

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Needelman offered the following:

2

3 **Amendment (with title amendment)**

4 Remove line 247 and insert:

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

7 20.315 Department of Corrections.--There is created a
8 Department of Corrections.

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

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

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

24 20.32 Regional parole boards ~~Parole Commission~~.--

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

39 (2) The powers and duties of the regional parole boards
40 shall be to conduct parole hearings, to grant or deny parole to
41 parole-eligible inmates, to set any special conditions for
42 parole, and such other duties as may be prescribed by law. No

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43 fewer than three members must participate in hearings to grant
44 or deny parole or to set any special conditions for parole. It
45 shall require a majority vote of members participating in a
46 proceeding to grant or deny parole or set any special conditions
47 for parole ~~All powers, duties, and functions relating to the~~
48 ~~appointment of the Parole Commission as provided in s. 947.02 or~~
49 ~~s. 947.021 shall be exercised and performed by the Governor and~~
50 ~~the Cabinet. Except as provided in s. 947.021, each appointment~~
51 ~~shall be made from among the first three eligible persons on the~~
52 ~~list of the persons eligible for said position.~~

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

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

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

75 23.21 Definitions.--For purposes of this part:

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

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

88 112.011 Felons; removal of disqualifications for
89 employment, exceptions.--

90 (2)

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

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97 | board unless the applicant, prior to the expiration of the 4-
98 | year period, has received a full pardon or has had his or her
99 | civil rights restored.

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

102 | 186.005 Designation of departmental planning officer.--

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

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

114 | 255.502 Definitions; ss. 255.501-255.525.--As used in this
115 | act, the following words and terms shall have the following
116 | meanings unless the context otherwise requires:

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

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

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124 322.16 License restrictions.--

125 (1)

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

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

136 394.926 Notice to victims of release of persons committed
137 as sexually violent predators; notice to certain agencies
138 ~~Department of Corrections and Parole Commission.~~--

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

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

152 394.927 Escape while in lawful custody; notice to victim;
153 notice to the Department of Corrections and regional parole
154 board ~~Parole Commission~~.--

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

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177 court may revoke probation, and the regional parole board having
178 jurisdiction over the offender ~~Parole Commission~~ may revoke
179 parole, if the defendant fails to comply with such order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

255

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

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258 Department of Revenue in accordance with the provisions of s.
259 213.05.

260 Section 18. Paragraph (a) of subsection (1) of section
261 784.07, Florida Statutes, is amended to read:

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

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

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

279 Section 19. Paragraph (b) of subsection (2) of section
280 784.078, Florida Statutes, is amended to read:

281 784.078 Battery of facility employee by throwing, tossing,
282 or expelling certain fluids or materials.--

283 (2)

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284 (b) "Employee" includes any person who is employed by the
285 Attorney General to assist a regional parole board ~~a parole~~
286 ~~examiner with the Florida Parole Commission.~~

287 Section 20. Section 843.01, Florida Statutes, is amended
288 to read:

289 843.01 Resisting officer with violence to his or her
290 person.--Whoever knowingly and willfully resists, obstructs, or
291 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
292 (7), (8), or (9); member of a regional parole board ~~the Parole~~
293 ~~Commission~~ or any administrative aide or supervisor employed by
294 the Attorney General to assist a regional parole board
295 ~~commission~~; parole and probation supervisor; county probation
296 officer; personnel or representative of the Department of Law
297 Enforcement; or other person legally authorized to execute
298 process in the execution of legal process or in the lawful
299 execution of any legal duty, by offering or doing violence to
300 the person of such officer or legally authorized person, commits
301 ~~is guilty of~~ a felony of the third degree, punishable as
302 provided in s. 775.082, s. 775.083, or s. 775.084.

303 Section 21. Section 843.02, Florida Statutes, is amended
304 to read:

305 843.02 Resisting officer without violence to his or her
306 person.--Whoever shall resist, obstruct, or oppose any officer
307 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);
308 member of a regional parole board ~~the Parole Commission~~ or any
309 administrative aide or supervisor employed by the Attorney
310 General to assist a regional parole board ~~commission~~; county

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

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

320 843.08 Falsely personating an officer, ~~etc.~~--A person who
321 falsely assumes or pretends to be a sheriff, officer of the
322 Florida Highway Patrol, officer of the Fish and Wildlife
323 Conservation Commission, officer of the Department of
324 Environmental Protection, officer of the Department of
325 Transportation, officer of the Department of Corrections,
326 correctional probation officer, deputy sheriff, state attorney
327 or assistant state attorney, statewide prosecutor or assistant
328 statewide prosecutor, state attorney investigator, coroner,
329 police officer, lottery special agent or lottery investigator,
330 beverage enforcement agent, or watchman, or any member of a
331 regional parole board ~~the Parole Commission~~ and any
332 administrative aide or supervisor employed by the Attorney
333 General to assist a regional parole board ~~commission~~, or any
334 personnel or representative of the Department of Law
335 Enforcement, and takes upon himself or herself to act as such,
336 or to require any other person to aid or assist him or her in a
337 matter pertaining to the duty of any such officer, commits a

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338 felony of the third degree, punishable as provided in s.
339 775.082, s. 775.083, or s. 775.084; however, a person who
340 falsely personates any such officer during the course of the
341 commission of a felony commits a felony of the second degree,
342 punishable as provided in s. 775.082, s. 775.083, or s. 775.084;
343 except that if the commission of the felony results in the death
344 or personal injury of another human being, the person commits a
345 felony of the first degree, punishable as provided in s.
346 775.082, s. 775.083, or s. 775.084.

347 Section 23. Paragraph (a) of subsection (1) of section
348 893.11, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

396 Section 24. Subsection (9) of section 921.001, Florida
397 Statutes, is amended to read:

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

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

417 ~~(b) On or after January 1, 1994, any legislation which:~~
418 ~~1. Creates a felony offense;~~

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- 419 ~~2. Enhances a misdemeanor offense to a felony offense;~~
- 420 ~~3. Moves a felony offense from a lesser offense severity~~
- 421 ~~level to a higher offense severity level in the offense severity~~
- 422 ~~ranking chart in s. 921.0012; or~~
- 423 ~~4. Reclassifies an existing felony offense to a greater~~
- 424 ~~felony classification~~
- 425
- 426 ~~must provide that such a change result in a net zero sum impact~~
- 427 ~~in the overall prison population, as determined by the Criminal~~
- 428 ~~Justice Estimating Conference, unless the legislation contains a~~
- 429 ~~funding source sufficient in its base or rate to accommodate~~
- 430 ~~such change or a provision which specifically abrogates the~~
- 431 ~~application of this paragraph.~~

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

434 921.16 When sentences to be concurrent and when
435 consecutive.--

436 (2) A county court or circuit court of this state may
437 direct that the sentence imposed by such court be served
438 concurrently with a sentence imposed by a court of another state
439 or of the United States or, for purposes of this section,
440 concurrently with a sentence to be imposed in another
441 jurisdiction. In such case, the Department of Corrections may
442 designate the correctional institution of the other jurisdiction
443 as the place for reception and confinement of such person and
444 may also designate the place in Florida for reception and
445 confinement of such person in the event that confinement in the

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446 other jurisdiction terminates before the expiration of the
447 Florida sentence. The sheriff shall forward commitment papers
448 and other documents specified in s. 944.17 to the department.
449 Upon imposing such a sentence, the court shall notify the Office
450 of the Attorney General which shall notify the appropriate
451 regional parole board ~~Parole Commission~~ as to the jurisdiction
452 in which the sentence is to be served. Any prisoner so released
453 to another jurisdiction shall be eligible for consideration for
454 parole by the appropriate regional parole board ~~Parole~~
455 ~~Commission~~ pursuant to the provisions of chapter 947, except
456 that the Office of the Attorney General ~~commission~~ shall assist
457 the appropriate regional parole board in determining ~~determine~~
458 the presumptive parole release date and the effective parole
459 release date by requesting such person's file from the receiving
460 jurisdiction. Upon receiving such records, the Office of the
461 Attorney General ~~commission~~ shall determine these release dates
462 based on the relevant information in that file and shall give
463 credit toward reduction of the Florida sentence for gain-time
464 granted by the jurisdiction where the inmate is serving the
465 sentence. The regional parole board ~~Parole Commission~~ may concur
466 in with the parole release decision of the jurisdiction granting
467 parole and accepting supervision.

468 Section 26. Section 921.20, Florida Statutes, is amended
469 to read:

470 921.20 Classification summary; regional parole boards
471 ~~Parole Commission~~.--As soon as possible after a prisoner has
472 been placed in the custody of the Department of Corrections, the

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473 classification board shall furnish a classification summary to
474 the Office of the Attorney General for use by the regional
475 parole board ~~Parole Commission for use~~ as provided in s. 20.32
476 947.14. The summary shall include the criminal, personal,
477 social, and environmental background and other relevant factors
478 considered in classifying the prisoner for a penal environment
479 best suited for the prisoner's rapid rehabilitation.

480 Section 27. Section 921.21, Florida Statutes, is amended
481 to read:

482 921.21 Progress reports to regional parole boards ~~Parole~~
483 ~~Commission~~.--From time to time the Department of Corrections
484 shall submit to the Attorney General for use by the regional
485 parole board ~~Parole Commission~~ progress reports and
486 recommendations regarding prisoners sentenced under s. 921.18.
487 When the classification board of the Department of Corrections
488 determines that justice and the public welfare will best be
489 served by paroling or discharging a prisoner, it shall transmit
490 its finding to the Office of the Attorney General which shall
491 forward such findings to the appropriate regional parole board
492 ~~Parole Commission~~. The regional parole board ~~commission~~ shall
493 have the authority to place the prisoner on parole as provided
494 by law or give the prisoner a full discharge from custody. The
495 period of a parole granted by the a regional parole board ~~Parole~~
496 ~~Commission~~ shall be in its discretion, but the parole period
497 shall not exceed the maximum term for which the prisoner was
498 sentenced.

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499 Section 28. Section 921.22, Florida Statutes, is amended
500 to read:

501 921.22 Determination of exact period of imprisonment by
502 regional parole board ~~Parole Commission~~.--Upon the
503 recommendation of the Department of Corrections, the regional
504 parole board ~~Parole Commission~~ shall have the authority to
505 determine the exact period of imprisonment to be served by
506 defendants sentenced under the provisions of s. 921.18, but a
507 prisoner shall not be held in custody longer than the maximum
508 sentence provided for the offense.

509 Section 29. Section 940.03, Florida Statutes, is amended
510 to read:

511 940.03 Application for executive clemency.--When any
512 person intends to apply for remission of any fine or forfeiture
513 or the commutation of any punishment, or for pardon or
514 restoration of civil rights, he or she shall request an
515 application form from the Executive Office of the Governor
516 ~~Parole Commission~~ in compliance with such rules regarding
517 application for executive clemency as are adopted by the
518 Governor with the approval of two members of the Cabinet. Such
519 application may require the submission of a certified copy of
520 the applicant's indictment or information, the judgment
521 adjudicating the applicant to be guilty, and the sentence, if
522 sentence has been imposed, and may also require the applicant to
523 send a copy of the application to the judge and prosecuting
524 attorney of the court in which the applicant was convicted,
525 notifying them of the applicant's intent to apply for executive

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526 clemency. An application for executive clemency for a person who
527 is sentenced to death must be filed within 1 year after the date
528 the Supreme Court issues a mandate on a direct appeal or the
529 United States Supreme Court denies a petition for certiorari,
530 whichever is later.

