

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Needelman offered the following:

2

3 **Substitute Amendment for Amendment (721889) (with title**  
4 **amendments)**

5 Remove line 247 and insert:

6 Section 7. Subsection (10) of section 20.315, Florida  
7 Statutes, is amended to read:

8 20.315 Department of Corrections.--There is created a  
9 Department of Corrections.

10 (10) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.--All  
11 commitments shall state the statutory authority therefor. The  
12 Secretary of Corrections shall have the authority to prescribe  
13 the form to be used for commitments. Nothing in this act shall  
14 be construed to abridge the authority and responsibility of a  
15 regional ~~the~~ parole board ~~Commission~~ with respect to the

576449

Amendment No. (for drafter's use only)

16 granting ~~and revocation~~ of parole. The Department of Corrections  
17 shall notify the original sentencing court ~~Parole Commission~~ of  
18 all violations of parole conditions and provide reports  
19 connected thereto as may be requested by the court ~~commission~~.  
20 The court ~~commission~~ shall have the authority to issue orders  
21 dealing with supervision of specific parolees, and such orders  
22 shall be binding on all parties.

23 Section 8. Section 20.32, Florida Statutes, is amended to  
24 read:

25 20.32 Regional parole boards ~~Parole Commission~~.--

26 (1) There is hereby established a regional parole board of  
27 no less than three or more than seven members in each of the  
28 regions of the Department of Corrections. The Governor shall  
29 appoint members to serve on the regional parole boards as  
30 provided by s. 947.02. The regional parole boards shall be  
31 administratively housed within the Office of the Attorney  
32 General, which shall provide administrative and staff support to  
33 the boards ~~The Parole and Probation Commission, authorized by s.~~  
34 ~~8(c), Art. IV, State Constitution of 1968, is continued and~~  
35 ~~renamed the Parole Commission. The commission retains its~~  
36 ~~powers, duties, and functions with respect to the granting and~~  
37 ~~revoking of parole and shall exercise powers, duties, and~~  
38 ~~functions relating to investigations of applications for~~  
39 ~~elemency as directed by the Governor and the Cabinet.~~

40 (2) The powers and duties of the regional parole boards  
41 shall be to conduct parole hearings, to grant or deny parole to  
42 parole-eligible inmates, to set any special conditions for

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

43 parole, and such other duties as may be prescribed by law. No  
44 fewer than three members must participate in hearings to grant  
45 or deny parole or to set any special conditions for parole. It  
46 shall require a majority vote of members participating in a  
47 proceeding to grant or deny parole or set any special conditions  
48 for parole ~~All powers, duties, and functions relating to the~~  
49 ~~appointment of the Parole Commission as provided in s. 947.02 or~~  
50 ~~s. 947.021 shall be exercised and performed by the Governor and~~  
51 ~~the Cabinet. Except as provided in s. 947.021, each appointment~~  
52 ~~shall be made from among the first three eligible persons on the~~  
53 ~~list of the persons eligible for said position.~~

54 (3) The Attorney General shall assign parole-eligible  
55 inmates to the jurisdiction of a regional board based on the  
56 location of the most serious offense that resulted in the  
57 offender's incarceration. The Attorney General may, however,  
58 assign an inmate to a different parole board than for the  
59 location where the most serious offense occurred if necessary to  
60 facilitate attendance of a victim or to facilitate the  
61 convenience of the parole board volunteer members in cases in  
62 which the inmate is physically located outside the region in  
63 which the crime occurred. Parole hearings may be held by video  
64 teleconference. An accurate record of all proceedings conducted  
65 by video teleconference must be maintained by the Office of the  
66 Attorney General ~~The commission may require any employee of the~~  
67 ~~commission to give a bond for the faithful performance of his or~~  
68 ~~her duties. The commission may determine the amount of the bond~~  
69 ~~and must approve the bond. In determining the amount of the~~

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

70 ~~bond, the commission may consider the amount of money or~~  
71 ~~property likely to be in custody of the officer or employee at~~  
72 ~~any one time. The premiums for the bonds must be paid out of the~~  
73 ~~funds of the commission.~~

74 Section 9. Subsection (1) of section 23.21, Florida  
75 Statutes, is amended to read:

76 23.21 Definitions.--For purposes of this part:

77 (1) "Department" means a principal administrative unit  
78 within the executive branch of state government, as defined in  
79 chapter 20, and includes the State Board of Administration, the  
80 Executive Office of the Governor, the Fish and Wildlife  
81 Conservation Commission, ~~the Parole Commission,~~ the Agency for  
82 Health Care Administration, the Board of Regents, the State  
83 Board of Community Colleges, the Justice Administrative  
84 Commission, the Capital Collateral Representative, and separate  
85 budget entities placed for administrative purposes within a  
86 department.

87 Section 10. Paragraph (b) of subsection (2) of section  
88 112.011, Florida Statutes, is amended to read:

89 112.011 Felons; removal of disqualifications for  
90 employment, exceptions.--

91 (2)

92 (b) This section shall not be applicable to the employment  
93 practices of any fire department relating to the hiring of  
94 firefighters. An applicant for employment with any fire  
95 department with a prior felony conviction shall be excluded from  
96 employment for a period of 4 years after expiration of sentence

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

97 or final release by the Parole Commission or a regional parole  
98 board unless the applicant, prior to the expiration of the 4-  
99 year period, has received a full pardon or has had his or her  
100 civil rights restored.

101 Section 11. Subsection (1) of section 186.005, Florida  
102 Statutes, is amended to read:

103 186.005 Designation of departmental planning officer.--

104 (1) The head of each executive department and the Public  
105 Service Commission, the Fish and Wildlife Conservation  
106 Commission, ~~the Parole Commission~~, and the Department of  
107 Military Affairs shall select from within such agency a person  
108 to be designated as the planning officer for such agency. The  
109 planning officer shall be responsible for coordinating with the  
110 Executive Office of the Governor and with the planning officers  
111 of other agencies all activities and responsibilities of such  
112 agency relating to planning.

113 Section 12. Subsection (3) of section 255.502, Florida  
114 Statutes, is amended to read:

115 255.502 Definitions; ss. 255.501-255.525.--As used in this  
116 act, the following words and terms shall have the following  
117 meanings unless the context otherwise requires:

118 (3) "Agency" means any department created by chapter 20,  
119 the Executive Office of the Governor, the Fish and Wildlife  
120 Conservation Commission, ~~the Parole Commission~~, the State Board  
121 of Administration, the Department of Military Affairs, or the  
122 Legislative Branch or the Judicial Branch of state government.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

123 Section 13. Paragraph (c) of subsection (1) of section  
124 322.16, Florida Statutes, is amended to read:

125 322.16 License restrictions.--

126 (1)

127 (c) The department may further, at any time, impose other  
128 restrictions on the use of the license with respect to time and  
129 purpose of use or may impose any other condition or restriction  
130 upon recommendation of any court, of the Parole Commission or a  
131 regional parole board, or of the Department of Corrections with  
132 respect to any individual who is under the jurisdiction,  
133 supervision, or control of the entity that made the  
134 recommendation.

135 Section 14. Subsection (2) of section 394.926, Florida  
136 Statutes, is amended to read:

137 394.926 Notice to victims of release of persons committed  
138 as sexually violent predators; notice to certain agencies  
139 ~~Department of Corrections and Parole Commission~~.--

140 (2) If a sexually violent predator who has an active or  
141 pending term of probation, community control, parole,  
142 conditional release, or other court-ordered or postprison  
143 release supervision is released from custody, the department  
144 must immediately notify the Department of Corrections' Office of  
145 Community Corrections in Tallahassee. The regional parole board  
146 with jurisdiction ~~Parole Commission~~ must also be immediately  
147 notified of any releases of a sexually violent predator who has  
148 an active or pending term of parole, ~~conditional release, or~~

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

149 ~~other postprison release supervision that is administered by the~~  
150 ~~Parole Commission.~~

151 Section 15. Subsection (2) of section 394.927, Florida  
152 Statutes, is amended to read:

153 394.927 Escape while in lawful custody; notice to victim;  
154 notice to the Department of Corrections and regional parole  
155 board ~~Parole Commission.~~--

156 (2) If a person who is held in custody pursuant to a  
157 finding of probable cause or commitment as a sexually violent  
158 predator escapes while in custody, the department shall  
159 immediately notify the victim in accordance with s. 394.926. The  
160 state attorney that filed the petition for civil commitment of  
161 the escapee must also be immediately notified by the department.  
162 If the escapee has an active or pending term of probation,  
163 community control, parole, conditional release, or other court-  
164 ordered or postprison release supervision, the department shall  
165 also immediately notify the Department of Corrections' Office of  
166 Community Corrections in Tallahassee. The regional parole board  
167 having jurisdiction ~~Parole Commission~~ shall also be immediately  
168 notified of an escape if the escapee has an active or pending  
169 term of parole, ~~conditional release, or other postprison release~~  
170 ~~supervision that is administered by the Parole Commission.~~

171 Section 16. Subsection (4) of section 775.089, Florida  
172 Statutes, is amended to read:

173 775.089 Restitution.--

174 (4) If a defendant is placed on probation or paroled,  
175 complete satisfaction of any restitution ordered under this

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

176 section shall be a condition of such probation or parole. The  
177 court may revoke probation or ~~and the Parole Commission may~~  
178 ~~revoke parole,~~ if the defendant fails to comply with such order.

179 Section 17. Subsection (1) and paragraphs (a) and (b) of  
180 subsection (2) of section 775.16, Florida Statutes, are amended  
181 to read:

182 775.16 Drug offenses; additional penalties.--In addition  
183 to any other penalty provided by law, a person who has been  
184 convicted of sale of or trafficking in, or conspiracy to sell or  
185 traffic in, a controlled substance under chapter 893, if such  
186 offense is a felony, or who has been convicted of an offense  
187 under the laws of any state or country which, if committed in  
188 this state, would constitute the felony of selling or  
189 trafficking in, or conspiracy to sell or traffic in, a  
190 controlled substance under chapter 893, is:

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

193 (a) The person has completed all sentences of imprisonment  
194 or supervisory sanctions imposed by the court, by the Parole  
195 Commission or a regional parole board, or by law; or

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

200 1. Seek evaluation and enrollment in, and once enrolled  
201 maintain enrollment in until completion, a drug treatment and  
202 rehabilitation program which is approved by the Department of

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

203 Children and Family Services, unless it is deemed by the program  
204 that the person does not have a substance abuse problem. The  
205 treatment and rehabilitation program may be specified by:

206 a. The court, in the case of court-ordered supervisory  
207 sanctions;

208 b. The regional parole board having jurisdiction ~~Parole~~  
209 ~~Commission~~, in the case of parole, ~~control release, or~~  
210 ~~conditional release~~; or

211 c. The Department of Corrections, in the case of  
212 imprisonment, conditional release, control release, or any other  
213 supervision required by law.

214 2. Submit to periodic urine drug testing pursuant to  
215 procedures prescribed by the Department of Corrections. If the  
216 person is indigent, the costs shall be paid by the Department of  
217 Corrections.

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

222 (a) The person has completed all sentences of imprisonment  
223 or supervisory sanctions imposed by the court, by the Parole  
224 Commission or a regional parole board, or by law;

225 (b) The person has complied with the conditions of  
226 subparagraphs 1. and 2. which shall be monitored by the  
227 Department of Corrections while the person is under any  
228 supervisory sanction. If the person fails to comply with  
229 provisions of these subparagraphs by either failing to maintain

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

230 treatment or by testing positive for drug use, the department  
231 shall notify the licensing, permitting, or certifying agency,  
232 which may refuse to reissue or reinstate such license, permit,  
233 or certification. The licensee, permittee, or certificateholder  
234 under supervision may:

235 1. Seek evaluation and enrollment in, and once enrolled  
236 maintain enrollment in until completion, a drug treatment and  
237 rehabilitation program which is approved or regulated by the  
238 Department of Children and Family Services, unless it is deemed  
239 by the program that the person does not have a substance abuse  
240 problem. The treatment and rehabilitation program may be  
241 specified by:

242 a. The court, in the case of court-ordered supervisory  
243 sanctions;

244 b. The regional parole board having jurisdiction ~~Parole~~  
245 ~~Commission~~, in the case of parole, ~~control release, or~~  
246 ~~conditional release~~; or

247 c. The Department of Corrections, in the case of  
248 imprisonment, conditional release, control release, or any other  
249 supervision required by law.

250 2. Submit to periodic urine drug testing pursuant to  
251 procedures prescribed by the Department of Corrections. If the  
252 person is indigent, the costs shall be paid by the Department of  
253 Corrections; or

254  
255 The provisions of this section do not apply to any of the taxes,  
256 fees, or permits regulated, controlled, or administered by the

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

257 Department of Revenue in accordance with the provisions of s.  
258 213.05.

259 Section 18. Paragraph (a) of subsection (1) of section  
260 784.07, Florida Statutes, is amended to read:

261 784.07 Assault or battery of law enforcement officers,  
262 firefighters, emergency medical care providers, public transit  
263 employees or agents, or other specified officers;  
264 reclassification of offenses; minimum sentences.--

265 (1) As used in this section, the term:

266 (a) "Law enforcement officer" includes a law enforcement  
267 officer, a correctional officer, a correctional probation  
268 officer, a part-time law enforcement officer, a part-time  
269 correctional officer, an auxiliary law enforcement officer, and  
270 an auxiliary correctional officer, as those terms are  
271 respectively defined in s. 943.10, and any county probation  
272 officer; employee or agent of the Department of Corrections who  
273 supervises or provides services to inmates; ~~officer of the~~  
274 ~~Parole Commission;~~ and law enforcement personnel of the Fish and  
275 Wildlife Conservation Commission, the Department of  
276 Environmental Protection, or the Department of Law Enforcement.

