,
12 earned up to the date of her or his release on parole.
13 Nothing herein shall deprive the prisoner of her or his right
14 to gain-time or commutation of time for good conduct, as
15 provided by law, from the date the prisoner is returned to
16 prison.

17 Section 87. Subsections (1) and (2) of section 947.24,
18 Florida Statutes, are amended to read:

19 947.24 Discharge from parole supervision or release
20 supervision.--

21 (1) When a person is placed on parole, control
22 release, or conditional release, the board ~~commission~~ shall
23 determine the period of time the person will be under parole
24 supervision or release supervision in the following manner:

25 (a) If the person is being paroled or released under
26 supervision from a single or concurrent sentence, the period
27 of time the person will be under parole supervision or release
28 supervision may not exceed 2 years unless the board ~~commission~~
29 designates a longer period of time, in which case it must
30 advise the parolee or releasee in writing of the reasons for
31 the extended period. In any event, the period of parole

1 supervision or release supervision may not exceed the maximum
2 period for which the person has been sentenced.

3 (b) If the person is being paroled or released under
4 supervision from a consecutive sentence or sentences, the
5 period of time the person will be under parole supervision or
6 release supervision will be for the maximum period for which
7 the person was sentenced.

8 (2) The board ~~commission~~ shall review the progress of
9 each person who has been placed on parole, control release, or
10 conditional release after 2 years of supervision in the
11 community and biennially thereafter. Such review must include
12 consideration of whether to modify the reporting schedule,
13 thereby authorizing the person under parole supervision or
14 release supervision to submit reports quarterly, semiannually,
15 or annually. The board ~~commission~~, after having retained
16 jurisdiction of a person for a sufficient length of time to
17 evidence satisfactory rehabilitation and cooperation, may
18 further modify the terms and conditions of the person's
19 parole, control release, or conditional release, may discharge
20 the person from parole supervision or release supervision, may
21 relieve the person from making further reports, or may permit
22 the person to leave the state or country, upon finding that
23 such action is in the best interests of the person and
24 society.

25 Section 88. Section 947.26, Florida Statutes, is
26 amended to read:

27 947.26 Cooperation of custodian of prisoner; right of
28 access.--The superintendent, warden, or jailer of any jail or
29 prison in which persons convicted of crime may be confined and
30 all officers or employees thereof shall at all times cooperate
31 with the board ~~commission~~ and, upon its request, shall furnish

1 it with such information as they may have respecting any
2 person inquired about as will enable the board ~~commission~~
3 properly to perform its duties. Such officials shall, at all
4 reasonable times, when the public safety permits, give the
5 members of the board ~~commission~~ and its authorized agents and
6 employees access to all prisoners in their charge.

7 Section 89. Subsections (4), (6), and (7) of section
8 948.001, Florida Statutes, are renumbered as subsections (5),
9 (8), and (9), respectively, present subsection (5) is
10 renumbered as subsection (7) and amended, and new subsections
11 (4) and (6) are added to said section, to read:

12 948.001 Definitions.--As used in this chapter, the
13 term:

14 (4) "Department" means the Department of Corrections.

15 (6) "Mandatory postprison probation" means a mandatory
16 period of probation imposed at sentencing, to be served upon
17 release from prison, for offenders sentenced to prison. The
18 length of mandatory postprison probation shall equal the
19 portion of the court-imposed prison sentence that was not
20 served due to the accrual of gain-time.

21 (7)(5) "Probation" means a form of community
22 supervision requiring specified contacts with ~~parole and~~
23 probation officers and other terms and conditions as provided
24 in s. 948.03.

25 Section 90. Subsections (3) through (15) of section
26 948.01, Florida Statutes, are renumbered as subsections (4)
27 through (16), respectively, and a new subsection (3) is added
28 to said section to read:

29 948.01 When court may place defendant on probation or
30 into community control.--

31

1 (3) If the court sentences any defendant for an
2 offense committed on or after July 1, 2000, to a period of
3 incarceration, the court shall also place the defendant on
4 mandatory postprison probation to commence upon the
5 defendant's release from prison in accordance with the
6 provisions of s. 948.03(6).

7 Section 91. Subsections (6) through (11) of section
8 948.03, Florida Statutes, are renumbered as subsections (7)
9 through (12), respectively, subsection (1) and present
10 subsection (11) are amended, and a new subsection (6) is added
11 to said section, to read:

12 948.03 Terms and conditions of probation or community
13 control.--

14 (1) The court shall determine the terms and conditions
15 of any form of probation or community control. Conditions
16 specified in paragraphs (a) through and including (m) do not
17 require oral pronouncement at the time of sentencing and may
18 be considered standard conditions of any form of probation,
19 with the exception of administrative probation. Conditions
20 specified in paragraphs (a) through and including (m) and
21 (2)(a) do not require oral pronouncement at sentencing and may
22 be considered standard conditions of any form of community
23 control. These conditions may include among them the
24 following, that the probationer or offender in community
25 control shall:

26 (a) Report to the probation and parole supervisors as
27 directed.

28 (b) Permit such supervisors to visit him or her at his
29 or her home or elsewhere.

30 (c) Work faithfully at suitable employment insofar as
31 may be possible.

1 (d) Remain within a specified place.

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

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

23 (g) Support his or her legal dependents to the best of
24 his or her ability.

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

28 (i) Pay any application fee assessed under s.
29 27.52(1)(c) and attorney's fees and costs assessed under s.
30 938.29, subject to modification based on change of
31 circumstances.

1 (j) Not associate with persons engaged in criminal
2 activities.

