

Bill No. SB 540

Barcode 093460

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Smith) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 2, between lines 24 and 25,

insert:

Section 2. Subsection (2) of section 947.071, Florida Statutes, is amended to read:

947.071 Rulemaking procedures; indexing of orders.--

(2) The only final orders of the commission which shall be indexed pursuant to chapter 120 are:

- (a) Orders granting parole.
- (b) Orders revoking parole.
- (c) Orders restoring to supervision.
- (d) Orders releasing from custody and further supervision.
- (e) Early parole termination orders.
- (f) Orders granting conditional release.
- (g) Orders revoking conditional release.
- (h) Orders granting conditional medical release,

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- 1        (i) Orders revoking conditional medical release,
- 2        (j) Orders granting control release,
- 3        (k) Orders revoking control release,
- 4        (l) Orders granting addiction recovery supervision,
- 5        (m) Orders revoking addiction recovery supervision.

6            Section 3. Subsection (1) of section 947.13, Florida  
7 Statutes, is amended to read:

8            947.13 Powers and duties of commission.--

9            (1) The commission shall have the powers and perform  
10 the duties of:

11            (a) Determining which ~~what~~ persons shall be placed on  
12 parole, subject to the provisions of ss. 947.172 and 947.174.

13            (b) Establishing the term ~~Fixing the time~~ and  
14 conditions of parole, as provided in this chapter.

15            (c) Determining whether a person has violated parole  
16 and taking action with respect to such a violation.

17            (d) Making such investigations as may be necessary.

18            (e) Reporting to the Board of Executive Clemency the  
19 circumstances, the criminal records, and the social, physical,  
20 mental, and psychiatric conditions and histories of persons  
21 under consideration by the board for pardon, commutation of  
22 sentence, or remission of fine, penalty, or forfeiture.

23            (f) Establishing the term ~~terms~~ and conditions of  
24 persons released on conditional release under s. 947.1405, and  
25 determining subsequent ineligibility for conditional release  
26 due to a violation of the ~~terms or~~ conditions of conditional  
27 release and taking action with respect to such a violation.

28            (g) As the Control Release Authority, determining  
29 which ~~what~~ persons will be released on control release under  
30 s. 947.146, establishing the term ~~time~~ and conditions of  
31 control release, if any, and determining whether a person has

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1 | violated the conditions of control release and taking action  
2 | with respect to such a violation.

3 |         (h) Determining which ~~what~~ persons will be released on  
4 | conditional medical release under s. 947.149, establishing the  
5 | conditions of conditional medical release, and determining  
6 | whether a person has violated the conditions of conditional  
7 | medical release and taking action with respect to such a  
8 | violation.

9 |         (i) Determining which persons will be released on  
10 | addiction recovery supervision under s. 944.4731, establishing  
11 | the term and conditions of addiction recovery supervision, and  
12 | determining whether a person has violated the conditions of  
13 | addiction recovery supervision and taking action with respect  
14 | to such a violation.

15 |         Section 4. Section 947.1405, Florida Statutes, is  
16 | amended to read:

17 |         947.1405 Conditional release program.--

18 |         (1) This section ~~and s. 947.141~~ may be cited as the  
19 | "Conditional Release Program Act."

20 |         (2) Any inmate who:

21 |         (a) Is convicted of a crime committed on or after  
22 | October 1, 1988, and before January 1, 1994, and any inmate  
23 | who is convicted of a crime committed on or after January 1,  
24 | 1994, which crime is or was contained in category 1, category  
25 | 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,  
26 | Florida Rules of Criminal Procedure (1993), and who has served  
27 | at least one prior felony commitment at a state or federal  
28 | correctional institution;

29 |         (b) Is sentenced as a habitual or violent habitual  
30 | offender or a violent career criminal pursuant to s. 775.084;  
31 | or