277 Section 19. Subsection (2) of section 784.078, Florida  
278 Statutes, is amended to read:

279 784.078 Battery of facility employee by throwing, tossing,  
280 or expelling certain fluids or materials.--

281 (2)~~(a)~~ As used in this section, the term "employee"  
282 includes any person employed by or performing contractual  
283 services for a public or private entity operating a facility or

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

284 any person employed by or performing contractual services for  
285 the corporation operating the prison industry enhancement  
286 programs or the correctional work programs, pursuant to part II  
287 of chapter 946.

288 ~~(b) "Employee" includes any person who is a parole~~  
289 ~~examiner with the Florida Parole Commission.~~

290 Section 20. Section 843.01, Florida Statutes, is amended  
291 to read:

292 843.01 Resisting officer with violence to his or her  
293 person.--Whoever knowingly and willfully resists, obstructs, or  
294 opposes any officer as defined in s. 943.10(1), (2), (3), (6),  
295 (7), (8), or (9); ~~member of the Parole Commission or any~~  
296 ~~administrative aide or supervisor employed by the commission;~~  
297 parole and probation supervisor; county probation officer;  
298 personnel or representative of the Department of Law  
299 Enforcement; or other person legally authorized to execute  
300 process in the execution of legal process or in the lawful  
301 execution of any legal duty, by offering or doing violence to  
302 the person of such officer or legally authorized person, commits  
303 ~~is guilty of~~ a felony of the third degree, punishable as  
304 provided in s. 775.082, s. 775.083, or s. 775.084.

305 Section 21. Section 843.02, Florida Statutes, is amended  
306 to read:

307 843.02 Resisting officer without violence to his or her  
308 person.--Whoever shall resist, obstruct, or oppose any officer  
309 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);  
310 ~~member of the Parole Commission or any administrative aide or~~

576449

4/6/2005 5:07:45 PM

HOUSE AMENDMENT

Bill No. HB 1899

Amendment No. (for drafter's use only)

311 ~~supervisor employed by the commission;~~ county probation officer;  
312 parole and probation supervisor; personnel or representative of  
313 the Department of Law Enforcement; or other person legally  
314 authorized to execute process in the execution of legal process  
315 or in the lawful execution of any legal duty, without offering  
316 or doing violence to the person of the officer, commits ~~shall be~~  
317 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
318 provided in s. 775.082 or s. 775.083.

319 Section 22. Section 843.08, Florida Statutes, is amended  
320 to read:

321 843.08 Falsely personating an officer, ~~etc.~~--A person who  
322 falsely assumes or pretends to be a sheriff, officer of the  
323 Florida Highway Patrol, officer of the Fish and Wildlife  
324 Conservation Commission, officer of the Department of  
325 Environmental Protection, officer of the Department of  
326 Transportation, officer of the Department of Corrections,  
327 correctional probation officer, deputy sheriff, state attorney  
328 or assistant state attorney, statewide prosecutor or assistant  
329 statewide prosecutor, state attorney investigator, coroner,  
330 police officer, lottery special agent or lottery investigator,  
331 beverage enforcement agent, or watchman, ~~or any member of the~~  
332 ~~Parole Commission and any administrative aide or supervisor~~  
333 ~~employed by the commission,~~ or any personnel or representative  
334 of the Department of Law Enforcement, and takes upon himself or  
335 herself to act as such, or to require any other person to aid or  
336 assist him or her in a matter pertaining to the duty of any such  
337 officer, commits a felony of the third degree, punishable as

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

338 provided in s. 775.082, s. 775.083, or s. 775.084; however, a  
339 person who falsely personates any such officer during the course  
340 of the commission of a felony commits a felony of the second  
341 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
342 775.084; except that if the commission of the felony results in  
343 the death or personal injury of another human being, the person  
344 commits a felony of the first degree, punishable as provided in  
345 s. 775.082, s. 775.083, or s. 775.084.

346 Section 23. Paragraph (a) of subsection (1) of section  
347 893.11, Florida Statutes, is amended to read:

348 893.11 Suspension, revocation, and reinstatement of  
349 business and professional licenses.--Upon the conviction in any  
350 court of competent jurisdiction of any person holding a license,  
351 permit, or certificate issued by a state agency, for sale of, or  
352 trafficking in, a controlled substance or for conspiracy to  
353 sell, or traffic in, a controlled substance, if such offense is  
354 a felony, the clerk of said court shall send a certified copy of  
355 the judgment of conviction with the person's license number,  
356 permit number, or certificate number on the face of such  
357 certified copy to the agency head by whom the convicted  
358 defendant has received a license, permit, or certificate to  
359 practice his or her profession or to carry on his or her  
360 business. Such agency head shall suspend or revoke the license,  
361 permit, or certificate of the convicted defendant to practice  
362 his or her profession or to carry on his or her business. Upon a  
363 showing by any such convicted defendant whose license, permit,  
364 or certificate has been suspended or revoked pursuant to this

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

365 section that his or her civil rights have been restored or upon  
366 a showing that the convicted defendant meets the following  
367 criteria, the agency head may reinstate or reactivate such  
368 license, permit, or certificate when:

369 (1) The person has complied with the conditions of  
370 paragraphs (a) and (b) which shall be monitored by the  
371 Department of Corrections while the person is under any  
372 supervisory sanction. If the person fails to comply with  
373 provisions of these paragraphs by either failing to maintain  
374 treatment or by testing positive for drug use, the department  
375 shall notify the licensing, permitting, or certifying agency,  
376 which shall revoke the license, permit, or certification. The  
377 person under supervision may:

378 (a) Seek evaluation and enrollment in, and once enrolled  
379 maintain enrollment in until completion, a drug treatment and  
380 rehabilitation program which is approved or regulated by the  
381 Department of Children and Family Services. The treatment and  
382 rehabilitation program shall be specified by:

383 1. The court, in the case of court-ordered supervisory  
384 sanctions;

385 2. The regional parole board having jurisdiction ~~Parole~~  
386 ~~Commission~~, in the case of parole, ~~control release~~, or  
387 ~~conditional release~~; or

388 3. The Department of Corrections, in the case of  
389 imprisonment, conditional release, or any other supervision  
390 required by law.

391  
576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

392 This section does not apply to any of the taxes, fees, or  
393 permits regulated, controlled, or administered by the Department  
394 of Revenue in accordance with s. 213.05.

395 Section 24. Paragraph (a) of subsection (9) of section  
396 921.001, Florida Statutes, is amended to read:

397 921.001 Sentencing Commission and sentencing guidelines  
398 generally.--

399 (9)(a) The Sentencing Commission and the office of the  
400 State Courts Administrator shall conduct ongoing research on the  
401 impact of the sentencing guidelines, the use of imprisonment and  
402 alternatives to imprisonment, and plea bargaining. The  
403 commission, with the aid of the office of the State Courts  
404 Administrator, and the Department of Corrections, ~~and the Parole~~  
405 ~~Commission~~, shall estimate the impact of any proposed changes to  
406 the sentencing guidelines on future rates of incarceration and  
407 levels of prison population, based in part on historical data of  
408 sentencing practices which have been accumulated by the office  
409 of the State Courts Administrator and on Department of  
410 Corrections records reflecting average time served for offenses  
411 covered by the proposed changes to the guidelines. The  
412 commission shall review the projections of impact and shall make  
413 them available to other appropriate agencies of state  
414 government, including the Legislature, by October 1 of each  
415 year.

416 Section 25. Subsection (2) of section 921.16, Florida  
417 Statutes, is amended to read:

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

418           921.16 When sentences to be concurrent and when  
419 consecutive.--

420           (2) A county court or circuit court of this state may  
421 direct that the sentence imposed by such court be served  
422 concurrently with a sentence imposed by a court of another state  
423 or of the United States or, for purposes of this section,  
424 concurrently with a sentence to be imposed in another  
425 jurisdiction. In such case, the Department of Corrections may  
426 designate the correctional institution of the other jurisdiction  
427 as the place for reception and confinement of such person and  
428 may also designate the place in Florida for reception and  
429 confinement of such person in the event that confinement in the  
430 other jurisdiction terminates before the expiration of the  
431 Florida sentence. The sheriff shall forward commitment papers  
432 and other documents specified in s. 944.17 to the department.  
433 Upon imposing such a sentence, the court shall notify the Office  
434 of the Attorney General which shall notify the appropriate  
435 regional parole board ~~Parole Commission~~ as to the jurisdiction  
436 in which the sentence is to be served. Any prisoner so released  
437 to another jurisdiction shall be eligible for consideration for  
438 parole by the appropriate regional parole board ~~Parole~~  
439 ~~Commission~~ pursuant to ~~the provisions of~~ chapter 947, except  
440 that the Office of the Attorney General ~~commission~~ shall assist  
441 the appropriate regional parole board in determining ~~determine~~  
442 the presumptive parole release date and the effective parole  
443 release date by requesting such person's file from the receiving  
444 jurisdiction. Upon receiving such records, the Office of the

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

445 Attorney General ~~commission~~ shall determine these release dates  
446 based on the relevant information in that file and shall give  
447 credit toward reduction of the Florida sentence for gain-time  
448 granted by the jurisdiction where the inmate is serving the  
449 sentence. The regional parole board ~~Parole Commission~~ may concur  
450 in with the parole release decision of the jurisdiction granting  
451 parole and accepting supervision.

452 Section 26. Section 921.20, Florida Statutes, is amended  
453 to read:

454 921.20 Classification summary; regional parole boards  
455 ~~Parole Commission~~.--As soon as possible after a prisoner has  
456 been placed in the custody of the Department of Corrections, the  
457 classification board shall furnish a classification summary to  
458 the Office of the Attorney General for use by the regional  
459 parole board ~~Parole Commission~~ for use as provided in s. 20.32  
460 ~~947.14~~. The summary shall include the criminal, personal,  
461 social, and environmental background and other relevant factors  
462 considered in classifying the prisoner for a penal environment  
463 best suited for the prisoner's rapid rehabilitation.

464 Section 27. Section 921.21, Florida Statutes, is amended  
465 to read:

466 921.21 Progress reports to regional parole boards ~~Parole~~  
467 ~~Commission~~.--From time to time the Department of Corrections  
468 shall submit to the Attorney General for use by the regional  
469 parole board ~~Parole Commission~~ progress reports and  
470 recommendations regarding prisoners sentenced under s. 921.18.  
471 When the classification board of the Department of Corrections

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

472 determines that justice and the public welfare will best be  
473 served by paroling or discharging a prisoner, it shall transmit  
474 its finding to the Office of the Attorney General which shall  
475 forward such findings to the appropriate regional parole board  
476 ~~Parole Commission~~. The regional parole board ~~commission~~ shall  
477 have the authority to place the prisoner on parole as provided  
478 by law or give the prisoner a full discharge from custody. The  
479 period of a parole granted by a regional parole board ~~the Parole~~  
480 ~~Commission~~ shall be in its discretion, but the parole period  
481 shall not exceed the maximum term for which the prisoner was  
482 sentenced.

483 Section 28. Section 921.22, Florida Statutes, is amended  
484 to read:

485 921.22 Determination of exact period of imprisonment by  
486 regional parole board ~~Parole Commission~~.--Upon the  
487 recommendation of the Department of Corrections, a regional  
488 parole board ~~the Parole Commission~~ shall have the authority to  
489 determine the exact period of imprisonment to be served by  
490 defendants sentenced under the provisions of s. 921.18, but a  
491 prisoner shall not be held in custody longer than the maximum  
492 sentence provided for the offense.

493 Section 29. Section 940.03, Florida Statutes, is amended  
494 to read:

495 940.03 Application for executive clemency.--When any  
496 person intends to apply for remission of any fine or forfeiture  
497 or the commutation of any punishment, or for pardon or  
498 restoration of civil rights, he or she shall request an

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

499 application form from the Executive Office of the Governor  
500 ~~Parole Commission~~ in compliance with such rules regarding  
501 application for executive clemency as are adopted by the  
502 Governor with the approval of two members of the Cabinet. Such  
503 application may require the submission of a certified copy of  
504 the applicant's indictment or information, the judgment  
505 adjudicating the applicant to be guilty, and the sentence, if  
506 sentence has been imposed, and may also require the applicant to  
507 send a copy of the application to the judge and prosecuting  
508 attorney of the court in which the applicant was convicted,  
509 notifying them of the applicant's intent to apply for executive  
510 clemency. An application for executive clemency for a person who  
511 is sentenced to death must be filed within 1 year after the date  
512 the Supreme Court issues a mandate on a direct appeal or the  
513 United States Supreme Court denies a petition for certiorari,  
514 whichever is later.

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

517 940.05 Restoration of civil rights.--Any person who has  
518 been convicted of a felony may be entitled to the restoration of  
519 all the rights of citizenship enjoyed by him or her prior to  
520 conviction if the person has:

521 (3) Been granted his or her final release by the regional  
522 parole board having jurisdiction ~~Parole Commission~~.

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

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

525           941.23 Application for issuance of requisition; by whom  
526 made; contents.--

527           (2) When the return to this state is required of a person  
528 who has been convicted of a crime in this state and has escaped  
529 from confinement or broken the terms of his or her bail,  
530 probation, or parole, the state attorney of the county in which  
531 the offense was committed, the regional parole board having  
532 jurisdiction ~~Parole Commission~~, the Department of Corrections,  
533 or the warden of the institution or sheriff of the county, from  
534 which escape was made, shall present to the Governor a written  
535 application for a requisition for the return of such person, in  
536 which application shall be stated the name of the person, the  
537 crime of which the person was convicted, the circumstances of  
538 his or her escape from confinement or of the breach of the terms  
539 of his or her bail, probation, or parole, and the state in which  
540 the person is believed to be, including the location of the  
541 person therein at the time application is made.