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

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

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

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

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

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

1 (6)(a) Effective for offenses committed on or after
2 July 1, 2000, if the court sentences any defendant to state
3 prison, the court shall place the defendant on mandatory
4 postprison probation, which shall commence upon release from
5 incarceration. The court shall specify that the term of
6 supervision shall equal the amount of the portion of the
7 court-imposed prison sentence that was not served due to the
8 accrual of gain-time. The court shall specify the conditions
9 of supervision pursuant to this section and shall also provide
10 for the following:

11 1. If the offense is an offense enumerated in
12 paragraph (5)(a) or paragraph (5)(b), the court must also
13 impose the conditions specified in paragraphs (5)(a) and (b).

14 2. If the offense involved a victim, as a condition of
15 mandatory postprison probation the court shall prohibit
16 contact with the victim, unless the victim expresses to the
17 court that the requirement for such a condition is
18 unnecessary. Under such circumstance, the court may in its
19 discretion prohibit contact with the victim.

20 3. If, during the commission of the offense, physical
21 violence, sexual contact, or sexual penetration was attempted
22 or perpetrated by the offender, the court in its discretion
23 may order electronic monitoring or curfews as conditions of
24 postprison probation.

25 4. When setting the conditions of mandatory postprison
26 probation, the court shall determine the amount of
27 restitution, the consequences of the offense as reported by
28 the aggrieved party and the aggrieved party's fear of the
29 offender.

30 5. The court shall include a condition on each order
31 of mandatory postprison probation that if the term of

1 mandatory postprison probation is equal to or less than 60
2 days and there is no additional supervision to follow said
3 term, the offender is not required to report for supervision,
4 unless specifically requested to do so by the probation
5 officer, and the officer is not required to contact the
6 offender. However, if restitution or other court-ordered
7 monetary obligation is applicable, the offender must make
8 payment or be subject to the provisions of s. 948.06.

9 (b) The department shall establish the onset date and
10 shall calculate the scheduled termination date of the
11 postprison release probation. The postprison release probation
12 shall commence on the date the offender is released from
13 prison. The termination date shall be calculated by adding the
14 number of days of the court-imposed sentence that were not
15 served in prison due to the accrual of gain-time to the onset
16 of mandatory postprison probation. The defendant may petition
17 the court if he or she disputes the department's calculation.

18 (c) The placement of a defendant on mandatory
19 postprison probation in no way prohibits the court from also
20 imposing a split sentence pursuant to s. 948.01(7). When a
21 split sentence is imposed in addition to postprison probation,
22 the supervision shall defer to the supervision of the split
23 sentence. If the term of the mandatory postprison probation
24 exceeds the supervision length of the supervision portion of
25 the split sentence, when the split supervision terminates,
26 supervision authority shall revert to the order of postprison
27 probation.

28 (12)~~(11)~~ Any order issued pursuant to subsection
29 ~~(10)~~ shall also require the convicted person to reimburse the
30 appropriate agency for the costs of drawing and transmitting
31

1 the blood specimens to the Florida Department of Law
2 Enforcement.

3 Section 92. Subsection (1) of section 948.04, Florida
4 Statutes, is amended to read:

5 948.04 Period of probation; duty of probationer; early
6 termination.--

7 (1) Defendants found guilty of felonies who are placed
8 on probation shall be under supervision not to exceed 2 years
9 unless otherwise specified by the court. No defendant placed
10 on probation pursuant to s. 948.01(7)~~(6)~~ or s. 948.034 is
11 subject to the probation limitations of this subsection. A
12 defendant who is placed on probation or community control for
13 a violation of chapter 794 or chapter 827 is subject to the
14 maximum level of supervision provided by the supervising
15 agency, and that supervision shall continue through the full
16 term of the court-imposed probation or community control.

17 Section 93. Section 948.06, Florida Statutes, is
18 amended to read:

19 948.06 Violation of probation, or community control,
20 or conditional release; revocation; modification; continuance;
21 failure to pay restitution or cost of supervision.--

22 (1) Whenever within the period of probation, or
23 community control, or conditional release there are reasonable
24 grounds to believe that a probationer, or offender in
25 community control, or conditional releasee has violated his or
26 her probation, or community control, or conditional release in
27 a material respect, any law enforcement officer who is aware
28 of the probationary, or community control, or conditional
29 release status of the probationer, or offender in community
30 control, or conditional releasee or any parole or probation
31 officer supervisor may arrest or request any county or

1 municipal law enforcement officer to arrest such probationer,
2 ~~or~~ offender, or conditional releasee without warrant wherever
3 found and forthwith return him or her to the court granting
4 such probation or community control or, in the case of
5 conditional release, to the court that sentenced the offender
6 to prison for the offense or offenses that resulted in the
7 conditional release. Any committing magistrate may issue a
8 warrant, upon the facts being made known to him or her by
9 affidavit of one having knowledge of such facts, for the
10 arrest of the probationer, ~~or~~ offender, or conditional
11 releasee, returnable forthwith before the court granting such
12 probation or community control or, in the case of conditional
13 release, to the court that sentenced the offender to prison
14 for the offense or offenses that resulted in the conditional
15 release. Any parole or probation ~~officer~~ supervisor, any
16 officer authorized to serve criminal process, or any peace
17 officer of this state is authorized to serve and execute such
18 warrant. The court, upon the probationer, ~~or~~ offender, or
19 conditional releasee being brought before it, shall advise him
20 or her of such charge of violation and, if such charge is
21 admitted to be true, may forthwith revoke, modify, or continue
22 the probation, ~~or~~ community control, or conditional release
23 and may place the probationer into a community control
24 program. If probation or community control is revoked, the
25 court shall adjudge the probationer or offender guilty of the
26 offense charged and proven or admitted, unless he or she has
27 previously been adjudged guilty, and impose any sentence which
28 it might have originally imposed before placing the
29 probationer on probation or the offender into community
30 control. If conditional release is revoked, the offender shall
31 be returned to prison having forfeited, by reason of

