

By the Council for Healthy Communities and Representative  
Brummer

1                                   A bill to be entitled  
2           An act relating to the Parole Commission;  
3           creating the "Parole Commission Reform Act of  
4           2001"; amending s. 20.055, F.S.; deleting the  
5           requirement that the Parole Commission have an  
6           inspector general; amending s. 944.605, F.S.;  
7           requiring the Department of Corrections, rather  
8           than the Parole Commission or the Control  
9           Release Authority, to notify certain entities  
10          prior to inmate release; amending s. 947.04,  
11          F.S.; permitting Parole Commission staff to  
12          establish and maintain field offices within  
13          existing department facilities; amending s.  
14          947.1405, F.S.; providing for deferral of  
15          conditional release supervision to probation or  
16          community control; providing for automatic  
17          revocation of conditional release supervision  
18          and forfeiture of gain-time under certain  
19          circumstances; providing for reversion to  
20          conditional release supervision under certain  
21          conditions; requiring the Department of  
22          Corrections to review an inmate's program  
23          participation and other records prior to  
24          conditional release, to conduct a personal  
25          interview with the inmate, to forward the  
26          inmate's release plan to the Parole Commission,  
27          and to make recommendations to the commission;  
28          authorizing the commission to impose  
29          requirements relating to curfews; correcting  
30          references; clarifying the requirement that the  
31          commission impose restrictions relating to

1 contact with children; authorizing the  
2 commission to require electronic monitoring for  
3 certain releasees; authorizing the Parole  
4 Commission to adopt rules necessary to  
5 implement the Conditional Release Program Act;  
6 amending s. 947.24, F.S.; requiring the  
7 department to provide to the commission  
8 information for parole or release reviews;  
9 repealing s. 947.175, F.S., relating to notice  
10 to local agencies by the Parole Commission;  
11 repealing s. 947.177, F.S., relating to inmate  
12 release, notice by Department of Corrections,  
13 Control Release Authority, or Parole  
14 Commission; providing for a reduction in the  
15 number of existing full-time positions within  
16 the commission; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. This act may be cited as the "Parole  
21 Commission Reform Act of 2001."

22 Section 2. Paragraph (a) of subsection (1) of section  
23 20.055, Florida Statutes, is amended to read:

24 20.055 Agency inspectors general.--

25 (1) For the purposes of this section:

26 (a) "State agency" means each department created  
27 pursuant to this chapter, and also includes the Executive  
28 Office of the Governor, the Department of Military Affairs,  
29 ~~the Parole Commission,~~ the Board of Regents, the Fish and  
30 Wildlife Conservation Commission, the Public Service  
31 Commission, and the state courts system.

1           Section 3. Subsections (1) and (3) of section 944.605,  
2 Florida Statutes, are amended, and subsections (5) and (6) are  
3 added to said section, to read:

4           944.605 Inmate release; notification.--

5           (1) Within 6 months before the release of an inmate  
6 from the custody of the Department of Corrections or a private  
7 correctional facility by expiration of sentence under s.  
8 944.275, any release program provided by law, or parole under  
9 chapter 947, or as soon as possible if the offender is  
10 released earlier than anticipated, notification of such  
11 anticipated release date shall be made known by the Department  
12 of Corrections ~~appropriate agency~~ to the chief judge of the  
13 circuit in which the offender was sentenced, the appropriate  
14 state attorney, the original arresting law enforcement agency,  
15 the Department of Law Enforcement, and the sheriff as chief  
16 law enforcement officer of the county in which the inmate  
17 plans to reside. In addition, unless otherwise requested by  
18 the victim or the personal representative of the victim, the  
19 state attorney or, the Department of Corrections, ~~the Control~~  
20 ~~Release Authority, or the Parole Commission,~~ whichever is  
21 appropriate, shall notify such person within 6 months before  
22 the inmate's release, or as soon as possible if the offender  
23 is released earlier than anticipated, when the name and  
24 address of such victim or representative of the victim has  
25 been furnished to the agency. The state attorney shall  
26 provide the latest address documented for the victim to the  
27 sheriff with the other documents required by law for the  
28 delivery of inmates to those agencies for service of sentence.  
29 ~~For the purposes of this section, the Parole Commission or the~~  
30 ~~Control Release Authority is the appropriate agency for any~~  
31 ~~type of release it grants, and the Department of Corrections~~

1 ~~is the appropriate agency for any type of release it~~  
2 ~~authorizes.~~ This section does not imply any repeal or  
3 modification of any provision of law relating to notification  
4 of victims.

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

- 18 (a) Name;  
19 (b) Social security number;  
20 (c) Date of birth;  
21 (d) Race;  
22 (e) Sex;  
23 (f) Height;  
24 (g) Weight;  
25 (h) Hair and eye color;  
26 (i) Tattoos or other identifying marks;  
27 (j) Fingerprints; and  
28 (k) A digitized photograph as provided in subsection  
29 (2).

30  
31

1 ~~The department, the Parole Commission, or the Control Release~~  
2 ~~Authority~~ shall release the information specified in this  
3 subsection within 6 months prior to the discharge of the  
4 inmate from the custody of the department.