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

533 940.05 Restoration of civil rights.--Any person who has
534 been convicted of a felony may be entitled to the restoration of
535 all the rights of citizenship enjoyed by him or her prior to
536 conviction if the person has:

537 (3) Been granted his or her final release by the regional
538 parole board having jurisdiction over the parolee Parole
539 Commission.

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

542 941.23 Application for issuance of requisition; by whom
543 made; contents.--

544 (2) When the return to this state is required of a person
545 who has been convicted of a crime in this state and has escaped
546 from confinement or broken the terms of his or her bail,
547 probation, or parole, the state attorney of the county in which
548 the offense was committed, the regional parole board having
549 jurisdiction over the parolee Parole Commission, the Department
550 of Corrections, or the warden of the institution or sheriff of
551 the county, from which escape was made, shall present to the
552 Governor a written application for a requisition for the return

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553 of such person, in which application shall be stated the name of
554 the person, the crime of which the person was convicted, the
555 circumstances of his or her escape from confinement or of the
556 breach of the terms of his or her bail, probation, or parole,
557 and the state in which the person is believed to be, including
558 the location of the person therein at the time application is
559 made.

560 (3) The application shall be verified by affidavit, shall
561 be executed in duplicate, and shall be accompanied by two
562 certified copies of the indictment returned or information and
563 affidavit filed or of the complaint made to the judge, stating
564 the offense with which the accused is charged, or of the
565 judgment of conviction or of the sentence. The prosecuting
566 officer, regional parole board having jurisdiction over the
567 parolee Parole Commission, Department of Corrections, warden, or
568 sheriff may also attach such further affidavits and other
569 documents in duplicate as he or she shall deem proper to be
570 submitted with such application. One copy of the application,
571 with the action of the Governor indicated by endorsement
572 thereon, and one of the certified copies of the indictment,
573 complaint, information, and affidavits or of the judgment of
574 conviction or of the sentence shall be filed in the office of
575 the Department of State to remain of record in that office. The
576 other copies of all papers shall be forwarded with the
577 Governor's requisition.

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

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580 943.0311 Chief of Domestic Security Initiatives; duties of
581 the department with respect to domestic security.--

582 (7) As used in this section, the term "state agency"
583 includes the Agency for Health Care Administration, the Agency
584 for Workforce Innovation, the Department of Agriculture and
585 Consumer Services, the Department of Business and Professional
586 Regulation, the Department of Children and Family Services, the
587 Department of Citrus, the Department of Community Affairs, the
588 Department of Corrections, the Department of Education, the
589 Department of Elderly Affairs, the Department of Environmental
590 Protection, the Department of Financial Services, the Department
591 of Health, the Department of Highway Safety and Motor Vehicles,
592 the Department of Juvenile Justice, the Department of Law
593 Enforcement, the Department of Legal Affairs, the Department of
594 Management Services, the Department of Military Affairs, the
595 Department of Revenue, the Department of State, the Department
596 of the Lottery, the Department of Transportation, the Department
597 of Veterans' Affairs, the Fish and Wildlife Conservation
598 Commission, ~~the Parole Commission~~, the State Board of
599 Administration, and the Executive Office of the Governor.

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

602 943.06 Criminal and Juvenile Justice Information Systems
603 Council.--There is created a Criminal and Juvenile Justice
604 Information Systems Council within the department.

605 (1) The council shall be composed of 14 members,
606 consisting of the Attorney General or a designated assistant;

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607 the executive director of the Department of Law Enforcement or a
608 designated assistant; the secretary of the Department of
609 Corrections or a designated assistant; ~~the chair of the Parole~~
610 ~~Commission or a designated assistant;~~ the Secretary of Juvenile
611 Justice or a designated assistant; the executive director of the
612 Department of Highway Safety and Motor Vehicles or a designated
613 assistant; the State Courts Administrator or a designated
614 assistant; 1 public defender appointed by the Florida Public
615 Defender Association, Inc.; 1 state attorney appointed by the
616 Florida Prosecuting Attorneys Association, Inc.; and 5 members,
617 to be appointed by the Governor, consisting of 2 sheriffs, 2
618 police chiefs, and 1 clerk of the circuit court.

619 Section 34. Section 944.012, Florida Statutes, is amended
620 to read:

621 944.012 Legislative intent.--The Legislature hereby finds
622 and declares that:

623 ~~(1) Florida spends each year in excess of \$60 million for~~
624 ~~its state correctional system, but Florida citizens have not~~
625 ~~received a fair return on that investment. Florida correctional~~
626 ~~institutions have contributed little to the reduction of crime.~~
627 ~~To the contrary, crime rates continue to rise; recidivism rates~~
628 ~~are notoriously high; and large prisons have for the most part~~
629 ~~become schools for crime, making successful reintegration into~~
630 ~~the community unlikely.~~

631 ~~(2) It is clear that major changes in correctional methods~~
632 ~~are required. It is essential to abate the use of large~~
633 ~~institutions and continue the development of community-based~~

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634 ~~corrections; to equip judges with more effective evaluative~~
635 ~~tools to deal with the criminal offender; and to provide~~
636 ~~alternatives to institutionalization, including the availability~~
637 ~~of probationers' residences and community correctional centers.~~

638 (1)~~(3)~~ One of the chief factors contributing to ~~the high~~
639 ~~recidivism rate in the state~~ is the general inability of ex-
640 offenders to find or keep meaningful employment. ~~Since~~ Although
641 90 percent of all offenders sent to prison return to society one
642 day, the correctional system should, within available resources,
643 equip the offender ~~has done little to provide the offender with~~
644 ~~the academic and vocational skills that the offender needs to~~
645 ~~return to society as a productive citizen. This failure~~
646 ~~virtually guarantees the probability of return to crime.~~
647 ~~Vocational training and assistance in job placement must be~~
648 ~~looked to on a priority basis as an integral part of the process~~
649 ~~of changing deviant behavior in the institutionalized offender,~~
650 ~~when such change is determined to be possible.~~

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

655 (2)~~(5)~~ In order to make the correctional system an
656 efficient and effective ~~meehanism~~, the various agencies involved
657 in the correctional process must coordinate their efforts. Where
658 possible, interagency offices should be physically located
659 within major institutions and should include representatives of
660 the Agency for Workforce Innovation ~~Florida State Employment~~

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661 ~~Service, and~~ the vocational rehabilitation programs of the
662 Department of Education, ~~and the Parole Commission~~. Duplicative
663 and unnecessary methods of evaluating offenders must be
664 eliminated and areas of responsibility consolidated in order to
665 more economically utilize present scarce resources.

666 (3)~~(6)~~ It is the intent of the Legislature:

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

670 (b) To separate dangerous or repeat offenders from
671 nondangerous offenders, who have potential for rehabilitation,
672 and place dangerous offenders in secure and manageable
673 institutions.

674 (c) When possible, to divert from expensive institutional
675 commitment those individuals who, by virtue of professional
676 diagnosis and evaluation, can be placed in less costly and more
677 effective environments and programs better suited for their
678 rehabilitation and the protection of society.

679 (d) To make available to those offenders who are capable
680 of rehabilitation the job training and job placement assistance
681 they need to build meaningful and productive lives when they
682 return to the community.

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

686 Section 35. Section 944.02, Florida Statutes, is amended
687 to read:

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688 944.02 Definitions.--The following words and phrases used
689 in this chapter shall, unless the context clearly indicates
690 otherwise, have the following meanings:

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

692 (1)~~(2)~~ "Correctional system" means all prisons and other
693 state correctional institutions now existing or hereafter
694 created under the jurisdiction of the Department of Corrections.

695 (2)~~(3)~~ "Department" means the Department of Corrections.

696 (3)~~(4)~~ "Elderly offender" means a prisoner age 50 or older
697 in a state correctional institution or facility operated by the
698 Department of Corrections or the Department of Management
699 Services.

700 (4)~~(5)~~ "Lease-purchase agreement" means an installment
701 sales contract which requires regular payments with an interest
702 charge included and which provides that the lessee receive title
703 to the property upon final payment.

704 (5)~~(6)~~ "Prisoner" means any person who is under civil or
705 criminal arrest and in the lawful custody of any law enforcement
706 official, or any person committed to or detained in any
707 municipal or county jail or state prison, prison farm, or
708 penitentiary, or to the custody of the department pursuant to
709 lawful authority.

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

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

713 (8) "State correctional institution" means any prison,
714 road camp, prison industry, prison forestry camp, or any prison

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715 camp or prison farm or other correctional facility, temporary or
716 permanent, in which prisoners are housed, worked, or maintained,
717 under the custody and jurisdiction of the department.

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

720 944.024 Adult intake and evaluation.--The state system of
721 adult intake and evaluation shall include:

722 (5) The performance of postsentence intake by the
723 department. Any physical facility established by the department
724 for the intake and evaluation process prior to the offender's
725 entry into the correctional system shall provide for specific
726 office and work areas for the staff assisting any regional
727 parole board ~~of the commission~~. The purpose of such a physical
728 center shall be to combine in one place as many of the
729 rehabilitation-related functions as possible, including pretrial
730 and posttrial evaluation, parole and probation services,
731 vocational rehabilitation services, family assistance services
732 of the Department of Children and Family Services, and all other
733 rehabilitative and correctional services dealing with the
734 offender.

735 Section 37. Section 944.23, Florida Statutes, is amended
736 to read:

737 944.23 Persons authorized to visit state prisons.--The
738 following persons shall be authorized to visit at their pleasure
739 all state correctional institutions: The Governor, all Cabinet
740 members, members of the Legislature, judges of state courts,
741 state attorneys, and public defenders, ~~and authorized~~

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742 ~~representatives of the commission~~. No other person not otherwise
743 authorized by law shall be permitted to enter a state
744 correctional institution except under such regulations as the
745 department may prescribe. Permission shall not be unreasonably
746 withheld from those who give sufficient evidence to the
747 department that they are bona fide reporters or writers.

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

750 944.291 Prisoner released by reason of gain-time
751 allowances or attainment of provisional release date.--

752 (2) Any prisoner who is convicted of a crime committed on
753 or after October 1, 1988, which crime is contained in category
754 1, category 2, category 3, or category 4 of Rule 3.701 and Rule
755 3.988, Florida Rules of Criminal Procedure, and who has served
756 at least one prior felony commitment at a state or federal
757 correctional institution, or is sentenced as a habitual or
758 violent habitual offender pursuant to s. 775.084, may only be
759 released under conditional release supervision as described in
760 chapter 947. Not fewer than 90 days prior to the tentative
761 release date or provisional release date, whichever is earlier,
762 the department shall provide the original sentencing court
763 ~~commission~~ with the name and inmate identification number for
764 each eligible inmate.