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

28 (2) When the supervision portion of a split sentence
29 is revoked and the offender had also been placed on mandatory
30 postprison probation, such revocation also constitutes a
31 sufficient basis for the revocation of the mandatory

1 postprison probation without further hearing or action from
2 the court. If the period of postprison probation is revoked
3 and the offender is returned to prison as a result of the
4 revocation, the offender may be deemed to have forfeited, by
5 reason of misconduct, all gain-time earned up to the date of
6 release from the correctional system and placement into
7 mandatory postprison probation. This does not deprive an
8 offender of the ability to earn gain-time, as provided by law,
9 from the date of return to prison.

10 ~~(3)~~~~(2)~~(a) When any state or local law enforcement
11 agency investigates or arrests a person for committing, or
12 attempting, soliciting, or conspiring to commit, a violation
13 of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071,
14 s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
15 agency shall contact the Department of Corrections to verify
16 whether the person under investigation or under arrest is on
17 probation, community control, parole, conditional release, or
18 control release.

19 (b) If the law enforcement agency finds that the
20 person under investigation or under arrest is on probation,
21 community control, parole, conditional release, or control
22 release, the law enforcement agency shall immediately notify
23 the person's probation officer or release supervisor of the
24 investigation or the arrest.

25 ~~(4)~~~~(3)~~ When the court imposes a subsequent term of
26 supervision following a revocation of probation or community
27 control, it shall not provide credit for time served while on
28 probation or community control toward any subsequent term of
29 probation or community control. However, the court may not
30 impose a subsequent term of probation or community control
31 which, when combined with any amount of time served on

1 preceding terms of probation or community control for offenses
2 before the court for sentencing, would exceed the maximum
3 penalty allowable as provided by s. 775.082. No part of the
4 time that the defendant is on probation or in community
5 control shall be considered as any part of the time that he or
6 she shall be sentenced to serve.

7 (5)~~(4)~~ Notwithstanding any other provision of this
8 section, a probationer or an offender in community control who
9 is arrested for violating his or her probation or community
10 control in a material respect may be taken before the court in
11 the county or circuit in which the probationer or offender was
12 arrested. That court shall advise him or her of such charge of
13 a violation and, if such charge is admitted, shall cause him
14 or her to be brought before the court which granted the
15 probation or community control. If such violation is not
16 admitted by the probationer or offender, the court may commit
17 him or her or release him or her with or without bail to await
18 further hearing. The court, as soon as is practicable, shall
19 give the probationer or offender an opportunity to be fully
20 heard on his or her behalf in person or by counsel. After such
21 hearing, the court shall make findings of fact and forward the
22 findings to the court which granted the probation or community
23 control and to the probationer or offender or his or her
24 attorney. The findings of fact by the hearing court are
25 binding on the court which granted the probation or community
26 control. Upon the probationer or offender being brought
27 before it, the court which granted the probation or community
28 control may revoke, modify, or continue the probation or
29 community control or may place the probationer into community
30 control as provided in this section.

31

1 ~~(6)~~(5) In any hearing in which the failure of a
2 probationer or offender in community control to pay
3 restitution or the cost of supervision as provided in s.
4 948.09, as directed, is established by the state, if the
5 probationer or offender asserts his or her inability to pay
6 restitution or the cost of supervision, it is incumbent upon
7 the probationer or offender to prove by clear and convincing
8 evidence that he or she does not have the present resources
9 available to pay restitution or the cost of supervision
10 despite sufficient bona fide efforts legally to acquire the
11 resources to do so. If the probationer or offender cannot pay
12 restitution or the cost of supervision despite sufficient bona
13 fide efforts, the court shall consider alternate measures of
14 punishment other than imprisonment. Only if alternate measures
15 are not adequate to meet the state's interests in punishment
16 and deterrence may the court imprison a probationer or
17 offender in community control who has demonstrated sufficient
18 bona fide efforts to pay restitution or the cost of
19 supervision.

20 ~~(7)~~(6) Any parolee in a community control program who
21 has allegedly violated the terms and conditions of such
22 placement is subject to the provisions of ss. 947.22 and
23 947.23.

24 ~~(8)~~(7) Any provision of law to the contrary
25 notwithstanding, whenever probation, community control, ~~or~~
26 control release, conditional release, or mandatory postprison
27 probation, or including the probationary, community control
28 portion of a split sentence, ~~is~~ violated and the probation or
29 community control is revoked, the offender, by reason of his
30 or her misconduct, shall be deemed to have forfeited all
31 gain-time or commutation of time for good conduct, as provided

1 by law, earned up to the date of his or her release on
2 probation, community control, or control release. This
3 subsection does not deprive the prisoner of his or her right
4 to gain-time or commutation of time for good conduct, as
5 provided by law, from the date on which the prisoner is
6 returned to prison. However, if a prisoner is sentenced to
7 incarceration following termination from a drug punishment
8 program imposed as a condition of probation, the sentence may
9 include incarceration without the possibility of gain-time or
10 early release for the period of time remaining in his or her
11 treatment program placement term.

12 (9) Effective for persons released on conditional
13 release on or after July 1, 2000, or any person under
14 conditional release supervision on July 1, 2000, all
15 allegations of violation of conditional release shall be
16 presented and heard in the circuit court. The offender shall
17 be afforded the due process afforded to offenders who are
18 alleged to have violated probation or community control. The
19 court has the authority to continue, modify, or revoke such
20 terms and conditions of conditional release as provided in
21 this section.

