

1 A bill to be entitled
2 An act relating to corrections; amending s. 20.315, F.S.;
3 abolishing the Florida Corrections Commission; amending s.
4 944.8041, F.S.; conforming references; requiring the
5 annual report on elderly offenders within the correctional
6 system to be submitted to the Governor in addition to the
7 Legislature; amending s. 946.40, F.S.; permitting
8 political subdivisions to reimburse the Department of
9 Corrections for certain services of inmates and personnel
10 of the department; amending s. 957.04, F.S.; revising
11 requirements for contracts for the operation of private
12 correctional facilities; conforming references; amending
13 s. 957.07, F.S.; providing for the Prison Per-Diem
14 Workgroup to develop certain rates on an as-needed basis;
15 amending s. 957.12, F.S.; revising provisions relating to
16 prohibitions on contact with respect to a request for
17 proposals for a private correctional facility; amending
18 ss. 20.315, 20.32, 23.21, 112.011, 186.005, 255.502,
19 322.16, 394.926, 394.927, 775.089, 775.16, 784.07,
20 784.078, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16,
21 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311,
22 943.06, 944.012, 944.02 944.024, 944.23, 944.291,
23 944.4731, 945.091, 945.10, 945.47, 945.73, 947.002,
24 947.005, 947.02, 947.021, 947.1405, 947.141, 947.146,
25 947.181, 947.185, 947.22, 948.09, 948.10, 949.05, 957.06,
26 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.;
27 abolishing the Parole Commission; providing for the
28 creation of regional parole boards; providing for

29 membership, powers, and duties of such boards; providing
 30 for assignment of inmates to boards; conforming
 31 provisions; amending s. 784.078, F.S.; conforming a cross
 32 reference; repealing s. 947.01, F.S., relating to the
 33 creation of the Parole Commission; repealing s. 947.022,
 34 F.S., relating to terms of members of the Parole
 35 Commission; transferring support for the Governor and
 36 Cabinet acting in their capacity as the Executive Board of
 37 Clemency from the Parole Commission to the Executive
 38 Office of the Governor; providing a directive to the
 39 Division of Statutory Revision; providing an effective
 40 date.

41

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

43

44 Section 1. Subsections (7) through (13) of section 20.315,
 45 Florida Statutes, are renumbered as subsections (6) through
 46 (12), respectively, and present subsection (6) of said section
 47 is amended to read:

48 20.315 Department of Corrections.--There is created a
 49 Department of Corrections.

50 ~~(6) FLORIDA CORRECTIONS COMMISSION.~~

51 ~~(a)1. The Florida Corrections Commission is hereby~~
 52 ~~created. The primary focus of the commission shall be on~~
 53 ~~corrections; however, in those instances in which the policies~~
 54 ~~of other components of the criminal justice system affect~~
 55 ~~corrections, the commission shall advise and make~~
 56 ~~recommendations.~~

57 ~~2. The commission shall consist of nine members appointed~~
 58 ~~by the Governor subject to confirmation by the Senate. Members~~
 59 ~~of the commission shall serve terms of 4 years each. Members~~
 60 ~~must be appointed in such a manner as to equitably represent all~~
 61 ~~geographic areas of the state. Each member of the commission~~
 62 ~~must be a citizen and registered voter of the state. A member of~~
 63 ~~the commission shall represent the public safety needs of the~~
 64 ~~state as a whole and may not subordinate the needs of the state~~
 65 ~~to those of any particular area of the state. The commission's~~
 66 ~~membership should, to the extent possible, contain persons who~~
 67 ~~are knowledgeable about construction, health care, information~~
 68 ~~technology, education, business, food services, law, and inmate~~
 69 ~~and youthful offender rehabilitation and services.~~

70 ~~3. The commission is assigned to the office of the~~
 71 ~~Secretary of Corrections for administrative and fiscal~~
 72 ~~accountability purposes, but it shall otherwise function~~
 73 ~~independently of the control and direction of the Department of~~
 74 ~~Corrections.~~

75 ~~(b) The primary functions of the commission are to:~~

76 ~~1. Recommend major correctional policies for the~~
 77 ~~Governor's approval, and assure that approved policies and any~~
 78 ~~revisions thereto are properly executed.~~

79 ~~2. Periodically review the status of the state~~
 80 ~~correctional system and recommend improvements therein to the~~
 81 ~~Governor and the Legislature.~~

82 ~~3. Annually perform an in-depth review of community-based~~
 83 ~~intermediate sanctions and recommend to the Governor and the~~
 84 ~~Legislature intergovernmental approaches through the Community~~

85 ~~Corrections Partnership Act for planning and implementing such~~
 86 ~~sanctions and programs.~~

87 ~~4. Perform an in depth evaluation of the annual budget~~
 88 ~~request of the Department of Corrections, the comprehensive~~
 89 ~~correctional master plan, and the tentative construction program~~
 90 ~~for compliance with all applicable laws and established~~
 91 ~~departmental policies. The commission may not consider~~
 92 ~~individual construction projects, but shall consider methods of~~
 93 ~~accomplishing the department's goals in the most effective,~~
 94 ~~efficient, and businesslike manner.~~

95 ~~5. Routinely monitor the financial status of the~~
 96 ~~Department of Corrections to assure that the department is~~
 97 ~~managing revenue and any applicable bond proceeds responsibly~~
 98 ~~and in accordance with law and established policy.~~

99 ~~6. Evaluate, at least quarterly, the efficiency,~~
 100 ~~productivity, and management of the Department of Corrections,~~
 101 ~~using performance and production standards developed by the~~
 102 ~~department under former subsection (18).~~

103 ~~7. Provide public education on corrections and criminal~~
 104 ~~justice issues.~~

105 ~~8. Report to the President of the Senate, the Speaker of~~
 106 ~~the House of Representatives, and the Governor by November 1 of~~
 107 ~~each year.~~

108 ~~9. Resolve disputes between the Department of Corrections~~
 109 ~~and the contractors for the private correctional facilities~~
 110 ~~entered into under chapter 957 when a contractor proposes to~~
 111 ~~waive a rule, policy, or procedure concerning operation~~
 112 ~~standards.~~

113 ~~(c) The commission or a member thereof may not enter into~~
114 ~~the day-to-day operation of the Department of Corrections and is~~
115 ~~specifically prohibited from taking part in:~~

116 ~~1. The awarding of contracts by the department.~~

117 ~~2. The selection by the department of a consultant or~~
118 ~~contractor or the prequalification by the department of any~~
119 ~~individual consultant or contractor. However, the commission may~~
120 ~~recommend to the Secretary of Corrections standards and policies~~
121 ~~governing the procedure for selection and prequalification of~~
122 ~~consultants and contractors.~~

123 ~~3. The selection by the department of a county for a~~
124 ~~specific project.~~

125 ~~4. The selection by the department of a specific location~~
126 ~~for a correctional facility.~~

127 ~~5. The employment, promotion, demotion, suspension,~~
128 ~~transfer, or discharge of any departmental personnel.~~

129 ~~6. The enforcement of minimum standards for any county or~~
130 ~~municipal detention facility.~~

131 ~~(d)1. The chair of the commission shall be selected by the~~
132 ~~members for a term of 1 year.~~

133 ~~2. The commission shall hold a minimum of four regular~~
134 ~~meetings annually, and other meetings may be called by the chair~~
135 ~~upon giving at least 7 days' notice to all members and the~~
136 ~~public pursuant to chapter 120. Meetings may also be held upon~~
137 ~~the written request of at least four members, upon at least 7~~
138 ~~days' notice of such meeting being given to all members and the~~
139 ~~public by the chair pursuant to chapter 120. Emergency meetings~~
140 ~~may be held without notice upon the request of all members. The~~

141 ~~meetings of the commission shall be held in the central office~~
142 ~~of the Department of Corrections in Tallahassee unless the chair~~
143 ~~determines that special circumstances warrant meeting at another~~
144 ~~location.~~

145 ~~3. A majority of the membership of the commission~~
146 ~~constitutes a quorum at any meeting of the commission. An action~~
147 ~~of the commission is not binding unless the action is taken~~
148 ~~pursuant to an affirmative vote of a majority of the members~~
149 ~~present, but not fewer than four members of the commission must~~
150 ~~be present, and the vote must be recorded in the minutes of the~~
151 ~~meeting.~~

152 ~~4. The chair shall cause to be made a complete record of~~
153 ~~the proceedings of the commission, which record shall be open~~
154 ~~for public inspection.~~

155 ~~(e) The commission shall appoint an executive director and~~
156 ~~an assistant executive director, who shall serve under the~~
157 ~~direction, supervision, and control of the commission. The~~
158 ~~executive director, with the consent of the commission, shall~~
159 ~~employ such staff as are necessary to perform adequately the~~
160 ~~functions of the commission, within budgetary limitations. All~~
161 ~~employees of the commission are exempt from part II of chapter~~
162 ~~110 and serve at the pleasure of the commission. The salaries~~
163 ~~and benefits of all employees of the commission shall be set in~~
164 ~~accordance with the Selected Exempt Service rules; however, the~~
165 ~~commission shall have complete authority for fixing the salaries~~
166 ~~of the executive director and the assistant executive director.~~

167 ~~(f) Members of the commission are entitled to per diem and~~
168 ~~travel expenses pursuant to s. 112.061.~~

169 ~~(g) A member of the commission may not have any interest,~~
170 ~~direct or indirect, in any contract, franchise, privilege, or~~
171 ~~other benefit granted or awarded by the department during the~~
172 ~~term of his or her appointment and for 2 years after the~~
173 ~~termination of that appointment.~~

174 ~~(h) The commission shall develop a budget pursuant to~~
175 ~~chapter 216. The budget is not subject to change by the~~
176 ~~department, but such budget shall be submitted to the Governor~~
177 ~~along with the budget of the department.~~

178 Section 2. Section 944.8041, Florida Statutes, is amended
179 to read:

180 944.8041 Elderly offenders; annual review.--For the
181 purpose of providing information to the Legislature on elderly
182 offenders within the correctional system, ~~the Florida~~
183 ~~Corrections Commission~~ and the Correctional Medical Authority
184 shall ~~each submit~~ annually prepare a report on the status and
185 treatment of elderly offenders in the state-administered and
186 private state correctional systems, as well as such information
187 on the River Junction Correctional Institution. In order to
188 adequately prepare the report ~~reports~~, the Department of
189 Corrections and the Department of Management Services shall
190 grant access to ~~the Florida Corrections Commission~~ and the
191 Correctional Medical Authority that ~~which~~ includes access to the
192 facilities, offenders, and any information the authority
193 requires ~~agencies require~~ to complete the report ~~their reports~~.
194 The review shall also include an examination of promising
195 geriatric policies, practices, and programs currently
196 implemented in other correctional systems within the United

197 States. The report ~~reports~~, with specific findings and
 198 recommendations for implementation, shall be submitted to the
 199 Governor, the President of the Senate, and the Speaker of the
 200 House of Representatives on or before December 31 of each year.

201 Section 3. Subsection (2) of section 946.40, Florida
 202 Statutes, is amended to read:

203 946.40 Use of prisoners in public works.--

204 (2) The budget of the department may be reimbursed from
 205 the budget of any state agency, ~~or~~ state institution, or
 206 political subdivision for the services of inmates and personnel
 207 of the department in such amounts as may be determined by
 208 agreement between the department and the head of such agency, ~~or~~
 209 institution, or political subdivision. However, no political
 210 subdivision of the state shall be required to reimburse the
 211 department for such services during a state of emergency. In
 212 addition, a fiscally constrained county as defined in s.
 213 985.2155 and the municipalities within such a fiscally
 214 constrained county shall not be required to reimburse the state
 215 for services provided pursuant to this section.

216 Section 4. Paragraphs (c) and (e) of subsection (1) of
 217 section 957.04, Florida Statutes, are amended to read:

218 957.04 Contract requirements.--

219 (1) A contract entered into under this chapter for the
 220 operation of private correctional facilities shall maximize the
 221 cost savings of such facilities and shall:

222 (c) Require that the contractor seek, obtain, and maintain
 223 accreditation by the American Correctional Association for the
 224 facility under that contract. Compliance with amendments to the

225 accreditation standards of the association is required upon the
 226 approval of such amendments by the Department of Management
 227 Services ~~commission~~.

228 (e) Establish operations standards for correctional
 229 facilities subject to the contract. However, if the department
 230 and the contractor disagree with an operations standard, the
 231 contractor may propose to waive any rule, policy, or procedure
 232 of the department related to the operations standards of
 233 correctional facilities which is inconsistent with the mission
 234 of the contractor to establish cost-effective, privately
 235 operated correctional facilities. The Department of Management
 236 Services ~~Florida Corrections Commission~~ shall be responsible for
 237 considering all proposals from the contractor to waive any rule,
 238 policy, or procedure and shall render a final decision granting
 239 or denying such request.

240 Section 5. Paragraphs (a) and (e) of subsection (5) of
 241 section 957.07, Florida Statutes, are amended to read:

242 957.07 Cost-saving requirements.--

243 (5) (a) ~~By February 1, 2002, and~~ Each year, thereafter as
 244 needed, the Prison Per-Diem Workgroup shall develop consensus
 245 per diem rates to be used when determining per diem rates of
 246 privately operated prisons. The Office of Program Policy
 247 Analysis and Government Accountability, the Office of the
 248 Auditor General, and the staffs of the appropriations committees
 249 of both the Senate and the House of Representatives are the
 250 principals of the workgroup. The workgroup may consult with
 251 other experts to assist in the development of the consensus per

252 diem rates. All meetings of the workgroup shall be open to the
253 public as provided in chapter 286.

254 ~~(c) This subsection supersedes the proviso language~~
255 ~~immediately following Specific Appropriation 570 in the~~
256 ~~Conference Report on CS for SB 2-C.~~

257 Section 6. Section 957.12, Florida Statutes, is amended to
258 read:

259 957.12 Prohibition on contact.--A bidder or potential
260 bidder is not permitted to have any contact with any member or
261 employee of or consultant to the Department of Management
262 Services ~~commission~~ regarding a request for proposal, a
263 proposal, or the evaluation or selection process from the time a
264 request for proposals for a private correctional facility is
265 issued until the time a notification of intent to award is
266 announced, except if such contact is in writing or in a meeting
267 for which notice was provided in the Florida Administrative
268 Weekly.

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

271 20.315 Department of Corrections.--There is created a
272 Department of Corrections.