765 Section 39. Paragraph (b) of subsection (2) of section
766 944.4731, Florida Statutes, is amended to read:

767 944.4731 Addiction-Recovery Supervision Program.--

768 (2)

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769 (b) An offender released under addiction-recovery
770 supervision shall be subject to specified terms and conditions,
771 including payment of the costs of supervision under s. 948.09
772 and any other court-ordered payments, such as child support and
773 restitution. If an offender has received a term of probation or
774 community control to be served after release from incarceration,
775 the period of probation or community control may not be
776 substituted for addiction-recovery supervision and shall follow
777 the term of addiction-recovery supervision. The original
778 sentencing court ~~A panel of not fewer than two parole~~
779 ~~commissioners~~ shall establish the terms and conditions of
780 supervision, and the terms and conditions must be included in
781 the supervision order. In setting the terms and conditions of
782 supervision, the court ~~parole commission~~ shall weigh heavily the
783 program requirements, including, but not limited to, work at
784 paid employment while participating in treatment and traveling
785 restrictions. The court ~~commission~~ shall also determine whether
786 an offender violates the terms and conditions of supervision and
787 whether a violation warrants revocation of addiction-recovery
788 supervision pursuant to s. 947.141. The court ~~parole commission~~
789 shall review the offender's record for the purpose of
790 establishing the terms and conditions of supervision. The court
791 ~~parole commission~~ may impose any special conditions it considers
792 warranted from its review of the record. The length of
793 supervision may not exceed the maximum penalty imposed by the
794 court.

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795 Section 40. Paragraph (b) of subsection (1) and paragraph
796 (b) of subsection (6) of section 945.091, Florida Statutes, are
797 amended to read:

798 945.091 Extension of the limits of confinement;
799 restitution by employed inmates.--

800 (1) The department may adopt rules permitting the
801 extension of the limits of the place of confinement of an inmate
802 as to whom there is reasonable cause to believe that the inmate
803 will honor his or her trust by authorizing the inmate, under
804 prescribed conditions and following investigation and approval
805 by the secretary, or the secretary's designee, who shall
806 maintain a written record of such action, to leave the confines
807 of that place unaccompanied by a custodial agent for a
808 prescribed period of time to:

809 (b) Work at paid employment, participate in an education
810 or a training program, or voluntarily serve a public or
811 nonprofit agency or faith-based service group in the community,
812 while continuing as an inmate of the institution or facility in
813 which the inmate is confined, except during the hours of his or
814 her employment, education, training, or service and traveling
815 thereto and therefrom. An inmate may travel to and from his or
816 her place of employment, education, or training only by means of
817 walking, bicycling, or using public transportation or
818 transportation that is provided by a family member or employer.
819 Contingent upon specific appropriations, the department may
820 transport an inmate in a state-owned vehicle if the inmate is

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821 unable to obtain other means of travel to his or her place of
822 employment, education, or training.

823 1. An inmate may participate in paid employment only
824 during the last 36 months of his or her confinement, unless
825 sooner requested by the regional parole board having oversight
826 of the parolee ~~Parole Commission~~ or the Control Release
827 Authority.

828 2. While working at paid employment and residing in the
829 facility, an inmate may apply for placement at a contracted
830 substance abuse transition housing program. The transition
831 assistance specialist shall inform the inmate of program
832 availability and assess the inmate's need and suitability for
833 transition housing assistance. If an inmate is approved for
834 placement, the specialist shall assist the inmate. If an inmate
835 requests and is approved for placement in a contracted faith-
836 based substance abuse transition housing program, the specialist
837 must consult with the chaplain prior to such placement. The
838 department shall ensure that an inmate's faith orientation, or
839 lack thereof, will not be considered in determining admission to
840 a faith-based program and that the program does not attempt to
841 convert an inmate toward a particular faith or religious
842 preference.

843 (6)

844 (b) An offender who is required to provide restitution or
845 reparation may petition the circuit court to amend the amount of
846 restitution or reparation required or to revise the schedule of

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847 repayment established by the department, a regional parole
848 board, or the Parole Commission.

849 Section 41. Paragraph (d) of subsection (1), paragraphs
850 (a) and (b) of subsection (2), and subsection (5) of section
851 945.10, Florida Statutes, are amended to read:

852 945.10 Confidential information.--

853 (1) Except as otherwise provided by law or in this
854 section, the following records and information held by the
855 Department of Corrections are confidential and exempt from the
856 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
857 Constitution:

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

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

864 (a) Information specified in paragraphs (1)(b), (d), and
865 (f) to the Office of the Governor, the Legislature, a regional
866 parole board ~~the Parole Commission~~, the Department of Children
867 and Family Services, a private correctional facility or program
868 that operates under a contract, the Department of Legal Affairs,
869 a state attorney, the court, or a law enforcement agency. A
870 request for records or information pursuant to this paragraph
871 need not be in writing.

872 (b) Information specified in paragraphs (1)(c), (e), and
873 (h) to the Office of the Governor, the Legislature, a regional

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874 | parole board ~~the Parole Commission~~, the Department of Children
875 | and Family Services, a private correctional facility or program
876 | that operates under contract, the Department of Legal Affairs, a
877 | state attorney, the court, or a law enforcement agency. A
878 | request for records or information pursuant to this paragraph
879 | must be in writing and a statement provided demonstrating a need
880 | for the records or information.

881 |
882 | Records and information released under this subsection remain
883 | confidential and exempt from the provisions of s. 119.07(1) and
884 | s. 24(a), Art. I of the State Constitution when held by the
885 | receiving person or entity.

886 | (5) The Department of Corrections and the regional parole
887 | board ~~Parole Commission~~ shall mutually cooperate with respect to
888 | maintaining the confidentiality of records that are exempt from
889 | the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
890 | Constitution.

891 | Section 42. Subsection (3) of section 945.47, Florida
892 | Statutes, is amended to read:

893 | 945.47 Discharge of inmate from mental health treatment.--

894 | (3) At any time that an inmate who has received mental
895 | health treatment while in the custody of the department becomes
896 | eligible for release on parole, a complete record of the
897 | inmate's treatment shall be provided to the regional parole
898 | board having oversight of the parolee ~~Parole Commission~~ and to
899 | the Department of Children and Family Services. The record shall
900 | include, at least, the inmate's diagnosis, length of stay in

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901 treatment, clinical history, prognosis, prescribed medication,
902 and treatment plan and recommendations for aftercare services.
903 In the event that the inmate is released on parole, the record
904 shall be provided to the parole officer who shall assist the
905 inmate in applying for services from a professional or an agency
906 in the community. The application for treatment and continuation
907 of treatment by the inmate may be made a condition of parole, as
908 provided in s. 947.19(1); and a failure to participate in
909 prescribed treatment may be a basis for initiation of parole
910 violation hearings.

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

913 945.73 Inmate training program operation.--

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

920 Section 44. Subsections (3), (4), and (5) of section
921 947.002, Florida Statutes, are amended to read:

922 947.002 Intent.--

923 ~~(3) The chair shall be the agency head. While the~~
924 ~~commission is responsible for making decisions on the granting~~
925 ~~and revoking of parole, the chair shall establish, execute, and~~
926 ~~be held accountable for all administrative policy decisions. The~~

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927 ~~routine administrative decisions are the full responsibility of~~
928 ~~the chair.~~

929 ~~(4) Hearing examiners are assigned on the basis of~~
930 ~~caseload needs as determined by the chair.~~

931 ~~(3)~~(5) It is the intent of the Legislature that the
932 decision to parole an inmate from the incarceration portion of
933 the inmate's sentence is an act of grace of the state and shall
934 not be considered a right.

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

937 947.005 Definitions.--As used in this chapter, unless the
938 context clearly indicates otherwise:

939 (1) "Regional parole board" means a regional parole board
940 established pursuant to 20.32 ~~"Commission" means the Parole~~
941 ~~Commission.~~

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

945 947.02 Regional parole boards ~~Parole Commission~~; members,
946 appointment.--

947 (1) Except as provided in s. 947.021, the members of each
948 regional parole board ~~the Parole Commission~~ shall be appointed
949 by the Governor ~~and Cabinet~~ from a list of eligible applicants
950 submitted by a parole qualifications committee. The appointments
951 of members of the commission shall be certified to the Senate by
952 the Governor ~~and Cabinet~~ for confirmation, and the membership of

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953 the commission shall include representation from minority
954 persons as defined in s. 288.703.

955 (2) A parole qualifications committee shall consist of
956 five persons who are appointed by the Governor ~~and Cabinet~~. One
957 member shall be designated as chair by the Governor ~~and Cabinet~~.
958 The committee shall provide for ~~statewide~~ advertisement
959 throughout the region and the receiving of applications for any
960 position or positions on the commission and shall devise a plan
961 for the determination of the qualifications of the applicants by
962 investigations and comprehensive evaluations, including, but not
963 limited to, investigation and evaluation of the character,
964 habits, and philosophy of each applicant. Each parole
965 qualifications committee shall exist for 2 years. If additional
966 vacancies on a regional parole board ~~the commission~~ occur during
967 this 2-year period, the committee may advertise and accept
968 additional applications; however, all previously submitted
969 applications shall be considered along with the new applications
970 according to the previously established plan for the evaluation
971 of the qualifications of applicants.

972 (3) Within 90 days before an anticipated vacancy by
973 expiration of term pursuant to s. 947.03 or upon any other
974 vacancy, the Governor ~~and Cabinet~~ shall appoint a parole
975 qualifications committee if one has not been appointed during
976 the previous 2 years. The committee shall consider applications
977 for the board vacancy ~~commission seat~~, including the application
978 of an incumbent board member ~~commissioner~~ if he or she applies,
979 according to the provisions of subsection (2). The committee

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980 shall submit a list of three eligible applicants, which may
981 include the incumbent if the committee so decides, without
982 recommendation, to the Governor ~~and Cabinet~~ for appointment to
983 the board ~~commission~~. In the case of an unexpired term, the
984 appointment must be for the remainder of the unexpired term and
985 until a successor is appointed and qualified. If more than one
986 seat is vacant, the committee shall submit a list of eligible
987 applicants, without recommendation, containing a number of names
988 equal to three times the number of vacant seats; however, the
989 names submitted shall not be distinguished by seat, and each
990 submitted applicant shall be considered eligible for each
991 vacancy.

992 (4) Upon receiving a list of eligible persons from the
993 parole qualifications committee, the Governor ~~and Cabinet~~ may
994 reject the list. If the list is rejected, the committee shall
995 reinitiate the application and examination procedure according
996 to the provisions of subsection (2).

997 (6) Members of the regional parole boards shall be
998 volunteers and shall not receive compensation for their
999 services. They shall, however, receive reimbursement for travel
1000 expenses and other expenses incurred in carrying out their
1001 official responsibilities.

1002 Section 47. Section 947.021, Florida Statutes, is amended
1003 to read:

1004 947.021 Regional parole boards ~~Parole Commission~~;
1005 expedited appointments.--Whenever the Legislature decreases the
1006 membership of the regional parole boards ~~commission~~, all terms

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1007 of office shall expire, notwithstanding any law to the contrary.
1008 Under such circumstances, the Governor and Cabinet shall
1009 expedite the appointment of commissioners. Notwithstanding the
1010 parole qualifications committee procedure in s. 947.02, members
1011 shall be directly appointed by the Governor and Cabinet. Members
1012 appointed to the boards ~~commission~~ may be selected from
1013 incumbents. Members shall be certified to the Senate by the
1014 Governor and Cabinet for confirmation, and the membership of the
1015 commission shall include representation from minority persons as
1016 defined in s. 288.703.