5 (5) The department shall, at least 10 days before the  
6 anticipated date of release on work release of an inmate,  
7 notify in writing the county law enforcement agency in the  
8 county in this state in which the inmate is scheduled to be  
9 released.

10 (6) Upon request of the victim, the personal  
11 representative of the victim, or the state attorney, the  
12 department shall notify the requesting person when an inmate  
13 has been approved for community work release within 30 days  
14 after the date of approval.

15 Section 4. Subsection (4) of section 947.04, Florida  
16 Statutes, is amended to read:

17 947.04 Organization of commission; officers;  
18 offices.--

19 (4) The commission may establish and maintain field  
20 offices within existing administration buildings at facilities  
21 and institutions operated by the department ~~in centrally and~~  
22 ~~conveniently located places in Florida.~~ Headquarters shall be  
23 located in Tallahassee. The business of the commission shall  
24 be transacted anywhere in the state as provided in s. 947.06.  
25 The commission shall keep its official records and papers at  
26 the headquarters, which it shall furnish and equip.

27 Section 5. Subsections (2), (3), (5), (6), and (7) of  
28 section 947.1405, Florida Statutes, are amended, and  
29 subsection (9) is added to said section, to read:

30 947.1405 Conditional release program.--

31 (2) Any inmate who:

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

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

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

14  
15 shall, upon reaching the tentative release date or provisional  
16 release date, whichever is earlier, as established by the  
17 Department of Corrections, be released under supervision  
18 subject to specified terms and conditions, including payment  
19 of the cost of supervision pursuant to s. 948.09. Such  
20 supervision shall be applicable to all sentences within the  
21 overall term of sentences if an inmate's overall term of  
22 sentences includes one or more sentences that are eligible for  
23 conditional release supervision as provided herein. Effective  
24 July 1, 1994, and applicable for offenses committed on or  
25 after that date, the commission may require, as a condition of  
26 conditional release, that the releasee make payment of the  
27 debt due and owing to a county or municipal detention facility  
28 under s. 951.032 for medical care, treatment, hospitalization,  
29 or transportation received by the releasee while in that  
30 detention facility. The commission, in determining whether to  
31 order such repayment and the amount of such repayment, shall

1 consider the amount of the debt, whether there was any fault  
2 of the institution for the medical expenses incurred, the  
3 financial resources of the releasee, the present and potential  
4 future financial needs and earning ability of the releasee,  
5 and dependents, and other appropriate factors. If any inmate  
6 placed on conditional release supervision is also subject to  
7 probation or community control, resulting from a probationary  
8 or community control split sentence within the overall term of  
9 sentences, the Department of Corrections shall supervise such  
10 person according to the conditions imposed by the court and  
11 the commission shall defer to such supervision. If the court  
12 revokes probation or community control and resentsences the  
13 offender to a term of incarceration, such revocation also  
14 constitutes a sufficient basis for the revocation of the  
15 conditional release supervision on any nonprobationary or  
16 noncommunity control sentence without further hearing by the  
17 commission. If any such supervision on any nonprobationary or  
18 noncommunity control sentence is revoked, such revocation may  
19 result in a forfeiture of all gain-time, and the commission  
20 may revoke the resulting deferred conditional release  
21 supervision or take other action it considers appropriate. If  
22 the term of conditional release supervision exceeds that of  
23 the probation or community control then, upon expiration of  
24 the probation or community control, authority for the  
25 supervision shall revert to the commission and the supervision  
26 shall be subject to the conditions imposed by the commission.  
27 ~~If an inmate has received a term of probation or community~~  
28 ~~control supervision to be served after release from~~  
29 ~~incarceration, the period of probation or community control~~  
30 ~~must be substituted for the conditional release supervision.~~A  
31 panel of no fewer than two commissioners shall establish the

1 terms and conditions of any such release. If the offense was a  
2 controlled substance violation, the conditions shall include a  
3 requirement that the offender submit to random substance abuse  
4 testing intermittently throughout the term of conditional  
5 release supervision, upon the direction of the correctional  
6 probation officer as defined in s. 943.10(3). The commission  
7 shall also determine whether the terms and conditions of such  
8 release have been violated and whether such violation warrants  
9 revocation of the conditional release.

10 (3) As part of the conditional release process, the  
11 commission, through review and consideration of information  
12 provided by the department, shall determine:

13 (a) The amount of reparation or restitution.

14 (b) The consequences of the offense as reported by the  
15 aggrieved party.