273 (10) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.--All
274 commitments shall state the statutory authority therefor. The
275 Secretary of Corrections shall have the authority to prescribe
276 the form to be used for commitments. Nothing in this act shall
277 be construed to abridge the authority and responsibility of a
278 regional ~~the parole board~~ ~~Commission~~ with respect to the
279 granting and ~~revocation~~ of parole. The Department of Corrections

280 shall notify the original sentencing court ~~Parole Commission~~ of
 281 all violations of parole conditions and provide reports
 282 connected thereto as may be requested by the court ~~commission~~.
 283 The court ~~commission~~ shall have the authority to issue orders
 284 dealing with supervision of specific parolees, and such orders
 285 shall be binding on all parties.

286 Section 8. Section 20.32, Florida Statutes, is amended to
 287 read:

288 20.32 Regional parole boards ~~Parole Commission~~.--

289 (1) There is hereby established a regional parole board of
 290 no less than three or more than seven members in each of the
 291 regions of the Department of Corrections. The Governor shall
 292 appoint members to serve on the regional parole boards as
 293 provided by s. 947.02. The regional parole boards shall be
 294 administratively housed within the Office of the Attorney
 295 General, which shall provide administrative and staff support to
 296 the boards ~~The Parole and Probation Commission, authorized by s.~~
 297 ~~8(c), Art. IV, State Constitution of 1968, is continued and~~
 298 ~~renamed the Parole Commission. The commission retains its~~
 299 ~~powers, duties, and functions with respect to the granting and~~
 300 ~~revoking of parole and shall exercise powers, duties, and~~
 301 ~~functions relating to investigations of applications for~~
 302 ~~elemency as directed by the Governor and the Cabinet.~~

303 (2) The powers and duties of the regional parole boards
 304 shall be to conduct parole hearings, to grant or deny parole to
 305 parole-eligible inmates, to set any special conditions for
 306 parole, and such other duties as may be prescribed by law. No
 307 fewer than three members must participate in hearings to grant

308 or deny parole or to set any special conditions for parole. It
309 shall require a majority vote of members participating in a
310 proceeding to grant or deny parole or set any special conditions
311 for parole ~~All powers, duties, and functions relating to the~~
312 ~~appointment of the Parole Commission as provided in s. 947.02 or~~
313 ~~s. 947.021 shall be exercised and performed by the Governor and~~
314 ~~the Cabinet. Except as provided in s. 947.021, each appointment~~
315 ~~shall be made from among the first three eligible persons on the~~
316 ~~list of the persons eligible for said position.~~

317 (3) The Attorney General shall assign parole-eligible
318 inmates to the jurisdiction of a regional board based on the
319 location of the most serious offense that resulted in the
320 offender's incarceration. The Attorney General may, however,
321 assign an inmate to a different parole board than for the
322 location where the most serious offense occurred if necessary to
323 facilitate attendance of a victim or to facilitate the
324 convenience of the parole board volunteer members in cases in
325 which the inmate is physically located outside the region in
326 which the crime occurred. Parole hearings may be held by video
327 teleconference. An accurate record of all proceedings conducted
328 by video teleconference must be maintained by the Office of the
329 Attorney General ~~The commission may require any employee of the~~
330 ~~commission to give a bond for the faithful performance of his or~~
331 ~~her duties. The commission may determine the amount of the bond~~
332 ~~and must approve the bond. In determining the amount of the~~
333 ~~bond, the commission may consider the amount of money or~~
334 ~~property likely to be in custody of the officer or employee at~~
335 ~~any one time. The premiums for the bonds must be paid out of the~~

336 ~~funds of the commission.~~

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

339 23.21 Definitions.--For purposes of this part:

340 (1) "Department" means a principal administrative unit
 341 within the executive branch of state government, as defined in
 342 chapter 20, and includes the State Board of Administration, the
 343 Executive Office of the Governor, the Fish and Wildlife
 344 Conservation Commission, ~~the Parole Commission,~~ the Agency for
 345 Health Care Administration, the Board of Regents, the State
 346 Board of Community Colleges, the Justice Administrative
 347 Commission, the Capital Collateral Representative, and separate
 348 budget entities placed for administrative purposes within a
 349 department.

350 Section 10. Paragraph (b) of subsection (2) of section
 351 112.011, Florida Statutes, is amended to read:

352 112.011 Felons; removal of disqualifications for
 353 employment, exceptions.--

354 (2)

355 (b) This section shall not be applicable to the employment
 356 practices of any fire department relating to the hiring of
 357 firefighters. An applicant for employment with any fire
 358 department with a prior felony conviction shall be excluded from
 359 employment for a period of 4 years after expiration of sentence
 360 or final release by the Parole Commission or a regional parole
 361 board unless the applicant, prior to the expiration of the 4-
 362 year period, has received a full pardon or has had his or her
 363 civil rights restored.

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

366 186.005 Designation of departmental planning officer.--

367 (1) The head of each executive department and the Public
 368 Service Commission, the Fish and Wildlife Conservation
 369 Commission, ~~the Parole Commission,~~ and the Department of
 370 Military Affairs shall select from within such agency a person
 371 to be designated as the planning officer for such agency. The
 372 planning officer shall be responsible for coordinating with the
 373 Executive Office of the Governor and with the planning officers
 374 of other agencies all activities and responsibilities of such
 375 agency relating to planning.

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

378 255.502 Definitions; ss. 255.501-255.525.--As used in this
 379 act, the following words and terms shall have the following
 380 meanings unless the context otherwise requires:

381 (3) "Agency" means any department created by chapter 20,
 382 the Executive Office of the Governor, the Fish and Wildlife
 383 Conservation Commission, ~~the Parole Commission,~~ the State Board
 384 of Administration, the Department of Military Affairs, or the
 385 Legislative Branch or the Judicial Branch of state government.

386 Section 13. Paragraph (c) of subsection (1) of section
 387 322.16, Florida Statutes, is amended to read:

388 322.16 License restrictions.--

389 (1)

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

392 purpose of use or may impose any other condition or restriction
 393 upon recommendation of any court, of the Parole Commission or a
 394 regional parole board, or of the Department of Corrections with
 395 respect to any individual who is under the jurisdiction,
 396 supervision, or control of the entity that made the
 397 recommendation.

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

400 394.926 Notice to victims of release of persons committed
 401 as sexually violent predators; notice to certain agencies
 402 ~~Department of Corrections and Parole Commission.~~--

403 (2) If a sexually violent predator who has an active or
 404 pending term of probation, community control, parole,
 405 conditional release, or other court-ordered or postprison
 406 release supervision is released from custody, the department
 407 must immediately notify the Department of Corrections' Office of
 408 Community Corrections in Tallahassee. The regional parole board
 409 with jurisdiction ~~Parole Commission~~ must also be immediately
 410 notified of any releases of a sexually violent predator who has
 411 an active or pending term of parole, ~~conditional release, or~~
 412 ~~other postprison release supervision that is administered by the~~
 413 ~~Parole Commission.~~

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

416 394.927 Escape while in lawful custody; notice to victim;
 417 notice to the Department of Corrections and regional parole
 418 board ~~Parole Commission.~~--

419 (2) If a person who is held in custody pursuant to a

420 finding of probable cause or commitment as a sexually violent
 421 predator escapes while in custody, the department shall
 422 immediately notify the victim in accordance with s. 394.926. The
 423 state attorney that filed the petition for civil commitment of
 424 the escapee must also be immediately notified by the department.
 425 If the escapee has an active or pending term of probation,
 426 community control, parole, conditional release, or other court-
 427 ordered or postprison release supervision, the department shall
 428 also immediately notify the Department of Corrections' Office of
 429 Community Corrections in Tallahassee. The regional parole board
 430 having jurisdiction ~~Parole Commission~~ shall also be immediately
 431 notified of an escape if the escapee has an active or pending
 432 term of parole, ~~conditional release, or other postprison release~~
 433 ~~supervision that is administered by the Parole Commission.~~

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

436 775.089 Restitution.--

437 (4) If a defendant is placed on probation or paroled,
 438 complete satisfaction of any restitution ordered under this
 439 section shall be a condition of such probation or parole. The
 440 court may revoke probation or ~~and the Parole Commission may~~
 441 ~~revoke parole,~~ if the defendant fails to comply with such order.

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

445 775.16 Drug offenses; additional penalties.--In addition
 446 to any other penalty provided by law, a person who has been
 447 convicted of sale of or trafficking in, or conspiracy to sell or

448 traffic in, a controlled substance under chapter 893, if such
449 offense is a felony, or who has been convicted of an offense
450 under the laws of any state or country which, if committed in
451 this state, would constitute the felony of selling or
452 trafficking in, or conspiracy to sell or traffic in, a
453 controlled substance under chapter 893, is:

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

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

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

463 1. Seek evaluation and enrollment in, and once enrolled
464 maintain enrollment in until completion, a drug treatment and
465 rehabilitation program which is approved by the Department of
466 Children and Family Services, unless it is deemed by the program
467 that the person does not have a substance abuse problem. The
468 treatment and rehabilitation program may be specified by:

469 a. The court, in the case of court-ordered supervisory
470 sanctions;

471 b. The regional parole board having jurisdiction ~~Parole~~
472 ~~Commission~~, in the case of parole, ~~control release~~, or
473 ~~conditional release~~; or

474 c. The Department of Corrections, in the case of
475 imprisonment, conditional release, control release, or any other

476 supervision required by law.

477 2. Submit to periodic urine drug testing pursuant to
478 procedures prescribed by the Department of Corrections. If the
479 person is indigent, the costs shall be paid by the Department of
480 Corrections.

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

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

488 (b) The person has complied with the conditions of
489 subparagraphs 1. and 2. which shall be monitored by the
490 Department of Corrections while the person is under any
491 supervisory sanction. If the person fails to comply with
492 provisions of these subparagraphs by either failing to maintain
493 treatment or by testing positive for drug use, the department
494 shall notify the licensing, permitting, or certifying agency,
495 which may refuse to reissue or reinstate such license, permit,
496 or certification. The licensee, permittee, or certificateholder
497 under supervision may:

498 1. Seek evaluation and enrollment in, and once enrolled
499 maintain enrollment in until completion, a drug treatment and
500 rehabilitation program which is approved or regulated by the
501 Department of Children and Family Services, unless it is deemed
502 by the program that the person does not have a substance abuse
503 problem. The treatment and rehabilitation program may be

504 specified by:

505 a. The court, in the case of court-ordered supervisory
506 sanctions;

507 b. The regional parole board having jurisdiction ~~Parole~~
508 ~~Commission~~, in the case of parole, ~~control release, or~~
509 ~~conditional release~~; or

510 c. The Department of Corrections, in the case of
511 imprisonment, conditional release, control release, or any other
512 supervision required by law.

513 2. Submit to periodic urine drug testing pursuant to
514 procedures prescribed by the Department of Corrections. If the
515 person is indigent, the costs shall be paid by the Department of
516 Corrections; or

517
518 The provisions of this section do not apply to any of the taxes,
519 fees, or permits regulated, controlled, or administered by the
520 Department of Revenue in accordance with the provisions of s.
521 213.05.

522 Section 18. Paragraph (a) of subsection (1) of section
523 784.07, Florida Statutes, is amended to read:

524 784.07 Assault or battery of law enforcement officers,
525 firefighters, emergency medical care providers, public transit
526 employees or agents, or other specified officers;
527 reclassification of offenses; minimum sentences.--

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

529 (a) "Law enforcement officer" includes a law enforcement
530 officer, a correctional officer, a correctional probation
531 officer, a part-time law enforcement officer, a part-time

532 correctional officer, an auxiliary law enforcement officer, and
 533 an auxiliary correctional officer, as those terms are
 534 respectively defined in s. 943.10, and any county probation
 535 officer; employee or agent of the Department of Corrections who
 536 supervises or provides services to inmates; ~~officer of the~~
 537 ~~Parole Commission~~; and law enforcement personnel of the Fish and
 538 Wildlife Conservation Commission, the Department of
 539 Environmental Protection, or the Department of Law Enforcement.

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

542 784.078 Battery of facility employee by throwing, tossing,
 543 or expelling certain fluids or materials.--

544 (2)~~(a)~~ As used in this section, the term "employee"
 545 includes any person employed by or performing contractual
 546 services for a public or private entity operating a facility or
 547 any person employed by or performing contractual services for
 548 the corporation operating the prison industry enhancement
 549 programs or the correctional work programs, pursuant to part II
 550 of chapter 946.

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

553 Section 20. Section 843.01, Florida Statutes, is amended
 554 to read:

555 843.01 Resisting officer with violence to his or her
 556 person.--Whoever knowingly and willfully resists, obstructs, or
 557 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
 558 (7), (8), or (9); ~~member of the Parole Commission or any~~
 559 ~~administrative aide or supervisor employed by the commission;~~

560 parole and probation supervisor; county probation officer;
 561 personnel or representative of the Department of Law
 562 Enforcement; or other person legally authorized to execute
 563 process in the execution of legal process or in the lawful
 564 execution of any legal duty, by offering or doing violence to
 565 the person of such officer or legally authorized person, commits
 566 ~~is guilty of~~ a felony of the third degree, punishable as
 567 provided in s. 775.082, s. 775.083, or s. 775.084.

568 Section 21. Section 843.02, Florida Statutes, is amended
 569 to read:

570 843.02 Resisting officer without violence to his or her
 571 person.--Whoever shall resist, obstruct, or oppose any officer
 572 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);
 573 ~~member of the Parole Commission or any administrative aide or~~
 574 ~~supervisor employed by the commission;~~ county probation officer;
 575 parole and probation supervisor; personnel or representative of
 576 the Department of Law Enforcement; or other person legally
 577 authorized to execute process in the execution of legal process
 578 or in the lawful execution of any legal duty, without offering
 579 or doing violence to the person of the officer, commits ~~shall be~~
 580 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 581 provided in s. 775.082 or s. 775.083.

582 Section 22. Section 843.08, Florida Statutes, is amended
 583 to read:

584 843.08 Falsely personating an officer, ~~etc.~~--A person who
 585 falsely assumes or pretends to be a sheriff, officer of the
 586 Florida Highway Patrol, officer of the Fish and Wildlife
 587 Conservation Commission, officer of the Department of

588 Environmental Protection, officer of the Department of
 589 Transportation, officer of the Department of Corrections,
 590 correctional probation officer, deputy sheriff, state attorney
 591 or assistant state attorney, statewide prosecutor or assistant
 592 statewide prosecutor, state attorney investigator, coroner,
 593 police officer, lottery special agent or lottery investigator,
 594 beverage enforcement agent, or watchman, ~~or any member of the~~
 595 ~~Parole Commission and any administrative aide or supervisor~~
 596 ~~employed by the commission,~~ or any personnel or representative
 597 of the Department of Law Enforcement, and takes upon himself or
 598 herself to act as such, or to require any other person to aid or
 599 assist him or her in a matter pertaining to the duty of any such
 600 officer, commits a felony of the third degree, punishable as
 601 provided in s. 775.082, s. 775.083, or s. 775.084; however, a
 602 person who falsely personates any such officer during the course
 603 of the commission of a felony commits a felony of the second
 604 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 605 775.084; except that if the commission of the felony results in
 606 the death or personal injury of another human being, the person
 607 commits a felony of the first degree, punishable as provided in
 608 s. 775.082, s. 775.083, or s. 775.084.