1017 Section 48. Subsections (2) through (7) and subsection (9)
1018 of section 947.1405, Florida Statutes, are amended to read:

1019 947.1405 Conditional release program.--

1020 (2) Any inmate who:

1021 (a) Is convicted of a crime committed on or after October
1022 1, 1988, and before January 1, 1994, and any inmate who is
1023 convicted of a crime committed on or after January 1, 1994,
1024 which crime is or was contained in category 1, category 2,
1025 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
1026 Rules of Criminal Procedure (1993), and who has served at least
1027 one prior felony commitment at a state or federal correctional
1028 institution;

1029 (b) Is sentenced as a habitual or violent habitual
1030 offender or a violent career criminal pursuant to s. 775.084; or

1031 (c) Is found to be a sexual predator under s. 775.21 or
1032 former s. 775.23,

1033

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1034 shall, upon reaching the tentative release date or provisional
1035 release date, whichever is earlier, as established by the
1036 Department of Corrections, be released under supervision subject
1037 to specified terms and conditions, including payment of the cost
1038 of supervision pursuant to s. 948.09. Such supervision shall be
1039 applicable to all sentences within the overall term of sentences
1040 if an inmate's overall term of sentences includes one or more
1041 sentences that are eligible for conditional release supervision
1042 as provided herein. Effective July 1, 2005 ~~1994~~, and applicable
1043 for offenses committed on or after that date, the sentencing
1044 court ~~commission~~ may require, as a condition of conditional
1045 release, that the releasee make payment of the debt due and
1046 owing to a county or municipal detention facility under s.
1047 951.032 for medical care, treatment, hospitalization, or
1048 transportation received by the releasee while in that detention
1049 facility. The court ~~commission~~, in determining whether to order
1050 such repayment and the amount of such repayment, shall consider
1051 the amount of the debt, whether there was any fault of the
1052 institution for the medical expenses incurred, the financial
1053 resources of the releasee, the present and potential future
1054 financial needs and earning ability of the releasee, and
1055 dependents, and other appropriate factors. ~~If Any inmate placed~~
1056 ~~on conditional release supervision~~ shall be supervised by is
1057 ~~also subject to probation or community control, resulting from a~~
1058 ~~probationary or community control split sentence within the~~
1059 ~~overall term of sentences,~~ the Department of Corrections which
1060 shall supervise such person according to the conditions imposed

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1061 | by the court ~~and the commission shall defer to such supervision.~~
1062 | If the court revokes probation or community control and
1063 | resentences the offender to a term of incarceration, such
1064 | revocation also constitutes a sufficient basis for the
1065 | revocation of the conditional release supervision on any
1066 | nonprobationary or noncommunity control sentence without further
1067 | hearing ~~by the commission.~~ If any such supervision on any
1068 | nonprobationary or noncommunity control sentence is revoked,
1069 | such revocation may result in a forfeiture of all gain-time, and
1070 | the court ~~commission~~ may revoke the resulting deferred
1071 | conditional release supervision or take other action it
1072 | considers appropriate. If the term of conditional release
1073 | supervision exceeds that of the probation or community control,
1074 | then, upon expiration of the probation or community control,
1075 | ~~authority for the supervision shall revert to the commission and~~
1076 | the supervision shall be subject to the conditions of
1077 | conditional release imposed by the court ~~commission~~. The
1078 | original sentencing court ~~A panel of no fewer than two~~
1079 | ~~commissioners~~ shall establish the terms and conditions of
1080 | conditional release at the time of initial sentencing any such
1081 | release. The court may alter the original terms of conditional
1082 | release at any time based on any additional information that may
1083 | become available. If the offense was a controlled substance
1084 | violation, the conditions shall include a requirement that the
1085 | offender submit to random substance abuse testing intermittently
1086 | throughout the term of conditional release supervision, upon the
1087 | direction of the correctional probation officer as defined in s.

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1088 943.10(3). The court ~~commission~~ shall also determine whether the
1089 terms and conditions of such release have been violated and
1090 whether such violation warrants revocation of the conditional
1091 release.

1092 (3) As part of the conditional release process, the court
1093 ~~commission~~, through review and consideration of information
1094 provided by the state attorney, victim, and department, shall
1095 determine:

1096 (a) The amount of reparation or restitution.

1097 (b) The consequences of the offense as reported by the
1098 aggrieved party.

1099 (c) The aggrieved party's fear of the inmate or concerns
1100 about the release of the inmate.

1101 (4) The department ~~commission~~ shall provide to the
1102 aggrieved party information regarding the manner in which notice
1103 of any developments concerning the status of the inmate during
1104 the term of conditional release may be requested.

1105 (5) Within 180 days prior to the tentative release date or
1106 provisional release date, whichever is earlier, a representative
1107 of the department shall review the inmate's program
1108 participation, disciplinary record, psychological and medical
1109 records, criminal records, and any other information pertinent
1110 to the impending release and shall provide this information to
1111 the original sentencing court that established the conditions of
1112 conditional release. The department shall gather and compile
1113 information necessary for the commission to make the
1114 determinations set forth in subsection (3). This shall include

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1115 information developed during ~~A department representative shall~~
1116 ~~conduct~~ a personal interview with the inmate for the purpose of
1117 determining the details of the inmate's release plan, including
1118 the inmate's planned residence and employment. The department
1119 ~~representative~~ shall forward the inmate's release plan to the
1120 court commission and recommend any modifications to the original
1121 ~~commission~~ the terms and conditions of the conditional release.

1122 (6) The court commission shall review the recommendations
1123 of the department, and such other information as it deems
1124 relevant, and may conduct a review of the inmate's record for
1125 the purpose of modifying ~~establishing~~ the original terms and
1126 conditions of the conditional release. The court commission may
1127 impose any special conditions it considers warranted from its
1128 review of the release plan and recommendation. If the court
1129 ~~commission~~ determines that the inmate is eligible for release
1130 under this section, it ~~the commission~~ shall enter an order
1131 establishing the length of supervision and the conditions
1132 attendant thereto. However, an inmate who has been convicted of
1133 a violation of chapter 794 or found by the court to be a sexual
1134 predator is subject to the maximum level of supervision
1135 provided, with the mandatory conditions as required in
1136 subsection (7), and that supervision shall continue through the
1137 end of the releasee's original court-imposed sentence. The
1138 length of supervision must not exceed the maximum penalty
1139 imposed by the court.

1140 (7)(a) Any inmate who is convicted of a crime committed on
1141 or after October 1, 1995, or who has been previously convicted

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HOUSE AMENDMENT

Bill No. HB 1899

Amendment No. (for drafter's use only)

1142 of a crime committed on or after October 1, 1995, in violation
1143 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
1144 subject to conditional release supervision, shall have, in
1145 addition to any other conditions imposed, the following special
1146 conditions imposed ~~by the commission~~:

1147 1. A mandatory curfew from 10 p.m. to 6 a.m. The court
1148 ~~commission~~ may designate another 8-hour period if the offender's
1149 employment precludes the above specified time, and such
1150 alternative is recommended by the Department of Corrections. If
1151 the court ~~commission~~ determines that imposing a curfew would
1152 endanger the victim, the commission may consider alternative
1153 sanctions.

1154 2. If the victim was under the age of 18, a prohibition on
1155 living within 1,000 feet of a school, day care center, park,
1156 playground, designated public school bus stop, or other place
1157 where children regularly congregate. A releasee who is subject
1158 to this subparagraph may not relocate to a residence that is
1159 within 1,000 feet of a public school bus stop. Beginning October
1160 1, 2004, ~~the commission or~~ the department may not approve a
1161 residence that is located within 1,000 feet of a school, day
1162 care center, park, playground, designated school bus stop, or
1163 other place where children regularly congregate for any releasee
1164 who is subject to this subparagraph. On October 1, 2004, the
1165 department shall notify each affected school district of the
1166 location of the residence of a releasee 30 days prior to release
1167 and thereafter, if the releasee relocates to a new residence,
1168 shall notify any affected school district of the residence of

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1169 the releasee within 30 days after relocation. If, on October 1,
1170 2004, any public school bus stop is located within 1,000 feet of
1171 the existing residence of such releasee, the district school
1172 board shall relocate that school bus stop. Beginning October 1,
1173 2004, a district school board may not establish or relocate a
1174 public school bus stop within 1,000 feet of the residence of a
1175 releasee who is subject to this subparagraph. The failure of the
1176 district school board to comply with this subparagraph shall not
1177 result in a violation of conditional release supervision.

1178 3. Active participation in and successful completion of a
1179 sex offender treatment program with therapists specifically
1180 trained to treat sex offenders, at the releasee's own expense.
1181 If a specially trained therapist is not available within a 50-
1182 mile radius of the releasee's residence, the offender shall
1183 participate in other appropriate therapy.

1184 4. A prohibition on any contact with the victim, directly
1185 or indirectly, including through a third person, unless approved
1186 by the victim, the offender's therapist, and the sentencing
1187 court.

1188 5. If the victim was under the age of 18, a prohibition
1189 against direct contact or association with children under the
1190 age of 18 until all of the following conditions are met:

1191 a. Successful completion of a sex offender treatment
1192 program.

1193 b. The adult person who is legally responsible for the
1194 welfare of the child has been advised of the nature of the
1195 crime.

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1196 c. Such adult person is present during all contact or
1197 association with the child.

1198 d. Such adult person has been approved by the commission.

1199 6. If the victim was under age 18, a prohibition on
1200 working for pay or as a volunteer at any school, day care
1201 center, park, playground, or other place where children
1202 regularly congregate, as prescribed by the commission.

1203 7. Unless otherwise indicated in the treatment plan
1204 provided by the sexual offender treatment program, a prohibition
1205 on viewing, owning, or possessing any obscene, pornographic, or
1206 sexually stimulating visual or auditory material, including
1207 telephone, electronic media, computer programs, or computer
1208 services that are relevant to the offender's deviant behavior
1209 pattern.

1210 8. A requirement that the releasee must submit two
1211 specimens of blood to the Florida Department of Law Enforcement
1212 to be registered with the DNA database.

1213 9. A requirement that the releasee make restitution to the
1214 victim, as determined by the sentencing court or the commission,
1215 for all necessary medical and related professional services
1216 relating to physical, psychiatric, and psychological care.

1217 10. Submission to a warrantless search by the community
1218 control or probation officer of the probationer's or community
1219 controllee's person, residence, or vehicle.

1220 (b) For a releasee whose crime was committed on or after
1221 October 1, 1997, in violation of chapter 794, s. 800.04, s.
1222 827.071, or s. 847.0145, and who is subject to conditional

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1223 release supervision, in addition to any other provision of this
1224 subsection, the ~~commission shall impose the~~ following additional
1225 conditions of conditional release supervision are hereby
1226 imposed:

1227 1. As part of a treatment program, participation in a
1228 minimum of one annual polygraph examination to obtain
1229 information necessary for risk management and treatment and to
1230 reduce the sex offender's denial mechanisms. The polygraph
1231 examination must be conducted by a polygrapher trained
1232 specifically in the use of the polygraph for the monitoring of
1233 sex offenders, where available, and at the expense of the sex
1234 offender. The results of the polygraph examination shall not be
1235 used as evidence in a hearing to prove that a violation of
1236 supervision has occurred.