22 Section 94. Paragraph (a) of subsection (1) and
23 subsections (3) and (6) of section 948.09, Florida Statutes,
24 are amended to read:

25 948.09 Payment for cost of supervision and
26 rehabilitation.--

27 (1)(a)1. Any person ordered by the court, the
28 Department of Corrections, or the Parole Board ~~commission~~ to
29 be placed on probation, drug offender probation, community
30 control, parole, control release, provisional release
31 supervision, or conditional release supervision under chapter

1 944, chapter 945, chapter 947, chapter 948, or chapter 958, or
2 in a pretrial intervention program, must, as a condition of
3 any placement, pay the department a total sum of money equal
4 to the total month or portion of a month of supervision times
5 the court-ordered amount, but not to exceed the actual per
6 diem cost of the supervision. The department shall adopt rules
7 by which an offender who pays in full and in advance of
8 regular termination of supervision may receive a reduction in
9 the amount due. The rules shall incorporate provisions by
10 which the offender's ability to pay is linked to an
11 established written payment plan. Funds collected from felony
12 offenders may be used to offset costs of the Department of
13 Corrections associated with community supervision programs,
14 subject to appropriation by the Legislature.

15 2. In addition to any other contribution or surcharge
16 imposed by this section, each felony offender assessed under
17 this paragraph shall pay a \$2-per-month surcharge to the
18 department. The surcharge shall be deemed to be paid only
19 after the full amount of any monthly payment required by the
20 established written payment plan has been collected by the
21 department. These funds shall be used by the department to pay
22 for correctional probation officers' training and equipment,
23 including radios, and firearms training, firearms, and
24 attendant equipment necessary to train and equip officers who
25 choose to carry a concealed firearm while on duty. Nothing in
26 this subparagraph shall be construed to limit the department's
27 authority to determine who shall be authorized to carry a
28 concealed firearm while on duty, or to limit the right of a
29 correctional probation officer to carry a personal firearm
30 approved by the department.

31

1 (3) Any failure to pay contribution as required under
2 this section may constitute a ground for the revocation of
3 probation by the court, the revocation of parole or
4 conditional release by the Parole Board ~~Commission~~, the
5 revocation of control release by the Control Release
6 Authority, or removal from the pretrial intervention program
7 by the state attorney. The Department of Corrections may
8 exempt a person from the payment of all or any part of the
9 contribution if it finds any of the following factors to
10 exist:

11 (a) The offender has diligently attempted, but has
12 been unable, to obtain employment which provides him or her
13 sufficient income to make such payments.

14 (b) The offender is a student in a school, college,
15 university, or course of vocational or technical training
16 designed to fit the student for gainful employment.
17 Certification of such student status shall be supplied to the
18 Secretary of Corrections by the educational institution in
19 which the offender is enrolled.

20 (c) The offender has an employment handicap, as
21 determined by a physical, psychological, or psychiatric
22 examination acceptable to, or ordered by, the secretary.

23 (d) The offender's age prevents him or her from
24 obtaining employment.

25 (e) The offender is responsible for the support of
26 dependents, and the payment of such contribution constitutes
27 an undue hardship on the offender.

28 (f) The offender has been transferred outside the
29 state under an interstate compact adopted pursuant to chapter
30 949.

31

1 (g) There are other extenuating circumstances, as
2 determined by the secretary.

3 (6) In addition to any other required contributions,
4 the department, at its discretion, may require offenders under
5 any form of supervision to submit to and pay for urinalysis
6 testing to identify drug usage as part of the rehabilitation
7 program. Any failure to make such payment, or participate,
8 may be considered a ground for revocation by the court, the
9 Parole Board ~~Commission~~, or the Control Release Authority, or
10 for removal from the pretrial intervention program by the
11 state attorney. The department may exempt a person from such
12 payment if it determines that any of the factors specified in
13 subsection (3) exist.

14 Section 95. Subsection (1) of section 948.10, Florida
15 Statutes, is amended to read:

16 948.10 Community control programs.--

17 (1) The Department of Corrections shall develop and
18 administer a community control program. Such community
19 control program and required manuals shall be developed in
20 consultation with the Florida Conference of Circuit Court
21 Judges and the office of the State Courts Administrator. This
22 complementary program shall be rigidly structured and designed
23 to accommodate offenders who, in the absence of such a
24 program, would have been incarcerated. The program shall focus
25 on the provision of sanctions and consequences which are
26 commensurate with the seriousness of the crime. The program
27 shall offer the courts and the Parole Board ~~Commission~~ an
28 alternative, community-based method to punish an offender in
29 lieu of incarceration when the offender is a member of one of
30 the following target groups:

31

1 (a) Probation violators charged with technical
2 violations or misdemeanor violations.
3 (b) Parole violators charged with technical violations
4 or misdemeanor violations.
5 (c) Individuals found guilty of felonies, who, due to
6 their criminal backgrounds or the seriousness of the offenses,
7 would not be placed on regular probation.
8 Section 96. Subsection (2) of section 949.05, Florida
9 Statutes, is amended to read:
10 949.05 Constitutionality.--
11 (2) If the method of selecting the Parole Board
12 ~~commission~~ members as herein provided is found to be invalid
13 by reason of the vesting of the appointing power in the
14 Governor and the Cabinet, the members of the Parole Board
15 ~~Commission~~ herein provided for shall be appointed by the
16 Governor.
17 Section 97. Subsection (6) of section 957.06, Florida
18 Statutes, is amended to read:
19 957.06 Powers and duties not delegable to
20 contractor.--A contract entered into under this chapter does
21 not authorize, allow, or imply a delegation of authority to
22 the contractor to:
23 (6) Make recommendations to the Parole Board
24 ~~Commission~~ with respect to the denial or granting of parole,
25 control release, conditional release, or conditional medical
26 release. However, the contractor may submit written reports to
27 the Parole Board ~~Commission~~ and must respond to a written
28 request by the Parole Board ~~Commission~~ for information.
29 Section 98. Paragraph (c) of subsection (8) of section
30 958.045, Florida Statutes, is amended to read:
31 958.045 Youthful offender basic training program.--

1 (8)

2 (c) The department shall work cooperatively with the
3 Control Release Authority or the Parole Board ~~Commission~~ to
4 effect the release of an offender who has successfully
5 completed the requirements of the basic training program.