609 Section 23. Paragraph (a) of subsection (1) of section
 610 893.11, Florida Statutes, is amended to read:

611 893.11 Suspension, revocation, and reinstatement of
 612 business and professional licenses.--Upon the conviction in any
 613 court of competent jurisdiction of any person holding a license,
 614 permit, or certificate issued by a state agency, for sale of, or
 615 trafficking in, a controlled substance or for conspiracy to

616 sell, or traffic in, a controlled substance, if such offense is
617 a felony, the clerk of said court shall send a certified copy of
618 the judgment of conviction with the person's license number,
619 permit number, or certificate number on the face of such
620 certified copy to the agency head by whom the convicted
621 defendant has received a license, permit, or certificate to
622 practice his or her profession or to carry on his or her
623 business. Such agency head shall suspend or revoke the license,
624 permit, or certificate of the convicted defendant to practice
625 his or her profession or to carry on his or her business. Upon a
626 showing by any such convicted defendant whose license, permit,
627 or certificate has been suspended or revoked pursuant to this
628 section that his or her civil rights have been restored or upon
629 a showing that the convicted defendant meets the following
630 criteria, the agency head may reinstate or reactivate such
631 license, permit, or certificate when:

632 (1) The person has complied with the conditions of
633 paragraphs (a) and (b) which shall be monitored by the
634 Department of Corrections while the person is under any
635 supervisory sanction. If the person fails to comply with
636 provisions of these paragraphs by either failing to maintain
637 treatment or by testing positive for drug use, the department
638 shall notify the licensing, permitting, or certifying agency,
639 which shall revoke the license, permit, or certification. The
640 person under supervision may:

641 (a) Seek evaluation and enrollment in, and once enrolled
642 maintain enrollment in until completion, a drug treatment and
643 rehabilitation program which is approved or regulated by the

644 Department of Children and Family Services. The treatment and
 645 rehabilitation program shall be specified by:

646 1. The court, in the case of court-ordered supervisory
 647 sanctions;

648 2. The regional parole board having jurisdiction ~~Parole~~
 649 ~~Commission~~, in the case of parole, ~~control release, or~~
 650 ~~conditional release~~; or

651 3. The Department of Corrections, in the case of
 652 imprisonment, conditional release, or any other supervision
 653 required by law.

654
 655 This section does not apply to any of the taxes, fees, or
 656 permits regulated, controlled, or administered by the Department
 657 of Revenue in accordance with s. 213.05.

658 Section 24. Paragraph (a) of subsection (9) of section
 659 921.001, Florida Statutes, is amended to read:

660 921.001 Sentencing Commission and sentencing guidelines
 661 generally.--

662 (9) (a) The Sentencing Commission and the office of the
 663 State Courts Administrator shall conduct ongoing research on the
 664 impact of the sentencing guidelines, the use of imprisonment and
 665 alternatives to imprisonment, and plea bargaining. The
 666 commission, with the aid of the office of the State Courts
 667 Administrator, and the Department of Corrections, ~~and the Parole~~
 668 ~~Commission~~, shall estimate the impact of any proposed changes to
 669 the sentencing guidelines on future rates of incarceration and
 670 levels of prison population, based in part on historical data of
 671 sentencing practices which have been accumulated by the office

672 of the State Courts Administrator and on Department of
 673 Corrections records reflecting average time served for offenses
 674 covered by the proposed changes to the guidelines. The
 675 commission shall review the projections of impact and shall make
 676 them available to other appropriate agencies of state
 677 government, including the Legislature, by October 1 of each
 678 year.

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

681 921.16 When sentences to be concurrent and when
 682 consecutive.--

683 (2) A county court or circuit court of this state may
 684 direct that the sentence imposed by such court be served
 685 concurrently with a sentence imposed by a court of another state
 686 or of the United States or, for purposes of this section,
 687 concurrently with a sentence to be imposed in another
 688 jurisdiction. In such case, the Department of Corrections may
 689 designate the correctional institution of the other jurisdiction
 690 as the place for reception and confinement of such person and
 691 may also designate the place in Florida for reception and
 692 confinement of such person in the event that confinement in the
 693 other jurisdiction terminates before the expiration of the
 694 Florida sentence. The sheriff shall forward commitment papers
 695 and other documents specified in s. 944.17 to the department.
 696 Upon imposing such a sentence, the court shall notify the Office
 697 of the Attorney General which shall notify the appropriate
 698 regional parole board ~~Parole Commission~~ as to the jurisdiction
 699 in which the sentence is to be served. Any prisoner so released

700 to another jurisdiction shall be eligible for consideration for
 701 parole by the appropriate regional parole board ~~Parole~~
 702 ~~Commission~~ pursuant to the ~~provisions of~~ chapter 947, except
 703 that the Office of the Attorney General ~~commission~~ shall assist
 704 the appropriate regional parole board in determining ~~determine~~
 705 the presumptive parole release date and the effective parole
 706 release date by requesting such person's file from the receiving
 707 jurisdiction. Upon receiving such records, the Office of the
 708 Attorney General ~~commission~~ shall determine these release dates
 709 based on the relevant information in that file and shall give
 710 credit toward reduction of the Florida sentence for gain-time
 711 granted by the jurisdiction where the inmate is serving the
 712 sentence. The regional parole board ~~Parole Commission~~ may concur
 713 in with the parole release decision of the jurisdiction granting
 714 parole and accepting supervision.

715 Section 26. Section 921.20, Florida Statutes, is amended
 716 to read:

717 921.20 Classification summary; regional parole boards
 718 ~~Parole Commission~~.--As soon as possible after a prisoner has
 719 been placed in the custody of the Department of Corrections, the
 720 classification board shall furnish a classification summary to
 721 the Office of the Attorney General for use by the regional
 722 parole board ~~Parole Commission for use~~ as provided in s. 20.32
 723 ~~947.14~~. The summary shall include the criminal, personal,
 724 social, and environmental background and other relevant factors
 725 considered in classifying the prisoner for a penal environment
 726 best suited for the prisoner's rapid rehabilitation.

727 Section 27. Section 921.21, Florida Statutes, is amended

728 to read:

729 921.21 Progress reports to regional parole boards ~~Parole~~
730 ~~Commission~~.--From time to time the Department of Corrections
731 shall submit to the Attorney General for use by the regional
732 parole board ~~Parole Commission~~ progress reports and
733 recommendations regarding prisoners sentenced under s. 921.18.
734 When the classification board of the Department of Corrections
735 determines that justice and the public welfare will best be
736 served by paroling or discharging a prisoner, it shall transmit
737 its finding to the Office of the Attorney General which shall
738 forward such findings to the appropriate regional parole board
739 ~~Parole Commission~~. The regional parole board ~~commission~~ shall
740 have the authority to place the prisoner on parole as provided
741 by law or give the prisoner a full discharge from custody. The
742 period of a parole granted by a regional parole board ~~the Parole~~
743 ~~Commission~~ shall be in its discretion, but the parole period
744 shall not exceed the maximum term for which the prisoner was
745 sentenced.

746 Section 28. Section 921.22, Florida Statutes, is amended
747 to read:

748 921.22 Determination of exact period of imprisonment by
749 regional parole board ~~Parole Commission~~.--Upon the
750 recommendation of the Department of Corrections, a regional
751 parole board ~~the Parole Commission~~ shall have the authority to
752 determine the exact period of imprisonment to be served by
753 defendants sentenced under the provisions of s. 921.18, but a
754 prisoner shall not be held in custody longer than the maximum
755 sentence provided for the offense.

756 Section 29. Section 940.03, Florida Statutes, is amended
757 to read:

758 940.03 Application for executive clemency.--When any
759 person intends to apply for remission of any fine or forfeiture
760 or the commutation of any punishment, or for pardon or
761 restoration of civil rights, he or she shall request an
762 application form from the Executive Office of the Governor
763 ~~Parole Commission~~ in compliance with such rules regarding
764 application for executive clemency as are adopted by the
765 Governor with the approval of two members of the Cabinet. Such
766 application may require the submission of a certified copy of
767 the applicant's indictment or information, the judgment
768 adjudicating the applicant to be guilty, and the sentence, if
769 sentence has been imposed, and may also require the applicant to
770 send a copy of the application to the judge and prosecuting
771 attorney of the court in which the applicant was convicted,
772 notifying them of the applicant's intent to apply for executive
773 clemency. An application for executive clemency for a person who
774 is sentenced to death must be filed within 1 year after the date
775 the Supreme Court issues a mandate on a direct appeal or the
776 United States Supreme Court denies a petition for certiorari,
777 whichever is later.

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

780 940.05 Restoration of civil rights.--Any person who has
781 been convicted of a felony may be entitled to the restoration of
782 all the rights of citizenship enjoyed by him or her prior to
783 conviction if the person has:

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

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

788 941.23 Application for issuance of requisition; by whom
789 made; contents.--

790 (2) When the return to this state is required of a person
791 who has been convicted of a crime in this state and has escaped
792 from confinement or broken the terms of his or her bail,
793 probation, or parole, the state attorney of the county in which
794 the offense was committed, the regional parole board having
795 jurisdiction ~~Parole Commission~~, the Department of Corrections,
796 or the warden of the institution or sheriff of the county, from
797 which escape was made, shall present to the Governor a written
798 application for a requisition for the return of such person, in
799 which application shall be stated the name of the person, the
800 crime of which the person was convicted, the circumstances of
801 his or her escape from confinement or of the breach of the terms
802 of his or her bail, probation, or parole, and the state in which
803 the person is believed to be, including the location of the
804 person therein at the time application is made.

805 (3) The application shall be verified by affidavit, shall
806 be executed in duplicate, and shall be accompanied by two
807 certified copies of the indictment returned or information and
808 affidavit filed or of the complaint made to the judge, stating
809 the offense with which the accused is charged, or of the
810 judgment of conviction or of the sentence. The prosecuting
811 officer, regional parole board having jurisdiction ~~Parole~~

812 ~~Commission~~, Department of Corrections, warden, or sheriff may
 813 also attach such further affidavits and other documents in
 814 duplicate as he or she shall deem proper to be submitted with
 815 such application. One copy of the application, with the action
 816 of the Governor indicated by endorsement thereon, and one of the
 817 certified copies of the indictment, complaint, information, and
 818 affidavits or of the judgment of conviction or of the sentence
 819 shall be filed in the office of the Department of State to
 820 remain of record in that office. The other copies of all papers
 821 shall be forwarded with the Governor's requisition.

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

824 943.0311 Chief of Domestic Security Initiatives; duties of
 825 the department with respect to domestic security.--

826 (7) As used in this section, the term "state agency"
 827 includes the Agency for Health Care Administration, the Agency
 828 for Workforce Innovation, the Department of Agriculture and
 829 Consumer Services, the Department of Business and Professional
 830 Regulation, the Department of Children and Family Services, the
 831 Department of Citrus, the Department of Community Affairs, the
 832 Department of Corrections, the Department of Education, the
 833 Department of Elderly Affairs, the Department of Environmental
 834 Protection, the Department of Financial Services, the Department
 835 of Health, the Department of Highway Safety and Motor Vehicles,
 836 the Department of Juvenile Justice, the Department of Law
 837 Enforcement, the Department of Legal Affairs, the Department of
 838 Management Services, the Department of Military Affairs, the
 839 Department of Revenue, the Department of State, the Department

840 of the Lottery, the Department of Transportation, the Department
 841 of Veterans' Affairs, the Fish and Wildlife Conservation
 842 Commission, ~~the Parole Commission~~, the State Board of
 843 Administration, and the Executive Office of the Governor.

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

846 943.06 Criminal and Juvenile Justice Information Systems
 847 Council.--There is created a Criminal and Juvenile Justice
 848 Information Systems Council within the department.

849 (1) The council shall be composed of 14 members,
 850 consisting of the Attorney General or a designated assistant;
 851 the executive director of the Department of Law Enforcement or a
 852 designated assistant; the secretary of the Department of
 853 Corrections or a designated assistant; ~~the chair of the Parole
 854 Commission or a designated assistant~~; the Secretary of Juvenile
 855 Justice or a designated assistant; the executive director of the
 856 Department of Highway Safety and Motor Vehicles or a designated
 857 assistant; the State Courts Administrator or a designated
 858 assistant; 1 public defender appointed by the Florida Public
 859 Defender Association, Inc.; 1 state attorney appointed by the
 860 Florida Prosecuting Attorneys Association, Inc.; and 5 members,
 861 to be appointed by the Governor, consisting of 2 sheriffs, 2
 862 police chiefs, and 1 clerk of the circuit court.

863 Section 34. Section 944.012, Florida Statutes, is amended
 864 to read:

865 944.012 Legislative intent.--The Legislature hereby finds
 866 and declares that:

867 ~~(1) Florida spends each year in excess of \$60 million for~~

868 ~~its state correctional system, but Florida citizens have not~~
869 ~~received a fair return on that investment. Florida correctional~~
870 ~~institutions have contributed little to the reduction of crime.~~
871 ~~To the contrary, crime rates continue to rise; recidivism rates~~
872 ~~are notoriously high; and large prisons have for the most part~~
873 ~~become schools for crime, making successful reintegration into~~
874 ~~the community unlikely.~~

875 ~~(2) It is clear that major changes in correctional methods~~
876 ~~are required. It is essential to abate the use of large~~
877 ~~institutions and continue the development of community-based~~
878 ~~corrections; to equip judges with more effective evaluative~~
879 ~~tools to deal with the criminal offender; and to provide~~
880 ~~alternatives to institutionalization, including the availability~~
881 ~~of probationers' residences and community correctional centers.~~

882 ~~(1)(3)~~ One of the chief factors contributing to the high
883 ~~recidivism rate in the state is the general inability of ex-~~
884 ~~offenders to find or keep meaningful employment. Since ~~Although~~
885 ~~90 percent of all offenders sent to prison return to society one~~
886 ~~day, the correctional system should, within available resources,~~
887 ~~equip the offender has done little to provide the offender with~~
888 ~~the academic and vocational skills that the offender needs to~~
889 ~~return to society as a productive citizen. ~~This failure~~~~
890 ~~virtually guarantees the probability of return to crime.~~
891 ~~Vocational training and assistance in job placement must be~~
892 ~~looked to on a priority basis as an integral part of the process~~
893 ~~of changing deviant behavior in the institutionalized offender,~~
894 ~~when such change is determined to be possible.~~~~

895 ~~(4) These changes must not be made out of sympathy for the~~

896 ~~criminal or out of disregard of the threat of crime to society.~~
 897 ~~They must be made precisely because that threat is too serious~~
 898 ~~to be countered by ineffective methods.~~

899 (2)~~(5)~~ In order to make the correctional system an
 900 efficient and effective ~~mechanism~~, the various agencies involved
 901 in the correctional process must coordinate their efforts. Where
 902 possible, interagency offices should be physically located
 903 within major institutions and should include representatives of
 904 the Agency for Workforce Innovation ~~Florida State Employment~~
 905 ~~Service~~, and the vocational rehabilitation programs of the
 906 Department of Education, ~~and the Parole Commission~~. Duplicative
 907 and unnecessary methods of evaluating offenders must be
 908 eliminated and areas of responsibility consolidated in order to
 909 more economically utilize present scarce resources.