542           (3) The application shall be verified by affidavit, shall  
543 be executed in duplicate, and shall be accompanied by two  
544 certified copies of the indictment returned or information and  
545 affidavit filed or of the complaint made to the judge, stating  
546 the offense with which the accused is charged, or of the  
547 judgment of conviction or of the sentence. The prosecuting  
548 officer, regional parole board having jurisdiction ~~Parole~~  
549 ~~Commission~~, Department of Corrections, warden, or sheriff may  
550 also attach such further affidavits and other documents in  
551 duplicate as he or she shall deem proper to be submitted with

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

552 such application. One copy of the application, with the action  
553 of the Governor indicated by endorsement thereon, and one of the  
554 certified copies of the indictment, complaint, information, and  
555 affidavits or of the judgment of conviction or of the sentence  
556 shall be filed in the office of the Department of State to  
557 remain of record in that office. The other copies of all papers  
558 shall be forwarded with the Governor's requisition.

559 Section 32. Subsection (7) of section 943.0311, Florida  
560 Statutes, is amended to read:

561 943.0311 Chief of Domestic Security Initiatives; duties of  
562 the department with respect to domestic security.--

563 (7) As used in this section, the term "state agency"  
564 includes the Agency for Health Care Administration, the Agency  
565 for Workforce Innovation, the Department of Agriculture and  
566 Consumer Services, the Department of Business and Professional  
567 Regulation, the Department of Children and Family Services, the  
568 Department of Citrus, the Department of Community Affairs, the  
569 Department of Corrections, the Department of Education, the  
570 Department of Elderly Affairs, the Department of Environmental  
571 Protection, the Department of Financial Services, the Department  
572 of Health, the Department of Highway Safety and Motor Vehicles,  
573 the Department of Juvenile Justice, the Department of Law  
574 Enforcement, the Department of Legal Affairs, the Department of  
575 Management Services, the Department of Military Affairs, the  
576 Department of Revenue, the Department of State, the Department  
577 of the Lottery, the Department of Transportation, the Department  
578 of Veterans' Affairs, the Fish and Wildlife Conservation

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

579 Commission, ~~the Parole Commission~~, the State Board of  
580 Administration, and the Executive Office of the Governor.

581 Section 33. Subsection (1) of section 943.06, Florida  
582 Statutes, is amended to read:

583 943.06 Criminal and Juvenile Justice Information Systems  
584 Council.--There is created a Criminal and Juvenile Justice  
585 Information Systems Council within the department.

586 (1) The council shall be composed of 14 members,  
587 consisting of the Attorney General or a designated assistant;  
588 the executive director of the Department of Law Enforcement or a  
589 designated assistant; the secretary of the Department of  
590 Corrections or a designated assistant; ~~the chair of the Parole~~  
591 ~~Commission or a designated assistant;~~ the Secretary of Juvenile  
592 Justice or a designated assistant; the executive director of the  
593 Department of Highway Safety and Motor Vehicles or a designated  
594 assistant; the State Courts Administrator or a designated  
595 assistant; 1 public defender appointed by the Florida Public  
596 Defender Association, Inc.; 1 state attorney appointed by the  
597 Florida Prosecuting Attorneys Association, Inc.; and 5 members,  
598 to be appointed by the Governor, consisting of 2 sheriffs, 2  
599 police chiefs, and 1 clerk of the circuit court.

600 Section 34. Section 944.012, Florida Statutes, is amended  
601 to read:

602 944.012 Legislative intent.--The Legislature hereby finds  
603 and declares that:

604 ~~(1) Florida spends each year in excess of \$60 million for~~  
605 ~~its state correctional system, but Florida citizens have not~~

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

606 ~~received a fair return on that investment. Florida correctional~~  
607 ~~institutions have contributed little to the reduction of crime.~~  
608 ~~To the contrary, crime rates continue to rise; recidivism rates~~  
609 ~~are notoriously high; and large prisons have for the most part~~  
610 ~~become schools for crime, making successful reintegration into~~  
611 ~~the community unlikely.~~

612 ~~(2) It is clear that major changes in correctional methods~~  
613 ~~are required. It is essential to abate the use of large~~  
614 ~~institutions and continue the development of community-based~~  
615 ~~corrections; to equip judges with more effective evaluative~~  
616 ~~tools to deal with the criminal offender; and to provide~~  
617 ~~alternatives to institutionalization, including the availability~~  
618 ~~of probationers' residences and community correctional centers.~~

619 ~~(1)(3) One of the chief factors contributing to the high~~  
620 ~~recidivism rate in the state is the general inability of ex-~~  
621 ~~offenders to find or keep meaningful employment. Since ~~Although~~~~  
622 ~~90 percent of all offenders sent to prison return to society one~~  
623 ~~day, the correctional system should, within available resources,~~  
624 ~~equip the offender ~~has done little to provide the offender with~~~~  
625 ~~the academic and vocational skills that the offender needs to~~  
626 ~~return to society as a productive citizen. ~~This failure~~~~  
627 ~~virtually guarantees the probability of return to crime.~~  
628 ~~Vocational training and assistance in job placement must be~~  
629 ~~looked to on a priority basis as an integral part of the process~~  
630 ~~of changing deviant behavior in the institutionalized offender,~~  
631 ~~when such change is determined to be possible.~~

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

632 ~~(4) These changes must not be made out of sympathy for the~~  
633 ~~criminal or out of disregard of the threat of crime to society.~~  
634 ~~They must be made precisely because that threat is too serious~~  
635 ~~to be countered by ineffective methods.~~

636 ~~(2)(5)~~ In order to make the correctional system an  
637 efficient and effective mechanism, the various agencies involved  
638 in the correctional process must coordinate their efforts. Where  
639 possible, interagency offices should be physically located  
640 within major institutions and should include representatives of  
641 the Agency for Workforce Innovation ~~Florida State Employment~~  
642 ~~Service,~~ and the vocational rehabilitation programs of the  
643 Department of Education, ~~and the Parole Commission.~~ Duplicative  
644 and unnecessary methods of evaluating offenders must be  
645 eliminated and areas of responsibility consolidated in order to  
646 more economically utilize present scarce resources.

647 ~~(3)(6)~~ It is the intent of the Legislature:

648 (a) To provide a mechanism for the early identification,  
649 evaluation, and treatment of behavioral disorders of adult  
650 offenders coming into contact with the correctional system.

651 (b) To separate dangerous or repeat offenders from  
652 nondangerous offenders, who have potential for rehabilitation,  
653 and place dangerous offenders in secure and manageable  
654 institutions.

655 (c) When possible, to divert from expensive institutional  
656 commitment those individuals who, by virtue of professional  
657 diagnosis and evaluation, can be placed in less costly and more

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

658 effective environments and programs better suited for their  
659 rehabilitation and the protection of society.

660 (d) To make available to those offenders who are capable  
661 of rehabilitation the job training and job placement assistance  
662 they need to build meaningful and productive lives when they  
663 return to the community.

664 (e) To provide intensive and meaningful supervision for  
665 those on probation ~~so that the condition or situation which~~  
666 ~~caused the person to commit the crime is corrected.~~

667 Section 35. Section 944.02, Florida Statutes, is amended  
668 to read:

669 944.02 Definitions.--The following words and phrases used  
670 in this chapter shall, unless the context clearly indicates  
671 otherwise, have the following meanings:

672 ~~(1) "Commission" means the Parole Commission.~~

673 (1)~~(2)~~ "Correctional system" means all prisons and other  
674 state correctional institutions now existing or hereafter  
675 created under the jurisdiction of the Department of Corrections.

676 (2)~~(3)~~ "Department" means the Department of Corrections.

677 (3)~~(4)~~ "Elderly offender" means a prisoner age 50 or older  
678 in a state correctional institution or facility operated by the  
679 Department of Corrections or the Department of Management  
680 Services.

681 (4)~~(5)~~ "Lease-purchase agreement" means an installment  
682 sales contract which requires regular payments with an interest  
683 charge included and which provides that the lessee receive title  
684 to the property upon final payment.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

685        ~~(5)(6)~~ "Prisoner" means any person who is under civil or  
686 criminal arrest and in the lawful custody of any law enforcement  
687 official, or any person committed to or detained in any  
688 municipal or county jail or state prison, prison farm, or  
689 penitentiary, or to the custody of the department pursuant to  
690 lawful authority.

691        (6) "Regional parole board" means a regional parole board  
692 established pursuant to s. 20.32.

693        (7) "Secretary" means the Secretary of Corrections.

694        (8) "State correctional institution" means any prison,  
695 road camp, prison industry, prison forestry camp, or any prison  
696 camp or prison farm or other correctional facility, temporary or  
697 permanent, in which prisoners are housed, worked, or maintained,  
698 under the custody and jurisdiction of the department.

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

701        944.024 Adult intake and evaluation.--The state system of  
702 adult intake and evaluation shall include:

703        (5) The performance of postsentence intake by the  
704 department. Any physical facility established by the department  
705 for the intake and evaluation process prior to the offender's  
706 entry into the correctional system shall provide for specific  
707 office and work areas for the staff assisting any regional  
708 parole board ~~of the commission~~. The purpose of such a physical  
709 center shall be to combine in one place as many of the  
710 rehabilitation-related functions as possible, including pretrial  
711 and posttrial evaluation, parole and probation services,

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

712 vocational rehabilitation services, family assistance services  
713 of the Department of Children and Family Services, and all other  
714 rehabilitative and correctional services dealing with the  
715 offender.

716 Section 37. Section 944.23, Florida Statutes, is amended  
717 to read:

718 944.23 Persons authorized to visit state prisons.--The  
719 following persons shall be authorized to visit at their pleasure  
720 all state correctional institutions: The Governor, all Cabinet  
721 members, members of the Legislature, judges of state courts,  
722 state attorneys, and public defenders, ~~and authorized~~  
723 ~~representatives of the commission~~. No other person not otherwise  
724 authorized by law shall be permitted to enter a state  
725 correctional institution except under such regulations as the  
726 department may prescribe. Permission shall not be unreasonably  
727 withheld from those who give sufficient evidence to the  
728 department that they are bona fide reporters or writers.

729 Section 38. Subsection (2) of section 944.291, Florida  
730 Statutes, is amended to read:

731 944.291 Prisoner released by reason of gain-time  
732 allowances or attainment of provisional release date.--

733 (2) Any prisoner who is convicted of a crime committed on  
734 or after October 1, 1988, which crime is contained in category  
735 1, category 2, category 3, or category 4 of Rule 3.701 and Rule  
736 3.988, Florida Rules of Criminal Procedure, and who has served  
737 at least one prior felony commitment at a state or federal  
738 correctional institution, or is sentenced as a habitual or

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

739 violent habitual offender pursuant to s. 775.084, may only be  
740 released under conditional release supervision as described in  
741 chapter 947. Not fewer than 90 days prior to the tentative  
742 release date or provisional release date, whichever is earlier,  
743 the department shall provide the original sentencing court  
744 ~~commission~~ with the name and inmate identification number for  
745 each eligible inmate.

746 Section 39. Paragraph (b) of subsection (2) of section  
747 944.4731, Florida Statutes, is amended to read:

748 944.4731 Addiction-Recovery Supervision Program.--

749 (2)

750 (b) An offender released under addiction-recovery  
751 supervision shall be subject to specified terms and conditions,  
752 including payment of the costs of supervision under s. 948.09  
753 and any other court-ordered payments, such as child support and  
754 restitution. If an offender has received a term of probation or  
755 community control to be served after release from incarceration,  
756 the period of probation or community control may not be  
757 substituted for addiction-recovery supervision and shall follow  
758 the term of addiction-recovery supervision. The original  
759 sentencing court ~~A panel of not fewer than two parole~~  
760 ~~commissioners~~ shall establish the terms and conditions of  
761 supervision, and the terms and conditions must be included in  
762 the supervision order. In setting the terms and conditions of  
763 supervision, the court ~~parole commission~~ shall weigh heavily the  
764 program requirements, including, but not limited to, work at  
765 paid employment while participating in treatment and traveling

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

766 restrictions. The court ~~commission~~ shall also determine whether  
767 an offender violates the terms and conditions of supervision and  
768 whether a violation warrants revocation of addiction-recovery  
769 supervision pursuant to s. 947.141. The court ~~parole commission~~  
770 shall review the offender's record for the purpose of  
771 establishing the terms and conditions of supervision. The court  
772 ~~parole commission~~ may impose any special conditions it considers  
773 warranted from its review of the record. The length of  
774 supervision may not exceed the maximum penalty imposed by the  
775 court.

776 Section 40. Paragraph (b) of subsection (1) and paragraph  
777 (b) of subsection (6) of section 945.091, Florida Statutes, are  
778 amended to read:

779 945.091 Extension of the limits of confinement;  
780 restitution by employed inmates.--

781 (1) The department may adopt rules permitting the  
782 extension of the limits of the place of confinement of an inmate  
783 as to whom there is reasonable cause to believe that the inmate  
784 will honor his or her trust by authorizing the inmate, under  
785 prescribed conditions and following investigation and approval  
786 by the secretary, or the secretary's designee, who shall  
787 maintain a written record of such action, to leave the confines  
788 of that place unaccompanied by a custodial agent for a  
789 prescribed period of time to:

790 (b) Work at paid employment, participate in an education  
791 or a training program, or voluntarily serve a public or  
792 nonprofit agency or faith-based service group in the community,

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

793 while continuing as an inmate of the institution or facility in  
794 which the inmate is confined, except during the hours of his or  
795 her employment, education, training, or service and traveling  
796 thereto and therefrom. An inmate may travel to and from his or  
797 her place of employment, education, or training only by means of  
798 walking, bicycling, or using public transportation or  
799 transportation that is provided by a family member or employer.  
800 Contingent upon specific appropriations, the department may  
801 transport an inmate in a state-owned vehicle if the inmate is  
802 unable to obtain other means of travel to his or her place of  
803 employment, education, or training.