6 Section 99. Subsection (1) of section 960.001, Florida
7 Statutes, is amended to read:

8 960.001 Guidelines for fair treatment of victims and
9 witnesses in the criminal justice and juvenile justice
10 systems.--

11 (1) The Department of Legal Affairs, the state
12 attorneys, the Department of Corrections, the Department of
13 Juvenile Justice, the Parole Board ~~Commission~~, the State
14 Courts Administrator and circuit court administrators, the
15 Department of Law Enforcement, and every sheriff's department,
16 police department, or other law enforcement agency as defined
17 in s. 943.10(4) shall develop and implement guidelines for the
18 use of their respective agencies, which guidelines are
19 consistent with the purposes of this act and s. 16(b), Art. I
20 of the State Constitution and are designed to implement the
21 provisions of s. 16(b), Art. I of the State Constitution and
22 to achieve the following objectives:

23 (a) Information concerning services available to
24 victims of adult and juvenile crime.--Witness coordination
25 offices as provided in s. 43.35 shall gather information
26 regarding the following services in the geographic boundaries
27 of their respective circuits and shall provide such
28 information to each law enforcement agency with jurisdiction
29 within such geographic boundaries. Law enforcement personnel
30 shall ensure, through distribution of a victim's rights
31 information card or brochure at the crime scene, during the

1 criminal investigation, and in any other appropriate manner,
2 that victims are given, as a matter of course at the earliest
3 possible time, information about:

- 4 1. The availability of crime victim compensation, when
5 applicable;
- 6 2. Crisis intervention services, supportive or
7 bereavement counseling, social service support referrals, and
8 community-based victim treatment programs;
- 9 3. The role of the victim in the criminal or juvenile
10 justice process, including what the victim may expect from the
11 system as well as what the system expects from the victim;
- 12 4. The stages in the criminal or juvenile justice
13 process which are of significance to the victim and the manner
14 in which information about such stages can be obtained;
- 15 5. The right of a victim, who is not incarcerated,
16 including the next of kin of a homicide victim, to be
17 informed, to be present, and to be heard when relevant, at all
18 crucial stages of a criminal or juvenile proceeding, to the
19 extent that this right does not interfere with constitutional
20 rights of the accused, as provided by s. 16(b), Art. I of the
21 State Constitution;
- 22 6. In the case of incarcerated victims, the right to
23 be informed and to submit written statements at all crucial
24 stages of the criminal proceedings, parole proceedings, or
25 juvenile proceedings; and
- 26 7. The right of a victim to a prompt and timely
27 disposition of the case in order to minimize the period during
28 which the victim must endure the responsibilities and stress
29 involved to the extent that this right does not interfere with
30 the constitutional rights of the accused.

31

1 (b) Information for purposes of notifying victim or
2 appropriate next of kin of victim or other designated contact
3 of victim.--In the case of a homicide, pursuant to chapter
4 782; or a sexual offense, pursuant to chapter 794; or an
5 attempted murder or sexual offense, pursuant to chapter 777;
6 or stalking, pursuant to s. 784.048; or domestic violence,
7 pursuant to s. 25.385:

8 1. The arresting law enforcement officer or personnel
9 of an organization that provides assistance to a victim or to
10 the appropriate next of kin of the victim or other designated
11 contact must request that the victim or appropriate next of
12 kin of the victim or other designated contact complete a
13 victim notification card. However, the victim or appropriate
14 next of kin of the victim or other designated contact may
15 choose not to complete the victim notification card.

16 2. Unless the victim or the appropriate next of kin of
17 the victim or other designated contact waives the option to
18 complete the victim notification card, a copy of the victim
19 notification card must be filed with the incident report or
20 warrant in the sheriff's office of the jurisdiction in which
21 the incident report or warrant originated. The notification
22 card shall, at a minimum, consist of:

23 a. The name, address, and phone number of the victim;
24 or

25 b. The name, address, and phone number of the
26 appropriate next of kin of the victim; or

27 c. The name, address, and phone number of a designated
28 contact other than the victim or appropriate next of kin of
29 the victim; and

30 d. Any relevant identification or case numbers
31 assigned to the case.

1 3. The chief administrator, or a person designated by
2 the chief administrator, of a county jail, municipal jail,
3 juvenile detention facility, or residential commitment
4 facility shall make a reasonable attempt to notify the alleged
5 victim or appropriate next of kin of the alleged victim or
6 other designated contact within 4 hours following the release
7 of the defendant on bail or, in the case of a juvenile
8 offender, upon the release from residential detention or
9 commitment. If the chief administrator, or designee, is
10 unable to contact the alleged victim or appropriate next of
11 kin of the alleged victim or other designated contact by
12 telephone, the chief administrator, or designee, must send to
13 the alleged victim or appropriate next of kin of the alleged
14 victim or other designated contact a written notification of
15 the defendant's release.