1237 2. Maintenance of a driving log and a prohibition against
1238 driving a motor vehicle alone without the prior approval of the
1239 supervising officer.

1240 3. A prohibition against obtaining or using a post office
1241 box without the prior approval of the supervising officer.

1242 4. If there was sexual contact, a submission to, at the
1243 probationer's or community controllee's expense, an HIV test
1244 with the results to be released to the victim or the victim's
1245 parent or guardian.

1246 5. Electronic monitoring of any form when ordered by the
1247 commission.

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1248 (9) The department ~~commission~~ shall adopt rules pursuant
1249 to ss. 120.536(1) and 120.54 necessary to implement the
1250 provisions of the Conditional Release Program Act.

1251 Section 49. Section 947.141, Florida Statutes, is amended
1252 to read:

1253 947.141 Violations of conditional release, control
1254 release, or conditional medical release or addiction-recovery
1255 supervision.--

1256 (1) If ~~a member of the~~ department ~~commission or a duly~~
1257 ~~authorized representative of the commission~~ has reasonable
1258 grounds to believe that an offender who is on release
1259 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
1260 944.4731 has violated the terms and conditions of the release in
1261 a material respect, the department ~~such member or representative~~
1262 may cause a warrant to be issued for the arrest of the releasee;
1263 if the offender was found to be a sexual predator, the warrant
1264 must be issued.

1265 (2) Upon the arrest on a felony charge of an offender who
1266 is on release supervision under s. 947.1405, s. 947.146, s.
1267 947.149, or s. 944.4731, the offender must be detained without
1268 bond until the initial appearance of the offender at which a
1269 judicial determination of probable cause is made. If the trial
1270 court judge determines that there was no probable cause for the
1271 arrest, the offender may be released. If the trial court judge
1272 determines that there was probable cause for the arrest, such
1273 determination also constitutes reasonable grounds to believe
1274 that the offender violated the conditions of the release. Within

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1275 24 hours after the trial court judge's finding of probable
1276 cause, the detention facility administrator or designee shall
1277 notify the ~~commission and the~~ department of the finding and
1278 transmit to each a facsimile copy of the probable cause
1279 affidavit or the sworn offense report upon which the trial court
1280 judge's probable cause determination is based. The offender must
1281 continue to be detained without bond for a period not exceeding
1282 72 hours excluding weekends and holidays after the date of the
1283 probable cause determination, pending a decision by the court
1284 ~~commission~~ whether to issue a warrant charging the offender with
1285 violation of the conditions of release. Upon the issuance of the
1286 commission's warrant, the offender must continue to be held in
1287 custody pending a revocation hearing held in accordance with
1288 this section.

1289 (3) Within 45 days after ~~notice to the Parole Commission~~
1290 ~~of~~ the arrest of a releasee charged with a violation of the
1291 terms and conditions of conditional release, control release,
1292 conditional medical release, or addiction-recovery supervision,
1293 the releasee must be afforded a hearing conducted by a judge
1294 ~~commissioner~~ or a duly authorized representative thereof. If the
1295 releasee elects to proceed with a hearing, the releasee must be
1296 informed orally and in writing of the following:

1297 (a) The alleged violation with which the releasee is
1298 charged.

1299 (b) The releasee's right to be represented by counsel.

1300 (c) The releasee's right to be heard in person.

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1301 (d) The releasee's right to secure, present, and compel
1302 the attendance of witnesses relevant to the proceeding.

1303 (e) The releasee's right to produce documents on the
1304 releasee's own behalf.

1305 (f) The releasee's right of access to all evidence used
1306 against the releasee and to confront and cross-examine adverse
1307 witnesses.

1308 (g) The releasee's right to waive the hearing.

1309 (4) Within a reasonable time following the hearing, the
1310 judge commissioner or the judge's commissioner's duly authorized
1311 representative who conducted the hearing shall make findings of
1312 fact in regard to the alleged violation. The judge ~~A panel of no~~
1313 ~~fewer than two commissioners~~ shall enter an order determining
1314 whether the charge of violation of conditional release, control
1315 release, conditional medical release, or addiction-recovery
1316 supervision has been sustained based upon his or her ~~the~~
1317 findings of fact or by the findings of the duly presented by the
1318 ~~hearing commissioner or~~ authorized representative. By such
1319 order, the court panel may revoke conditional release, control
1320 release, conditional medical release, or addiction-recovery
1321 supervision and thereby return the releasee to prison to serve
1322 the sentence imposed, reinstate the original order granting the
1323 release, or enter such other order as it considers proper.
1324 Effective for inmates whose offenses were committed on or after
1325 July 1, 1995, the court panel may order the placement of a
1326 releasee, upon a finding of violation pursuant to this

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1327 subsection, into a local detention facility as a condition of
1328 supervision.

1329 (5) Effective for inmates whose offenses were committed on
1330 or after July 1, 1995, notwithstanding the provisions of ss.
1331 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
1332 951.23, or any other law to the contrary, by such order as
1333 provided in subsection (4), the court panel, upon a finding of
1334 guilt, may, as a condition of continued supervision, place the
1335 releasee in a local detention facility for a period of
1336 incarceration not to exceed 22 months. Prior to the expiration
1337 of the term of incarceration, or upon recommendation of the
1338 chief correctional officer of that county, the court commission
1339 shall cause inquiry into the inmate's release plan and custody
1340 status in the detention facility and consider whether to restore
1341 the inmate to supervision, modify the conditions of supervision,
1342 or enter an order of revocation, thereby causing the return of
1343 the inmate to prison to serve the sentence imposed. The
1344 provisions of this section do not prohibit the court panel from
1345 entering such other order or conducting any investigation that
1346 it deems proper. The court commission may only place a person in
1347 a local detention facility pursuant to this section if there is
1348 a contractual agreement between the chief correctional officer
1349 of that county and the Department of Corrections. The agreement
1350 must provide for a per diem reimbursement for each person placed
1351 under this section, which is payable by the Department of
1352 Corrections for the duration of the offender's placement in the
1353 facility. This section does not limit the court's commission's

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1354 ability to place a person in a local detention facility for less
1355 than 1 year.

1356 (6) Whenever a conditional release, control release,
1357 conditional medical release, or addiction-recovery supervision
1358 is revoked as provided by this section ~~by a panel of no fewer~~
1359 ~~than two commissioners~~ and the releasee is ordered to be
1360 returned to prison, the releasee, by reason of the misconduct,
1361 shall be deemed to have forfeited all gain-time or commutation
1362 of time for good conduct, as provided for by law, earned up to
1363 the date of release. However, if a conditional medical release
1364 is revoked due to the improved medical or physical condition of
1365 the releasee, the releasee shall not forfeit gain-time accrued
1366 before the date of conditional medical release. This subsection
1367 does not deprive the prisoner of the right to gain-time or
1368 commutation of time for good conduct, as provided by law, from
1369 the date of return to prison.

1370 (7) If a law enforcement officer has probable cause to
1371 believe that an offender who is on release supervision under s.
1372 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
1373 the terms and conditions of his or her release by committing a
1374 felony offense, the officer shall arrest the offender without a
1375 warrant, and a warrant need not be issued in the case.

1376 Section 50. Subsection (1) and paragraph (b) of subsection
1377 (7) of section 947.146, Florida Statutes, are amended to read:

1378 947.146 Control Release Authority.--

1379 (1) There may be ~~is~~ created a Control Release Authority to
1380 be administratively housed within the Department of Corrections

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1381 which shall be composed of five ~~the~~ members appointed by the
1382 Governor who shall also designate the chair of the Parole
1383 ~~Commission and which shall have the same chair as the~~
1384 ~~commission~~. The authority shall use ~~utilize~~ such ~~commission~~
1385 staff from the Department of Corrections as it determines is
1386 necessary to carry out its purposes.

1387 (7) The authority has the power and duty to:

1388 (b) Authorize an individual member of the authority
1389 ~~commissioner~~ to postpone a control release date for not more
1390 than 60 days without a hearing for any inmate who has become the
1391 subject of a disciplinary proceeding, a criminal arrest, an
1392 information, or an indictment; who has been terminated from work
1393 release; or about whom there is any recently discovered
1394 information as specified in paragraph (a).

1395 Section 51. Section 947.181, Florida Statutes, is amended
1396 to read:

1397 947.181 Victim restitution as condition of parole.--

1398 (1)(a) The regional parole boards ~~Parole Commission~~ shall
1399 require as a condition of parole reparation or restitution to
1400 the aggrieved party for the damage or loss caused by the offense
1401 for which the parolee was imprisoned unless the commission finds
1402 reasons to the contrary. If a regional parole board ~~the~~
1403 ~~commission~~ does not order restitution or orders only partial
1404 restitution, the commission shall state on the record the
1405 reasons therefor. The amount of such reparation or restitution
1406 shall be determined by the regional parole board having
1407 oversight of the parolee ~~Parole Commission~~.

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1408 (b) If the parolee fails to make the reparation or
1409 restitution to the aggrieved party as authorized in paragraph
1410 (a), it shall be considered by the court ~~commission~~ as a
1411 violation of parole as specified in s. 947.21 and may be cause
1412 for revocation of her or his parole.

1413 (2) If a defendant is paroled, any restitution ordered
1414 under s. 775.089 shall be a condition of such parole. The court
1415 ~~Parole Commission~~ may revoke parole if the defendant fails to
1416 comply with such order. In determining whether to revoke parole,
1417 the court ~~Parole Commission~~ shall consider the defendant's
1418 employment status, earning ability, and financial resources; the
1419 willfulness of the defendant's failure to pay; and any other
1420 special circumstances that may have a bearing on the defendant's
1421 ability to pay.

1422 Section 52. Section 947.185, Florida Statutes, is amended
1423 to read:

1424 947.185 Application for mental retardation services as
1425 condition of parole.--A regional parole board ~~The Parole~~
1426 ~~Commission~~ may require as a condition of parole that any inmate
1427 who has been diagnosed as mentally retarded as defined in s.
1428 393.063 shall, upon release, apply for retardation services from
1429 the Department of Children and Family Services.

1430 Section 53. Subsections (1) and (2) of section 947.22,
1431 Florida Statutes, are amended to read:

1432 947.22 Authority to arrest parole violators with or
1433 without warrant.--

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1434 (1) If a court ~~member of the commission or a duly~~
1435 ~~authorized representative of the commission~~ has reasonable
1436 grounds to believe that a parolee has violated the terms and
1437 conditions of her or his parole in a material respect, it such
1438 ~~member or representative~~ may issue a warrant for the arrest of
1439 such parolee. The warrant shall be returnable before the court a
1440 ~~member of the commission or a duly authorized representative of~~
1441 ~~the commission~~. The court ~~commission, a commissioner, or a~~
1442 ~~parole examiner with approval of the parole examiner supervisor,~~
1443 may release the parolee on bail or her or his own recognizance,
1444 conditioned upon her or his appearance at any hearings noticed
1445 by the commission. If not released on bail or her or his own
1446 recognizance, the parolee shall be committed to jail pending
1447 hearings pursuant to s. 947.23. ~~The commission, at its election,~~
1448 ~~may have the hearing conducted by one or more commissioners or~~
1449 ~~by a duly authorized representative of the commission~~. Any
1450 parole and probation officer, any officer authorized to serve
1451 criminal process, or any peace officer of this state is
1452 authorized to execute the warrant.