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1           (c) Is found to be a sexual predator under s. 775.21  
2 or former s. 775.23,  
3  
4 shall, upon reaching the tentative release date or provisional  
5 release date, whichever is earlier, as established by the  
6 Department of Corrections, be released under supervision  
7 subject to specified terms and conditions, including payment  
8 of the cost of supervision pursuant to s. 948.09. Such  
9 supervision shall be applicable to all sentences within the  
10 overall term of sentences if an inmate's overall term of  
11 sentences includes one or more sentences that are eligible for  
12 conditional release supervision as provided herein. If the  
13 inmate is found to be a sexual predator, he or she will be  
14 eligible for conditional release until such designation is  
15 removed by a court of competent jurisdiction regardless of the  
16 inmate's current sentence. Effective July 1, 1994, and  
17 applicable for offenses committed on or after that date, the  
18 commission may require, as a condition of conditional release,  
19 that the releasee make payment of the debt due and owing to a  
20 county or municipal detention facility under s. 951.032 for  
21 medical care, treatment, hospitalization, or transportation  
22 received by the releasee while in that detention facility. The  
23 commission, in determining whether to order such repayment and  
24 the amount of such repayment, shall consider the amount of the  
25 debt, whether there was any fault of the institution for the  
26 medical expenses incurred, the financial resources of the  
27 releasee, the present and potential future financial needs and  
28 earning ability of the releasee, and dependents, and other  
29 appropriate factors. If any inmate placed on conditional  
30 release supervision is also subject to court ordered community  
31 supervision, the period of court ordered community supervision

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1 ~~may not be substituted for conditional release supervision and~~  
2 ~~shall follow the term of conditional release supervision. If~~  
3 ~~any inmate placed on conditional release supervision is also~~  
4 ~~subject to probation or community control, resulting from a~~  
5 ~~probationary or community control split sentence within the~~  
6 ~~overall term of sentences, the Department of Corrections shall~~  
7 ~~supervise such person according to the conditions imposed by~~  
8 ~~the court and the commission shall defer to such supervision.~~  
9 ~~If the court revokes probation or community control and~~  
10 ~~resentences the offender to a term of incarceration, such~~  
11 ~~revocation also constitutes a sufficient basis for the~~  
12 ~~revocation of the conditional release supervision on any~~  
13 ~~nonprobationary or noncommunity control sentence without~~  
14 ~~further hearing by the commission. If any such supervision on~~  
15 ~~any nonprobationary or noncommunity control sentence is~~  
16 ~~revoked, such revocation may result in a forfeiture of all~~  
17 ~~gain time, and the commission may revoke the resulting~~  
18 ~~deferred conditional release supervision or take other action~~  
19 ~~it considers appropriate. If the term of conditional release~~  
20 ~~supervision exceeds that of the probation or community~~  
21 ~~control, then, upon expiration of the probation or community~~  
22 ~~control, authority for the supervision shall revert to the~~  
23 ~~commission and the supervision shall be subject to the~~  
24 ~~conditions imposed by the commission. A panel of no fewer than~~  
25 ~~two commissioners shall establish the terms and conditions of~~  
26 ~~any such release. If the offense was a controlled substance~~  
27 ~~violation, the conditions shall include a requirement that the~~  
28 ~~offender submit to random substance abuse testing~~  
29 ~~intermittently throughout the term of conditional release~~  
30 ~~supervision, upon the direction of the correctional probation~~  
31 ~~officer as defined in s. 943.10(3). The commission shall also~~

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1 determine whether the terms and conditions of such release  
2 have been violated and whether such violation warrants  
3 revocation of the conditional release.

4 (3) As part of the conditional release process, the  
5 commission, through review and consideration of information  
6 provided by the department, shall determine:

7 (a) The amount of reparation or restitution.

8 (b) The consequences of the offense as reported by the  
9 aggrieved party.

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

12 (4) The commission shall provide to the aggrieved  
13 party information regarding the manner in which notice of any  
14 developments concerning the status of the inmate during the  
15 term of conditional release may be requested.

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

31 (6) The commission shall review the recommendations of

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

19 (7)(a) Any inmate who is convicted of a crime  
20 committed on or after October 1, 1995, or who has been  
21 previously convicted of a crime committed on or after October  
22 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,  
23 or s. 847.0145, and is subject to conditional release  
24 supervision, shall have, in addition to any other conditions  
25 imposed, the following special conditions imposed by the  
26 commission:

27 1. A mandatory curfew from 10 p.m. to 6 a.m. The  
28 commission may designate another 8-hour period if the  
29 offender's employment precludes the above specified time, and  
30 such alternative is recommended by the Department of  
31 Corrections. If the commission determines that imposing a

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1 curfew would endanger the victim, the commission may consider  
2 alternative sanctions.