804 1. An inmate may participate in paid employment only  
805 during the last 36 months of his or her confinement, unless  
806 sooner requested by the regional parole board having  
807 jurisdiction ~~Parole Commission~~ or the Control Release Authority.

808 2. While working at paid employment and residing in the  
809 facility, an inmate may apply for placement at a contracted  
810 substance abuse transition housing program. The transition  
811 assistance specialist shall inform the inmate of program  
812 availability and assess the inmate's need and suitability for  
813 transition housing assistance. If an inmate is approved for  
814 placement, the specialist shall assist the inmate. If an inmate  
815 requests and is approved for placement in a contracted faith-  
816 based substance abuse transition housing program, the specialist  
817 must consult with the chaplain prior to such placement. The  
818 department shall ensure that an inmate's faith orientation, or  
819 lack thereof, will not be considered in determining admission to

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

820 a faith-based program and that the program does not attempt to  
821 convert an inmate toward a particular faith or religious  
822 preference.

823 (6)

824 (b) An offender who is required to provide restitution or  
825 reparation may petition the circuit court to amend the amount of  
826 restitution or reparation required or to revise the schedule of  
827 repayment established by the department, a regional parole  
828 board, or the Parole Commission.

829 Section 41. Paragraph (d) of subsection (1), paragraphs  
830 (a) and (b) of subsection (2), and subsection (5) of section  
831 945.10, Florida Statutes, are amended to read:

832 945.10 Confidential information.--

833 (1) Except as otherwise provided by law or in this  
834 section, the following records and information held by the  
835 Department of Corrections are confidential and exempt from the  
836 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
837 Constitution:

838 (d) ~~Parole Commission~~ Records of a regional parole board  
839 that ~~which~~ are confidential or exempt from public disclosure by  
840 law.

841 (2) The records and information specified in paragraphs  
842 (1)(a)-(h) may be released as follows unless expressly  
843 prohibited by federal law:

844 (a) Information specified in paragraphs (1)(b), (d), and  
845 (f) to the Office of the Governor, the Legislature, a regional  
846 parole board ~~the Parole Commission~~, the Department of Children

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

847 and Family Services, a private correctional facility or program  
848 that operates under a contract, the Department of Legal Affairs,  
849 a state attorney, the court, or a law enforcement agency. A  
850 request for records or information pursuant to this paragraph  
851 need not be in writing.

852 (b) Information specified in paragraphs (1)(c), (e), and  
853 (h) to the Office of the Governor, the Legislature, a regional  
854 parole board ~~the Parole Commission~~, the Department of Children  
855 and Family Services, a private correctional facility or program  
856 that operates under contract, the Department of Legal Affairs, a  
857 state attorney, the court, or a law enforcement agency. A  
858 request for records or information pursuant to this paragraph  
859 must be in writing and a statement provided demonstrating a need  
860 for the records or information.

861  
862 Records and information released under this subsection remain  
863 confidential and exempt from the provisions of s. 119.07(1) and  
864 s. 24(a), Art. I of the State Constitution when held by the  
865 receiving person or entity.

866 (5) The Department of Corrections and the regional parole  
867 board ~~Parole Commission~~ shall mutually cooperate with respect to  
868 maintaining the confidentiality of records that are exempt from  
869 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
870 Constitution.

871 Section 42. Subsection (3) of section 945.47, Florida  
872 Statutes, is amended to read:

873 945.47 Discharge of inmate from mental health treatment.--

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

874 (3) At any time that an inmate who has received mental  
875 health treatment while in the custody of the department becomes  
876 eligible for release on parole, a complete record of the  
877 inmate's treatment shall be provided to the regional parole  
878 board having jurisdiction ~~Parole Commission~~ and to the  
879 Department of Children and Family Services. The record shall  
880 include, at least, the inmate's diagnosis, length of stay in  
881 treatment, clinical history, prognosis, prescribed medication,  
882 and treatment plan and recommendations for aftercare services.  
883 In the event that the inmate is released on parole, the record  
884 shall be provided to the parole officer who shall assist the  
885 inmate in applying for services from a professional or an agency  
886 in the community. The application for treatment and continuation  
887 of treatment by the inmate may be made a condition of parole, as  
888 provided in s. 947.19(1); and a failure to participate in  
889 prescribed treatment may be a basis for initiation of parole  
890 violation hearings.

891 Section 43. Subsection (6) of section 945.73, Florida  
892 Statutes, is amended to read:

893 945.73 Inmate training program operation.--

894 (6) The department shall work cooperatively with the  
895 Control Release Authority, the regional parole board ~~Florida~~  
896 ~~Parole Commission~~, or such other authority as may exist or be  
897 established in the future that ~~which~~ is empowered by law to  
898 effect the release of an inmate who has successfully completed  
899 the requirements established by ss. 945.71-945.74.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

900 Section 44. Subsections (3), (4), and (5) of section  
901 947.002, Florida Statutes, are amended to read:

902 947.002 Intent.--

903 ~~(3) The chair shall be the agency head. While the~~  
904 ~~commission is responsible for making decisions on the granting~~  
905 ~~and revoking of parole, the chair shall establish, execute, and~~  
906 ~~be held accountable for all administrative policy decisions. The~~  
907 ~~routine administrative decisions are the full responsibility of~~  
908 ~~the chair.~~

909 ~~(4) Hearing examiners are assigned on the basis of~~  
910 ~~easeload needs as determined by the chair.~~

911 ~~(3)~~(5) It is the intent of the Legislature that the  
912 decision to parole an inmate from the incarceration portion of  
913 the inmate's sentence is an act of grace of the state and shall  
914 not be considered a right.

915 Section 45. Subsection (1) of section 947.005, Florida  
916 Statutes, is amended to read:

917 947.005 Definitions.--As used in this chapter, unless the  
918 context clearly indicates otherwise:

919 (1) "Regional parole board" means a regional parole board  
920 established pursuant to 20.32 ~~"Commission" means the Parole~~  
921 ~~Commission.~~

922 Section 46. Subsections (1) through (4) of section 947.02,  
923 Florida Statutes, are amended, and subsection (6) is added to  
924 said section, read:

925 947.02 Regional parole boards ~~Parole Commission~~; members,  
926 appointment.--

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

927 (1) Except as provided in s. 947.021, the members of each  
928 regional parole board ~~the Parole Commission~~ shall be appointed  
929 by the Governor ~~and Cabinet~~ from a list of eligible applicants  
930 submitted by a parole qualifications committee. The appointments  
931 of members of the commission shall be certified to the Senate by  
932 the Governor ~~and Cabinet~~ for confirmation, and the membership of  
933 the commission shall include representation from minority  
934 persons as defined in s. 288.703.

935 (2) A parole qualifications committee shall consist of  
936 five persons who are appointed by the Governor ~~and Cabinet~~. One  
937 member shall be designated as chair by the Governor ~~and Cabinet~~.  
938 The committee shall provide for ~~statewide~~ advertisement  
939 throughout the region and the receiving of applications for any  
940 position or positions on the commission and shall devise a plan  
941 for the determination of the qualifications of the applicants by  
942 investigations and comprehensive evaluations, including, but not  
943 limited to, investigation and evaluation of the character,  
944 habits, and philosophy of each applicant. Each parole  
945 qualifications committee shall exist for 2 years. If additional  
946 vacancies on a regional parole board ~~the commission~~ occur during  
947 this 2-year period, the committee may advertise and accept  
948 additional applications; however, all previously submitted  
949 applications shall be considered along with the new applications  
950 according to the previously established plan for the evaluation  
951 of the qualifications of applicants.

952 (3) Within 90 days before an anticipated vacancy by  
953 expiration of term pursuant to s. 947.03 or upon any other

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

954 vacancy, the Governor ~~and Cabinet~~ shall appoint a parole  
955 qualifications committee if one has not been appointed during  
956 the previous 2 years. The committee shall consider applications  
957 for the board vacancy ~~commission seat~~, including the application  
958 of an incumbent board member ~~commissioner~~ if he or she applies,  
959 according to the provisions of subsection (2). The committee  
960 shall submit a list of three eligible applicants, which may  
961 include the incumbent if the committee so decides, without  
962 recommendation, to the Governor ~~and Cabinet~~ for appointment to  
963 the board ~~commission~~. In the case of an unexpired term, the  
964 appointment must be for the remainder of the unexpired term and  
965 until a successor is appointed and qualified. If more than one  
966 seat is vacant, the committee shall submit a list of eligible  
967 applicants, without recommendation, containing a number of names  
968 equal to three times the number of vacant seats; however, the  
969 names submitted shall not be distinguished by seat, and each  
970 submitted applicant shall be considered eligible for each  
971 vacancy.

972 (4) Upon receiving a list of eligible persons from the  
973 parole qualifications committee, the Governor ~~and Cabinet~~ may  
974 reject the list. If the list is rejected, the committee shall  
975 reinitiate the application and examination procedure according  
976 to the provisions of subsection (2).

977 (6) Members of the regional parole boards shall be  
978 volunteers and shall not receive compensation for their  
979 services. They shall, however, receive reimbursement for travel

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

980 expenses and other expenses incurred in carrying out their  
981 official responsibilities as provided in s. 112.061.

982 Section 47. Section 947.021, Florida Statutes, is amended  
983 to read:

984 947.021 Regional parole boards ~~Parole Commission~~;  
985 expedited appointments.--Whenever the Legislature decreases the  
986 membership of the regional parole boards ~~commission~~, all terms  
987 of office shall expire, notwithstanding any law to the contrary.  
988 Under such circumstances, the Governor and Cabinet shall  
989 expedite the appointment of commissioners. Notwithstanding the  
990 parole qualifications committee procedure in s. 947.02, members  
991 shall be directly appointed by the Governor and Cabinet. Members  
992 appointed to the boards ~~commission~~ may be selected from  
993 incumbents. Members shall be certified to the Senate by the  
994 Governor and Cabinet for confirmation, and the membership of the  
995 commission shall include representation from minority persons as  
996 defined in s. 288.703.

997 Section 48. Subsections (2) through (7) and subsection (9)  
998 of section 947.1405, Florida Statutes, are amended to read:

999 947.1405 Conditional release program.--

1000 (2) Any inmate who:

1001 (a) Is convicted of a crime committed on or after October  
1002 1, 1988, and before January 1, 1994, and any inmate who is  
1003 convicted of a crime committed on or after January 1, 1994,  
1004 which crime is or was contained in category 1, category 2,  
1005 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida  
1006 Rules of Criminal Procedure (1993), and who has served at least

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1007 one prior felony commitment at a state or federal correctional  
1008 institution;

1009 (b) Is sentenced as a habitual or violent habitual  
1010 offender or a violent career criminal pursuant to s. 775.084; or

1011 (c) Is found to be a sexual predator under s. 775.21 or  
1012 former s. 775.23,

1013  
1014 shall, upon reaching the tentative release date or provisional  
1015 release date, whichever is earlier, as established by the  
1016 Department of Corrections, be released under supervision subject  
1017 to specified terms and conditions, including payment of the cost  
1018 of supervision pursuant to s. 948.09. Such supervision shall be  
1019 applicable to all sentences within the overall term of sentences  
1020 if an inmate's overall term of sentences includes one or more  
1021 sentences that are eligible for conditional release supervision  
1022 as provided herein. Effective July 1, 1994, and applicable for  
1023 offenses committed on or after that date, the sentencing court  
1024 ~~commission~~ may require, as a condition of conditional release,  
1025 that the releasee make payment of the debt due and owing to a  
1026 county or municipal detention facility under s. 951.032 for  
1027 medical care, treatment, hospitalization, or transportation  
1028 received by the releasee while in that detention facility. The  
1029 court ~~commission~~, in determining whether to order such repayment  
1030 and the amount of such repayment, shall consider the amount of  
1031 the debt, whether there was any fault of the institution for the  
1032 medical expenses incurred, the financial resources of the  
1033 releasee, the present and potential future financial needs and

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1034 earning ability of the releasee, and dependents, and other  
1035 appropriate factors. ~~If~~ Any inmate placed on conditional release  
1036 supervision shall be supervised by ~~is also subject to probation~~  
1037 ~~or community control, resulting from a probationary or community~~  
1038 ~~control split sentence within the overall term of sentences,~~ the  
1039 Department of Corrections which shall supervise such person  
1040 according to the conditions imposed by the court ~~and the~~  
1041 ~~commission shall defer to such supervision.~~ If the court revokes  
1042 probation or community control and resentsences the offender to a  
1043 term of incarceration, such revocation also constitutes a  
1044 sufficient basis for the revocation of the conditional release  
1045 supervision on any nonprobationary or noncommunity control  
1046 sentence without further hearing ~~by the commission.~~ If any such  
1047 supervision on any nonprobationary or noncommunity control  
1048 sentence is revoked, such revocation may result in a forfeiture  
1049 of all gain-time, and the court ~~commission~~ may revoke the  
1050 resulting deferred conditional release supervision or take other  
1051 action it considers appropriate. If the term of conditional  
1052 release supervision exceeds that of the probation or community  
1053 control, then, upon expiration of the probation or community  
1054 control, ~~authority for the supervision shall revert to the~~  
1055 ~~commission and~~ the supervision shall be subject to the  
1056 conditions of conditional release imposed by the court  
1057 ~~commission.~~ The original sentencing court ~~A panel of no fewer~~  
1058 ~~than two commissioners~~ shall establish the terms and conditions  
1059 of conditional release at the time of initial sentencing or  
1060 prior to release of the inmate if terms and conditions were not

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

1061 established at the initial sentencing ~~any such release~~. The  
1062 court may alter the original terms of conditional release at any  
1063 time based on any additional information that may become  
1064 available. If the offense was a controlled substance violation,  
1065 the conditions shall include a requirement that the offender  
1066 submit to random substance abuse testing intermittently  
1067 throughout the term of conditional release supervision, upon the  
1068 direction of the correctional probation officer as defined in s.  
1069 943.10(3). The court ~~commission~~ shall also determine whether the  
1070 terms and conditions of such release have been violated and  
1071 whether such violation warrants revocation of the conditional  
1072 release.

