

By Senator Crist

13-1608-02

1                                   A bill to be entitled  
2           An act relating to the Parole Commission;  
3           amending s. 940.03, F.S.; requiring that the  
4           Parole Commission require a person who applies  
5           for executive clemency to pay a fee if the  
6           commission conducts a hearing on the  
7           application for clemency; amending s. 947.23,  
8           F.S.; requiring that a parolee whose parole is  
9           revoked by the commission pay the costs of  
10          investigating and prosecuting the violations of  
11          the terms and conditions of parole which  
12          resulted in the revocation; providing an  
13          effective date.

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

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17           Section 1. Section 940.03, Florida Statutes, is  
18 amended to read:

19           940.03 Application for executive clemency.--

20           (1) When any person intends to apply for remission of  
21 any fine or forfeiture or the commutation of any punishment,  
22 or for pardon or restoration of civil rights, he or she shall  
23 request an application form from the Parole Commission in  
24 compliance with such rules regarding application for executive  
25 clemency as are adopted by the Governor with the approval of  
26 three members of the Cabinet. Such application may require the  
27 submission of a certified copy of the applicant's indictment  
28 or information, the judgment adjudicating the applicant to be  
29 guilty, and the sentence, if sentence has been imposed, and  
30 may also require the applicant to send a copy of the  
31 application to the judge and prosecuting attorney of the court

1 in which the applicant was convicted, notifying them of the  
2 applicant's intent to apply for executive clemency. An  
3 application for executive clemency for a person who is  
4 sentenced to death must be filed within 1 year after the date  
5 the Supreme Court issues a mandate on a direct appeal or the  
6 United States Supreme Court denies a petition for certiorari,  
7 whichever is later.

8 (2) If the Parole Commission conducts a hearing on an  
9 application for executive clemency, the person applying for  
10 executive clemency shall be assessed a fee by the Parole  
11 Commission, which may not exceed the actual cost of conducting  
12 the hearing.

13 Section 2. Subsection (8) is added to section 947.23,  
14 Florida Statutes, to read:

15 947.23 Action of commission upon arrest of parolee.--

16 (8) If a parole is revoked by the commission, the  
17 accused shall be charged for the costs of investigating and  
18 prosecuting the violations of the terms and conditions of  
19 parole which resulted in the revocation of parole.

20 Section 3. This act shall take effect July 1, 2002.

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23 SENATE SUMMARY

24 Requires that a person who applies for executive clemency  
25 pay a fee if the Parole Commission conducts a hearing on  
26 the application. Provides a limitation on the amount of  
27 the fee. Requires a parolee whose parole is revoked to  
28 pay the costs of investigating and prosecuting the  
29 violation of parole.  
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