910 (3)~~(6)~~ It is the intent of the Legislature:

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

914 (b) To separate dangerous or repeat offenders from
 915 nondangerous offenders, who have potential for rehabilitation,
 916 and place dangerous offenders in secure and manageable
 917 institutions.

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

923 (d) To make available to those offenders who are capable

924 of rehabilitation the job training and job placement assistance
925 they need to build meaningful and productive lives when they
926 return to the community.

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

930 Section 35. Section 944.02, Florida Statutes, is amended
931 to read:

932 944.02 Definitions.--The following words and phrases used
933 in this chapter shall, unless the context clearly indicates
934 otherwise, have the following meanings:

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

936 (1)~~(2)~~ "Correctional system" means all prisons and other
937 state correctional institutions now existing or hereafter
938 created under the jurisdiction of the Department of Corrections.

939 (2)~~(3)~~ "Department" means the Department of Corrections.

940 (3)~~(4)~~ "Elderly offender" means a prisoner age 50 or older
941 in a state correctional institution or facility operated by the
942 Department of Corrections or the Department of Management
943 Services.

944 (4)~~(5)~~ "Lease-purchase agreement" means an installment
945 sales contract which requires regular payments with an interest
946 charge included and which provides that the lessee receive title
947 to the property upon final payment.

948 (5)~~(6)~~ "Prisoner" means any person who is under civil or
949 criminal arrest and in the lawful custody of any law enforcement
950 official, or any person committed to or detained in any
951 municipal or county jail or state prison, prison farm, or

952 penitentiary, or to the custody of the department pursuant to
 953 lawful authority.

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

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

957 (8) "State correctional institution" means any prison,
 958 road camp, prison industry, prison forestry camp, or any prison
 959 camp or prison farm or other correctional facility, temporary or
 960 permanent, in which prisoners are housed, worked, or maintained,
 961 under the custody and jurisdiction of the department.

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

964 944.024 Adult intake and evaluation.--The state system of
 965 adult intake and evaluation shall include:

966 (5) The performance of postsentence intake by the
 967 department. Any physical facility established by the department
 968 for the intake and evaluation process prior to the offender's
 969 entry into the correctional system shall provide for specific
 970 office and work areas for the staff assisting any regional
 971 parole board ~~of the commission~~. The purpose of such a physical
 972 center shall be to combine in one place as many of the
 973 rehabilitation-related functions as possible, including pretrial
 974 and posttrial evaluation, parole and probation services,
 975 vocational rehabilitation services, family assistance services
 976 of the Department of Children and Family Services, and all other
 977 rehabilitative and correctional services dealing with the
 978 offender.

979 Section 37. Section 944.23, Florida Statutes, is amended

980 to read:

981 944.23 Persons authorized to visit state prisons.--The
 982 following persons shall be authorized to visit at their pleasure
 983 all state correctional institutions: The Governor, all Cabinet
 984 members, members of the Legislature, judges of state courts,
 985 state attorneys, and public defenders, ~~and authorized~~
 986 ~~representatives of the commission~~. No other person not otherwise
 987 authorized by law shall be permitted to enter a state
 988 correctional institution except under such regulations as the
 989 department may prescribe. Permission shall not be unreasonably
 990 withheld from those who give sufficient evidence to the
 991 department that they are bona fide reporters or writers.

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

994 944.291 Prisoner released by reason of gain-time
 995 allowances or attainment of provisional release date.--

996 (2) Any prisoner who is convicted of a crime committed on
 997 or after October 1, 1988, which crime is contained in category
 998 1, category 2, category 3, or category 4 of Rule 3.701 and Rule
 999 3.988, Florida Rules of Criminal Procedure, and who has served
 1000 at least one prior felony commitment at a state or federal
 1001 correctional institution, or is sentenced as a habitual or
 1002 violent habitual offender pursuant to s. 775.084, may only be
 1003 released under conditional release supervision as described in
 1004 chapter 947. Not fewer than 90 days prior to the tentative
 1005 release date or provisional release date, whichever is earlier,
 1006 the department shall provide the original sentencing court
 1007 ~~commission~~ with the name and inmate identification number for

1008 each eligible inmate.

1009 Section 39. Paragraph (b) of subsection (2) of section

1010 944.4731, Florida Statutes, is amended to read:

1011 944.4731 Addiction-Recovery Supervision Program.--

1012 (2)

1013 (b) An offender released under addiction-recovery

1014 supervision shall be subject to specified terms and conditions,

1015 including payment of the costs of supervision under s. 948.09

1016 and any other court-ordered payments, such as child support and

1017 restitution. If an offender has received a term of probation or

1018 community control to be served after release from incarceration,

1019 the period of probation or community control may not be

1020 substituted for addiction-recovery supervision and shall follow

1021 the term of addiction-recovery supervision. The original

1022 sentencing court ~~A panel of not fewer than two parole~~

1023 ~~commissioners~~ shall establish the terms and conditions of

1024 supervision, and the terms and conditions must be included in

1025 the supervision order. In setting the terms and conditions of

1026 supervision, the court ~~parole commission~~ shall weigh heavily the

1027 program requirements, including, but not limited to, work at

1028 paid employment while participating in treatment and traveling

1029 restrictions. The court ~~commission~~ shall also determine whether

1030 an offender violates the terms and conditions of supervision and

1031 whether a violation warrants revocation of addiction-recovery

1032 supervision pursuant to s. 947.141. The court ~~parole commission~~

1033 shall review the offender's record for the purpose of

1034 establishing the terms and conditions of supervision. The court

1035 ~~parole commission~~ may impose any special conditions it considers

1036 warranted from its review of the record. The length of
 1037 supervision may not exceed the maximum penalty imposed by the
 1038 court.

1039 Section 40. Paragraph (b) of subsection (1) and paragraph
 1040 (b) of subsection (6) of section 945.091, Florida Statutes, are
 1041 amended to read:

1042 945.091 Extension of the limits of confinement;
 1043 restitution by employed inmates.--

1044 (1) The department may adopt rules permitting the
 1045 extension of the limits of the place of confinement of an inmate
 1046 as to whom there is reasonable cause to believe that the inmate
 1047 will honor his or her trust by authorizing the inmate, under
 1048 prescribed conditions and following investigation and approval
 1049 by the secretary, or the secretary's designee, who shall
 1050 maintain a written record of such action, to leave the confines
 1051 of that place unaccompanied by a custodial agent for a
 1052 prescribed period of time to:

1053 (b) Work at paid employment, participate in an education
 1054 or a training program, or voluntarily serve a public or
 1055 nonprofit agency or faith-based service group in the community,
 1056 while continuing as an inmate of the institution or facility in
 1057 which the inmate is confined, except during the hours of his or
 1058 her employment, education, training, or service and traveling
 1059 thereto and therefrom. An inmate may travel to and from his or
 1060 her place of employment, education, or training only by means of
 1061 walking, bicycling, or using public transportation or
 1062 transportation that is provided by a family member or employer.
 1063 Contingent upon specific appropriations, the department may

1064 transport an inmate in a state-owned vehicle if the inmate is
1065 unable to obtain other means of travel to his or her place of
1066 employment, education, or training.

1067 1. An inmate may participate in paid employment only
1068 during the last 36 months of his or her confinement, unless
1069 sooner requested by the regional parole board having
1070 jurisdiction ~~Parole Commission~~ or the Control Release Authority.

1071 2. While working at paid employment and residing in the
1072 facility, an inmate may apply for placement at a contracted
1073 substance abuse transition housing program. The transition
1074 assistance specialist shall inform the inmate of program
1075 availability and assess the inmate's need and suitability for
1076 transition housing assistance. If an inmate is approved for
1077 placement, the specialist shall assist the inmate. If an inmate
1078 requests and is approved for placement in a contracted faith-
1079 based substance abuse transition housing program, the specialist
1080 must consult with the chaplain prior to such placement. The
1081 department shall ensure that an inmate's faith orientation, or
1082 lack thereof, will not be considered in determining admission to
1083 a faith-based program and that the program does not attempt to
1084 convert an inmate toward a particular faith or religious
1085 preference.

1086 (6)

1087 (b) An offender who is required to provide restitution or
1088 reparation may petition the circuit court to amend the amount of
1089 restitution or reparation required or to revise the schedule of
1090 repayment established by the department, a regional parole
1091 board, or the Parole Commission.

1092 Section 41. Paragraph (d) of subsection (1), paragraphs
 1093 (a) and (b) of subsection (2), and subsection (5) of section
 1094 945.10, Florida Statutes, are amended to read:

1095 945.10 Confidential information.--

1096 (1) Except as otherwise provided by law or in this
 1097 section, the following records and information held by the
 1098 Department of Corrections are confidential and exempt from the
 1099 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1100 Constitution:

1101 (d) ~~Parole Commission~~ Records of a regional parole board
 1102 that ~~which~~ are confidential or exempt from public disclosure by
 1103 law.

1104 (2) The records and information specified in paragraphs
 1105 (1)(a)-(h) may be released as follows unless expressly
 1106 prohibited by federal law:

1107 (a) Information specified in paragraphs (1)(b), (d), and
 1108 (f) to the Office of the Governor, the Legislature, a regional
 1109 parole board ~~the Parole Commission~~, the Department of Children
 1110 and Family Services, a private correctional facility or program
 1111 that operates under a contract, the Department of Legal Affairs,
 1112 a state attorney, the court, or a law enforcement agency. A
 1113 request for records or information pursuant to this paragraph
 1114 need not be in writing.

1115 (b) Information specified in paragraphs (1)(c), (e), and
 1116 (h) to the Office of the Governor, the Legislature, a regional
 1117 parole board ~~the Parole Commission~~, the Department of Children
 1118 and Family Services, a private correctional facility or program
 1119 that operates under contract, the Department of Legal Affairs, a

1120 state attorney, the court, or a law enforcement agency. A
 1121 request for records or information pursuant to this paragraph
 1122 must be in writing and a statement provided demonstrating a need
 1123 for the records or information.

1124
 1125 Records and information released under this subsection remain
 1126 confidential and exempt from the provisions of s. 119.07(1) and
 1127 s. 24(a), Art. I of the State Constitution when held by the
 1128 receiving person or entity.

1129 (5) The Department of Corrections and the regional parole
 1130 board ~~Parole Commission~~ shall mutually cooperate with respect to
 1131 maintaining the confidentiality of records that are exempt from
 1132 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1133 Constitution.

1134 Section 42. Subsection (3) of section 945.47, Florida
 1135 Statutes, is amended to read:

1136 945.47 Discharge of inmate from mental health treatment.--

1137 (3) At any time that an inmate who has received mental
 1138 health treatment while in the custody of the department becomes
 1139 eligible for release on parole, a complete record of the
 1140 inmate's treatment shall be provided to the regional parole
 1141 board having jurisdiction ~~Parole Commission~~ and to the
 1142 Department of Children and Family Services. The record shall
 1143 include, at least, the inmate's diagnosis, length of stay in
 1144 treatment, clinical history, prognosis, prescribed medication,
 1145 and treatment plan and recommendations for aftercare services.
 1146 In the event that the inmate is released on parole, the record
 1147 shall be provided to the parole officer who shall assist the

1148 inmate in applying for services from a professional or an agency
 1149 in the community. The application for treatment and continuation
 1150 of treatment by the inmate may be made a condition of parole, as
 1151 provided in s. 947.19(1); and a failure to participate in
 1152 prescribed treatment may be a basis for initiation of parole
 1153 violation hearings.

1154 Section 43. Subsection (6) of section 945.73, Florida
 1155 Statutes, is amended to read:

1156 945.73 Inmate training program operation.--

1157 (6) The department shall work cooperatively with the
 1158 Control Release Authority, the regional parole board ~~Florida~~
 1159 ~~Parole Commission~~, or such other authority as may exist or be
 1160 established in the future that ~~which~~ is empowered by law to
 1161 effect the release of an inmate who has successfully completed
 1162 the requirements established by ss. 945.71-945.74.

1163 Section 44. Subsections (3), (4), and (5) of section
 1164 947.002, Florida Statutes, are amended to read:

1165 947.002 Intent.--

1166 ~~(3) The chair shall be the agency head. While the~~
 1167 ~~commission is responsible for making decisions on the granting~~
 1168 ~~and revoking of parole, the chair shall establish, execute, and~~
 1169 ~~be held accountable for all administrative policy decisions. The~~
 1170 ~~routine administrative decisions are the full responsibility of~~
 1171 ~~the chair.~~

1172 ~~(4) Hearing examiners are assigned on the basis of~~
 1173 ~~easeload needs as determined by the chair.~~

1174 (3)~~(5)~~ It is the intent of the Legislature that the
 1175 decision to parole an inmate from the incarceration portion of

1176 the inmate's sentence is an act of grace of the state and shall
 1177 not be considered a right.

1178 Section 45. Subsection (1) of section 947.005, Florida
 1179 Statutes, is amended to read:

1180 947.005 Definitions.--As used in this chapter, unless the
 1181 context clearly indicates otherwise:

1182 (1) "Regional parole board" means a regional parole board
 1183 established pursuant to 20.32 ~~"Commission" means the Parole~~
 1184 ~~Commission.~~

1185 Section 46. Subsections (1) through (4) of section 947.02,
 1186 Florida Statutes, are amended, and subsection (6) is added to
 1187 said section, read:

1188 947.02 Regional parole boards ~~Parole Commission~~; members,
 1189 appointment.--

1190 (1) Except as provided in s. 947.021, the members of each
 1191 regional parole board ~~the Parole Commission~~ shall be appointed
 1192 by the Governor ~~and Cabinet~~ from a list of eligible applicants
 1193 submitted by a parole qualifications committee. The appointments
 1194 of members of the commission shall be certified to the Senate by
 1195 the Governor ~~and Cabinet~~ for confirmation, and the membership of
 1196 the commission shall include representation from minority
 1197 persons as defined in s. 288.703.