3         2. If the victim was under the age of 18, a  
4 prohibition on living or loitering within 1,000 feet of, or  
5 working for pay or as a volunteer at, a school, day care  
6 center, park, playground, designated public school bus stop,  
7 restaurant with attached playground, amusement park, business  
8 establishment whole primary clients are children, or other  
9 place where children regularly congregate. A releasee who is  
10 subject to this subparagraph may not relocate to a residence  
11 that is within 1,000 feet of a public school bus stop.  
12 Beginning October 1, 2004, the commission or the department  
13 may not approve a residence that is located within 1,000 feet  
14 of a school, day care center, park, playground, designated  
15 school bus stop, or other place where children regularly  
16 congregate for any releasee who is subject to this  
17 subparagraph. On October 1, 2004, the department shall notify  
18 each affected school district of the location of the residence  
19 of a releasee 30 days prior to release and thereafter, if the  
20 releasee relocates to a new residence, shall notify any  
21 affected school district of the residence of the releasee  
22 within 30 days after relocation. If, on October 1, 2004, any  
23 public school bus stop is located within 1,000 feet of the  
24 existing residence of such releasee, the district school board  
25 shall relocate that school bus stop. Beginning October 1,  
26 2004, a district school board may not establish or relocate a  
27 public school bus stop within 1,000 feet of the residence of a  
28 releasee who is subject to this subparagraph. The failure of  
29 the district school board to comply with this subparagraph  
30 shall not result in a violation of conditional release  
31 supervision.



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

7           4. A prohibition on any contact with the victim,  
8 directly or indirectly, including through a third person,  
9 unless approved by the victim, the offender's therapist, and  
10 the sentencing court.

11           5. If the victim was under the age of 18, a  
12 prohibition against direct contact or association with  
13 children under the age of 18 until all of the following  
14 conditions are met:

15           a. Successful completion of a sex offender treatment  
16 program.

17           b. The adult person who is legally responsible for the  
18 welfare of the child has been advised of the nature of the  
19 crime.

20           c. Such adult person is present during all contact or  
21 association with the child.

22           d. Such adult person has been approved by the  
23 commission.

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

28           6. ~~7.~~ Unless otherwise indicated in the treatment plan  
29 provided by the sexual offender treatment program, a  
30 prohibition on viewing, owning, or possessing any obscene,  
31 pornographic, or sexually stimulating visual or auditory

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1 material, including telephone, electronic media, computer  
2 programs, or computer services that are relevant to the  
3 offender's deviant behavior pattern.

4 ~~7. 8.~~ A requirement that the releasee must submit two  
5 specimens of blood to the Florida Department of Law  
6 Enforcement to be registered with the DNA database.

7 ~~8. 9.~~ A requirement that the releasee make restitution  
8 to the victim, as determined by the sentencing court or the  
9 commission, for all necessary medical and related professional  
10 services relating to physical, psychiatric, and psychological  
11 care.

12 ~~9. 10.~~ Submission to a warrantless search by the  
13 community control or probation officer of the probationer's or  
14 community controllee's person, residence, or vehicle.

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

21 1. As part of a treatment program, participation in a  
22 minimum of one annual polygraph examination to obtain  
23 information necessary for risk management and treatment and to  
24 reduce the sex offender's denial mechanisms. The polygraph  
25 examination must be conducted by a polygrapher trained  
26 specifically in the use of the polygraph for the monitoring of  
27 sex offenders, where available, and at the expense of the sex  
28 offender. The results of the polygraph examination shall not  
29 be used as evidence in a hearing to prove that a violation of  
30 supervision has occurred.

31 2. Maintenance of a driving log and a prohibition

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1 against driving a motor vehicle alone without the prior  
2 approval of the supervising officer.

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

6           4. If there was sexual contact, a submission to, at  
7 the probationer's or community controllee's expense, an HIV  
8 test with the results to be released to the victim or the  
9 victim's parent or guardian.

10           5. Electronic monitoring of any form when ordered by  
11 the commission.