1453 (2) Any parole and probation officer, when she or he has
1454 reasonable ground to believe that a parolee, control releasee,
1455 or conditional releasee has violated the terms and conditions of
1456 her or his parole, control release, or conditional release in a
1457 material respect, has the right to arrest the releasee or
1458 parolee without warrant and bring her or him forthwith before a a
1459 court ~~one or more commissioners or a duly authorized~~
1460 ~~representative of the Parole Commission or Control Release~~

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1461 ~~Authority;~~ and proceedings shall thereupon be had as provided
1462 ~~herein when a warrant has been issued by a member of the~~
1463 ~~commission or authority or a duly authorized representative of~~
1464 ~~the commission or authority.~~

1465 Section 54. Paragraph (a) of subsection (1) and
1466 subsections (3) and (6) of section 948.09, Florida Statutes, are
1467 amended to read:

1468 948.09 Payment for cost of supervision and
1469 rehabilitation.--

1470 (1)(a)1. Any person ordered by the court or, the
1471 Department of Corrections, ~~or the parole commission~~ to be placed
1472 on probation, drug offender probation, community control,
1473 parole, control release, provisional release supervision,
1474 addiction-recovery supervision, or conditional release
1475 supervision under chapter 944, chapter 945, chapter 947, chapter
1476 948, or chapter 958, or in a pretrial intervention program,
1477 must, as a condition of any placement, pay the department a
1478 total sum of money equal to the total month or portion of a
1479 month of supervision times the court-ordered amount, but not to
1480 exceed the actual per diem cost of the supervision. The
1481 department shall adopt rules by which an offender who pays in
1482 full and in advance of regular termination of supervision may
1483 receive a reduction in the amount due. The rules shall
1484 incorporate provisions by which the offender's ability to pay is
1485 linked to an established written payment plan. Funds collected
1486 from felony offenders may be used to offset costs of the

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1487 Department of Corrections associated with community supervision
1488 programs, subject to appropriation by the Legislature.

1489 2. In addition to any other contribution or surcharge
1490 imposed by this section, each felony offender assessed under
1491 this paragraph shall pay a \$2-per-month surcharge to the
1492 department. The surcharge shall be deemed to be paid only after
1493 the full amount of any monthly payment required by the
1494 established written payment plan has been collected by the
1495 department. These funds shall be used by the department to pay
1496 for correctional probation officers' training and equipment,
1497 including radios, and firearms training, firearms, and attendant
1498 equipment necessary to train and equip officers who choose to
1499 carry a concealed firearm while on duty. Nothing in this
1500 subparagraph shall be construed to limit the department's
1501 authority to determine who shall be authorized to carry a
1502 concealed firearm while on duty, or to limit the right of a
1503 correctional probation officer to carry a personal firearm
1504 approved by the department.

1505 (3) Any failure to pay contribution as required under this
1506 section may constitute a ground for the revocation of probation,
1507 parole, or conditional release by the court, ~~the revocation of~~
1508 ~~parole or conditional release by the Parole Commission, the~~
1509 ~~revocation of control release by the Control Release Authority,~~
1510 or removal from the pretrial intervention program by the state
1511 attorney. The Department of Corrections may exempt a person from
1512 the payment of all or any part of the contribution if it finds
1513 any of the following factors to exist:

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1514 (a) The offender has diligently attempted, but has been
1515 unable, to obtain employment which provides him or her
1516 sufficient income to make such payments.

1517 (b) The offender is a student in a school, college,
1518 university, or course of career training designed to fit the
1519 student for gainful employment. Certification of such student
1520 status shall be supplied to the Secretary of Corrections by the
1521 educational institution in which the offender is enrolled.

1522 (c) The offender has an employment handicap, as determined
1523 by a physical, psychological, or psychiatric examination
1524 acceptable to, or ordered by, the secretary.

1525 (d) The offender's age prevents him or her from obtaining
1526 employment.

1527 (e) The offender is responsible for the support of
1528 dependents, and the payment of such contribution constitutes an
1529 undue hardship on the offender.

1530 (f) The offender has been transferred outside the state
1531 under an interstate compact adopted pursuant to chapter 949.

1532 (g) There are other extenuating circumstances, as
1533 determined by the secretary.

1534 (6) In addition to any other required contributions, the
1535 department, at its discretion, may require offenders under any
1536 form of supervision to submit to and pay for urinalysis testing
1537 to identify drug usage as part of the rehabilitation program.
1538 Any failure to make such payment, or participate, may be
1539 considered a ground for revocation by the court, ~~the Parole~~
1540 ~~Commission, or the Control Release Authority,~~ or for removal

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1541 from the pretrial intervention program by the state attorney.
1542 The department may exempt a person from such payment if it
1543 determines that any of the factors specified in subsection (3)
1544 exist.

1545 Section 55. Subsection (1) of section 948.10, Florida
1546 Statutes, is amended to read:

1547 948.10 Community control programs.--

1548 (1) The Department of Corrections shall develop and
1549 administer a community control program. Such community control
1550 program and required manuals shall be developed in consultation
1551 with the Florida Conference of Circuit Court Judges and the
1552 office of the State Courts Administrator. This complementary
1553 program shall be rigidly structured and designed to accommodate
1554 offenders who, in the absence of such a program, would have been
1555 incarcerated. The program shall focus on the provision of
1556 sanctions and consequences which are commensurate with the
1557 seriousness of the crime. The program shall offer the courts and
1558 the regional parole boards ~~Parole Commission~~ an alternative,
1559 community-based method to punish an offender in lieu of
1560 incarceration when the offender is a member of one of the
1561 following target groups:

1562 (a) Probation violators charged with technical violations
1563 or misdemeanor violations.

1564 (b) Parole violators charged with technical violations or
1565 misdemeanor violations.

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1566 (c) Individuals found guilty of felonies, who, due to
1567 their criminal backgrounds or the seriousness of the offenses,
1568 would not be placed on regular probation.

1569 Section 56. Section 949.05, Florida Statutes, is amended
1570 to read:

1571 949.05 Constitutionality.--

1572 ~~(1)~~ If any clause, sentence, paragraph, section, or part
1573 of chapters 947-949 shall for any reason be adjudged by any
1574 court of competent jurisdiction to be unconstitutional, invalid,
1575 or void, such judgment shall not affect, impair, or invalidate
1576 the remainder of the law, but shall be confined in its operation
1577 to the clause, sentence, paragraph, section, or part thereof
1578 directly involved in the controversy in which such judgment
1579 shall have been rendered.

1580 ~~(2) If the method of selecting the commission members as~~
1581 ~~herein provided is found to be invalid by reason of the vesting~~
1582 ~~of the appointing power in the Governor and the Cabinet, the~~
1583 ~~members of the Parole Commission herein provided for shall be~~
1584 ~~appointed by the Governor.~~

1585 Section 57. Subsection (6) of section 957.06, Florida
1586 Statutes, is amended to read:

1587 957.06 Powers and duties not delegable to contractor.--A
1588 contract entered into under this chapter does not authorize,
1589 allow, or imply a delegation of authority to the contractor to:

1590 (6) Make recommendations to a regional parole board ~~the~~
1591 ~~Parole Commission~~ with respect to the denial or granting of
1592 parole, control release, conditional release, or conditional

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1593 medical release. However, the contractor may submit written
1594 reports to a regional parole board ~~the Parole Commission~~ and
1595 must respond to a written request by a regional parole board ~~the~~
1596 ~~Parole Commission~~ for information.

1597 Section 58. Paragraph (c) of subsection (8) of section
1598 958.045, Florida Statutes, is amended to read:

1599 958.045 Youthful offender basic training program.--

1600 (8)

1601 (c) The department shall work cooperatively with the
1602 Control Release Authority or the regional parole board having
1603 oversight over the parole-eligible individual ~~Parole Commission~~
1604 to effect the release of an offender who has successfully
1605 completed the requirements of the basic training program.

1606 Section 59. Subsection (1) of section 960.001, Florida
1607 Statutes, is amended to read:

1608 960.001 Guidelines for fair treatment of victims and
1609 witnesses in the criminal justice and juvenile justice
1610 systems.--

1611 (1) The Department of Legal Affairs, the state attorneys,
1612 the Department of Corrections, the Department of Juvenile
1613 Justice, ~~the Parole Commission~~, the State Courts Administrator
1614 and circuit court administrators, the Department of Law
1615 Enforcement, and every sheriff's department, police department,
1616 or other law enforcement agency as defined in s. 943.10(4) shall
1617 develop and implement guidelines for the use of their respective
1618 agencies, which guidelines are consistent with the purposes of
1619 this act and s. 16(b), Art. I of the State Constitution and are

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1620 designed to implement the provisions of s. 16(b), Art. I of the
1621 State Constitution and to achieve the following objectives:

1622 (a) Information concerning services available to victims
1623 of adult and juvenile crime.--As provided in s. 27.0065, state
1624 attorneys and public defenders shall gather information
1625 regarding the following services in the geographic boundaries of
1626 their respective circuits and shall provide such information to
1627 each law enforcement agency with jurisdiction within such
1628 geographic boundaries. Law enforcement personnel shall ensure,
1629 through distribution of a victim's rights information card or
1630 brochure at the crime scene, during the criminal investigation,
1631 and in any other appropriate manner, that victims are given, as
1632 a matter of course at the earliest possible time, information
1633 about:

1634 1. The availability of crime victim compensation, when
1635 applicable;

1636 2. Crisis intervention services, supportive or bereavement
1637 counseling, social service support referrals, and community-
1638 based victim treatment programs;

1639 3. The role of the victim in the criminal or juvenile
1640 justice process, including what the victim may expect from the
1641 system as well as what the system expects from the victim;

1642 4. The stages in the criminal or juvenile justice process
1643 which are of significance to the victim and the manner in which
1644 information about such stages can be obtained;

1645 5. The right of a victim, who is not incarcerated,
1646 including the victim's parent or guardian if the victim is a

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1647 | minor, the lawful representative of the victim or of the
1648 | victim's parent or guardian if the victim is a minor, and the
1649 | next of kin of a homicide victim, to be informed, to be present,
1650 | and to be heard when relevant, at all crucial stages of a
1651 | criminal or juvenile proceeding, to the extent that this right
1652 | does not interfere with constitutional rights of the accused, as
1653 | provided by s. 16(b), Art. I of the State Constitution;

1654 | 6. In the case of incarcerated victims, the right to be
1655 | informed and to submit written statements at all crucial stages
1656 | of the criminal proceedings, parole proceedings, or juvenile
1657 | proceedings; and

1658 | 7. The right of a victim to a prompt and timely
1659 | disposition of the case in order to minimize the period during
1660 | which the victim must endure the responsibilities and stress
1661 | involved to the extent that this right does not interfere with
1662 | the constitutional rights of the accused.