1198 (2) A parole qualifications committee shall consist of
 1199 five persons who are appointed by the Governor ~~and Cabinet~~. One
 1200 member shall be designated as chair by the Governor ~~and Cabinet~~.
 1201 The committee shall provide for ~~statewide~~ advertisement
 1202 throughout the region and the receiving of applications for any
 1203 position or positions on the commission and shall devise a plan

1204 for the determination of the qualifications of the applicants by
1205 investigations and comprehensive evaluations, including, but not
1206 limited to, investigation and evaluation of the character,
1207 habits, and philosophy of each applicant. Each parole
1208 qualifications committee shall exist for 2 years. If additional
1209 vacancies on a regional parole board ~~the commission~~ occur during
1210 this 2-year period, the committee may advertise and accept
1211 additional applications; however, all previously submitted
1212 applications shall be considered along with the new applications
1213 according to the previously established plan for the evaluation
1214 of the qualifications of applicants.

1215 (3) Within 90 days before an anticipated vacancy by
1216 expiration of term pursuant to s. 947.03 or upon any other
1217 vacancy, the Governor ~~and Cabinet~~ shall appoint a parole
1218 qualifications committee if one has not been appointed during
1219 the previous 2 years. The committee shall consider applications
1220 for the board vacancy ~~commission seat~~, including the application
1221 of an incumbent board member ~~commissioner~~ if he or she applies,
1222 according to the provisions of subsection (2). The committee
1223 shall submit a list of three eligible applicants, which may
1224 include the incumbent if the committee so decides, without
1225 recommendation, to the Governor ~~and Cabinet~~ for appointment to
1226 the board ~~commission~~. In the case of an unexpired term, the
1227 appointment must be for the remainder of the unexpired term and
1228 until a successor is appointed and qualified. If more than one
1229 seat is vacant, the committee shall submit a list of eligible
1230 applicants, without recommendation, containing a number of names
1231 equal to three times the number of vacant seats; however, the

1232 names submitted shall not be distinguished by seat, and each
 1233 submitted applicant shall be considered eligible for each
 1234 vacancy.

1235 (4) Upon receiving a list of eligible persons from the
 1236 parole qualifications committee, the Governor ~~and Cabinet~~ may
 1237 reject the list. If the list is rejected, the committee shall
 1238 reinstate the application and examination procedure according
 1239 to the provisions of subsection (2).

1240 (6) Members of the regional parole boards shall be
 1241 volunteers and shall not receive compensation for their
 1242 services. They shall, however, receive reimbursement for travel
 1243 expenses and other expenses incurred in carrying out their
 1244 official responsibilities as provided in s. 112.061.

1245 Section 47. Section 947.021, Florida Statutes, is amended
 1246 to read:

1247 947.021 Regional parole boards ~~Parole Commission~~;
 1248 expedited appointments.--Whenever the Legislature decreases the
 1249 membership of the regional parole boards ~~commission~~, all terms
 1250 of office shall expire, notwithstanding any law to the contrary.
 1251 Under such circumstances, the Governor and Cabinet shall
 1252 expedite the appointment of commissioners. Notwithstanding the
 1253 parole qualifications committee procedure in s. 947.02, members
 1254 shall be directly appointed by the Governor and Cabinet. Members
 1255 appointed to the boards ~~commission~~ may be selected from
 1256 incumbents. Members shall be certified to the Senate by the
 1257 Governor and Cabinet for confirmation, and the membership of the
 1258 commission shall include representation from minority persons as
 1259 defined in s. 288.703.

1260 Section 48. Subsections (2) through (7) and subsection (9)
 1261 of section 947.1405, Florida Statutes, are amended to read:

1262 947.1405 Conditional release program.--

1263 (2) Any inmate who:

1264 (a) Is convicted of a crime committed on or after October
 1265 1, 1988, and before January 1, 1994, and any inmate who is
 1266 convicted of a crime committed on or after January 1, 1994,
 1267 which crime is or was contained in category 1, category 2,
 1268 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
 1269 Rules of Criminal Procedure (1993), and who has served at least
 1270 one prior felony commitment at a state or federal correctional
 1271 institution;

1272 (b) Is sentenced as a habitual or violent habitual
 1273 offender or a violent career criminal pursuant to s. 775.084; or

1274 (c) Is found to be a sexual predator under s. 775.21 or
 1275 former s. 775.23,

1276
 1277 shall, upon reaching the tentative release date or provisional
 1278 release date, whichever is earlier, as established by the
 1279 Department of Corrections, be released under supervision subject
 1280 to specified terms and conditions, including payment of the cost
 1281 of supervision pursuant to s. 948.09. Such supervision shall be
 1282 applicable to all sentences within the overall term of sentences
 1283 if an inmate's overall term of sentences includes one or more
 1284 sentences that are eligible for conditional release supervision
 1285 as provided herein. Effective July 1, 1994, and applicable for
 1286 offenses committed on or after that date, the sentencing court
 1287 ~~commission~~ may require, as a condition of conditional release,

1288 that the releasee make payment of the debt due and owing to a
1289 county or municipal detention facility under s. 951.032 for
1290 medical care, treatment, hospitalization, or transportation
1291 received by the releasee while in that detention facility. The
1292 court ~~commission~~, in determining whether to order such repayment
1293 and the amount of such repayment, shall consider the amount of
1294 the debt, whether there was any fault of the institution for the
1295 medical expenses incurred, the financial resources of the
1296 releasee, the present and potential future financial needs and
1297 earning ability of the releasee, and dependents, and other
1298 appropriate factors. ~~If~~ Any inmate placed on conditional release
1299 supervision shall be supervised by ~~is also subject to probation~~
1300 ~~or community control, resulting from a probationary or community~~
1301 ~~control split sentence within the overall term of sentences,~~ the
1302 Department of Corrections which shall supervise such person
1303 according to the conditions imposed by the court ~~and the~~
1304 ~~commission shall defer to such supervision.~~ If the court revokes
1305 probation or community control and resentsences the offender to a
1306 term of incarceration, such revocation also constitutes a
1307 sufficient basis for the revocation of the conditional release
1308 supervision on any nonprobationary or noncommunity control
1309 sentence without further hearing ~~by the commission.~~ If any such
1310 supervision on any nonprobationary or noncommunity control
1311 sentence is revoked, such revocation may result in a forfeiture
1312 of all gain-time, and the court ~~commission~~ may revoke the
1313 resulting deferred conditional release supervision or take other
1314 action it considers appropriate. If the term of conditional
1315 release supervision exceeds that of the probation or community

1316 control, then, upon expiration of the probation or community
1317 control, ~~authority for the supervision shall revert to the~~
1318 ~~commission~~ and the supervision shall be subject to the
1319 conditions of conditional release imposed by the court
1320 ~~commission~~. The original sentencing court ~~A panel of no fewer~~
1321 ~~than two commissioners~~ shall establish the terms and conditions
1322 of conditional release at the time of initial sentencing or
1323 prior to release of the inmate if terms and conditions were not
1324 established at the initial sentencing any such release. The
1325 court may alter the original terms of conditional release at any
1326 time based on any additional information that may become
1327 available. If the offense was a controlled substance violation,
1328 the conditions shall include a requirement that the offender
1329 submit to random substance abuse testing intermittently
1330 throughout the term of conditional release supervision, upon the
1331 direction of the correctional probation officer as defined in s.
1332 943.10(3). The court ~~commission~~ shall also determine whether the
1333 terms and conditions of such release have been violated and
1334 whether such violation warrants revocation of the conditional
1335 release.

1336 (3) As part of the conditional release process, the court
1337 ~~commission~~, through review and consideration of information
1338 provided by the state attorney, victim, and department, shall
1339 determine:

1340 (a) The amount of reparation or restitution.

1341 (b) The consequences of the offense as reported by the
1342 aggrieved party.

1343 (c) The aggrieved party's fear of the inmate or concerns

1344 about the release of the inmate.

1345 (4) The department ~~commission~~ shall provide to the
 1346 aggrieved party information regarding the manner in which notice
 1347 of any developments concerning the status of the inmate during
 1348 the term of conditional release may be requested.

1349 (5) Within 180 days prior to the tentative release date or
 1350 provisional release date, whichever is earlier, a representative
 1351 of the department shall review the inmate's program
 1352 participation, disciplinary record, psychological and medical
 1353 records, criminal records, and any other information pertinent
 1354 to the impending release and shall provide this information to
 1355 the original sentencing court. ~~The department shall gather and~~
 1356 ~~compile information necessary for the commission to make the~~
 1357 ~~determinations set forth in subsection (3).~~ This shall include
 1358 information developed during ~~A department representative shall~~
 1359 ~~conduct~~ a personal interview with the inmate for the purpose of
 1360 determining the details of the inmate's release plan, including
 1361 the inmate's planned residence and employment. The department
 1362 ~~representative~~ shall forward the inmate's release plan to the
 1363 court ~~commission~~ and recommend terms and conditions of
 1364 conditional release or any modifications to the original
 1365 ~~commission~~ the terms and conditions of the conditional release
 1366 established by the court.

1367 (6) The court ~~commission~~ shall review the recommendations
 1368 of the department, and such other information as it deems
 1369 relevant, and may conduct a review of the inmate's record for
 1370 the purpose of modifying or establishing the terms and
 1371 conditions of the conditional release. The court ~~commission~~ may

1372 impose any special conditions it considers warranted from its
 1373 review of the release plan and recommendation. If the court
 1374 ~~commission~~ determines that the inmate is eligible for release
 1375 under this section, it ~~the commission~~ shall enter an order
 1376 establishing the length of supervision and the conditions
 1377 attendant thereto. However, an inmate who has been convicted of
 1378 a violation of chapter 794 or found by the court to be a sexual
 1379 predator is subject to the maximum level of supervision
 1380 provided, with the mandatory conditions as required in
 1381 subsection (7), and that supervision shall continue through the
 1382 end of the releasee's original court-imposed sentence. The
 1383 length of supervision must not exceed the maximum penalty
 1384 imposed by the court.

1385 (7) (a) Any inmate who is convicted of a crime committed on
 1386 or after October 1, 1995, or who has been previously convicted
 1387 of a crime committed on or after October 1, 1995, in violation
 1388 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
 1389 subject to conditional release supervision, shall have, in
 1390 addition to any other conditions imposed, the following special
 1391 conditions imposed ~~by the commission~~:

1392 1. A mandatory curfew from 10 p.m. to 6 a.m. The court
 1393 ~~commission~~ may designate another 8-hour period if the offender's
 1394 employment precludes the above specified time, and such
 1395 alternative is recommended by the Department of Corrections. If
 1396 the court ~~commission~~ determines that imposing a curfew would
 1397 endanger the victim, the commission may consider alternative
 1398 sanctions.

1399 2. If the victim was under the age of 18, a prohibition on

1400 living within 1,000 feet of a school, day care center, park,
1401 playground, designated public school bus stop, or other place
1402 where children regularly congregate. A releasee who is subject
1403 to this subparagraph may not relocate to a residence that is
1404 within 1,000 feet of a public school bus stop. Beginning October
1405 1, 2004, ~~the commission or~~ the department may not approve a
1406 residence that is located within 1,000 feet of a school, day
1407 care center, park, playground, designated school bus stop, or
1408 other place where children regularly congregate for any releasee
1409 who is subject to this subparagraph. On October 1, 2004, the
1410 department shall notify each affected school district of the
1411 location of the residence of a releasee 30 days prior to release
1412 and thereafter, if the releasee relocates to a new residence,
1413 shall notify any affected school district of the residence of
1414 the releasee within 30 days after relocation. If, on October 1,
1415 2004, any public school bus stop is located within 1,000 feet of
1416 the existing residence of such releasee, the district school
1417 board shall relocate that school bus stop. Beginning October 1,
1418 2004, a district school board may not establish or relocate a
1419 public school bus stop within 1,000 feet of the residence of a
1420 releasee who is subject to this subparagraph. The failure of the
1421 district school board to comply with this subparagraph shall not
1422 result in a violation of conditional release supervision.

1423 3. Active participation in and successful completion of a
1424 sex offender treatment program with therapists specifically
1425 trained to treat sex offenders, at the releasee's own expense.
1426 If a specially trained therapist is not available within a 50-
1427 mile radius of the releasee's residence, the offender shall

1428 participate in other appropriate therapy.

1429 4. A prohibition on any contact with the victim, directly
 1430 or indirectly, including through a third person, unless approved
 1431 by the victim, the offender's therapist, and the sentencing
 1432 court.

1433 5. If the victim was under the age of 18, a prohibition
 1434 against direct contact or association with children under the
 1435 age of 18 until all of the following conditions are met:

1436 a. Successful completion of a sex offender treatment
 1437 program.

1438 b. The adult person who is legally responsible for the
 1439 welfare of the child has been advised of the nature of the
 1440 crime.

1441 c. Such adult person is present during all contact or
 1442 association with the child.

1443 d. Such adult person has been approved by the commission.

1444 6. If the victim was under age 18, a prohibition on
 1445 working for pay or as a volunteer at any school, day care
 1446 center, park, playground, or other place where children
 1447 regularly congregate, as prescribed by the commission.

1448 7. Unless otherwise indicated in the treatment plan
 1449 provided by the sexual offender treatment program, a prohibition
 1450 on viewing, owning, or possessing any obscene, pornographic, or
 1451 sexually stimulating visual or auditory material, including
 1452 telephone, electronic media, computer programs, or computer
 1453 services that are relevant to the offender's deviant behavior
 1454 pattern.

1455 8. A requirement that the releasee must submit two

1456 specimens of blood to the Florida Department of Law Enforcement
1457 to be registered with the DNA database.

1458 9. A requirement that the releasee make restitution to the
1459 victim, as determined by the sentencing court or the commission,
1460 for all necessary medical and related professional services
1461 relating to physical, psychiatric, and psychological care.

1462 10. Submission to a warrantless search by the community
1463 control or probation officer of the probationer's or community
1464 controllee's person, residence, or vehicle.

1465 (b) For a releasee whose crime was committed on or after
1466 October 1, 1997, in violation of chapter 794, s. 800.04, s.
1467 827.071, or s. 847.0145, and who is subject to conditional
1468 release supervision, in addition to any other provision of this
1469 subsection, the ~~commission shall impose~~ the following additional
1470 conditions of conditional release supervision are hereby
1471 imposed:

1472 1. As part of a treatment program, participation in a
1473 minimum of one annual polygraph examination to obtain
1474 information necessary for risk management and treatment and to
1475 reduce the sex offender's denial mechanisms. The polygraph
1476 examination must be conducted by a polygrapher trained
1477 specifically in the use of the polygraph for the monitoring of
1478 sex offenders, where available, and at the expense of the sex
1479 offender. The results of the polygraph examination shall not be
1480 used as evidence in a hearing to prove that a violation of
1481 supervision has occurred.