1073 (3) As part of the conditional release process, the court  
1074 ~~commission~~, through review and consideration of information  
1075 provided by the state attorney, victim, and department, shall  
1076 determine:

1077 (a) The amount of reparation or restitution.

1078 (b) The consequences of the offense as reported by the  
1079 aggrieved party.

1080 (c) The aggrieved party's fear of the inmate or concerns  
1081 about the release of the inmate.

1082 (4) The department ~~commission~~ shall provide to the  
1083 aggrieved party information regarding the manner in which notice  
1084 of any developments concerning the status of the inmate during  
1085 the term of conditional release may be requested.

1086 (5) Within 180 days prior to the tentative release date or  
1087 provisional release date, whichever is earlier, a representative

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1088 of the department shall review the inmate's program  
1089 participation, disciplinary record, psychological and medical  
1090 records, criminal records, and any other information pertinent  
1091 to the impending release and shall provide this information to  
1092 the original sentencing court. ~~The department shall gather and~~  
1093 ~~compile information necessary for the commission to make the~~  
1094 ~~determinations set forth in subsection (3).~~ This shall include  
1095 information developed during ~~A department representative shall~~  
1096 ~~conduct~~ a personal interview with the inmate for the purpose of  
1097 determining the details of the inmate's release plan, including  
1098 the inmate's planned residence and employment. The department  
1099 ~~representative~~ shall forward the inmate's release plan to the  
1100 court ~~commission~~ and recommend terms and conditions of  
1101 conditional release or any modifications to the original  
1102 ~~commission~~ the terms and conditions of the conditional release  
1103 established by the court.

1104 (6) The court ~~commission~~ shall review the recommendations  
1105 of the department, and such other information as it deems  
1106 relevant, and may conduct a review of the inmate's record for  
1107 the purpose of modifying or establishing the terms and  
1108 conditions of the conditional release. The court ~~commission~~ may  
1109 impose any special conditions it considers warranted from its  
1110 review of the release plan and recommendation. If the court  
1111 ~~commission~~ determines that the inmate is eligible for release  
1112 under this section, it ~~the commission~~ shall enter an order  
1113 establishing the length of supervision and the conditions  
1114 attendant thereto. However, an inmate who has been convicted of

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1115 a violation of chapter 794 or found by the court to be a sexual  
1116 predator is subject to the maximum level of supervision  
1117 provided, with the mandatory conditions as required in  
1118 subsection (7), and that supervision shall continue through the  
1119 end of the releasee's original court-imposed sentence. The  
1120 length of supervision must not exceed the maximum penalty  
1121 imposed by the court.

1122 (7)(a) Any inmate who is convicted of a crime committed on  
1123 or after October 1, 1995, or who has been previously convicted  
1124 of a crime committed on or after October 1, 1995, in violation  
1125 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is  
1126 subject to conditional release supervision, shall have, in  
1127 addition to any other conditions imposed, the following special  
1128 conditions imposed ~~by the commission~~:

1129 1. A mandatory curfew from 10 p.m. to 6 a.m. The court  
1130 ~~commission~~ may designate another 8-hour period if the offender's  
1131 employment precludes the above specified time, and such  
1132 alternative is recommended by the Department of Corrections. If  
1133 the court ~~commission~~ determines that imposing a curfew would  
1134 endanger the victim, the commission may consider alternative  
1135 sanctions.

1136 2. If the victim was under the age of 18, a prohibition on  
1137 living within 1,000 feet of a school, day care center, park,  
1138 playground, designated public school bus stop, or other place  
1139 where children regularly congregate. A releasee who is subject  
1140 to this subparagraph may not relocate to a residence that is  
1141 within 1,000 feet of a public school bus stop. Beginning October

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1142 1, 2004, ~~the commission or~~ the department may not approve a  
1143 residence that is located within 1,000 feet of a school, day  
1144 care center, park, playground, designated school bus stop, or  
1145 other place where children regularly congregate for any releasee  
1146 who is subject to this subparagraph. On October 1, 2004, the  
1147 department shall notify each affected school district of the  
1148 location of the residence of a releasee 30 days prior to release  
1149 and thereafter, if the releasee relocates to a new residence,  
1150 shall notify any affected school district of the residence of  
1151 the releasee within 30 days after relocation. If, on October 1,  
1152 2004, any public school bus stop is located within 1,000 feet of  
1153 the existing residence of such releasee, the district school  
1154 board shall relocate that school bus stop. Beginning October 1,  
1155 2004, a district school board may not establish or relocate a  
1156 public school bus stop within 1,000 feet of the residence of a  
1157 releasee who is subject to this subparagraph. The failure of the  
1158 district school board to comply with this subparagraph shall not  
1159 result in a violation of conditional release supervision.

1160 3. Active participation in and successful completion of a  
1161 sex offender treatment program with therapists specifically  
1162 trained to treat sex offenders, at the releasee's own expense.  
1163 If a specially trained therapist is not available within a 50-  
1164 mile radius of the releasee's residence, the offender shall  
1165 participate in other appropriate therapy.

1166 4. A prohibition on any contact with the victim, directly  
1167 or indirectly, including through a third person, unless approved

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1168 by the victim, the offender's therapist, and the sentencing  
1169 court.

1170 5. If the victim was under the age of 18, a prohibition  
1171 against direct contact or association with children under the  
1172 age of 18 until all of the following conditions are met:

1173 a. Successful completion of a sex offender treatment  
1174 program.

1175 b. The adult person who is legally responsible for the  
1176 welfare of the child has been advised of the nature of the  
1177 crime.

1178 c. Such adult person is present during all contact or  
1179 association with the child.

1180 d. Such adult person has been approved by the commission.

1181 6. If the victim was under age 18, a prohibition on  
1182 working for pay or as a volunteer at any school, day care  
1183 center, park, playground, or other place where children  
1184 regularly congregate, as prescribed by the commission.

1185 7. Unless otherwise indicated in the treatment plan  
1186 provided by the sexual offender treatment program, a prohibition  
1187 on viewing, owning, or possessing any obscene, pornographic, or  
1188 sexually stimulating visual or auditory material, including  
1189 telephone, electronic media, computer programs, or computer  
1190 services that are relevant to the offender's deviant behavior  
1191 pattern.

1192 8. A requirement that the releasee must submit two  
1193 specimens of blood to the Florida Department of Law Enforcement  
1194 to be registered with the DNA database.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1195 9. A requirement that the releasee make restitution to the  
1196 victim, as determined by the sentencing court or the commission,  
1197 for all necessary medical and related professional services  
1198 relating to physical, psychiatric, and psychological care.

1199 10. Submission to a warrantless search by the community  
1200 control or probation officer of the probationer's or community  
1201 controllee's person, residence, or vehicle.

1202 (b) For a releasee whose crime was committed on or after  
1203 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
1204 827.071, or s. 847.0145, and who is subject to conditional  
1205 release supervision, in addition to any other provision of this  
1206 subsection, the ~~commission shall impose the~~ following additional  
1207 conditions of conditional release supervision are hereby  
1208 imposed:

1209 1. As part of a treatment program, participation in a  
1210 minimum of one annual polygraph examination to obtain  
1211 information necessary for risk management and treatment and to  
1212 reduce the sex offender's denial mechanisms. The polygraph  
1213 examination must be conducted by a polygrapher trained  
1214 specifically in the use of the polygraph for the monitoring of  
1215 sex offenders, where available, and at the expense of the sex  
1216 offender. The results of the polygraph examination shall not be  
1217 used as evidence in a hearing to prove that a violation of  
1218 supervision has occurred.

1219 2. Maintenance of a driving log and a prohibition against  
1220 driving a motor vehicle alone without the prior approval of the  
1221 supervising officer.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1222 3. A prohibition against obtaining or using a post office  
1223 box without the prior approval of the supervising officer.

1224 4. If there was sexual contact, a submission to, at the  
1225 probationer's or community controllee's expense, an HIV test  
1226 with the results to be released to the victim or the victim's  
1227 parent or guardian.

1228 5. Electronic monitoring of any form when ordered by the  
1229 commission.

1230 (9) The department ~~commission~~ shall adopt rules pursuant  
1231 to ss. 120.536(1) and 120.54 necessary to implement the  
1232 provisions of the Conditional Release Program Act.

1233 Section 49. Section 947.141, Florida Statutes, is amended  
1234 to read:

1235 947.141 Violations of conditional release, control  
1236 release, or conditional medical release or addiction-recovery  
1237 supervision.--

1238 (1) If ~~a member of the~~ court ~~commission or a duly~~  
1239 ~~authorized representative of the commission~~ has reasonable  
1240 grounds to believe that an offender who is on release  
1241 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.  
1242 944.4731 has violated the terms and conditions of the release in  
1243 a material respect, the court ~~such member or representative~~ may  
1244 cause a warrant to be issued for the arrest of the releasee; if  
1245 the offender was found to be a sexual predator, the warrant must  
1246 be issued.

1247 (2) Upon the arrest on a felony charge of an offender who  
1248 is on release supervision under s. 947.1405, s. 947.146, s.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1249 947.149, or s. 944.4731, the offender must be detained without  
1250 bond until the initial appearance of the offender at which a  
1251 judicial determination of probable cause is made. If the trial  
1252 court judge determines that there was no probable cause for the  
1253 arrest, the offender may be released. If the trial court judge  
1254 determines that there was probable cause for the arrest, such  
1255 determination also constitutes reasonable grounds to believe  
1256 that the offender violated the conditions of the release. Within  
1257 24 hours after the trial court judge's finding of probable  
1258 cause, the detention facility administrator or designee shall  
1259 notify the ~~commission~~ and the department of the finding and  
1260 transmit to each a facsimile copy of the probable cause  
1261 affidavit or the sworn offense report upon which the trial court  
1262 judge's probable cause determination is based. The offender must  
1263 continue to be detained without bond for a period not exceeding  
1264 72 hours excluding weekends and holidays after the date of the  
1265 probable cause determination, pending a decision by the court  
1266 ~~commission~~ whether to issue a warrant charging the offender with  
1267 violation of the conditions of release. Upon the issuance of the  
1268 court's ~~commission's~~ warrant, the offender must continue to be  
1269 held in custody pending a revocation hearing held in accordance  
1270 with this section.

1271 (3) Within 45 days after ~~notice to the Parole Commission~~  
1272 ~~of~~ the arrest of a releasee charged with a violation of the  
1273 terms and conditions of conditional release, control release,  
1274 conditional medical release, or addiction-recovery supervision,  
1275 the releasee must be afforded a hearing conducted by a judge

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

1276 ~~commissioner~~ or a duly authorized representative thereof. If the  
1277 releasee elects to proceed with a hearing, the releasee must be  
1278 informed orally and in writing of the following:

1279 (a) The alleged violation with which the releasee is  
1280 charged.

1281 (b) The releasee's right to be represented by counsel.

1282 (c) The releasee's right to be heard in person.

1283 (d) The releasee's right to secure, present, and compel  
1284 the attendance of witnesses relevant to the proceeding.

1285 (e) The releasee's right to produce documents on the  
1286 releasee's own behalf.

1287 (f) The releasee's right of access to all evidence used  
1288 against the releasee and to confront and cross-examine adverse  
1289 witnesses.

1290 (g) The releasee's right to waive the hearing.

1291 (4) Within a reasonable time following the hearing, the  
1292 judge ~~commissioner~~ or the judge's ~~commissioner's~~ duly authorized  
1293 representative who conducted the hearing shall make findings of  
1294 fact in regard to the alleged violation. The judge ~~A panel of no~~  
1295 ~~fewer than two commissioners~~ shall enter an order determining  
1296 whether the charge of violation of conditional release, control  
1297 release, conditional medical release, or addiction-recovery  
1298 supervision has been sustained based upon his or her ~~the~~  
1299 findings of fact or by the findings of the duly presented by the  
1300 ~~hearing commissioner or~~ authorized representative. By such  
1301 order, the court ~~panel~~ may revoke conditional release, control  
1302 release, conditional medical release, or addiction-recovery

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1303 supervision and thereby return the releasee to prison to serve  
1304 the sentence imposed, reinstate the original order granting the  
1305 release, or enter such other order as it considers proper.  
1306 Effective for inmates whose offenses were committed on or after  
1307 July 1, 1995, the court panel may order the placement of a  
1308 releasee, upon a finding of violation pursuant to this  
1309 subsection, into a local detention facility as a condition of  
1310 supervision.