16 4. Unless otherwise requested by the victim or the
17 appropriate next of kin of the victim or other designated
18 contact, the information contained on the victim notification
19 card must be sent by the chief administrator, or designee, of
20 the appropriate facility to the subsequent correctional or
21 residential commitment facility following the sentencing and
22 incarceration of the defendant, and unless otherwise requested
23 by the victim or the appropriate next of kin of the victim or
24 other designated contact, he or she must be notified of the
25 release of the defendant from incarceration as provided by
26 law.

27 5. If the defendant was arrested pursuant to a warrant
28 issued or taken into custody pursuant to s. 985.207 in a
29 jurisdiction other than the jurisdiction in which the
30 defendant is being released, and the alleged victim or
31 appropriate next of kin of the alleged victim or other

1 designated contact does not waive the option for notification
2 of release, the chief correctional officer or chief
3 administrator of the facility releasing the defendant shall
4 make a reasonable attempt to immediately notify the chief
5 correctional officer of the jurisdiction in which the warrant
6 was issued or the juvenile was taken into custody pursuant to
7 s. 985.207, and the chief correctional officer of that
8 jurisdiction shall make a reasonable attempt to notify the
9 alleged victim or appropriate next of kin of the alleged
10 victim or other designated contact, as provided in this
11 paragraph, that the defendant has been or will be released.

12 (c) Information concerning protection available to
13 victim or witness.--A victim or witness shall be furnished, as
14 a matter of course, with information on steps that are
15 available to law enforcement officers and state attorneys to
16 protect victims and witnesses from intimidation.

17 (d) Notification of scheduling changes.--Each victim
18 or witness who has been scheduled to attend a criminal or
19 juvenile justice proceeding shall be notified as soon as
20 possible by the agency scheduling his or her appearance of any
21 change in scheduling which will affect his or her appearance.

22 (e) Advance notification to victim or relative of
23 victim concerning judicial proceedings; right to be
24 present.--Any victim, relative of a minor who is a victim, or
25 relative of a homicide victim shall receive from the
26 appropriate agency, at the address found in the police report
27 or the victim notification card if such has been provided to
28 the agency, prompt advance notification, unless the agency
29 itself does not have advance notification, of judicial and
30 postjudicial proceedings relating to his or her case,
31 including all proceedings or hearings relating to:

1 1. The arrest of an accused;
2 2. The release of the accused pending judicial
3 proceedings or any modification of release conditions; and
4 3. Proceedings in the prosecution or petition for
5 delinquency of the accused, including the filing of the
6 accusatory instrument, the arraignment, disposition of the
7 accusatory instrument, trial or adjudicatory hearing,
8 sentencing or disposition hearing, appellate review,
9 subsequent modification of sentence, collateral attack of a
10 judgment, and, when a term of imprisonment, detention, or
11 residential commitment is imposed, the release of the
12 defendant or juvenile offender from such imprisonment,
13 detention, or residential commitment by expiration of sentence
14 or parole and any meeting held to consider such release.
15
16 A victim or a victim's next of kin may not be excluded from
17 any portion of any hearing, trial, or proceeding pertaining to
18 the offense based solely on the fact that such person is
19 subpoenaed to testify, unless, upon motion, the court
20 determines such person's presence to be prejudicial. The
21 appropriate agency with respect to notification under
22 subparagraph 1. is the arresting law enforcement agency, and
23 the appropriate agency with respect to notification under
24 subparagraphs 2. and 3. is the Attorney General or state
25 attorney, unless the notification relates to a hearing
26 concerning parole, in which case the appropriate agency is the
27 Parole Board ~~Commission~~. The Department of Corrections, the
28 Department of Juvenile Justice, or the sheriff is the
29 appropriate agency with respect to release by expiration of
30 sentence or any other release program provided by law. Any
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1 victim may waive notification at any time, and such waiver
2 shall be noted in the agency's files.

3 (f) Information concerning release from incarceration
4 from a county jail, municipal jail, juvenile detention
5 facility, or residential commitment facility.--The chief
6 administrator, or a person designated by the chief
7 administrator, of a county jail, municipal jail, juvenile
8 detention facility, or residential commitment facility shall,
9 upon the request of the victim or the appropriate next of kin
10 of a victim or other designated contact of the victim of any
11 of the crimes specified in paragraph (b), make a reasonable
12 attempt to notify the victim or appropriate next of kin of the
13 victim or other designated contact prior to the defendant's or
14 offender's release from incarceration, detention, or
15 residential commitment if the victim notification card has
16 been provided pursuant to paragraph (b). If prior
17 notification is not successful, a reasonable attempt must be
18 made to notify the victim or appropriate next of kin of the
19 victim or other designated contact within 4 hours following
20 the release of the defendant or offender from incarceration,
21 detention, or residential commitment. If the defendant is
22 released following sentencing, disposition, or furlough, the
23 chief administrator or designee shall make a reasonable
24 attempt to notify the victim or the appropriate next of kin of
25 the victim or other designated contact within 4 hours
26 following the release of the defendant. If the chief
27 administrator or designee is unable to contact the victim or
28 appropriate next of kin of the victim or other designated
29 contact by telephone, the chief administrator or designee must
30 send to the victim or appropriate next of kin of the victim or
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1 other designated contact a written notification of the
2 defendant's or offender's release.

3 (g)1. Consultation with victim or guardian or family
4 of victim.--In addition to being notified of the provisions of
5 s. 921.143, the victim of a felony involving physical or
6 emotional injury or trauma or, in a case in which the victim
7 is a minor child or in a homicide, the guardian or family of
8 the victim shall be consulted by the state attorney in order
9 to obtain the views of the victim or family about the
10 disposition of any criminal or juvenile case brought as a
11 result of such crime, including the views of the victim or
12 family about:

13 a. The release of the accused pending judicial
14 proceedings;

15 b. Plea agreements;

16 c. Participation in pretrial diversion programs; and

17 d. Sentencing of the accused.