12           (8) It is the finding of the Legislature that the  
13 population of offenders released from state prison into the  
14 community who meet the conditional release criteria poses the  
15 greatest threat to the public safety of the groups of  
16 offenders under community supervision. Therefore, the  
17 Department of Corrections is to provide intensive supervision  
18 by experienced correctional probation officers to conditional  
19 release offenders. Subject to specific appropriation by the  
20 Legislature, caseloads may be restricted to a maximum of 40  
21 conditional release offenders per officer to provide for  
22 enhanced public safety and to effectively monitor conditions  
23 of electronic monitoring or curfews, if so ordered by the  
24 commission.

25           (9) The commission shall adopt rules pursuant to ss.  
26 120.536(1) and 120.54 necessary to implement the provisions of  
27 the Conditional Release Program Act.

28           Section 5. Section 947.141, Florida Statutes, is  
29 amended to read:

30           947.141 Violations of conditional release, control  
31 release, or conditional medical release or addiction-recovery

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1 supervision.--

2 (1) If a member of the commission or a duly authorized  
3 representative of the commission has reasonable grounds to  
4 believe that an offender who is on release supervision under  
5 s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has  
6 violated the ~~terms and~~ conditions of the release in a material  
7 respect, such member or representative may cause a warrant to  
8 be issued for the arrest of the releasee; if the offender was  
9 found to be a sexual predator, the warrant must be issued. Any  
10 parole and probation officer, any officer authorized to serve  
11 criminal process, or any peace officer of this state is  
12 authorized to execute the warrant. The commission, a  
13 commissioner, or parole examiner with approval of the parole  
14 examiner supervisor, may release the releasee on his or her  
15 own recognizance, conditioned upon the releasee's appearance  
16 at any hearings noticed by the commission. If not released on  
17 his or her own recognizance, the releasee shall be committed  
18 to jail pending hearings pursuant to this section.

19 (2) Any parole and probation officer, when she or he  
20 has reasonable ground to believe that a control releasee,  
21 conditional releasee, conditional medical releasee or offender  
22 under addiction recovery supervision has violated the  
23 conditions of his or her control release, conditional release,  
24 conditional medical release, or addiction recovery release in  
25 a material respect, has the right to arrest and cause the  
26 offender to be taken into custody without a warrant for a  
27 period not to exceed 72 hours excluding weekends and holidays  
28 pending a decision by the commission whether to issue a  
29 warrant charging the offender with violation of the conditions  
30 of release. If the commission issues a warrant, the offender  
31 must continue to be held in custody pending a revocation

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1 hearing held in accordance with this section.

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

9       ~~(4)(2)~~ Upon the arrest on a felony charge of an  
10 offender who is on release supervision under s. 947.1405, s.  
11 947.146, s. 947.149, or s. 944.4731, the offender must be  
12 detained without bond until the initial appearance of the  
13 offender at which a judicial determination of probable cause  
14 is made. If the trial court judge determines that there was no  
15 probable cause for the arrest, the offender may be released.  
16 If the trial court judge determines that there was probable  
17 cause for the arrest, such determination also constitutes  
18 reasonable grounds to believe that the offender violated the  
19 conditions of the release. Within 24 hours after the trial  
20 court judge's finding of probable cause, the detention  
21 facility administrator or designee shall notify the commission  
22 and the department of the finding and transmit to each a  
23 facsimile copy of the probable cause affidavit or the sworn  
24 offense report upon which the trial court judge's probable  
25 cause determination is based. The offender must continue to be  
26 detained without bond for a period not exceeding 72 hours  
27 excluding weekends and holidays after the date of the probable  
28 cause determination, pending a decision by the commission  
29 whether to issue a warrant charging the offender with  
30 violation of the conditions of release. Upon the issuance of  
31 the commission's warrant, the offender must continue to be

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1 held in custody pending a revocation hearing held in  
 2 accordance with this section.

3       (5) Following issuance of a warrant or upon a  
 4 warrantless arrest, the supervision period is tolled until the  
 5 commission enters a ruling on the violation. Notwithstanding  
 6 the tolling of supervision provided in this subsection, the  
 7 commission shall retain jurisdiction over the offender for any  
 8 violation of the conditions of supervision that is alleged to  
 9 have occurred during the supervision period. The probation  
 10 officer is permitted to continue to supervise the offender who  
 11 remains available to the officer for supervision until the  
 12 supervision term expires or is revoked or terminated by the  
 13 commission.