1482 2. Maintenance of a driving log and a prohibition against
1483 driving a motor vehicle alone without the prior approval of the

1484 supervising officer.

1485 3. A prohibition against obtaining or using a post office
1486 box without the prior approval of the supervising officer.

1487 4. If there was sexual contact, a submission to, at the
1488 probationer's or community controllee's expense, an HIV test
1489 with the results to be released to the victim or the victim's
1490 parent or guardian.

1491 5. Electronic monitoring of any form when ordered by the
1492 commission.

1493 (9) The department ~~commission~~ shall adopt rules pursuant
1494 to ss. 120.536(1) and 120.54 necessary to implement the
1495 provisions of the Conditional Release Program Act.

1496 Section 49. Section 947.141, Florida Statutes, is amended
1497 to read:

1498 947.141 Violations of conditional release, control
1499 release, or conditional medical release or addiction-recovery
1500 supervision.--

1501 (1) If ~~a member of the~~ court ~~commission or a duly~~
1502 ~~authorized representative of the commission~~ has reasonable
1503 grounds to believe that an offender who is on release
1504 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
1505 944.4731 has violated the terms and conditions of the release in
1506 a material respect, the court ~~such member or representative~~ may
1507 cause a warrant to be issued for the arrest of the releasee; if
1508 the offender was found to be a sexual predator, the warrant must
1509 be issued.

1510 (2) Upon the arrest on a felony charge of an offender who
1511 is on release supervision under s. 947.1405, s. 947.146, s.

1512 947.149, or s. 944.4731, the offender must be detained without
 1513 bond until the initial appearance of the offender at which a
 1514 judicial determination of probable cause is made. If the trial
 1515 court judge determines that there was no probable cause for the
 1516 arrest, the offender may be released. If the trial court judge
 1517 determines that there was probable cause for the arrest, such
 1518 determination also constitutes reasonable grounds to believe
 1519 that the offender violated the conditions of the release. Within
 1520 24 hours after the trial court judge's finding of probable
 1521 cause, the detention facility administrator or designee shall
 1522 notify the ~~commission~~ and the department of the finding and
 1523 transmit to each a facsimile copy of the probable cause
 1524 affidavit or the sworn offense report upon which the trial court
 1525 judge's probable cause determination is based. The offender must
 1526 continue to be detained without bond for a period not exceeding
 1527 72 hours excluding weekends and holidays after the date of the
 1528 probable cause determination, pending a decision by the court
 1529 ~~commission~~ whether to issue a warrant charging the offender with
 1530 violation of the conditions of release. Upon the issuance of the
 1531 court's ~~commission's~~ warrant, the offender must continue to be
 1532 held in custody pending a revocation hearing held in accordance
 1533 with this section.

1534 (3) Within 45 days after ~~notice to the Parole Commission~~
 1535 ~~of~~ the arrest of a releasee charged with a violation of the
 1536 terms and conditions of conditional release, control release,
 1537 conditional medical release, or addiction-recovery supervision,
 1538 the releasee must be afforded a hearing conducted by a judge
 1539 ~~commissioner~~ or a duly authorized representative thereof. If the

1540 | releasee elects to proceed with a hearing, the releasee must be
 1541 | informed orally and in writing of the following:

1542 | (a) The alleged violation with which the releasee is
 1543 | charged.

1544 | (b) The releasee's right to be represented by counsel.

1545 | (c) The releasee's right to be heard in person.

1546 | (d) The releasee's right to secure, present, and compel
 1547 | the attendance of witnesses relevant to the proceeding.

1548 | (e) The releasee's right to produce documents on the
 1549 | releasee's own behalf.

1550 | (f) The releasee's right of access to all evidence used
 1551 | against the releasee and to confront and cross-examine adverse
 1552 | witnesses.

1553 | (g) The releasee's right to waive the hearing.

1554 | (4) Within a reasonable time following the hearing, the
 1555 | judge ~~commissioner~~ or the judge's ~~commissioner's~~ duly authorized
 1556 | representative who conducted the hearing shall make findings of
 1557 | fact in regard to the alleged violation. The judge ~~A panel of no~~
 1558 | ~~fewer than two commissioners~~ shall enter an order determining
 1559 | whether the charge of violation of conditional release, control
 1560 | release, conditional medical release, or addiction-recovery
 1561 | supervision has been sustained based upon his or her ~~the~~
 1562 | findings of fact or by the findings of the duly presented by the
 1563 | ~~hearing commissioner or~~ authorized representative. By such
 1564 | order, the court ~~panel~~ may revoke conditional release, control
 1565 | release, conditional medical release, or addiction-recovery
 1566 | supervision and thereby return the releasee to prison to serve
 1567 | the sentence imposed, reinstate the original order granting the

1568 release, or enter such other order as it considers proper.
1569 Effective for inmates whose offenses were committed on or after
1570 July 1, 1995, the court panel may order the placement of a
1571 releasee, upon a finding of violation pursuant to this
1572 subsection, into a local detention facility as a condition of
1573 supervision.

1574 (5) Effective for inmates whose offenses were committed on
1575 or after July 1, 1995, notwithstanding the provisions of ss.
1576 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
1577 951.23, or any other law to the contrary, by such order as
1578 provided in subsection (4), the court panel, upon a finding of
1579 guilt, may, as a condition of continued supervision, place the
1580 releasee in a local detention facility for a period of
1581 incarceration not to exceed 22 months. Prior to the expiration
1582 of the term of incarceration, or upon recommendation of the
1583 chief correctional officer of that county, the court commission
1584 shall cause inquiry into the inmate's release plan and custody
1585 status in the detention facility and consider whether to restore
1586 the inmate to supervision, modify the conditions of supervision,
1587 or enter an order of revocation, thereby causing the return of
1588 the inmate to prison to serve the sentence imposed. The
1589 provisions of this section do not prohibit the court panel from
1590 entering such other order or conducting any investigation that
1591 it deems proper. The court commission may only place a person in
1592 a local detention facility pursuant to this section if there is
1593 a contractual agreement between the chief correctional officer
1594 of that county and the Department of Corrections. The agreement
1595 must provide for a per diem reimbursement for each person placed

1596 under this section, which is payable by the Department of
1597 Corrections for the duration of the offender's placement in the
1598 facility. This section does not limit the court's ~~commission's~~
1599 ability to place a person in a local detention facility for less
1600 than 1 year.

1601 (6) Whenever a conditional release, control release,
1602 conditional medical release, or addiction-recovery supervision
1603 is revoked as provided by this section ~~by a panel of no fewer~~
1604 ~~than two commissioners~~ and the releasee is ordered to be
1605 returned to prison, the releasee, by reason of the misconduct,
1606 shall be deemed to have forfeited all gain-time or commutation
1607 of time for good conduct, as provided for by law, earned up to
1608 the date of release. However, if a conditional medical release
1609 is revoked due to the improved medical or physical condition of
1610 the releasee, the releasee shall not forfeit gain-time accrued
1611 before the date of conditional medical release. This subsection
1612 does not deprive the prisoner of the right to gain-time or
1613 commutation of time for good conduct, as provided by law, from
1614 the date of return to prison.

1615 (7) If a law enforcement officer has probable cause to
1616 believe that an offender who is on release supervision under s.
1617 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
1618 the terms and conditions of his or her release by committing a
1619 felony offense, the officer shall arrest the offender without a
1620 warrant, and a warrant need not be issued in the case.

1621 Section 50. Subsection (1) and paragraph (b) of subsection
1622 (7) of section 947.146, Florida Statutes, are amended to read:
1623 947.146 Control Release Authority.--

1624 (1) There may be ~~is~~ created a Control Release Authority to
 1625 be administratively housed within the Department of Corrections
 1626 which shall be composed of five ~~the~~ members appointed by the
 1627 Governor who shall also designate the chair ~~of the Parole~~
 1628 ~~Commission and which shall have the same chair as the~~
 1629 ~~commission~~. The authority shall use ~~utilize~~ such ~~commission~~
 1630 staff from the Department of Corrections as it determines is
 1631 necessary to carry out its purposes.

1632 (7) The authority has the power and duty to:

1633 (b) Authorize an individual member of the authority
 1634 ~~commissioner~~ to postpone a control release date for not more
 1635 than 60 days without a hearing for any inmate who has become the
 1636 subject of a disciplinary proceeding, a criminal arrest, an
 1637 information, or an indictment; who has been terminated from work
 1638 release; or about whom there is any recently discovered
 1639 information as specified in paragraph (a).

1640 Section 51. Section 947.181, Florida Statutes, is amended
 1641 to read:

1642 947.181 Victim restitution as condition of parole.--

1643 (1) (a) The regional parole boards ~~Parole Commission~~ shall
 1644 require as a condition of parole reparation or restitution to
 1645 the aggrieved party for the damage or loss caused by the offense
 1646 for which the parolee was imprisoned unless the commission finds
 1647 reasons to the contrary. If a regional parole board ~~the~~
 1648 ~~commission~~ does not order restitution or orders only partial
 1649 restitution, the board ~~commission~~ shall state on the record the
 1650 reasons therefor. The amount of such reparation or restitution
 1651 shall be determined by the regional parole board having

1652 jurisdiction ~~Parole Commission~~.

1653 (b) If the parolee fails to make the reparation or
 1654 restitution to the aggrieved party as authorized in paragraph
 1655 (a), it shall be considered by the court ~~commission~~ as a
 1656 violation of parole as specified in s. 947.21 and may be cause
 1657 for revocation of her or his parole.

1658 (2) If a defendant is paroled, any restitution ordered
 1659 under s. 775.089 shall be a condition of such parole. The court
 1660 ~~Parole Commission~~ may revoke parole if the defendant fails to
 1661 comply with such order. In determining whether to revoke parole,
 1662 the court ~~Parole Commission~~ shall consider the defendant's
 1663 employment status, earning ability, and financial resources; the
 1664 willfulness of the defendant's failure to pay; and any other
 1665 special circumstances that may have a bearing on the defendant's
 1666 ability to pay.

1667 Section 52. Section 947.185, Florida Statutes, is amended
 1668 to read:

1669 947.185 Application for mental retardation services as
 1670 condition of parole.--A regional parole board ~~The Parole~~
 1671 ~~Commission~~ may require as a condition of parole that any inmate
 1672 who has been diagnosed as mentally retarded as defined in s.
 1673 393.063 shall, upon release, apply for retardation services from
 1674 the Department of Children and Family Services.

1675 Section 53. Subsections (1) and (2) of section 947.22,
 1676 Florida Statutes, are amended to read:

1677 947.22 Authority to arrest parole violators with or
 1678 without warrant.--

1679 (1) If a court ~~member of the commission or a duly~~

1680 ~~authorized representative of the commission~~ has reasonable
 1681 grounds to believe that a parolee has violated the terms and
 1682 conditions of her or his parole in a material respect, it ~~such~~
 1683 ~~member or representative~~ may issue a warrant for the arrest of
 1684 such parolee. The warrant shall be returnable before the court ~~a~~
 1685 ~~member of the commission or a duly authorized representative of~~
 1686 ~~the commission~~. The court ~~commission, a commissioner, or a~~
 1687 ~~parole examiner with approval of the parole examiner supervisor,~~
 1688 may release the parolee on bail or her or his own recognizance,
 1689 conditioned upon her or his appearance at any hearings noticed
 1690 by the commission. If not released on bail or her or his own
 1691 recognizance, the parolee shall be committed to jail pending
 1692 hearings pursuant to s. 947.23. ~~The commission, at its election,~~
 1693 ~~may have the hearing conducted by one or more commissioners or~~
 1694 ~~by a duly authorized representative of the commission~~. Any
 1695 parole and probation officer, any officer authorized to serve
 1696 criminal process, or any peace officer of this state is
 1697 authorized to execute the warrant.

1698 (2) Any parole and probation officer, when she or he has
 1699 reasonable ground to believe that a parolee, control releasee,
 1700 or conditional releasee has violated the terms and conditions of
 1701 her or his parole, control release, or conditional release in a
 1702 material respect, has the right to arrest the releasee or
 1703 parolee without warrant and bring her or him forthwith before a
 1704 court ~~one or more commissioners or a duly authorized~~
 1705 ~~representative of the Parole Commission or Control Release~~
 1706 ~~Authority,~~ and proceedings shall thereupon be had as provided
 1707 ~~herein when a warrant has been issued by a member of the~~

1708 ~~commission or authority or a duly authorized representative of~~
 1709 ~~the commission or authority.~~

1710 Section 54. Paragraph (a) of subsection (1) and
 1711 subsections (3) and (6) of section 948.09, Florida Statutes, are
 1712 amended to read:

1713 948.09 Payment for cost of supervision and
 1714 rehabilitation.--

1715 (1) (a) 1. Any person ordered by the court or, the
 1716 Department of Corrections, ~~or the parole commission~~ to be placed
 1717 on probation, drug offender probation, community control,
 1718 parole, control release, provisional release supervision,
 1719 addiction-recovery supervision, or conditional release
 1720 supervision under chapter 944, chapter 945, chapter 947, chapter
 1721 948, or chapter 958, or in a pretrial intervention program,
 1722 must, as a condition of any placement, pay the department a
 1723 total sum of money equal to the total month or portion of a
 1724 month of supervision times the court-ordered amount, but not to
 1725 exceed the actual per diem cost of the supervision. The
 1726 department shall adopt rules by which an offender who pays in
 1727 full and in advance of regular termination of supervision may
 1728 receive a reduction in the amount due. The rules shall
 1729 incorporate provisions by which the offender's ability to pay is
 1730 linked to an established written payment plan. Funds collected
 1731 from felony offenders may be used to offset costs of the
 1732 Department of Corrections associated with community supervision
 1733 programs, subject to appropriation by the Legislature.

1734 2. In addition to any other contribution or surcharge
 1735 imposed by this section, each felony offender assessed under

1736 this paragraph shall pay a \$2-per-month surcharge to the
 1737 department. The surcharge shall be deemed to be paid only after
 1738 the full amount of any monthly payment required by the
 1739 established written payment plan has been collected by the
 1740 department. These funds shall be used by the department to pay
 1741 for correctional probation officers' training and equipment,
 1742 including radios, and firearms training, firearms, and attendant
 1743 equipment necessary to train and equip officers who choose to
 1744 carry a concealed firearm while on duty. Nothing in this
 1745 subparagraph shall be construed to limit the department's
 1746 authority to determine who shall be authorized to carry a
 1747 concealed firearm while on duty, or to limit the right of a
 1748 correctional probation officer to carry a personal firearm
 1749 approved by the department.