1311 (5) Effective for inmates whose offenses were committed on  
1312 or after July 1, 1995, notwithstanding the provisions of ss.  
1313 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and  
1314 951.23, or any other law to the contrary, by such order as  
1315 provided in subsection (4), the court panel, upon a finding of  
1316 guilt, may, as a condition of continued supervision, place the  
1317 releasee in a local detention facility for a period of  
1318 incarceration not to exceed 22 months. Prior to the expiration  
1319 of the term of incarceration, or upon recommendation of the  
1320 chief correctional officer of that county, the court commission  
1321 shall cause inquiry into the inmate's release plan and custody  
1322 status in the detention facility and consider whether to restore  
1323 the inmate to supervision, modify the conditions of supervision,  
1324 or enter an order of revocation, thereby causing the return of  
1325 the inmate to prison to serve the sentence imposed. The  
1326 provisions of this section do not prohibit the court panel from  
1327 entering such other order or conducting any investigation that  
1328 it deems proper. The court commission may only place a person in  
1329 a local detention facility pursuant to this section if there is

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1330 a contractual agreement between the chief correctional officer  
1331 of that county and the Department of Corrections. The agreement  
1332 must provide for a per diem reimbursement for each person placed  
1333 under this section, which is payable by the Department of  
1334 Corrections for the duration of the offender's placement in the  
1335 facility. This section does not limit the court's ~~commission's~~  
1336 ability to place a person in a local detention facility for less  
1337 than 1 year.

1338 (6) Whenever a conditional release, control release,  
1339 conditional medical release, or addiction-recovery supervision  
1340 is revoked as provided by this section ~~by a panel of no fewer~~  
1341 ~~than two commissioners~~ and the releasee is ordered to be  
1342 returned to prison, the releasee, by reason of the misconduct,  
1343 shall be deemed to have forfeited all gain-time or commutation  
1344 of time for good conduct, as provided for by law, earned up to  
1345 the date of release. However, if a conditional medical release  
1346 is revoked due to the improved medical or physical condition of  
1347 the releasee, the releasee shall not forfeit gain-time accrued  
1348 before the date of conditional medical release. This subsection  
1349 does not deprive the prisoner of the right to gain-time or  
1350 commutation of time for good conduct, as provided by law, from  
1351 the date of return to prison.

1352 (7) If a law enforcement officer has probable cause to  
1353 believe that an offender who is on release supervision under s.  
1354 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
1355 the terms and conditions of his or her release by committing a

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1356 felony offense, the officer shall arrest the offender without a  
1357 warrant, and a warrant need not be issued in the case.

1358 Section 50. Subsection (1) and paragraph (b) of subsection  
1359 (7) of section 947.146, Florida Statutes, are amended to read:

1360 947.146 Control Release Authority.--

1361 (1) There may be ~~is~~ created a Control Release Authority to  
1362 be administratively housed within the Department of Corrections  
1363 which shall be composed of five the members appointed by the  
1364 Governor who shall also designate the chair of the Parole  
1365 Commission and which shall have the same chair as the  
1366 commission. The authority shall use ~~utilize~~ such ~~commission~~  
1367 staff from the Department of Corrections as it determines is  
1368 necessary to carry out its purposes.

1369 (7) The authority has the power and duty to:

1370 (b) Authorize an individual member of the authority  
1371 ~~commissioner~~ to postpone a control release date for not more  
1372 than 60 days without a hearing for any inmate who has become the  
1373 subject of a disciplinary proceeding, a criminal arrest, an  
1374 information, or an indictment; who has been terminated from work  
1375 release; or about whom there is any recently discovered  
1376 information as specified in paragraph (a).

1377 Section 51. Section 947.181, Florida Statutes, is amended  
1378 to read:

1379 947.181 Victim restitution as condition of parole.--

1380 (1)(a) The regional parole boards ~~Parole Commission~~ shall  
1381 require as a condition of parole reparation or restitution to  
1382 the aggrieved party for the damage or loss caused by the offense

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1383 for which the parolee was imprisoned unless the commission finds  
1384 reasons to the contrary. If a regional parole board ~~the~~  
1385 ~~commission~~ does not order restitution or orders only partial  
1386 restitution, the board ~~commission~~ shall state on the record the  
1387 reasons therefor. The amount of such reparation or restitution  
1388 shall be determined by the regional parole board having  
1389 jurisdiction ~~Parole Commission~~.

1390 (b) If the parolee fails to make the reparation or  
1391 restitution to the aggrieved party as authorized in paragraph  
1392 (a), it shall be considered by the court ~~commission~~ as a  
1393 violation of parole as specified in s. 947.21 and may be cause  
1394 for revocation of her or his parole.

1395 (2) If a defendant is paroled, any restitution ordered  
1396 under s. 775.089 shall be a condition of such parole. The court  
1397 ~~Parole Commission~~ may revoke parole if the defendant fails to  
1398 comply with such order. In determining whether to revoke parole,  
1399 the court ~~Parole Commission~~ shall consider the defendant's  
1400 employment status, earning ability, and financial resources; the  
1401 willfulness of the defendant's failure to pay; and any other  
1402 special circumstances that may have a bearing on the defendant's  
1403 ability to pay.

1404 Section 52. Section 947.185, Florida Statutes, is amended  
1405 to read:

1406 947.185 Application for mental retardation services as  
1407 condition of parole.--A regional parole board ~~The Parole~~  
1408 ~~Commission~~ may require as a condition of parole that any inmate  
1409 who has been diagnosed as mentally retarded as defined in s.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1410 393.063 shall, upon release, apply for retardation services from  
1411 the Department of Children and Family Services.

1412 Section 53. Subsections (1) and (2) of section 947.22,  
1413 Florida Statutes, are amended to read:

1414 947.22 Authority to arrest parole violators with or  
1415 without warrant.--

1416 (1) If a court ~~member of the commission or a duly~~  
1417 ~~authorized representative of the commission~~ has reasonable  
1418 grounds to believe that a parolee has violated the terms and  
1419 conditions of her or his parole in a material respect, it ~~such~~  
1420 ~~member or representative~~ may issue a warrant for the arrest of  
1421 such parolee. The warrant shall be returnable before the court a  
1422 ~~member of the commission or a duly authorized representative of~~  
1423 ~~the commission~~. The court ~~commission, a commissioner, or a~~  
1424 ~~parole examiner with approval of the parole examiner supervisor,~~  
1425 may release the parolee on bail or her or his own recognizance,  
1426 conditioned upon her or his appearance at any hearings noticed  
1427 by the commission. If not released on bail or her or his own  
1428 recognizance, the parolee shall be committed to jail pending  
1429 hearings pursuant to s. 947.23. ~~The commission, at its election,~~  
1430 ~~may have the hearing conducted by one or more commissioners or~~  
1431 ~~by a duly authorized representative of the commission~~. Any  
1432 parole and probation officer, any officer authorized to serve  
1433 criminal process, or any peace officer of this state is  
1434 authorized to execute the warrant.

1435 (2) Any parole and probation officer, when she or he has  
1436 reasonable ground to believe that a parolee, control releasee,

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1437 or conditional releasee has violated the terms and conditions of  
1438 her or his parole, control release, or conditional release in a  
1439 material respect, has the right to arrest the releasee or  
1440 parolee without warrant and bring her or him forthwith before a  
1441 court ~~one or more commissioners or a duly authorized~~  
1442 ~~representative of the Parole Commission or Control Release~~  
1443 ~~Authority;~~ and proceedings shall thereupon be had as provided  
1444 herein when a warrant has been issued by a member of the  
1445 ~~commission or authority or a duly authorized representative of~~  
1446 ~~the commission or authority.~~

1447 Section 54. Paragraph (a) of subsection (1) and  
1448 subsections (3) and (6) of section 948.09, Florida Statutes, are  
1449 amended to read:

1450 948.09 Payment for cost of supervision and  
1451 rehabilitation.--

1452 (1)(a)1. Any person ordered by the court or, the  
1453 Department of Corrections, ~~or the parole commission~~ to be placed  
1454 on probation, drug offender probation, community control,  
1455 parole, control release, provisional release supervision,  
1456 addiction-recovery supervision, or conditional release  
1457 supervision under chapter 944, chapter 945, chapter 947, chapter  
1458 948, or chapter 958, or in a pretrial intervention program,  
1459 must, as a condition of any placement, pay the department a  
1460 total sum of money equal to the total month or portion of a  
1461 month of supervision times the court-ordered amount, but not to  
1462 exceed the actual per diem cost of the supervision. The  
1463 department shall adopt rules by which an offender who pays in

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1464 full and in advance of regular termination of supervision may  
1465 receive a reduction in the amount due. The rules shall  
1466 incorporate provisions by which the offender's ability to pay is  
1467 linked to an established written payment plan. Funds collected  
1468 from felony offenders may be used to offset costs of the  
1469 Department of Corrections associated with community supervision  
1470 programs, subject to appropriation by the Legislature.

1471 2. In addition to any other contribution or surcharge  
1472 imposed by this section, each felony offender assessed under  
1473 this paragraph shall pay a \$2-per-month surcharge to the  
1474 department. The surcharge shall be deemed to be paid only after  
1475 the full amount of any monthly payment required by the  
1476 established written payment plan has been collected by the  
1477 department. These funds shall be used by the department to pay  
1478 for correctional probation officers' training and equipment,  
1479 including radios, and firearms training, firearms, and attendant  
1480 equipment necessary to train and equip officers who choose to  
1481 carry a concealed firearm while on duty. Nothing in this  
1482 subparagraph shall be construed to limit the department's  
1483 authority to determine who shall be authorized to carry a  
1484 concealed firearm while on duty, or to limit the right of a  
1485 correctional probation officer to carry a personal firearm  
1486 approved by the department.

1487 (3) Any failure to pay contribution as required under this  
1488 section may constitute a ground for the revocation of probation,  
1489 parole, or conditional release by the court, ~~the revocation of~~  
1490 ~~parole or conditional release by the Parole Commission, the~~

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

1491 ~~revocation of control release by the Control Release Authority,~~  
1492 or removal from the pretrial intervention program by the state  
1493 attorney. The Department of Corrections may exempt a person from  
1494 the payment of all or any part of the contribution if it finds  
1495 any of the following factors to exist:

1496 (a) The offender has diligently attempted, but has been  
1497 unable, to obtain employment which provides him or her  
1498 sufficient income to make such payments.

1499 (b) The offender is a student in a school, college,  
1500 university, or course of career training designed to fit the  
1501 student for gainful employment. Certification of such student  
1502 status shall be supplied to the Secretary of Corrections by the  
1503 educational institution in which the offender is enrolled.

1504 (c) The offender has an employment handicap, as determined  
1505 by a physical, psychological, or psychiatric examination  
1506 acceptable to, or ordered by, the secretary.

1507 (d) The offender's age prevents him or her from obtaining  
1508 employment.

1509 (e) The offender is responsible for the support of  
1510 dependents, and the payment of such contribution constitutes an  
1511 undue hardship on the offender.

1512 (f) The offender has been transferred outside the state  
1513 under an interstate compact adopted pursuant to chapter 949.

1514 (g) There are other extenuating circumstances, as  
1515 determined by the secretary.

1516 (6) In addition to any other required contributions, the  
1517 department, at its discretion, may require offenders under any

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1518 form of supervision to submit to and pay for urinalysis testing  
1519 to identify drug usage as part of the rehabilitation program.  
1520 Any failure to make such payment, or participate, may be  
1521 considered a ground for revocation by the court, ~~the Parole~~  
1522 ~~Commission, or the Control Release Authority,~~ or for removal  
1523 from the pretrial intervention program by the state attorney.  
1524 The department may exempt a person from such payment if it  
1525 determines that any of the factors specified in subsection (3)  
1526 exist.

1527 Section 55. Subsection (1) of section 948.10, Florida  
1528 Statutes, is amended to read:

1529 948.10 Community control programs.--

1530 (1) The Department of Corrections shall develop and  
1531 administer a community control program. Such community control  
1532 program and required manuals shall be developed in consultation  
1533 with the Florida Conference of Circuit Court Judges and the  
1534 office of the State Courts Administrator. This complementary  
1535 program shall be rigidly structured and designed to accommodate  
1536 offenders who, in the absence of such a program, would have been  
1537 incarcerated. The program shall focus on the provision of  
1538 sanctions and consequences which are commensurate with the  
1539 seriousness of the crime. The program shall offer the courts ~~and~~  
1540 ~~the Parole Commission~~ an alternative, community-based method to  
1541 punish an offender in lieu of incarceration when the offender is  
1542 a member of one of the following target groups:

1543 (a) Probation violators charged with technical violations  
1544 or misdemeanor violations.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1545 (b) Parole violators charged with technical violations or  
1546 misdemeanor violations.

1547 (c) Individuals found guilty of felonies, who, due to  
1548 their criminal backgrounds or the seriousness of the offenses,  
1549 would not be placed on regular probation.

1550 Section 56. Section 949.05, Florida Statutes, is amended  
1551 to read:

1552 949.05 Constitutionality.--

1553 ~~(1)~~ If any clause, sentence, paragraph, section, or part  
1554 of chapters 947-949 shall for any reason be adjudged by any  
1555 court of competent jurisdiction to be unconstitutional, invalid,  
1556 or void, such judgment shall not affect, impair, or invalidate  
1557 the remainder of the law, but shall be confined in its operation  
1558 to the clause, sentence, paragraph, section, or part thereof  
1559 directly involved in the controversy in which such judgment  
1560 shall have been rendered.

1561 ~~(2) If the method of selecting the commission members as~~  
1562 ~~herein provided is found to be invalid by reason of the vesting~~  
1563 ~~of the appointing power in the Governor and the Cabinet, the~~  
1564 ~~members of the Parole Commission herein provided for shall be~~  
1565 ~~appointed by the Governor.~~

1566 Section 57. Subsection (6) of section 957.06, Florida  
1567 Statutes, is amended to read:

1568 957.06 Powers and duties not delegable to contractor.--A  
1569 contract entered into under this chapter does not authorize,  
1570 allow, or imply a delegation of authority to the contractor to:

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1571 (6) Make recommendations to a regional parole board ~~the~~  
1572 ~~Parole Commission~~ with respect to the denial or granting of  
1573 parole, control release, conditional release, or conditional  
1574 medical release. However, the contractor may submit written  
1575 reports to a regional parole board ~~the Parole Commission~~ and  
1576 must respond to a written request by a regional parole board ~~the~~  
1577 ~~Parole Commission~~ for information.