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

18 (5) Within 180 days prior to the tentative release  
19 date or provisional release date, whichever is earlier, a  
20 representative of the department ~~commission shall interview~~  
21 ~~the inmate. The commission representative~~ shall review the  
22 inmate's program participation, disciplinary record,  
23 psychological and medical records, criminal records, and any  
24 other information pertinent to the impending release. The  
25 department shall gather and compile information necessary for  
26 the commission to make the determinations set forth in  
27 subsection (3). A department ~~commission~~ representative shall  
28 conduct a personal interview with the inmate for the purpose  
29 of determining the details of the inmate's release plan,  
30 including the inmate's planned residence and employment. The  
31 department representative shall forward the inmate's release



1 plan to the commission and recommend to the commission the  
2 terms and conditions of the conditional release.~~The results~~  
3 ~~of the interview must be forwarded to the commission in~~  
4 ~~writing.~~

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

23       (7)(a) Any inmate who is convicted of a crime  
24 committed on or after October 1, 1995, or who has been  
25 previously convicted of a crime committed on or after October  
26 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,  
27 or s. 847.0145, and is subject to conditional release  
28 supervision, shall have, in addition to any other conditions  
29 imposed, the following special conditions imposed by the  
30 commission:  
31

1           1. A mandatory curfew from 10 p.m. to 6 a.m. The  
2 commission ~~court~~ may designate another 8-hour period if the  
3 offender's employment precludes the above specified time, and  
4 such alternative is recommended by the Department of  
5 Corrections. If the commission ~~court~~ determines that imposing  
6 a curfew would endanger the victim, the commission ~~court~~ may  
7 consider alternative sanctions.

8           2. If the victim was under the age of 18, a  
9 prohibition on living within 1,000 feet of a school, day care  
10 center, park, playground, or other place where children  
11 regularly congregate.

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

18           4. A prohibition on any contact with the victim,  
19 directly or indirectly, including through a third person,  
20 unless approved by the victim, the offender's therapist, and  
21 the sentencing court.

22           5. If the victim was under the age of 18, a  
23 prohibition against direct contact or association with  
24 children under the age of 18 until all of the following  
25 conditions are met:

26           a. Successful completion of a sex offender treatment  
27 program.

28           b. The adult person who is legally responsible for the  
29 welfare of the child has been advised of the nature of the  
30 crime.

31

1           c. Such adult person is present during all contact or  
2 association with the child.

3           d. Such adult person has been, until successful  
4 completion of a sex offender treatment program, on  
5 unsupervised contact with a child under the age of 18, unless  
6 authorized by the commission without another adult present who  
7 is responsible for the child's welfare, has been advised of  
8 the crime, and is approved by the commission.

9           6. If the victim was under age 18, a prohibition on  
10 working for pay or as a volunteer at any school, day care  
11 center, park, playground, or other place where children  
12 regularly congregate, as prescribed by the commission.

13           7. Unless otherwise indicated in the treatment plan  
14 provided by the sexual offender treatment program, a  
15 prohibition on viewing, owning, or possessing any obscene,  
16 pornographic, or sexually stimulating visual or auditory  
17 material, including telephone, electronic media, computer  
18 programs, or computer services that are relevant to the  
19 offender's deviant behavior pattern.

20           8. A requirement that the releasee must submit two  
21 specimens of blood to the Florida Department of Law  
22 Enforcement to be registered with the DNA database.

23           9. A requirement that the releasee make restitution to  
24 the victim, as determined by the sentencing court or the  
25 commission, for all necessary medical and related professional  
26 services relating to physical, psychiatric, and psychological  
27 care.

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

31

1 (b) For a releasee whose crime was committed on or  
2 after October 1, 1997, in violation of chapter 794, s. 800.04,  
3 s. 827.071, or s. 847.0145, and who is subject to conditional  
4 release supervision, in addition to any other provision of  
5 this subsection, the commission shall impose the following  
6 additional conditions of conditional release supervision:

7 1. As part of a treatment program, participation in a  
8 minimum of one annual polygraph examination to obtain  
9 information necessary for risk management and treatment and to  
10 reduce the sex offender's denial mechanisms. The polygraph  
11 examination must be conducted by a polygrapher trained  
12 specifically in the use of the polygraph for the monitoring of  
13 sex offenders, where available, and at the expense of the sex  
14 offender. The results of the polygraph examination shall not  
15 be used as evidence in a hearing to prove that a violation of  
16 supervision has occurred.

17 2. Maintenance of a driving log and a prohibition  
18 against driving a motor vehicle alone without the prior  
19 approval of the supervising officer.

20 3. A prohibition against obtaining or using a post  
21 office box without the prior approval of the supervising  
22 officer.

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

27 5. Electronic monitoring of any form when ~~deemed~~  
28 ~~necessary by the community control or probation officer and~~  
29 ~~his or her supervisor, and ordered by the commission court at~~  
30 ~~the recommendation of the Department of Corrections.~~

31

1           (9) The commission shall adopt rules pursuant to ss.  
2 120.536(1) and 120.54 necessary to implement the provisions of  
3 the Conditional Release Program Act.

4           Section 6. Subsection (2) of section 947.24, Florida  
5 Statutes, is amended to read:

6           947.24 Discharge from parole supervision or release  
7 supervision.--

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

26           Section 7. Sections 947.175 and 947.177, Florida  
27 Statutes, are repealed.

28           Section 8. As a result of the reduction of  
29 responsibilities of the Parole Commission made by this act, it  
30 is the intent of the Legislature that a reduction of 40  
31

1 full-time positions within the Florida Parole Commission be  
2 reflected in the 2001 General Appropriations Act.

3           Section 9. This act shall take effect July 1, 2001.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31