1750 (3) Any failure to pay contribution as required under this
 1751 section may constitute a ground for the revocation of probation,
 1752 parole, or conditional release by the court, ~~the revocation of~~
 1753 ~~parole or conditional release by the Parole Commission, the~~
 1754 ~~revocation of control release by the Control Release Authority,~~
 1755 or removal from the pretrial intervention program by the state
 1756 attorney. The Department of Corrections may exempt a person from
 1757 the payment of all or any part of the contribution if it finds
 1758 any of the following factors to exist:

1759 (a) The offender has diligently attempted, but has been
 1760 unable, to obtain employment which provides him or her
 1761 sufficient income to make such payments.

1762 (b) The offender is a student in a school, college,
 1763 university, or course of career training designed to fit the

1764 student for gainful employment. Certification of such student
 1765 status shall be supplied to the Secretary of Corrections by the
 1766 educational institution in which the offender is enrolled.

1767 (c) The offender has an employment handicap, as determined
 1768 by a physical, psychological, or psychiatric examination
 1769 acceptable to, or ordered by, the secretary.

1770 (d) The offender's age prevents him or her from obtaining
 1771 employment.

1772 (e) The offender is responsible for the support of
 1773 dependents, and the payment of such contribution constitutes an
 1774 undue hardship on the offender.

1775 (f) The offender has been transferred outside the state
 1776 under an interstate compact adopted pursuant to chapter 949.

1777 (g) There are other extenuating circumstances, as
 1778 determined by the secretary.

1779 (6) In addition to any other required contributions, the
 1780 department, at its discretion, may require offenders under any
 1781 form of supervision to submit to and pay for urinalysis testing
 1782 to identify drug usage as part of the rehabilitation program.
 1783 Any failure to make such payment, or participate, may be
 1784 considered a ground for revocation by the court, ~~the Parole~~
 1785 ~~Commission, or the Control Release Authority,~~ or for removal
 1786 from the pretrial intervention program by the state attorney.
 1787 The department may exempt a person from such payment if it
 1788 determines that any of the factors specified in subsection (3)
 1789 exist.

1790 Section 55. Subsection (1) of section 948.10, Florida
 1791 Statutes, is amended to read:

1792 948.10 Community control programs.--

1793 (1) The Department of Corrections shall develop and
 1794 administer a community control program. Such community control
 1795 program and required manuals shall be developed in consultation
 1796 with the Florida Conference of Circuit Court Judges and the
 1797 office of the State Courts Administrator. This complementary
 1798 program shall be rigidly structured and designed to accommodate
 1799 offenders who, in the absence of such a program, would have been
 1800 incarcerated. The program shall focus on the provision of
 1801 sanctions and consequences which are commensurate with the
 1802 seriousness of the crime. The program shall offer the courts ~~and~~
 1803 ~~the Parole Commission~~ an alternative, community-based method to
 1804 punish an offender in lieu of incarceration when the offender is
 1805 a member of one of the following target groups:

1806 (a) Probation violators charged with technical violations
 1807 or misdemeanor violations.

1808 (b) Parole violators charged with technical violations or
 1809 misdemeanor violations.

1810 (c) Individuals found guilty of felonies, who, due to
 1811 their criminal backgrounds or the seriousness of the offenses,
 1812 would not be placed on regular probation.

1813 Section 56. Section 949.05, Florida Statutes, is amended
 1814 to read:

1815 949.05 Constitutionality.--

1816 ~~(1)~~ If any clause, sentence, paragraph, section, or part
 1817 of chapters 947-949 shall for any reason be adjudged by any
 1818 court of competent jurisdiction to be unconstitutional, invalid,
 1819 or void, such judgment shall not affect, impair, or invalidate

1820 the remainder of the law, but shall be confined in its operation
 1821 to the clause, sentence, paragraph, section, or part thereof
 1822 directly involved in the controversy in which such judgment
 1823 shall have been rendered.

1824 ~~(2) If the method of selecting the commission members as~~
 1825 ~~herein provided is found to be invalid by reason of the vesting~~
 1826 ~~of the appointing power in the Governor and the Cabinet, the~~
 1827 ~~members of the Parole Commission herein provided for shall be~~
 1828 ~~appointed by the Governor.~~

1829 Section 57. Subsection (6) of section 957.06, Florida
 1830 Statutes, is amended to read:

1831 957.06 Powers and duties not delegable to contractor.--A
 1832 contract entered into under this chapter does not authorize,
 1833 allow, or imply a delegation of authority to the contractor to:

1834 (6) Make recommendations to a regional parole board ~~the~~
 1835 ~~Parole Commission~~ with respect to the denial or granting of
 1836 parole, control release, conditional release, or conditional
 1837 medical release. However, the contractor may submit written
 1838 reports to a regional parole board ~~the Parole Commission~~ and
 1839 must respond to a written request by a regional parole board ~~the~~
 1840 ~~Parole Commission~~ for information.

1841 Section 58. Paragraph (c) of subsection (8) of section
 1842 958.045, Florida Statutes, is amended to read:

1843 958.045 Youthful offender basic training program.--

1844 (8)

1845 (c) The department shall work cooperatively with the
 1846 Control Release Authority or the regional parole board having
 1847 jurisdiction ~~Parole Commission~~ to effect the release of an

1848 offender who has successfully completed the requirements of the
 1849 basic training program.

1850 Section 59. Subsection (1) of section 960.001, Florida
 1851 Statutes, is amended to read:

1852 960.001 Guidelines for fair treatment of victims and
 1853 witnesses in the criminal justice and juvenile justice
 1854 systems.--

1855 (1) The Department of Legal Affairs, the state attorneys,
 1856 the Department of Corrections, the Department of Juvenile
 1857 Justice, ~~the Parole Commission,~~ the State Courts Administrator
 1858 and circuit court administrators, the Department of Law
 1859 Enforcement, and every sheriff's department, police department,
 1860 or other law enforcement agency as defined in s. 943.10(4) shall
 1861 develop and implement guidelines for the use of their respective
 1862 agencies, which guidelines are consistent with the purposes of
 1863 this act and s. 16(b), Art. I of the State Constitution and are
 1864 designed to implement the provisions of s. 16(b), Art. I of the
 1865 State Constitution and to achieve the following objectives:

1866 (a) Information concerning services available to victims
 1867 of adult and juvenile crime.--As provided in s. 27.0065, state
 1868 attorneys and public defenders shall gather information
 1869 regarding the following services in the geographic boundaries of
 1870 their respective circuits and shall provide such information to
 1871 each law enforcement agency with jurisdiction within such
 1872 geographic boundaries. Law enforcement personnel shall ensure,
 1873 through distribution of a victim's rights information card or
 1874 brochure at the crime scene, during the criminal investigation,
 1875 and in any other appropriate manner, that victims are given, as

1876 a matter of course at the earliest possible time, information
1877 about:

1878 1. The availability of crime victim compensation, when
1879 applicable;

1880 2. Crisis intervention services, supportive or bereavement
1881 counseling, social service support referrals, and community-
1882 based victim treatment programs;

1883 3. The role of the victim in the criminal or juvenile
1884 justice process, including what the victim may expect from the
1885 system as well as what the system expects from the victim;

1886 4. The stages in the criminal or juvenile justice process
1887 which are of significance to the victim and the manner in which
1888 information about such stages can be obtained;

1889 5. The right of a victim, who is not incarcerated,
1890 including the victim's parent or guardian if the victim is a
1891 minor, the lawful representative of the victim or of the
1892 victim's parent or guardian if the victim is a minor, and the
1893 next of kin of a homicide victim, to be informed, to be present,
1894 and to be heard when relevant, at all crucial stages of a
1895 criminal or juvenile proceeding, to the extent that this right
1896 does not interfere with constitutional rights of the accused, as
1897 provided by s. 16(b), Art. I of the State Constitution;

1898 6. In the case of incarcerated victims, the right to be
1899 informed and to submit written statements at all crucial stages
1900 of the criminal proceedings, parole proceedings, or juvenile
1901 proceedings; and

1902 7. The right of a victim to a prompt and timely
1903 disposition of the case in order to minimize the period during

1904 which the victim must endure the responsibilities and stress
 1905 involved to the extent that this right does not interfere with
 1906 the constitutional rights of the accused.

1907 (b) Information for purposes of notifying victim or
 1908 appropriate next of kin of victim or other designated contact of
 1909 victim.--In the case of a homicide, pursuant to chapter 782; or
 1910 a sexual offense, pursuant to chapter 794; or an attempted
 1911 murder or sexual offense, pursuant to chapter 777; or stalking,
 1912 pursuant to s. 784.048; or domestic violence, pursuant to s.
 1913 25.385:

1914 1. The arresting law enforcement officer or personnel of
 1915 an organization that provides assistance to a victim or to the
 1916 appropriate next of kin of the victim or other designated
 1917 contact must request that the victim or appropriate next of kin
 1918 of the victim or other designated contact complete a victim
 1919 notification card. However, the victim or appropriate next of
 1920 kin of the victim or other designated contact may choose not to
 1921 complete the victim notification card.

1922 2. Unless the victim or the appropriate next of kin of the
 1923 victim or other designated contact waives the option to complete
 1924 the victim notification card, a copy of the victim notification
 1925 card must be filed with the incident report or warrant in the
 1926 sheriff's office of the jurisdiction in which the incident
 1927 report or warrant originated. The notification card shall, at a
 1928 minimum, consist of:

- 1929 a. The name, address, and phone number of the victim; or
- 1930 b. The name, address, and phone number of the appropriate
- 1931 next of kin of the victim; or

1932 c. The name, address, and phone number of a designated
 1933 contact other than the victim or appropriate next of kin of the
 1934 victim; and

1935 d. Any relevant identification or case numbers assigned to
 1936 the case.

1937 3. The chief administrator, or a person designated by the
 1938 chief administrator, of a county jail, municipal jail, juvenile
 1939 detention facility, or residential commitment facility shall
 1940 make a reasonable attempt to notify the alleged victim or
 1941 appropriate next of kin of the alleged victim or other
 1942 designated contact within 4 hours following the release of the
 1943 defendant on bail or, in the case of a juvenile offender, upon
 1944 the release from residential detention or commitment. If the
 1945 chief administrator, or designee, is unable to contact the
 1946 alleged victim or appropriate next of kin of the alleged victim
 1947 or other designated contact by telephone, the chief
 1948 administrator, or designee, must send to the alleged victim or
 1949 appropriate next of kin of the alleged victim or other
 1950 designated contact a written notification of the defendant's
 1951 release.

1952 4. Unless otherwise requested by the victim or the
 1953 appropriate next of kin of the victim or other designated
 1954 contact, the information contained on the victim notification
 1955 card must be sent by the chief administrator, or designee, of
 1956 the appropriate facility to the subsequent correctional or
 1957 residential commitment facility following the sentencing and
 1958 incarceration of the defendant, and unless otherwise requested
 1959 by the victim or the appropriate next of kin of the victim or

1960 other designated contact, he or she must be notified of the
 1961 release of the defendant from incarceration as provided by law.

1962 5. If the defendant was arrested pursuant to a warrant
 1963 issued or taken into custody pursuant to s. 985.207 in a
 1964 jurisdiction other than the jurisdiction in which the defendant
 1965 is being released, and the alleged victim or appropriate next of
 1966 kin of the alleged victim or other designated contact does not
 1967 waive the option for notification of release, the chief
 1968 correctional officer or chief administrator of the facility
 1969 releasing the defendant shall make a reasonable attempt to
 1970 immediately notify the chief correctional officer of the
 1971 jurisdiction in which the warrant was issued or the juvenile was
 1972 taken into custody pursuant to s. 985.207, and the chief
 1973 correctional officer of that jurisdiction shall make a
 1974 reasonable attempt to notify the alleged victim or appropriate
 1975 next of kin of the alleged victim or other designated contact,
 1976 as provided in this paragraph, that the defendant has been or
 1977 will be released.

1978 (c) Information concerning protection available to victim
 1979 or witness.--A victim or witness shall be furnished, as a matter
 1980 of course, with information on steps that are available to law
 1981 enforcement officers and state attorneys to protect victims and
 1982 witnesses from intimidation. Victims of domestic violence shall
 1983 also be given information about the address confidentiality
 1984 program provided under s. 741.403.

1985 (d) Notification of scheduling changes.--Each victim or
 1986 witness who has been scheduled to attend a criminal or juvenile
 1987 justice proceeding shall be notified as soon as possible by the

1988 agency scheduling his or her appearance of any change in
 1989 scheduling which will affect his or her appearance.

1990 (e) Advance notification to victim or relative of victim
 1991 concerning judicial proceedings; right to be present.--Any
 1992 victim, parent, guardian, or lawful representative of a minor
 1993 who is a victim, or relative of a homicide victim shall receive
 1994 from the appropriate agency, at the address found in the police
 1995 report or the victim notification card if such has been provided
 1996 to the agency, prompt advance notification, unless the agency
 1997 itself does not have advance notification, of judicial and
 1998 postjudicial proceedings relating to his or her case, including
 1999 all proceedings or hearings relating to:

- 2000 1. The arrest of an accused;
- 2001 2. The release of the accused pending judicial proceedings
 2002 or any modification of release conditions; and
- 2003 3. Proceedings in the prosecution or petition for
 2004 delinquency of the accused, including the filing of the
 2005 accusatory instrument, the arraignment, disposition of the
 2006 accusatory instrument, trial or adjudicatory hearing, sentencing
 2007 or disposition hearing, appellate review, subsequent
 2008 modification of sentence, collateral attack of a judgment, and,
 2009 when a term of imprisonment, detention, or residential
 2010 commitment is imposed, the release of the defendant or juvenile
 2011 offender from such imprisonment, detention, or residential
 2012 commitment by expiration of sentence or parole and any meeting
 2013 held to consider such release.

2014
 2015 A victim, a victim's parent or guardian if the victim is a

2016 minor, a lawful representative of the victim or of the victim's
 2017 parent or guardian if the victim is a minor, or a victim's next
 2018 of kin may not be excluded from any portion of any hearing,
 2019 trial, or proceeding pertaining to the offense based solely on
 2020 the fact that such person is subpoenaed to testify, unless, upon
 2021 motion, the court determines such person's presence to be
 2022 prejudicial. The appropriate agency with respect to notification
 2023 under subparagraph 1. is the arresting law enforcement agency,
 2024 and the appropriate agency with respect to notification under
 2025 subparagraphs 2. and 3. is the Attorney General or state
 2026 attorney, unless the notification relates to a hearing
 2027 concerning parole, in which case the appropriate agency is the
 2028 Office of the Attorney General ~~Parole Commission~~. The Department
 2029 of Corrections, the Department of Juvenile Justice, or the
 2030 sheriff is the appropriate agency with respect to release by
 2031 expiration of sentence or any other release program provided by
 2032 law. Any victim may waive notification at any time, and such
 2033 waiver shall be noted in the agency's files.