1578 Section 58. Paragraph (c) of subsection (8) of section  
1579 958.045, Florida Statutes, is amended to read:

1580 958.045 Youthful offender basic training program.--

1581 (8)

1582 (c) The department shall work cooperatively with the  
1583 Control Release Authority or the regional parole board having  
1584 jurisdiction ~~Parole Commission~~ to effect the release of an  
1585 offender who has successfully completed the requirements of the  
1586 basic training program.

1587 Section 59. Subsection (1) of section 960.001, Florida  
1588 Statutes, is amended to read:

1589 960.001 Guidelines for fair treatment of victims and  
1590 witnesses in the criminal justice and juvenile justice  
1591 systems.--

1592 (1) The Department of Legal Affairs, the state attorneys,  
1593 the Department of Corrections, the Department of Juvenile  
1594 Justice, ~~the Parole Commission~~, the State Courts Administrator  
1595 and circuit court administrators, the Department of Law  
1596 Enforcement, and every sheriff's department, police department,  
1597 or other law enforcement agency as defined in s. 943.10(4) shall

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1598 develop and implement guidelines for the use of their respective  
1599 agencies, which guidelines are consistent with the purposes of  
1600 this act and s. 16(b), Art. I of the State Constitution and are  
1601 designed to implement the provisions of s. 16(b), Art. I of the  
1602 State Constitution and to achieve the following objectives:

1603 (a) Information concerning services available to victims  
1604 of adult and juvenile crime.--As provided in s. 27.0065, state  
1605 attorneys and public defenders shall gather information  
1606 regarding the following services in the geographic boundaries of  
1607 their respective circuits and shall provide such information to  
1608 each law enforcement agency with jurisdiction within such  
1609 geographic boundaries. Law enforcement personnel shall ensure,  
1610 through distribution of a victim's rights information card or  
1611 brochure at the crime scene, during the criminal investigation,  
1612 and in any other appropriate manner, that victims are given, as  
1613 a matter of course at the earliest possible time, information  
1614 about:

1615 1. The availability of crime victim compensation, when  
1616 applicable;

1617 2. Crisis intervention services, supportive or bereavement  
1618 counseling, social service support referrals, and community-  
1619 based victim treatment programs;

1620 3. The role of the victim in the criminal or juvenile  
1621 justice process, including what the victim may expect from the  
1622 system as well as what the system expects from the victim;

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1623 4. The stages in the criminal or juvenile justice process  
1624 which are of significance to the victim and the manner in which  
1625 information about such stages can be obtained;

1626 5. The right of a victim, who is not incarcerated,  
1627 including the victim's parent or guardian if the victim is a  
1628 minor, the lawful representative of the victim or of the  
1629 victim's parent or guardian if the victim is a minor, and the  
1630 next of kin of a homicide victim, to be informed, to be present,  
1631 and to be heard when relevant, at all crucial stages of a  
1632 criminal or juvenile proceeding, to the extent that this right  
1633 does not interfere with constitutional rights of the accused, as  
1634 provided by s. 16(b), Art. I of the State Constitution;

1635 6. In the case of incarcerated victims, the right to be  
1636 informed and to submit written statements at all crucial stages  
1637 of the criminal proceedings, parole proceedings, or juvenile  
1638 proceedings; and

1639 7. The right of a victim to a prompt and timely  
1640 disposition of the case in order to minimize the period during  
1641 which the victim must endure the responsibilities and stress  
1642 involved to the extent that this right does not interfere with  
1643 the constitutional rights of the accused.

1644 (b) Information for purposes of notifying victim or  
1645 appropriate next of kin of victim or other designated contact of  
1646 victim.--In the case of a homicide, pursuant to chapter 782; or  
1647 a sexual offense, pursuant to chapter 794; or an attempted  
1648 murder or sexual offense, pursuant to chapter 777; or stalking,

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1649 pursuant to s. 784.048; or domestic violence, pursuant to s.  
1650 25.385:

1651 1. The arresting law enforcement officer or personnel of  
1652 an organization that provides assistance to a victim or to the  
1653 appropriate next of kin of the victim or other designated  
1654 contact must request that the victim or appropriate next of kin  
1655 of the victim or other designated contact complete a victim  
1656 notification card. However, the victim or appropriate next of  
1657 kin of the victim or other designated contact may choose not to  
1658 complete the victim notification card.

1659 2. Unless the victim or the appropriate next of kin of the  
1660 victim or other designated contact waives the option to complete  
1661 the victim notification card, a copy of the victim notification  
1662 card must be filed with the incident report or warrant in the  
1663 sheriff's office of the jurisdiction in which the incident  
1664 report or warrant originated. The notification card shall, at a  
1665 minimum, consist of:

1666 a. The name, address, and phone number of the victim; or  
1667 b. The name, address, and phone number of the appropriate  
1668 next of kin of the victim; or

1669 c. The name, address, and phone number of a designated  
1670 contact other than the victim or appropriate next of kin of the  
1671 victim; and

1672 d. Any relevant identification or case numbers assigned to  
1673 the case.

1674 3. The chief administrator, or a person designated by the  
1675 chief administrator, of a county jail, municipal jail, juvenile

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1676 detention facility, or residential commitment facility shall  
1677 make a reasonable attempt to notify the alleged victim or  
1678 appropriate next of kin of the alleged victim or other  
1679 designated contact within 4 hours following the release of the  
1680 defendant on bail or, in the case of a juvenile offender, upon  
1681 the release from residential detention or commitment. If the  
1682 chief administrator, or designee, is unable to contact the  
1683 alleged victim or appropriate next of kin of the alleged victim  
1684 or other designated contact by telephone, the chief  
1685 administrator, or designee, must send to the alleged victim or  
1686 appropriate next of kin of the alleged victim or other  
1687 designated contact a written notification of the defendant's  
1688 release.

1689 4. Unless otherwise requested by the victim or the  
1690 appropriate next of kin of the victim or other designated  
1691 contact, the information contained on the victim notification  
1692 card must be sent by the chief administrator, or designee, of  
1693 the appropriate facility to the subsequent correctional or  
1694 residential commitment facility following the sentencing and  
1695 incarceration of the defendant, and unless otherwise requested  
1696 by the victim or the appropriate next of kin of the victim or  
1697 other designated contact, he or she must be notified of the  
1698 release of the defendant from incarceration as provided by law.

1699 5. If the defendant was arrested pursuant to a warrant  
1700 issued or taken into custody pursuant to s. 985.207 in a  
1701 jurisdiction other than the jurisdiction in which the defendant  
1702 is being released, and the alleged victim or appropriate next of

576449

4/6/2005 5:07:45 PM



Amendment No. (for drafter's use only)

1703 kin of the alleged victim or other designated contact does not  
1704 waive the option for notification of release, the chief  
1705 correctional officer or chief administrator of the facility  
1706 releasing the defendant shall make a reasonable attempt to  
1707 immediately notify the chief correctional officer of the  
1708 jurisdiction in which the warrant was issued or the juvenile was  
1709 taken into custody pursuant to s. 985.207, and the chief  
1710 correctional officer of that jurisdiction shall make a  
1711 reasonable attempt to notify the alleged victim or appropriate  
1712 next of kin of the alleged victim or other designated contact,  
1713 as provided in this paragraph, that the defendant has been or  
1714 will be released.

1715 (c) Information concerning protection available to victim  
1716 or witness.--A victim or witness shall be furnished, as a matter  
1717 of course, with information on steps that are available to law  
1718 enforcement officers and state attorneys to protect victims and  
1719 witnesses from intimidation. Victims of domestic violence shall  
1720 also be given information about the address confidentiality  
1721 program provided under s. 741.403.

1722 (d) Notification of scheduling changes.--Each victim or  
1723 witness who has been scheduled to attend a criminal or juvenile  
1724 justice proceeding shall be notified as soon as possible by the  
1725 agency scheduling his or her appearance of any change in  
1726 scheduling which will affect his or her appearance.

1727 (e) Advance notification to victim or relative of victim  
1728 concerning judicial proceedings; right to be present.--Any  
1729 victim, parent, guardian, or lawful representative of a minor

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1730 who is a victim, or relative of a homicide victim shall receive  
1731 from the appropriate agency, at the address found in the police  
1732 report or the victim notification card if such has been provided  
1733 to the agency, prompt advance notification, unless the agency  
1734 itself does not have advance notification, of judicial and  
1735 postjudicial proceedings relating to his or her case, including  
1736 all proceedings or hearings relating to:

- 1737 1. The arrest of an accused;
- 1738 2. The release of the accused pending judicial proceedings  
1739 or any modification of release conditions; and
- 1740 3. Proceedings in the prosecution or petition for  
1741 delinquency of the accused, including the filing of the  
1742 accusatory instrument, the arraignment, disposition of the  
1743 accusatory instrument, trial or adjudicatory hearing, sentencing  
1744 or disposition hearing, appellate review, subsequent  
1745 modification of sentence, collateral attack of a judgment, and,  
1746 when a term of imprisonment, detention, or residential  
1747 commitment is imposed, the release of the defendant or juvenile  
1748 offender from such imprisonment, detention, or residential  
1749 commitment by expiration of sentence or parole and any meeting  
1750 held to consider such release.

1751  
1752 A victim, a victim's parent or guardian if the victim is a  
1753 minor, a lawful representative of the victim or of the victim's  
1754 parent or guardian if the victim is a minor, or a victim's next  
1755 of kin may not be excluded from any portion of any hearing,  
1756 trial, or proceeding pertaining to the offense based solely on

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1757 the fact that such person is subpoenaed to testify, unless, upon  
1758 motion, the court determines such person's presence to be  
1759 prejudicial. The appropriate agency with respect to notification  
1760 under subparagraph 1. is the arresting law enforcement agency,  
1761 and the appropriate agency with respect to notification under  
1762 subparagraphs 2. and 3. is the Attorney General or state  
1763 attorney, unless the notification relates to a hearing  
1764 concerning parole, in which case the appropriate agency is the  
1765 Office of the Attorney General ~~Parole Commission~~. The Department  
1766 of Corrections, the Department of Juvenile Justice, or the  
1767 sheriff is the appropriate agency with respect to release by  
1768 expiration of sentence or any other release program provided by  
1769 law. Any victim may waive notification at any time, and such  
1770 waiver shall be noted in the agency's files.

1771 (f) Information concerning release from incarceration from  
1772 a county jail, municipal jail, juvenile detention facility, or  
1773 residential commitment facility.--The chief administrator, or a  
1774 person designated by the chief administrator, of a county jail,  
1775 municipal jail, juvenile detention facility, or residential  
1776 commitment facility shall, upon the request of the victim or the  
1777 appropriate next of kin of a victim or other designated contact  
1778 of the victim of any of the crimes specified in paragraph (b),  
1779 make a reasonable attempt to notify the victim or appropriate  
1780 next of kin of the victim or other designated contact prior to  
1781 the defendant's or offender's release from incarceration,  
1782 detention, or residential commitment if the victim notification  
1783 card has been provided pursuant to paragraph (b). If prior

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1784 notification is not successful, a reasonable attempt must be  
1785 made to notify the victim or appropriate next of kin of the  
1786 victim or other designated contact within 4 hours following the  
1787 release of the defendant or offender from incarceration,  
1788 detention, or residential commitment. If the defendant is  
1789 released following sentencing, disposition, or furlough, the  
1790 chief administrator or designee shall make a reasonable attempt  
1791 to notify the victim or the appropriate next of kin of the  
1792 victim or other designated contact within 4 hours following the  
1793 release of the defendant. If the chief administrator or designee  
1794 is unable to contact the victim or appropriate next of kin of  
1795 the victim or other designated contact by telephone, the chief  
1796 administrator or designee must send to the victim or appropriate  
1797 next of kin of the victim or other designated contact a written  
1798 notification of the defendant's or offender's release.

1799 (g) Consultation with victim or guardian or family of  
1800 victim.--

1801 1. In addition to being notified of the provisions of s.  
1802 921.143, the victim of a felony involving physical or emotional  
1803 injury or trauma or, in a case in which the victim is a minor  
1804 child or in a homicide, the guardian or family of the victim  
1805 shall be consulted by the state attorney in order to obtain the  
1806 views of the victim or family about the disposition of any  
1807 criminal or juvenile case brought as a result of such crime,  
1808 including the views of the victim or family about:

1809 a. The release of the accused pending judicial  
1810 proceedings;

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

- 1811           b. Plea agreements;
- 1812           c. Participation in pretrial diversion programs; and
- 1813           d. Sentencing of the accused.
- 1814           2. Upon request, the state attorney shall permit the
- 1815 victim, the victim's parent or guardian if the victim is a
- 1816 minor, the lawful representative of the victim or of the
- 1817 victim's parent or guardian if the victim is a minor, or the
- 1818 victim's next of kin in the case of a homicide to review a copy
- 1819 of the presentence investigation report prior to the sentencing
- 1820 hearing if one was completed. Any confidential information that
- 1821 pertains to medical history, mental health, or substance abuse
- 1822 and any information that pertains to any other victim shall be
- 1823 redacted from the copy of the report. Any person who reviews the
- 1824 report pursuant to this paragraph must maintain the
- 1825 confidentiality of the report and shall not disclose its
- 1826 contents to any person except statements made to the state
- 1827 attorney or the court.
- 1828           3. When an inmate has been approved for community work
- 1829 release, the Department of Corrections shall, upon request and
- 1830 as provided in s. 944.605, notify the victim, the victim's
- 1831 parent or guardian if the victim is a minor, the lawful
- 1832 representative of the victim or of the victim's parent or
- 1833 guardian if the victim is a minor, or the victim's next of kin
- 1834 if the victim is a homicide victim.
- 1835           (h) Return of property to victim.--Law enforcement
- 1836 agencies and the state attorney shall promptly return a victim's
- 1837 property held for evidentiary purposes unless there is a

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1838 compelling law enforcement reason for retaining it. The trial or  
1839 juvenile court exercising jurisdiction over the criminal or  
1840 juvenile proceeding may enter appropriate orders to implement  
1841 the provisions of this subsection, including allowing  
1842 photographs of the victim's property to be used as evidence at  
1843 the criminal trial or the juvenile proceeding in place of the  
1844 victim's property when no substantial evidentiary issue related  
1845 thereto is in dispute.