14       ~~(6)~~(3) Within 45 days after notice to the Parole  
 15 Commission of the arrest of a releasee charged with a  
 16 violation of the terms and conditions of conditional release,  
 17 control release, conditional medical release, or  
 18 addiction-recovery supervision, the releasee must be afforded  
 19 a hearing conducted by a commissioner or a duly authorized  
 20 representative thereof. If the releasee elects to proceed with  
 21 a hearing, the releasee must be informed orally and in writing  
 22 of the following:

- 23           (a) The alleged violation with which the releasee is
- 24 charged.
- 25           (b) The releasee's right to be represented by counsel.
- 26           (c) The releasee's right to be heard in person.
- 27           (d) The releasee's right to secure, present, and
- 28 compel the attendance of witnesses relevant to the proceeding.
- 29           (e) The releasee's right to produce documents on the
- 30 releasee's own behalf.
- 31           (f) The releasee's right of access to all evidence

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1 used against the releasee and to confront and cross-examine  
2 adverse witnesses.

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

4  
5 Any one or more commissioners or a duly authorized  
6 representative of the commission may administer oaths and  
7 compel the attendance of witnesses at the hearing by the  
8 issuance of summons, subpoenas, and subpoena duces tecum.  
9 Subpoenas and subpoena duces tecum shall be enforceable by  
10 appropriate proceedings in circuit court, and the willful  
11 failure to comply with a court order enforcing a subpoena or  
12 subpoena duces tecum shall constitute contempt of court. Any  
13 one or more commissioners or duly authorized representative of  
14 the commission may issue subpoenas on behalf of the state or  
15 the releasee. The commissioners or a duly authorized  
16 representative of the commission may decline to issue a  
17 subpoena if it finds the evidence or testimony to be  
18 cumulative, irrelevant, or nonprobative. Evidence of a type  
19 commonly relied upon by reasonably prudent persons in the  
20 conduct of their affairs shall be admissible, whether or not  
21 such evidence would be admissible in a trial in the courts of  
22 Florida. The party requesting the subpoenas shall furnish to  
23 the commission the names and addresses of his or her proposed  
24 witnesses at least 10 days prior to the hearing date.

25 ~~(7)(4)~~ Within a reasonable time following the  
26 hearing, the commissioner or the commissioner's duly  
27 authorized representative who conducted the hearing shall make  
28 findings of fact in regard to the alleged violation. A panel  
29 of no fewer than two commissioners shall enter an order  
30 determining whether the charge of violation of conditional  
31 release, control release, conditional medical release, or

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1 addiction-recovery supervision has been sustained based upon  
2 the findings of fact presented by the hearing commissioner or  
3 authorized representative. By such order, the panel may revoke  
4 conditional release, control release, conditional medical  
5 release, or addiction-recovery supervision and thereby return  
6 the releasee to prison to serve the sentence imposed,  
7 reinstate the original order granting the release, or enter  
8 such other order as it considers proper, including imposing a  
9 period of community residential treatment. Effective for  
10 inmates whose offenses were committed on or after July 1,  
11 1995, the panel may order the placement of a releasee, upon a  
12 finding of violation pursuant to this subsection, into a local  
13 detention facility as a condition of supervision.

14 ~~(8)(5)~~ Effective for inmates whose offenses were  
15 committed on or after July 1, 1995, notwithstanding the  
16 provisions of ss. 775.08, former 921.001, 921.002, 921.187,  
17 921.188, 944.02, and 951.23, or any other law to the contrary,  
18 by such order as provided in subsection (4), the panel, upon a  
19 finding of guilt, may, as a condition of continued  
20 supervision, place the releasee in a local detention facility  
21 for a period of incarceration not to exceed 22 months. Prior  
22 to the expiration of the term of incarceration, or upon  
23 recommendation of the chief correctional officer of that  
24 county, the commission shall cause inquiry into the inmate's  
25 release plan and custody status in the detention facility and  
26 consider whether to restore the inmate to supervision, modify  
27 the conditions of supervision, or enter an order of  
28 revocation, thereby causing the return of the inmate to prison  
29 to serve the sentence imposed. The provisions of this section  
30 do not prohibit the panel from entering such other order or  
31 conducting any investigation that it deems proper. The