2034 (f) Information concerning release from incarceration from
 2035 a county jail, municipal jail, juvenile detention facility, or
 2036 residential commitment facility.--The chief administrator, or a
 2037 person designated by the chief administrator, of a county jail,
 2038 municipal jail, juvenile detention facility, or residential
 2039 commitment facility shall, upon the request of the victim or the
 2040 appropriate next of kin of a victim or other designated contact
 2041 of the victim of any of the crimes specified in paragraph (b),
 2042 make a reasonable attempt to notify the victim or appropriate
 2043 next of kin of the victim or other designated contact prior to

2044 the defendant's or offender's release from incarceration,
 2045 detention, or residential commitment if the victim notification
 2046 card has been provided pursuant to paragraph (b). If prior
 2047 notification is not successful, a reasonable attempt must be
 2048 made to notify the victim or appropriate next of kin of the
 2049 victim or other designated contact within 4 hours following the
 2050 release of the defendant or offender from incarceration,
 2051 detention, or residential commitment. If the defendant is
 2052 released following sentencing, disposition, or furlough, the
 2053 chief administrator or designee shall make a reasonable attempt
 2054 to notify the victim or the appropriate next of kin of the
 2055 victim or other designated contact within 4 hours following the
 2056 release of the defendant. If the chief administrator or designee
 2057 is unable to contact the victim or appropriate next of kin of
 2058 the victim or other designated contact by telephone, the chief
 2059 administrator or designee must send to the victim or appropriate
 2060 next of kin of the victim or other designated contact a written
 2061 notification of the defendant's or offender's release.

2062 (g) Consultation with victim or guardian or family of
 2063 victim.--

2064 1. In addition to being notified of the provisions of s.
 2065 921.143, the victim of a felony involving physical or emotional
 2066 injury or trauma or, in a case in which the victim is a minor
 2067 child or in a homicide, the guardian or family of the victim
 2068 shall be consulted by the state attorney in order to obtain the
 2069 views of the victim or family about the disposition of any
 2070 criminal or juvenile case brought as a result of such crime,
 2071 including the views of the victim or family about:

2072 a. The release of the accused pending judicial
 2073 proceedings;

2074 b. Plea agreements;

2075 c. Participation in pretrial diversion programs; and

2076 d. Sentencing of the accused.

2077 2. Upon request, the state attorney shall permit the
 2078 victim, the victim's parent or guardian if the victim is a
 2079 minor, the lawful representative of the victim or of the
 2080 victim's parent or guardian if the victim is a minor, or the
 2081 victim's next of kin in the case of a homicide to review a copy
 2082 of the presentence investigation report prior to the sentencing
 2083 hearing if one was completed. Any confidential information that
 2084 pertains to medical history, mental health, or substance abuse
 2085 and any information that pertains to any other victim shall be
 2086 redacted from the copy of the report. Any person who reviews the
 2087 report pursuant to this paragraph must maintain the
 2088 confidentiality of the report and shall not disclose its
 2089 contents to any person except statements made to the state
 2090 attorney or the court.

2091 3. When an inmate has been approved for community work
 2092 release, the Department of Corrections shall, upon request and
 2093 as provided in s. 944.605, notify the victim, the victim's
 2094 parent or guardian if the victim is a minor, the lawful
 2095 representative of the victim or of the victim's parent or
 2096 guardian if the victim is a minor, or the victim's next of kin
 2097 if the victim is a homicide victim.

2098 (h) Return of property to victim.--Law enforcement
 2099 agencies and the state attorney shall promptly return a victim's

2100 property held for evidentiary purposes unless there is a
2101 compelling law enforcement reason for retaining it. The trial or
2102 juvenile court exercising jurisdiction over the criminal or
2103 juvenile proceeding may enter appropriate orders to implement
2104 the provisions of this subsection, including allowing
2105 photographs of the victim's property to be used as evidence at
2106 the criminal trial or the juvenile proceeding in place of the
2107 victim's property when no substantial evidentiary issue related
2108 thereto is in dispute.

2109 (i) Notification to employer and explanation to creditors
2110 of victim or witness.--A victim or witness who so requests shall
2111 be assisted by law enforcement agencies and the state attorney
2112 in informing his or her employer that the need for victim and
2113 witness cooperation in the prosecution of the case may
2114 necessitate the absence of that victim or witness from work. A
2115 victim or witness who, as a direct result of a crime or of his
2116 or her cooperation with law enforcement agencies or a state
2117 attorney, is subjected to serious financial strain shall be
2118 assisted by such agencies and state attorney in explaining to
2119 the creditors of such victim or witness the reason for such
2120 serious financial strain.

2121 (j) Notification of right to request restitution.--Law
2122 enforcement agencies and the state attorney shall inform the
2123 victim of the victim's right to request and receive restitution
2124 pursuant to s. 775.089 or s. 985.231(1)(a)1., and of the
2125 victim's rights of enforcement under ss. 775.089(6) and 985.201
2126 in the event an offender does not comply with a restitution
2127 order. The state attorney shall seek the assistance of the

2128 | victim in the documentation of the victim's losses for the
 2129 | purpose of requesting and receiving restitution. In addition,
 2130 | the state attorney shall inform the victim if and when
 2131 | restitution is ordered. If an order of restitution is converted
 2132 | to a civil lien or civil judgment against the defendant, the
 2133 | clerks shall make available at their office, as well as on their
 2134 | website, information provided by the Secretary of State, the
 2135 | court, or The Florida Bar on enforcing the civil lien or
 2136 | judgment.

2137 | (k) Notification of right to submit impact statement.--The
 2138 | state attorney shall inform the victim of the victim's right to
 2139 | submit an oral or written impact statement pursuant to s.
 2140 | 921.143 and shall assist in the preparation of such statement if
 2141 | necessary.

2142 | (l) Local witness coordination services.--The requirements
 2143 | for notification provided for in paragraphs (c), (d), and (i)
 2144 | may be performed by the state attorney or public defender for
 2145 | their own witnesses.

2146 | (m) Victim assistance education and training.--Victim
 2147 | assistance education and training shall be offered to persons
 2148 | taking courses at law enforcement training facilities and to
 2149 | state attorneys and assistant state attorneys so that victims
 2150 | may be promptly, properly, and completely assisted.

2151 | (n) General victim assistance.--Victims and witnesses
 2152 | shall be provided with such other assistance, such as
 2153 | transportation, parking, separate pretrial waiting areas, and
 2154 | translator services in attending court, as is practicable.

2155 | (o) Victim's rights information card or brochure.--A

2156 victim of a crime shall be provided with a victim's rights
2157 information card or brochure containing essential information
2158 concerning the rights of a victim and services available to a
2159 victim as required by state law.

2160 (p) Information concerning escape from a state
2161 correctional institution, county jail, juvenile detention
2162 facility, or residential commitment facility.--In any case where
2163 an offender escapes from a state correctional institution,
2164 private correctional facility, county jail, juvenile detention
2165 facility, or residential commitment facility, the institution of
2166 confinement shall immediately notify the state attorney of the
2167 jurisdiction where the criminal charge or petition for
2168 delinquency arose and the judge who imposed the sentence of
2169 incarceration. The state attorney shall thereupon make every
2170 effort to notify the victim, material witness, parents or legal
2171 guardian of a minor who is a victim or witness, or immediate
2172 relatives of a homicide victim of the escapee. The state
2173 attorney shall also notify the sheriff of the county where the
2174 criminal charge or petition for delinquency arose. The sheriff
2175 shall offer assistance upon request. When an escaped offender is
2176 subsequently captured or is captured and returned to the
2177 institution of confinement, the institution of confinement shall
2178 again immediately notify the appropriate state attorney and
2179 sentencing judge pursuant to this section.

2180 (q) Presence of victim advocate during discovery
2181 deposition; testimony of victim of a sexual offense.--At the
2182 request of the victim or the victim's parent, guardian, or
2183 lawful representative, the victim advocate designated by state

2184 attorney's office, sheriff's office, or municipal police
2185 department, or one representative from a not-for-profit victim
2186 services organization, including, but not limited to, rape
2187 crisis centers, domestic violence advocacy groups, and alcohol
2188 abuse or substance abuse groups shall be permitted to attend and
2189 be present during any deposition of the victim. The victim of a
2190 sexual offense shall be informed of the right to have the
2191 courtroom cleared of certain persons as provided in s. 918.16
2192 when the victim is testifying concerning that offense.

2193 (r) Implementing crime prevention in order to protect the
2194 safety of persons and property, as prescribed in the State
2195 Comprehensive Plan.--By preventing crimes that create victims or
2196 further harm former victims, crime prevention efforts are an
2197 essential part of providing effective service for victims and
2198 witnesses. Therefore, the agencies identified in this subsection
2199 may participate in and expend funds for crime prevention, public
2200 awareness, public participation, and educational activities
2201 directly relating to, and in furtherance of, existing public
2202 safety statutes. Furthermore, funds may not be expended for the
2203 purpose of influencing public opinion on public policy issues
2204 that have not been resolved by the Legislature or the
2205 electorate.

2206 (s) Attendance of victim at same school as
2207 defendant.--When the victim of an offense committed by a
2208 juvenile is a minor, the Department of Juvenile Justice shall
2209 request information to determine if the victim, or any sibling
2210 of the victim, attends or is eligible to attend the same school
2211 as the offender. However, if the offender is subject to a

2212 presentence investigation by the Department of Corrections, the
 2213 Department of Corrections shall make such request. If the victim
 2214 or any sibling of the victim attends or is eligible to attend
 2215 the same school as that of the offender, the appropriate agency
 2216 shall notify the victim's parent or legal guardian of the right
 2217 to attend the sentencing or disposition of the offender and
 2218 request that the offender be required to attend a different
 2219 school.

2220 Section 60. Subsection (3) of section 960.17, Florida
 2221 Statutes, is amended to read:

2222 960.17 Award constitutes debt owed to state.--

2223 (3) The regional parole board with jurisdiction ~~Parole~~
 2224 ~~Commission~~ shall make the payment of the debt to the state a
 2225 condition of parole under chapter 947, unless the board
 2226 ~~commission~~ finds reasons to the contrary. If the board
 2227 ~~commission~~ does not order payment, or orders only partial
 2228 payment, it shall state on the record the reasons therefor.

2229 Section 61. Paragraph (a) of subsection (3) of section
 2230 985.04, Florida Statutes, is amended to read:

2231 985.04 Oaths; records; confidential information.--

2232 (3)(a) Except as provided in subsections (2), (4), (5),
 2233 and (6), and s. 943.053, all information obtained under this
 2234 part in the discharge of official duty by any judge, any
 2235 employee of the court, any authorized agent of the Department of
 2236 Juvenile Justice, the regional parole boards ~~Parole Commission~~,
 2237 the Department of Corrections, the juvenile justice circuit
 2238 boards, any law enforcement agent, or any licensed professional
 2239 or licensed community agency representative participating in the

2240 assessment or treatment of a juvenile is confidential and may be
 2241 disclosed only to the authorized personnel of the court, the
 2242 Department of Juvenile Justice and its designees, the Department
 2243 of Corrections, the regional parole boards ~~Parole Commission~~,
 2244 law enforcement agents, school superintendents and their
 2245 designees, any licensed professional or licensed community
 2246 agency representative participating in the assessment or
 2247 treatment of a juvenile, and others entitled under this chapter
 2248 to receive that information, or upon order of the court. Within
 2249 each county, the sheriff, the chiefs of police, the district
 2250 school superintendent, and the department shall enter into an
 2251 interagency agreement for the purpose of sharing information
 2252 about juvenile offenders among all parties. The agreement must
 2253 specify the conditions under which summary criminal history
 2254 information is to be made available to appropriate school
 2255 personnel, and the conditions under which school records are to
 2256 be made available to appropriate department personnel. Such
 2257 agreement shall require notification to any classroom teacher of
 2258 assignment to the teacher's classroom of a juvenile who has been
 2259 placed in a probation or commitment program for a felony
 2260 offense. The agencies entering into such agreement must comply
 2261 with s. 943.0525, and must maintain the confidentiality of
 2262 information that is otherwise exempt from s. 119.07(1), as
 2263 provided by law.

2264 Section 62. Subsection (2) of section 985.05, Florida
 2265 Statutes, is amended to read:

2266 985.05 Court records.--

2267 (2) The clerk shall keep all official records required by

2268 this section separate from other records of the circuit court,
 2269 except those records pertaining to motor vehicle violations,
 2270 which shall be forwarded to the Department of Highway Safety and
 2271 Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),
 2272 official records required by this part are not open to
 2273 inspection by the public, but may be inspected only upon order
 2274 of the court by persons deemed by the court to have a proper
 2275 interest therein, except that a child and the parents,
 2276 guardians, or legal custodians of the child and their attorneys,
 2277 law enforcement agencies, the Department of Juvenile Justice and
 2278 its designees, a regional parole board ~~the Parole Commission~~,
 2279 and the Department of Corrections shall always have the right to
 2280 inspect and copy any official record pertaining to the child.
 2281 The court may permit authorized representatives of recognized
 2282 organizations compiling statistics for proper purposes to
 2283 inspect, and make abstracts from, official records under
 2284 whatever conditions upon the use and disposition of such records
 2285 the court may deem proper and may punish by contempt proceedings
 2286 any violation of those conditions.

2287 Section 63. Subsection (1) of section 784.078, Florida
 2288 Statutes, is amended to read:

2289 784.078 Battery of facility employee by throwing, tossing,
 2290 or expelling certain fluids or materials.--

2291 (1) As used in this section, the term "facility" means a
 2292 state correctional institution defined in s. 944.02~~(6)~~; a
 2293 private correctional facility defined in s. 944.710 or under
 2294 chapter 957; a county, municipal, or regional jail or other
 2295 detention facility of local government under chapter 950 or

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2296 chapter 951; or a secure facility operated and maintained by the
2297 Department of Corrections or the Department of Juvenile Justice.

2298 Section 64. Support for the Governor and Cabinet acting in
2299 their capacity as the Executive Board of Clemency is hereby
2300 transferred from the Parole Commission to the Executive Office
2301 of the Governor by a type two transfer as provided in s. 20.06,
2302 Florida Statutes.

2303 Section 65. Sections 947.01 and 947.022, Florida Statutes,
2304 are repealed.

2305 Section 66. The Division of Statutory Revision of the
2306 Office of Legislative Services shall redesignate, in the next
2307 edition of the Florida Statutes, the title of chapter 947,
2308 Florida Statutes, as "Regional Parole Boards."

2309 Section 67. This act shall take effect July 1, 2005,
2310 except that sections 7 through 66 shall take effect June 1,
2311 2006.