1663 | (b) Information for purposes of notifying victim or
1664 | appropriate next of kin of victim or other designated contact of
1665 | victim.--In the case of a homicide, pursuant to chapter 782; or
1666 | a sexual offense, pursuant to chapter 794; or an attempted
1667 | murder or sexual offense, pursuant to chapter 777; or stalking,
1668 | pursuant to s. 784.048; or domestic violence, pursuant to s.
1669 | 25.385:

1670 | 1. The arresting law enforcement officer or personnel of
1671 | an organization that provides assistance to a victim or to the
1672 | appropriate next of kin of the victim or other designated
1673 | contact must request that the victim or appropriate next of kin

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1674 of the victim or other designated contact complete a victim
1675 notification card. However, the victim or appropriate next of
1676 kin of the victim or other designated contact may choose not to
1677 complete the victim notification card.

1678 2. Unless the victim or the appropriate next of kin of the
1679 victim or other designated contact waives the option to complete
1680 the victim notification card, a copy of the victim notification
1681 card must be filed with the incident report or warrant in the
1682 sheriff's office of the jurisdiction in which the incident
1683 report or warrant originated. The notification card shall, at a
1684 minimum, consist of:

- 1685 a. The name, address, and phone number of the victim; or
1686 b. The name, address, and phone number of the appropriate
1687 next of kin of the victim; or
1688 c. The name, address, and phone number of a designated
1689 contact other than the victim or appropriate next of kin of the
1690 victim; and
1691 d. Any relevant identification or case numbers assigned to
1692 the case.

1693 3. The chief administrator, or a person designated by the
1694 chief administrator, of a county jail, municipal jail, juvenile
1695 detention facility, or residential commitment facility shall
1696 make a reasonable attempt to notify the alleged victim or
1697 appropriate next of kin of the alleged victim or other
1698 designated contact within 4 hours following the release of the
1699 defendant on bail or, in the case of a juvenile offender, upon
1700 the release from residential detention or commitment. If the

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1701 chief administrator, or designee, is unable to contact the
1702 alleged victim or appropriate next of kin of the alleged victim
1703 or other designated contact by telephone, the chief
1704 administrator, or designee, must send to the alleged victim or
1705 appropriate next of kin of the alleged victim or other
1706 designated contact a written notification of the defendant's
1707 release.

1708 4. Unless otherwise requested by the victim or the
1709 appropriate next of kin of the victim or other designated
1710 contact, the information contained on the victim notification
1711 card must be sent by the chief administrator, or designee, of
1712 the appropriate facility to the subsequent correctional or
1713 residential commitment facility following the sentencing and
1714 incarceration of the defendant, and unless otherwise requested
1715 by the victim or the appropriate next of kin of the victim or
1716 other designated contact, he or she must be notified of the
1717 release of the defendant from incarceration as provided by law.

1718 5. If the defendant was arrested pursuant to a warrant
1719 issued or taken into custody pursuant to s. 985.207 in a
1720 jurisdiction other than the jurisdiction in which the defendant
1721 is being released, and the alleged victim or appropriate next of
1722 kin of the alleged victim or other designated contact does not
1723 waive the option for notification of release, the chief
1724 correctional officer or chief administrator of the facility
1725 releasing the defendant shall make a reasonable attempt to
1726 immediately notify the chief correctional officer of the
1727 jurisdiction in which the warrant was issued or the juvenile was

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1728 taken into custody pursuant to s. 985.207, and the chief
1729 correctional officer of that jurisdiction shall make a
1730 reasonable attempt to notify the alleged victim or appropriate
1731 next of kin of the alleged victim or other designated contact,
1732 as provided in this paragraph, that the defendant has been or
1733 will be released.

1734 (c) Information concerning protection available to victim
1735 or witness.--A victim or witness shall be furnished, as a matter
1736 of course, with information on steps that are available to law
1737 enforcement officers and state attorneys to protect victims and
1738 witnesses from intimidation. Victims of domestic violence shall
1739 also be given information about the address confidentiality
1740 program provided under s. 741.403.

1741 (d) Notification of scheduling changes.--Each victim or
1742 witness who has been scheduled to attend a criminal or juvenile
1743 justice proceeding shall be notified as soon as possible by the
1744 agency scheduling his or her appearance of any change in
1745 scheduling which will affect his or her appearance.

1746 (e) Advance notification to victim or relative of victim
1747 concerning judicial proceedings; right to be present.--Any
1748 victim, parent, guardian, or lawful representative of a minor
1749 who is a victim, or relative of a homicide victim shall receive
1750 from the appropriate agency, at the address found in the police
1751 report or the victim notification card if such has been provided
1752 to the agency, prompt advance notification, unless the agency
1753 itself does not have advance notification, of judicial and

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1754 postjudicial proceedings relating to his or her case, including
1755 all proceedings or hearings relating to:

1756 1. The arrest of an accused;

1757 2. The release of the accused pending judicial proceedings
1758 or any modification of release conditions; and

1759 3. Proceedings in the prosecution or petition for
1760 delinquency of the accused, including the filing of the
1761 accusatory instrument, the arraignment, disposition of the
1762 accusatory instrument, trial or adjudicatory hearing, sentencing
1763 or disposition hearing, appellate review, subsequent
1764 modification of sentence, collateral attack of a judgment, and,
1765 when a term of imprisonment, detention, or residential
1766 commitment is imposed, the release of the defendant or juvenile
1767 offender from such imprisonment, detention, or residential
1768 commitment by expiration of sentence or parole and any meeting
1769 held to consider such release.

1770
1771 A victim, a victim's parent or guardian if the victim is a
1772 minor, a lawful representative of the victim or of the victim's
1773 parent or guardian if the victim is a minor, or a victim's next
1774 of kin may not be excluded from any portion of any hearing,
1775 trial, or proceeding pertaining to the offense based solely on
1776 the fact that such person is subpoenaed to testify, unless, upon
1777 motion, the court determines such person's presence to be
1778 prejudicial. The appropriate agency with respect to notification
1779 under subparagraph 1. is the arresting law enforcement agency,
1780 and the appropriate agency with respect to notification under

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1781 subparagraphs 2. and 3. is the Attorney General or state
1782 attorney, unless the notification relates to a hearing
1783 concerning parole, in which case the appropriate agency is the
1784 Parole Commission. The Department of Corrections, the Department
1785 of Juvenile Justice, or the sheriff is the appropriate agency
1786 with respect to release by expiration of sentence or any other
1787 release program provided by law. Any victim may waive
1788 notification at any time, and such waiver shall be noted in the
1789 agency's files.

1790 (f) Information concerning release from incarceration from
1791 a county jail, municipal jail, juvenile detention facility, or
1792 residential commitment facility.--The chief administrator, or a
1793 person designated by the chief administrator, of a county jail,
1794 municipal jail, juvenile detention facility, or residential
1795 commitment facility shall, upon the request of the victim or the
1796 appropriate next of kin of a victim or other designated contact
1797 of the victim of any of the crimes specified in paragraph (b),
1798 make a reasonable attempt to notify the victim or appropriate
1799 next of kin of the victim or other designated contact prior to
1800 the defendant's or offender's release from incarceration,
1801 detention, or residential commitment if the victim notification
1802 card has been provided pursuant to paragraph (b). If prior
1803 notification is not successful, a reasonable attempt must be
1804 made to notify the victim or appropriate next of kin of the
1805 victim or other designated contact within 4 hours following the
1806 release of the defendant or offender from incarceration,
1807 detention, or residential commitment. If the defendant is

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1808 released following sentencing, disposition, or furlough, the
1809 chief administrator or designee shall make a reasonable attempt
1810 to notify the victim or the appropriate next of kin of the
1811 victim or other designated contact within 4 hours following the
1812 release of the defendant. If the chief administrator or designee
1813 is unable to contact the victim or appropriate next of kin of
1814 the victim or other designated contact by telephone, the chief
1815 administrator or designee must send to the victim or appropriate
1816 next of kin of the victim or other designated contact a written
1817 notification of the defendant's or offender's release.

1818 (g) Consultation with victim or guardian or family of
1819 victim.--

1820 1. In addition to being notified of the provisions of s.
1821 921.143, the victim of a felony involving physical or emotional
1822 injury or trauma or, in a case in which the victim is a minor
1823 child or in a homicide, the guardian or family of the victim
1824 shall be consulted by the state attorney in order to obtain the
1825 views of the victim or family about the disposition of any
1826 criminal or juvenile case brought as a result of such crime,
1827 including the views of the victim or family about:

1828 a. The release of the accused pending judicial
1829 proceedings;

1830 b. Plea agreements;

1831 c. Participation in pretrial diversion programs; and

1832 d. Sentencing of the accused.

1833 2. Upon request, the state attorney shall permit the
1834 victim, the victim's parent or guardian if the victim is a

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1835 | minor, the lawful representative of the victim or of the
1836 | victim's parent or guardian if the victim is a minor, or the
1837 | victim's next of kin in the case of a homicide to review a copy
1838 | of the presentence investigation report prior to the sentencing
1839 | hearing if one was completed. Any confidential information that
1840 | pertains to medical history, mental health, or substance abuse
1841 | and any information that pertains to any other victim shall be
1842 | redacted from the copy of the report. Any person who reviews the
1843 | report pursuant to this paragraph must maintain the
1844 | confidentiality of the report and shall not disclose its
1845 | contents to any person except statements made to the state
1846 | attorney or the court.

1847 | 3. When an inmate has been approved for community work
1848 | release, the Department of Corrections shall, upon request and
1849 | as provided in s. 944.605, notify the victim, the victim's
1850 | parent or guardian if the victim is a minor, the lawful
1851 | representative of the victim or of the victim's parent or
1852 | guardian if the victim is a minor, or the victim's next of kin
1853 | if the victim is a homicide victim.

1854 | (h) Return of property to victim.--Law enforcement
1855 | agencies and the state attorney shall promptly return a victim's
1856 | property held for evidentiary purposes unless there is a
1857 | compelling law enforcement reason for retaining it. The trial or
1858 | juvenile court exercising jurisdiction over the criminal or
1859 | juvenile proceeding may enter appropriate orders to implement
1860 | the provisions of this subsection, including allowing
1861 | photographs of the victim's property to be used as evidence at

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1862 the criminal trial or the juvenile proceeding in place of the
1863 victim's property when no substantial evidentiary issue related
1864 thereto is in dispute.

1865 (i) Notification to employer and explanation to creditors
1866 of victim or witness.--A victim or witness who so requests shall
1867 be assisted by law enforcement agencies and the state attorney
1868 in informing his or her employer that the need for victim and
1869 witness cooperation in the prosecution of the case may
1870 necessitate the absence of that victim or witness from work. A
1871 victim or witness who, as a direct result of a crime or of his
1872 or her cooperation with law enforcement agencies or a state
1873 attorney, is subjected to serious financial strain shall be
1874 assisted by such agencies and state attorney in explaining to
1875 the creditors of such victim or witness the reason for such
1876 serious financial strain.