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1 commission may only place a person in a local detention  
2 facility pursuant to this section if there is a contractual  
3 agreement between the chief correctional officer of that  
4 county and the Department of Corrections. The agreement must  
5 provide for a per diem reimbursement for each person placed  
6 under this section, which is payable by the Department of  
7 Corrections for the duration of the offender's placement in  
8 the facility. This section does not limit the commission's  
9 ability to place a person in a local detention facility for  
10 less than 1 year.

11 ~~(9)(6)~~ Whenever a conditional release, control  
12 release, conditional medical release, or addiction-recovery  
13 supervision is revoked by a panel of no fewer than two  
14 commissioners and the releasee is ordered to be returned to  
15 prison, the releasee, by reason of the misconduct, shall be  
16 deemed to have forfeited all gain-time or commutation of time  
17 for good conduct, as provided for by law, earned up to the  
18 date of release. However, if a conditional medical release is  
19 revoked due to the improved medical or physical condition of  
20 the releasee, the releasee shall not forfeit gain-time accrued  
21 before the date of conditional medical release. This  
22 subsection does not deprive the prisoner of the right to  
23 gain-time or commutation of time for good conduct, as provided  
24 by law, from the date of return to prison.

25 ~~(7) If a law enforcement officer has probable cause to~~  
26 ~~believe that an offender who is on release supervision under~~  
27 ~~s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has~~  
28 ~~violated the terms and conditions of his or her release by~~  
29 ~~committing a felony offense, the officer shall arrest the~~  
30 ~~offender without a warrant, and a warrant need not be issued~~  
31 ~~in the case.~~

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1       (10) The commission shall adopt rules pursuant to ss.  
2 120.536(1) and 120.54 necessary to implement the provisions of  
3 this section.

4           Section 6. Section 947.22, Florida Statutes, is  
5 amended to read:

6           947.22 Authority to arrest parole violators with or  
7 without warrant.--

8           (1) If a member of the commission or a duly authorized  
9 representative of the commission has reasonable grounds to  
10 believe that a parolee has violated the terms and conditions  
11 of her or his parole in a material respect, such member or  
12 representative may issue a warrant for the arrest of such  
13 parolee. The warrant shall be returnable before a member of  
14 the commission or a duly authorized representative of the  
15 commission. The commission, a commissioner, or a parole  
16 examiner with approval of the parole examiner supervisor, may  
17 release the parolee on ~~bail or~~ her or his own recognizance,  
18 conditioned upon her or his appearance at any hearings noticed  
19 by the commission. If not released on ~~bail or~~ her or his own  
20 recognizance, the parolee shall be committed to jail pending  
21 hearings pursuant to s. 947.23. The commission, at its  
22 election, may have the hearing conducted by one or more  
23 commissioners or by a duly authorized representative of the  
24 commission. Any parole and probation officer, any officer  
25 authorized to serve criminal process, or any peace officer of  
26 this state is authorized to execute the warrant.

27           (2) Any parole and probation officer, when she or he  
28 has reasonable ground to believe that a parolee, ~~control~~  
29 ~~releasee, or conditional releasee~~ has violated the ~~terms and~~  
30 ~~conditions of her or his parole, control release, or~~  
31 ~~conditional release~~ in a material respect, has the right to

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1 ~~arrest and cause to be taken into custody the releasee or~~  
2 ~~parolee without warrant for a period not to exceed 72 hours~~  
3 ~~excluding weekends and holidays pending a decision by the~~  
4 ~~commission whether to issue a warrant charging the offender~~  
5 ~~with violation of his or her parole. If the commission issues~~  
6 ~~a warrant, the parolee must continue to be held in custody~~  
7 ~~pending a revocation hearing held in accordance with this~~  
8 ~~section. and bring her or him forthwith before one or more~~  
9 ~~commissioners or a duly authorized representative of the~~  
10 ~~Parole Commission or Control Release Authority; and~~  
11 ~~proceedings shall thereupon be had as provided herein when a~~  
12 ~~warrant has been issued by a member of the commission or~~  
13 ~~authority or a duly authorized representative of the~~  
14 ~~commission or authority.~~

15 (3) If a law enforcement officer has probable cause to  
16 believe that a parolee has violated the terms and conditions  
17 of his or her parole, the officer shall arrest and take into  
18 custody the parolee without a warrant, and a warrant need not  
19 be issued in the case.