18 2. Upon request, the state attorney shall permit the
19 victim, the victim's parent or guardian if the victim is a
20 minor, or the victim's next of kin in the case of a homicide
21 to review a copy of the presentence investigation report prior
22 to the sentencing hearing if one was completed. Any
23 confidential information that pertains to medical history,
24 mental health, or substance abuse and any information that
25 pertains to any other victim shall be redacted from the copy
26 of the report. Any person who reviews the report pursuant to
27 this paragraph must maintain the confidentiality of the report
28 and shall not disclose its contents to any person except
29 statements made to the state attorney or the court.

30 (h) Return of property to victim.--Law enforcement
31 agencies and the state attorney shall promptly return a

1 victim's property held for evidentiary purposes unless there
2 is a compelling law enforcement reason for retaining it. The
3 trial or juvenile court exercising jurisdiction over the
4 criminal or juvenile proceeding may enter appropriate orders
5 to implement the provisions of this subsection, including
6 allowing photographs of the victim's property to be used as
7 evidence at the criminal trial or the juvenile proceeding in
8 place of the victim's property when no substantial evidentiary
9 issue related thereto is in dispute.

10 (i) Notification to employer and explanation to
11 creditors of victim or witness.--A victim or witness who so
12 requests shall be assisted by law enforcement agencies and the
13 state attorney in informing his or her employer that the need
14 for victim and witness cooperation in the prosecution of the
15 case may necessitate the absence of that victim or witness
16 from work. A victim or witness who, as a direct result of a
17 crime or of his or her cooperation with law enforcement
18 agencies or a state attorney, is subjected to serious
19 financial strain shall be assisted by such agencies and state
20 attorney in explaining to the creditors of such victim or
21 witness the reason for such serious financial strain.

22 (j) Notification of right to request restitution.--Law
23 enforcement agencies and the state attorney shall inform the
24 victim of the victim's right to request and receive
25 restitution pursuant to s. 775.089 or s. 985.231(1)(a)1., and
26 of the victim's rights of enforcement under ss. 775.089(6) and
27 985.201 in the event an offender does not comply with a
28 restitution order. The state attorney shall seek the
29 assistance of the victim in the documentation of the victim's
30 losses for the purpose of requesting and receiving
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1 restitution. In addition, the state attorney shall inform the
2 victim if and when restitution is ordered.

3 (k) Notification of right to submit impact
4 statement.--The state attorney shall inform the victim of the
5 victim's right to submit an oral or written impact statement
6 pursuant to s. 921.143 and shall assist in the preparation of
7 such statement if necessary.

8 (l) Local witness coordinating office.--The
9 requirements for notification provided for in paragraphs (b),
10 (d), (f), and (i) may be performed by the local witness
11 coordinating office established by s. 43.35, as appropriate.

12 (m) Victim assistance education and training.--Victim
13 assistance education and training shall be offered to persons
14 taking courses at law enforcement training facilities and to
15 state attorneys and assistant state attorneys so that victims
16 may be promptly, properly, and completely assisted.

17 (n) General victim assistance.--Victims and witnesses
18 shall be provided with such other assistance, such as
19 transportation, parking, separate pretrial waiting areas, and
20 translator services in attending court, as is practicable.

21 (o) Victim's rights information card or brochure.--A
22 victim of a crime shall be provided with a victim's rights
23 information card or brochure containing essential information
24 concerning the rights of a victim and services available to a
25 victim as required by state law.

26 (p) Information concerning escape from a state
27 correctional institution, county jail, juvenile detention
28 facility, or residential commitment facility.--In any case
29 where an offender escapes from a state correctional
30 institution, private correctional facility, county jail,
31 juvenile detention facility, or residential commitment

1 facility, the institution of confinement shall immediately
2 notify the state attorney of the jurisdiction where the
3 criminal charge or petition for delinquency arose and the
4 judge who imposed the sentence of incarceration. The state
5 attorney shall thereupon make every effort to notify the
6 victim, material witness, parents or legal guardian of a minor
7 who is a victim or witness, or immediate relatives of a
8 homicide victim of the escapee. The state attorney shall also
9 notify the sheriff of the county where the criminal charge or
10 petition for delinquency arose. The sheriff shall offer
11 assistance upon request. When an escaped offender is
12 subsequently captured or is captured and returned to the
13 institution of confinement, the institution of confinement
14 shall again immediately notify the appropriate state attorney
15 and sentencing judge pursuant to this section.

16 (q) Presence of victim advocate during discovery
17 deposition.--At the request of the victim, the victim advocate
18 designated by state attorney's office, sheriff's office, or
19 municipal police department, or one representative from a
20 not-for-profit victim services organization, including, but
21 not limited to, rape crisis centers, domestic violence
22 advocacy groups, and alcohol abuse or substance abuse groups
23 shall be permitted to attend and be present during any
24 deposition of the victim.

25 (r) Implementing crime prevention in order to protect
26 the safety of persons and property, as prescribed in the State
27 Comprehensive Plan.--By preventing crimes that create victims
28 or further harm former victims, crime prevention efforts are
29 an essential part of providing effective service for victims
30 and witnesses. Therefore, the agencies identified in this
31 subsection may participate in and expend funds for crime

1 prevention, public awareness, public participation, and
2 educational activities directly relating to, and in
3 furtherance of, existing public safety statutes. Furthermore,
4 funds may not be expended for the purpose of influencing
5 public opinion on public policy issues that have not been
6 resolved by the Legislature or the electorate.