1846 (i) Notification to employer and explanation to creditors  
1847 of victim or witness.--A victim or witness who so requests shall  
1848 be assisted by law enforcement agencies and the state attorney  
1849 in informing his or her employer that the need for victim and  
1850 witness cooperation in the prosecution of the case may  
1851 necessitate the absence of that victim or witness from work. A  
1852 victim or witness who, as a direct result of a crime or of his  
1853 or her cooperation with law enforcement agencies or a state  
1854 attorney, is subjected to serious financial strain shall be  
1855 assisted by such agencies and state attorney in explaining to  
1856 the creditors of such victim or witness the reason for such  
1857 serious financial strain.

1858 (j) Notification of right to request restitution.--Law  
1859 enforcement agencies and the state attorney shall inform the  
1860 victim of the victim's right to request and receive restitution  
1861 pursuant to s. 775.089 or s. 985.231(1)(a)1., and of the  
1862 victim's rights of enforcement under ss. 775.089(6) and 985.201  
1863 in the event an offender does not comply with a restitution  
1864 order. The state attorney shall seek the assistance of the

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1865 | victim in the documentation of the victim's losses for the  
1866 | purpose of requesting and receiving restitution. In addition,  
1867 | the state attorney shall inform the victim if and when  
1868 | restitution is ordered. If an order of restitution is converted  
1869 | to a civil lien or civil judgment against the defendant, the  
1870 | clerks shall make available at their office, as well as on their  
1871 | website, information provided by the Secretary of State, the  
1872 | court, or The Florida Bar on enforcing the civil lien or  
1873 | judgment.

1874 |       (k) Notification of right to submit impact statement.--The  
1875 | state attorney shall inform the victim of the victim's right to  
1876 | submit an oral or written impact statement pursuant to s.  
1877 | 921.143 and shall assist in the preparation of such statement if  
1878 | necessary.

1879 |       (l) Local witness coordination services.--The requirements  
1880 | for notification provided for in paragraphs (c), (d), and (i)  
1881 | may be performed by the state attorney or public defender for  
1882 | their own witnesses.

1883 |       (m) Victim assistance education and training.--Victim  
1884 | assistance education and training shall be offered to persons  
1885 | taking courses at law enforcement training facilities and to  
1886 | state attorneys and assistant state attorneys so that victims  
1887 | may be promptly, properly, and completely assisted.

1888 |       (n) General victim assistance.--Victims and witnesses  
1889 | shall be provided with such other assistance, such as  
1890 | transportation, parking, separate pretrial waiting areas, and  
1891 | translator services in attending court, as is practicable.

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1892 (o) Victim's rights information card or brochure.--A  
1893 victim of a crime shall be provided with a victim's rights  
1894 information card or brochure containing essential information  
1895 concerning the rights of a victim and services available to a  
1896 victim as required by state law.

1897 (p) Information concerning escape from a state  
1898 correctional institution, county jail, juvenile detention  
1899 facility, or residential commitment facility.--In any case where  
1900 an offender escapes from a state correctional institution,  
1901 private correctional facility, county jail, juvenile detention  
1902 facility, or residential commitment facility, the institution of  
1903 confinement shall immediately notify the state attorney of the  
1904 jurisdiction where the criminal charge or petition for  
1905 delinquency arose and the judge who imposed the sentence of  
1906 incarceration. The state attorney shall thereupon make every  
1907 effort to notify the victim, material witness, parents or legal  
1908 guardian of a minor who is a victim or witness, or immediate  
1909 relatives of a homicide victim of the escapee. The state  
1910 attorney shall also notify the sheriff of the county where the  
1911 criminal charge or petition for delinquency arose. The sheriff  
1912 shall offer assistance upon request. When an escaped offender is  
1913 subsequently captured or is captured and returned to the  
1914 institution of confinement, the institution of confinement shall  
1915 again immediately notify the appropriate state attorney and  
1916 sentencing judge pursuant to this section.

1917 (q) Presence of victim advocate during discovery  
1918 deposition; testimony of victim of a sexual offense.--At the

576449

4/6/2005 5:07:45 PM



HOUSE AMENDMENT

Bill No. HB 1899

Amendment No. (for drafter's use only)

1919 request of the victim or the victim's parent, guardian, or  
1920 lawful representative, the victim advocate designated by state  
1921 attorney's office, sheriff's office, or municipal police  
1922 department, or one representative from a not-for-profit victim  
1923 services organization, including, but not limited to, rape  
1924 crisis centers, domestic violence advocacy groups, and alcohol  
1925 abuse or substance abuse groups shall be permitted to attend and  
1926 be present during any deposition of the victim. The victim of a  
1927 sexual offense shall be informed of the right to have the  
1928 courtroom cleared of certain persons as provided in s. 918.16  
1929 when the victim is testifying concerning that offense.

1930 (r) Implementing crime prevention in order to protect the  
1931 safety of persons and property, as prescribed in the State  
1932 Comprehensive Plan.--By preventing crimes that create victims or  
1933 further harm former victims, crime prevention efforts are an  
1934 essential part of providing effective service for victims and  
1935 witnesses. Therefore, the agencies identified in this subsection  
1936 may participate in and expend funds for crime prevention, public  
1937 awareness, public participation, and educational activities  
1938 directly relating to, and in furtherance of, existing public  
1939 safety statutes. Furthermore, funds may not be expended for the  
1940 purpose of influencing public opinion on public policy issues  
1941 that have not been resolved by the Legislature or the  
1942 electorate.

1943 (s) Attendance of victim at same school as  
1944 defendant.--When the victim of an offense committed by a  
1945 juvenile is a minor, the Department of Juvenile Justice shall

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1946 request information to determine if the victim, or any sibling  
1947 of the victim, attends or is eligible to attend the same school  
1948 as the offender. However, if the offender is subject to a  
1949 presentence investigation by the Department of Corrections, the  
1950 Department of Corrections shall make such request. If the victim  
1951 or any sibling of the victim attends or is eligible to attend  
1952 the same school as that of the offender, the appropriate agency  
1953 shall notify the victim's parent or legal guardian of the right  
1954 to attend the sentencing or disposition of the offender and  
1955 request that the offender be required to attend a different  
1956 school.

1957 Section 60. Subsection (3) of section 960.17, Florida  
1958 Statutes, is amended to read:

1959 960.17 Award constitutes debt owed to state.--

1960 (3) The regional parole board with jurisdiction ~~Parole~~  
1961 ~~Commission~~ shall make the payment of the debt to the state a  
1962 condition of parole under chapter 947, unless the board  
1963 ~~commission~~ finds reasons to the contrary. If the board  
1964 ~~commission~~ does not order payment, or orders only partial  
1965 payment, it shall state on the record the reasons therefor.

1966 Section 61. Paragraph (a) of subsection (3) of section  
1967 985.04, Florida Statutes, is amended to read:

1968 985.04 Oaths; records; confidential information.--

1969 (3)(a) Except as provided in subsections (2), (4), (5),  
1970 and (6), and s. 943.053, all information obtained under this  
1971 part in the discharge of official duty by any judge, any  
1972 employee of the court, any authorized agent of the Department of

576449

4/6/2005 5:07:45 PM

HOUSE AMENDMENT

Bill No. HB 1899

Amendment No. (for drafter's use only)

1973 Juvenile Justice, the regional parole boards ~~Parole Commission~~,  
1974 the Department of Corrections, the juvenile justice circuit  
1975 boards, any law enforcement agent, or any licensed professional  
1976 or licensed community agency representative participating in the  
1977 assessment or treatment of a juvenile is confidential and may be  
1978 disclosed only to the authorized personnel of the court, the  
1979 Department of Juvenile Justice and its designees, the Department  
1980 of Corrections, the regional parole boards ~~Parole Commission~~,  
1981 law enforcement agents, school superintendents and their  
1982 designees, any licensed professional or licensed community  
1983 agency representative participating in the assessment or  
1984 treatment of a juvenile, and others entitled under this chapter  
1985 to receive that information, or upon order of the court. Within  
1986 each county, the sheriff, the chiefs of police, the district  
1987 school superintendent, and the department shall enter into an  
1988 interagency agreement for the purpose of sharing information  
1989 about juvenile offenders among all parties. The agreement must  
1990 specify the conditions under which summary criminal history  
1991 information is to be made available to appropriate school  
1992 personnel, and the conditions under which school records are to  
1993 be made available to appropriate department personnel. Such  
1994 agreement shall require notification to any classroom teacher of  
1995 assignment to the teacher's classroom of a juvenile who has been  
1996 placed in a probation or commitment program for a felony  
1997 offense. The agencies entering into such agreement must comply  
1998 with s. 943.0525, and must maintain the confidentiality of

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

1999 information that is otherwise exempt from s. 119.07(1), as  
2000 provided by law.

2001 Section 62. Subsection (2) of section 985.05, Florida  
2002 Statutes, is amended to read:

2003 985.05 Court records.--

2004 (2) The clerk shall keep all official records required by  
2005 this section separate from other records of the circuit court,  
2006 except those records pertaining to motor vehicle violations,  
2007 which shall be forwarded to the Department of Highway Safety and  
2008 Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),  
2009 official records required by this part are not open to  
2010 inspection by the public, but may be inspected only upon order  
2011 of the court by persons deemed by the court to have a proper  
2012 interest therein, except that a child and the parents,  
2013 guardians, or legal custodians of the child and their attorneys,  
2014 law enforcement agencies, the Department of Juvenile Justice and  
2015 its designees, a regional parole board ~~the Parole Commission~~,  
2016 and the Department of Corrections shall always have the right to  
2017 inspect and copy any official record pertaining to the child.  
2018 The court may permit authorized representatives of recognized  
2019 organizations compiling statistics for proper purposes to  
2020 inspect, and make abstracts from, official records under  
2021 whatever conditions upon the use and disposition of such records  
2022 the court may deem proper and may punish by contempt proceedings  
2023 any violation of those conditions.

2024 Section 63. Subsection (1) of section 784.078, Florida  
2025 Statutes, is amended to read:

576449

4/6/2005 5:07:45 PM

Amendment No. (for drafter's use only)

2026 784.078 Battery of facility employee by throwing, tossing,  
2027 or expelling certain fluids or materials.--

2028 (1) As used in this section, the term "facility" means a  
2029 state correctional institution defined in s. 944.02(6); a  
2030 private correctional facility defined in s. 944.710 or under  
2031 chapter 957; a county, municipal, or regional jail or other  
2032 detention facility of local government under chapter 950 or  
2033 chapter 951; or a secure facility operated and maintained by the  
2034 Department of Corrections or the Department of Juvenile Justice.

2035 Section 64. Support for the Governor and Cabinet acting in  
2036 their capacity as the Executive Board of Clemency is hereby  
2037 transferred from the Parole Commission to the Executive Office  
2038 of the Governor by a type two transfer as provided in s. 20.06,  
2039 Florida Statutes.

2040 Section 65. Sections 947.01 and 947.022, Florida Statutes,  
2041 are repealed.

2042 Section 66. The Division of Statutory Revision of the  
2043 Office of Legislative Services shall redesignate, in the next  
2044 edition of the Florida Statutes, the title of chapter 947,  
2045 Florida Statutes, as "Regional Parole Boards."

2046 Section 67. This act shall take effect July 1, 2005,  
2047 except that sections 7 through 66 shall take effect June 1,  
2048 2006.

2050 ===== T I T L E A M E N D M E N T =====

2051 Remove line 17 and insert:  
2052

576449

4/6/2005 5:07:45 PM

HOUSE AMENDMENT

Bill No. HB 1899

Amendment No. (for drafter's use only)

2053 proposals for a private correctional facility; amending ss.  
2054 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 322.16,  
2055 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01,  
2056 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22,  
2057 940.03, 940.05, 941.23, 943.0311, 943.06, 944.012, 944.02  
2058 944.024, 944.23, 944.291, 944.4731, 945.091, 945.10, 945.47,  
2059 945.73, 947.002, 947.005, 947.02, 947.021, 947.1405, 947.141,  
2060 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05,  
2061 957.06, 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.;  
2062 abolishing the Parole Commission; providing for the creation of  
2063 regional parole boards; providing for membership, powers, and  
2064 duties of such boards; providing for assignment of inmates to  
2065 boards; conforming provisions; amending s. 784.078, F.S.;  
2066 conforming a cross reference; repealing s. 947.01, F.S.,  
2067 relating to the creation of the Parole Commission; repealing s.  
2068 947.022, F.S., relating to terms of members of the Parole  
2069 Commission; transferring support for the Governor and Cabinet  
2070 acting in their capacity as the Executive Board of Clemency from  
2071 the Parole Commission to the Executive Office of the Governor;  
2072 providing a directive to the Division of Statutory Revision;  
2073 providing

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4/6/2005 5:07:45 PM