20 (4) Following issuance of a warrant or upon a  
21 warrantless arrest, the supervision period is tolled until the  
22 commission enters a ruling on the violation. Notwithstanding  
23 the tolling of supervision provided in this subsection, the  
24 commission shall retain jurisdiction over the parolee for any  
25 violation of the conditions of supervision that is alleged to  
26 have occurred during the supervision period. The probation  
27 officer is permitted to continue to supervise the parolee who  
28 remains available to the officer for supervision until the  
29 supervision term expires or is revoked or terminated by the  
30 commission.

31 Section 7. Subsection (3) of section 947.23, Florida

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1 Statutes, is amended to read:

2           947.23 Action of commission upon arrest of parolee.--

3           (3) Any one or more commissioners or a duly authorized  
4 representative of the commission may administer oaths and  
5 compel the attendance of witnesses at such hearing by the  
6 issuance of summons, subpoenas, and subpoenas duces tecum.  
7 Subpoenas and subpoenas duces tecum shall be enforceable by  
8 appropriate proceedings in circuit court, and the failure to  
9 comply with a court order enforcing a subpoena or subpoena  
10 duces tecum shall constitute contempt of court. Any one or  
11 more commissioners or a duly authorized representative of the  
12 commission may issue subpoenas on behalf of the state or the  
13 parolee. The commission may decline ~~a request~~ to issue a  
14 subpoena if a witness whose testimony it finds the evidence or  
15 testimony would be cumulative, irrelevant, or nonprobative and  
16 such evidence or testimony shall be excluded. All other  
17 evidence of a type commonly relied upon by reasonably prudent  
18 persons in the conduct of their affairs shall be admissible,  
19 whether or not such evidence would be admissible in a trial in  
20 the courts of Florida. The party requesting the subpoenas  
21 shall furnish to the commission ~~commissioner, commissioners,~~  
22 ~~or duly authorized representative of the commission~~ the names  
23 and addresses of her or his proposed witnesses at least 10  
24 days prior to the hearing date.

25  
26 (Redesignate subsequent sections.)

27  
28  
29 ===== T I T L E   A M E N D M E N T =====

30 And the title is amended as follows:

31           On page 1, line 7, after the semicolon

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1 insert:

2           amending s. 947.071, F.S., providing for the  
3           indexing of additional final orders; amending  
4           s. 947.13, F.S., clarifying the powers and  
5           duties of the Parole Commission; amending s.  
6           947.1405, F.S., clarifying the Conditional  
7           Release Program Act; clarifying conditional  
8           release eligibility; providing that probation  
9           or community control follows the term of  
10          conditional release supervision; clarifying  
11          that the Parole Commission may consider all  
12          relevant information when setting special  
13          conditions of conditional release supervision;  
14          clarifying that the Parole Commission may amend  
15          the conditions of conditional release  
16          supervision; establishing additional special  
17          conditions of conditional release supervision  
18          pertaining to sex offenders; amending s.  
19          947.141, F.S., clarifying revocation  
20          proceedings with respect to offenders under  
21          conditional release, control release,  
22          conditional medical release or addiction  
23          recovery supervision; providing for the  
24          execution of a warrant; providing for the  
25          detention of a releasee pending a revocation  
26          hearing; providing for release on recognizance;  
27          providing for arrest without a warrant;  
28          providing for tolling of supervision; providing  
29          for the issuance and enforcement of subpoenas  
30          in revocation hearings; providing that the  
31          strict rules of evidence are not applicable to

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1 revocation hearings; providing for rulemaking;  
2 amending s. 947.22, F.S., pertaining to  
3 parolees; removing provisions relating to bail;  
4 providing conforming language; amending s.  
5 947.23, F.S., providing that the strict rules  
6 of evidence are not applicable to parole  
7 revocation hearings;

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