7 Section 100. Subsection (3) of section 960.17, Florida
8 Statutes, is amended to read:

9 960.17 Award constitutes debt owed to state.--

10 (3) The Parole Board ~~Commission~~ shall make the payment
11 of the debt to the state a condition of parole under chapter
12 947, unless the board ~~commission~~ finds reasons to the
13 contrary. If the board ~~commission~~ does not order payment, or
14 orders only partial payment, it shall state on the record the
15 reasons therefor.

16 Section 101. Paragraph (a) of subsection (3) of
17 section 985.04, Florida Statutes, is amended to read:

18 985.04 Oaths; records; confidential information.--

19 (3)(a) Except as provided in subsections (2), (4),
20 (5), and (6), and s. 943.053, all information obtained under
21 this part in the discharge of official duty by any judge, any
22 employee of the court, any authorized agent of the Department
23 of Juvenile Justice, the Parole Board ~~Commission~~, the Juvenile
24 Justice Accountability Board, the Department of Corrections,
25 the district juvenile justice boards, any law enforcement
26 agent, or any licensed professional or licensed community
27 agency representative participating in the assessment or
28 treatment of a juvenile is confidential and may be disclosed
29 only to the authorized personnel of the court, the Department
30 of Juvenile Justice and its designees, the Department of
31 Corrections, the Parole Board ~~Commission~~, the Juvenile Justice

1 Accountability Board, law enforcement agents, school
2 superintendents and their designees, any licensed professional
3 or licensed community agency representative participating in
4 the assessment or treatment of a juvenile, and others entitled
5 under this chapter to receive that information, or upon order
6 of the court. Within each county, the sheriff, the chiefs of
7 police, the district school superintendent, and the department
8 shall enter into an interagency agreement for the purpose of
9 sharing information about juvenile offenders among all
10 parties. The agreement must specify the conditions under which
11 summary criminal history information is to be made available
12 to appropriate school personnel, and the conditions under
13 which school records are to be made available to appropriate
14 department personnel. Such agreement shall require
15 notification to any classroom teacher of assignment to the
16 teacher's classroom of a juvenile who has been placed in a
17 community control or commitment program for a felony offense.
18 The agencies entering into such agreement must comply with s.
19 943.0525, and must maintain the confidentiality of information
20 that is otherwise exempt from s. 119.07(1), as provided by
21 law.

22 Section 102. Subsection (2) of section 985.05, Florida
23 Statutes, is amended to read:

24 985.05 Court records.--

25 (2) The clerk shall keep all official records required
26 by this section separate from other records of the circuit
27 court, except those records pertaining to motor vehicle
28 violations, which shall be forwarded to the Department of
29 Highway Safety and Motor Vehicles. Except as provided in ss.
30 943.053 and 985.04(4), official records required by this part
31 are not open to inspection by the public, but may be inspected

1 only upon order of the court by persons deemed by the court to
2 have a proper interest therein, except that a child and the
3 parents, guardians, or legal custodians of the child and their
4 attorneys, law enforcement agencies, the Department of
5 Juvenile Justice and its designees, the Parole Board
6 ~~Commission~~, and the Department of Corrections shall always
7 have the right to inspect and copy any official record
8 pertaining to the child. The court may permit authorized
9 representatives of recognized organizations compiling
10 statistics for proper purposes to inspect, and make abstracts
11 from, official records under whatever conditions upon the use
12 and disposition of such records the court may deem proper and
13 may punish by contempt proceedings any violation of those
14 conditions.

15 Section 103. Sections 947.135 and 958.15, Florida
16 Statutes, are repealed.

17 Section 104. This act shall take effect July 1, 2000.
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HOUSE SUMMARY

Creates the "Mandatory Postprison Supervision Act of 2000." Deletes the Parole Commission from the definition of "state agency" for purposes of agency inspectors general, the Florida State Comprehensive Planning Act of 1972, and the Florida Building and Facilities Act. Renames the Parole Commission as the Parole Board. Requires court-ordered mandatory postprison probation for certain offenders. Removes administrative responsibilities from the board and provides for certain administrative support to the board by the Department of Corrections. Requires bills for board members' travel expenses to be submitted to the department. Authorizes reimbursement for per diem and travel expenses for members of the parole qualifications committee.

Requires the Department of Juvenile Justice to cooperate with the board in certain investigations. Provides responsibilities of the department with regard to the conditional release program. Requires the board to review department recommendations.

Revises provisions relating to mandatory curfews for persons under conditional release supervision. Provides for court-ordered electronic monitoring of persons under conditional release supervision. Provides conditions for revocation of conditional release and mandatory postprison probation, and forfeiture of gain-time. Prohibits placing offenders on conditional release supervision for convictions with offense dates on or after July 1, 2000. Provides a timeframe for applicability of s. 947.141, F.S., to violations of conditional release. Provides circumstances for certain hearings in circuit courts. Requires court-ordered mandatory postprison probation for certain defendants. Revises terms and conditions of probation and community control to require court-ordered mandatory postprison probation for certain defendants. Specifies conditions of supervision. Provides for calculation of date of termination of postprison probation. Authorizes the court to impose a split sentence in addition to postprison probation. Revises provisions relating to violation of probation and community control to include violations of conditional release. Provides circumstances for revocation of conditional release and postprison probation and forfeiture of gain-time under certain circumstances. Provides circumstances for certain hearings in circuit courts. Authorizes the court to continue, modify, or revoke terms and conditions of conditional release.

Repeals the Mutual Participation Program Act of 1976.

See bill for details.