1877 (j) Notification of right to request restitution.--Law
1878 enforcement agencies and the state attorney shall inform the
1879 victim of the victim's right to request and receive restitution
1880 pursuant to s. 775.089 or s. 985.231(1)(a)1., and of the
1881 victim's rights of enforcement under ss. 775.089(6) and 985.201
1882 in the event an offender does not comply with a restitution
1883 order. The state attorney shall seek the assistance of the
1884 victim in the documentation of the victim's losses for the
1885 purpose of requesting and receiving restitution. In addition,
1886 the state attorney shall inform the victim if and when
1887 restitution is ordered. If an order of restitution is converted
1888 to a civil lien or civil judgment against the defendant, the

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1889 clerks shall make available at their office, as well as on their
1890 website, information provided by the Secretary of State, the
1891 court, or The Florida Bar on enforcing the civil lien or
1892 judgment.

1893 (k) Notification of right to submit impact statement.--The
1894 state attorney shall inform the victim of the victim's right to
1895 submit an oral or written impact statement pursuant to s.
1896 921.143 and shall assist in the preparation of such statement if
1897 necessary.

1898 (l) Local witness coordination services.--The requirements
1899 for notification provided for in paragraphs (c), (d), and (i)
1900 may be performed by the state attorney or public defender for
1901 their own witnesses.

1902 (m) Victim assistance education and training.--Victim
1903 assistance education and training shall be offered to persons
1904 taking courses at law enforcement training facilities and to
1905 state attorneys and assistant state attorneys so that victims
1906 may be promptly, properly, and completely assisted.

1907 (n) General victim assistance.--Victims and witnesses
1908 shall be provided with such other assistance, such as
1909 transportation, parking, separate pretrial waiting areas, and
1910 translator services in attending court, as is practicable.

1911 (o) Victim's rights information card or brochure.--A
1912 victim of a crime shall be provided with a victim's rights
1913 information card or brochure containing essential information
1914 concerning the rights of a victim and services available to a
1915 victim as required by state law.

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Bill No. HB 1899

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1916 (p) Information concerning escape from a state
1917 correctional institution, county jail, juvenile detention
1918 facility, or residential commitment facility.--In any case where
1919 an offender escapes from a state correctional institution,
1920 private correctional facility, county jail, juvenile detention
1921 facility, or residential commitment facility, the institution of
1922 confinement shall immediately notify the state attorney of the
1923 jurisdiction where the criminal charge or petition for
1924 delinquency arose and the judge who imposed the sentence of
1925 incarceration. The state attorney shall thereupon make every
1926 effort to notify the victim, material witness, parents or legal
1927 guardian of a minor who is a victim or witness, or immediate
1928 relatives of a homicide victim of the escapee. The state
1929 attorney shall also notify the sheriff of the county where the
1930 criminal charge or petition for delinquency arose. The sheriff
1931 shall offer assistance upon request. When an escaped offender is
1932 subsequently captured or is captured and returned to the
1933 institution of confinement, the institution of confinement shall
1934 again immediately notify the appropriate state attorney and
1935 sentencing judge pursuant to this section.

1936 (q) Presence of victim advocate during discovery
1937 deposition; testimony of victim of a sexual offense.--At the
1938 request of the victim or the victim's parent, guardian, or
1939 lawful representative, the victim advocate designated by state
1940 attorney's office, sheriff's office, or municipal police
1941 department, or one representative from a not-for-profit victim
1942 services organization, including, but not limited to, rape

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1943 crisis centers, domestic violence advocacy groups, and alcohol
1944 abuse or substance abuse groups shall be permitted to attend and
1945 be present during any deposition of the victim. The victim of a
1946 sexual offense shall be informed of the right to have the
1947 courtroom cleared of certain persons as provided in s. 918.16
1948 when the victim is testifying concerning that offense.

1949 (r) Implementing crime prevention in order to protect the
1950 safety of persons and property, as prescribed in the State
1951 Comprehensive Plan.--By preventing crimes that create victims or
1952 further harm former victims, crime prevention efforts are an
1953 essential part of providing effective service for victims and
1954 witnesses. Therefore, the agencies identified in this subsection
1955 may participate in and expend funds for crime prevention, public
1956 awareness, public participation, and educational activities
1957 directly relating to, and in furtherance of, existing public
1958 safety statutes. Furthermore, funds may not be expended for the
1959 purpose of influencing public opinion on public policy issues
1960 that have not been resolved by the Legislature or the
1961 electorate.

1962 (s) Attendance of victim at same school as
1963 defendant.--When the victim of an offense committed by a
1964 juvenile is a minor, the Department of Juvenile Justice shall
1965 request information to determine if the victim, or any sibling
1966 of the victim, attends or is eligible to attend the same school
1967 as the offender. However, if the offender is subject to a
1968 presentence investigation by the Department of Corrections, the
1969 Department of Corrections shall make such request. If the victim

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1970 or any sibling of the victim attends or is eligible to attend
1971 the same school as that of the offender, the appropriate agency
1972 shall notify the victim's parent or legal guardian of the right
1973 to attend the sentencing or disposition of the offender and
1974 request that the offender be required to attend a different
1975 school.

1976 Section 60. Subsection (3) of section 960.17, Florida
1977 Statutes, is amended to read:

1978 960.17 Award constitutes debt owed to state.--

1979 (3) The regional parole board with jurisdiction over the
1980 parole-eligible offender ~~Parole Commission~~ shall make the
1981 payment of the debt to the state a condition of parole under
1982 chapter 947, unless the board ~~commission~~ finds reasons to the
1983 contrary. If the board ~~commission~~ does not order payment, or
1984 orders only partial payment, it shall state on the record the
1985 reasons therefor.

1986 Section 61. Paragraph (a) of subsection (3) of section
1987 985.04, Florida Statutes, is amended to read:

1988 985.04 Oaths; records; confidential information.--

1989 (3)(a) Except as provided in subsections (2), (4), (5),
1990 and (6), and s. 943.053, all information obtained under this
1991 part in the discharge of official duty by any judge, any
1992 employee of the court, any authorized agent of the Department of
1993 Juvenile Justice, the regional parole boards ~~Parole Commission~~,
1994 the Department of Corrections, the juvenile justice circuit
1995 boards, any law enforcement agent, or any licensed professional
1996 or licensed community agency representative participating in the

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1997 assessment or treatment of a juvenile is confidential and may be
1998 disclosed only to the authorized personnel of the court, the
1999 Department of Juvenile Justice and its designees, the Department
2000 of Corrections, the regional parole boards ~~Parole Commission~~,
2001 law enforcement agents, school superintendents and their
2002 designees, any licensed professional or licensed community
2003 agency representative participating in the assessment or
2004 treatment of a juvenile, and others entitled under this chapter
2005 to receive that information, or upon order of the court. Within
2006 each county, the sheriff, the chiefs of police, the district
2007 school superintendent, and the department shall enter into an
2008 interagency agreement for the purpose of sharing information
2009 about juvenile offenders among all parties. The agreement must
2010 specify the conditions under which summary criminal history
2011 information is to be made available to appropriate school
2012 personnel, and the conditions under which school records are to
2013 be made available to appropriate department personnel. Such
2014 agreement shall require notification to any classroom teacher of
2015 assignment to the teacher's classroom of a juvenile who has been
2016 placed in a probation or commitment program for a felony
2017 offense. The agencies entering into such agreement must comply
2018 with s. 943.0525, and must maintain the confidentiality of
2019 information that is otherwise exempt from s. 119.07(1), as
2020 provided by law.

2021 Section 62. Subsection (2) of section 985.05, Florida
2022 Statutes, is amended to read:

2023 985.05 Court records.--

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2024 (2) The clerk shall keep all official records required by
2025 this section separate from other records of the circuit court,
2026 except those records pertaining to motor vehicle violations,
2027 which shall be forwarded to the Department of Highway Safety and
2028 Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),
2029 official records required by this part are not open to
2030 inspection by the public, but may be inspected only upon order
2031 of the court by persons deemed by the court to have a proper
2032 interest therein, except that a child and the parents,
2033 guardians, or legal custodians of the child and their attorneys,
2034 law enforcement agencies, the Department of Juvenile Justice and
2035 its designees, a regional parole board ~~the Parole Commission~~,
2036 and the Department of Corrections shall always have the right to
2037 inspect and copy any official record pertaining to the child.
2038 The court may permit authorized representatives of recognized
2039 organizations compiling statistics for proper purposes to
2040 inspect, and make abstracts from, official records under
2041 whatever conditions upon the use and disposition of such records
2042 the court may deem proper and may punish by contempt proceedings
2043 any violation of those conditions.

2044 Section 63. Subsection (1) of section 784.078, Florida
2045 Statutes, is amended to read:

2046 784.078 Battery of facility employee by throwing, tossing,
2047 or expelling certain fluids or materials.--

2048 (1) As used in this section, the term "facility" means a
2049 state correctional institution defined in s. 944.02~~(6)~~; a
2050 private correctional facility defined in s. 944.710 or under

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2051 chapter 957; a county, municipal, or regional jail or other
2052 detention facility of local government under chapter 950 or
2053 chapter 951; or a secure facility operated and maintained by the
2054 Department of Corrections or the Department of Juvenile Justice.

2055 Section 64. Support for the Governor and Cabinet acting in
2056 their capacity as the Executive Board of Clemency is hereby
2057 transferred from the Parole Commission to the Executive Office
2058 of the Governor by a type two transfer as provided in s. 20.06,
2059 Florida Statutes.

2060 Section 65. Sections 947.01 and 947.022, Florida Statutes,
2061 are repealed.

2062 Section 66. The Division of Statutory Revision of the
2063 Office of Legislative Services shall redesignate, in the next
2064 edition of the Florida Statutes, the title of chapter 947,
2065 Florida Statutes, as "Regional Parole Boards."

2066 Section 67. Except as otherwise provided, this act shall
2067 take effect June 1, 2006.

2068
2069 ===== T I T L E A M E N D M E N T =====

2070 Remove line 17 and insert:

2071
2072 proposals for a private correctional facility; amending ss.
2073 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 322.16,
2074 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01,
2075 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22,
2076 940.03, 940.05, 941.23, 943.0311, 943.06, 944.012, 944.02
2077 944.024, 944.23, 944.291, 944.4731, 945.091, 945.10, 945.47,

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HOUSE AMENDMENT

Bill No. HB 1899

Amendment No. (for drafter's use only)

2078 945.73, 947.002, 947.005, 947.02, 947.021, 947.1405, 947.141,
2079 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05,
2080 957.06, 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.;
2081 abolishing the Parole Commission; providing for the creation of
2082 regional parole boards; providing for membership, powers, and
2083 duties of such boards; providing for assignment of inmates to
2084 boards; conforming provisions; amending s. 784.078, F.S.;
2085 conforming a cross reference; repealing s. 947.01, F.S.,
2086 relating to the creation of the Parole Commission; repealing s.
2087 947.022, F.S., relating to terms of members of the Parole
2088 Commission; transferring support for the Governor and Cabinet
2089 acting in their capacity as the Executive Board of Clemency from
2090 the Parole Commission to the Executive Office of the Governor;
2091 providing a directive to the Division of Statutory Revision;
2092 providing

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