

1 A bill to be entitled
2 An act relating to corrections; amending s. 20.315, F.S.;
3 abolishing the Florida Corrections Commission; conforms
4 cross-references; amending s. 784.078, F.S.; conforming a
5 cross-reference; amending s. 921.187, F.S.; deleting a
6 provision authorizing probation and restitution centers as
7 a sentencing option; amending s. 944.026, F.S.; deleting
8 the Department of Corrections' responsibilities and
9 authority regarding probation and restitution centers;
10 deleting the department's responsibilities and authority
11 regarding pretrial intervention; amending s. 944.8041,
12 F.S.; requiring the Department of Corrections, in lieu of
13 the commission, to submit an annual report on certain
14 elderly offenders; amending s. 945.025, F.S.; revising the
15 jurisdiction of the Department of Corrections; repealing
16 s. 947.01, F.S., relating to the creation of the Parole
17 Commission; repealing s. 947.022, F.S., relating to terms
18 of members of the Parole Commission; amending s. 948.03,
19 F.S.; deleting a provision authorizing probation and
20 restitution centers as an option for incarceration as a
21 condition of probation; amending s. 948.035, F.S.;
22 deleting a provision authorizing probation and restitution
23 centers as an option for court-ordered residential
24 treatment; amending s. 948.08, F.S.; authorizing counties
25 to supervise pretrial intervention offenders; authorizing
26 counties to contract for certain services and facilities;
27 amending s. 948.09, F.S.; removing supervision costs
28 payment requirement for pretrial intervention; conforms

29 cross-references; amending s. 948.101, F.S.; deleting a
30 provision authorizing probation and restitution centers as
31 an option for incarceration as a condition of community
32 control; amending s. 948.51, F.S.; deleting the authority
33 of the department to contract with a county for probation
34 and restitution centers; amending s. 951.231, F.S.;
35 deleting the authority of the department to contract to
36 house county prisoners and revising the conditions for a
37 local government to provide county residential probation
38 facilities; amending s. 957.04, F.S.; requiring the
39 Department of Management Services, in lieu of the
40 commission, to consider proposed waivers of rules,
41 policies, and procedures of the Department of Corrections
42 for contractors of private correctional facilities;
43 providing that contracts for private correctional
44 facilities may be for an extended period under certain
45 circumstances; providing notification requirements if a
46 decision is made to enter into a contract for an extended
47 period; amending s. 957.07, F.S.; revising the membership
48 of the Prison Per-Diem Workgroup; revising meeting
49 requirements of the workgroup; revising information to be
50 included in the consensus per diem rates developed by the
51 workgroup; revising use of the per diem rates developed by
52 the workgroup; eliminating a provision that s. 957.07(5),
53 F.S., supersedes certain proviso language in the
54 Conference Report on CS for SB 2-C, ch. 2001-367, Laws of
55 Florida; amending s. 958.04, F.S.; deleting a provision
56 authorizing probation and restitution centers as an option

57 for judicial disposition for incarceration of youthful
 58 offenders as a condition of probation or community
 59 control; amending ss. 20.32, 23.21, 112.011, 186.005,
 60 255.502, 322.16, 394.926, 394.927, 775.089, 775.16,
 61 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, 921.001,
 62 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23,
 63 943.0311, 943.06, 944.012, 944.02, 944.024, 944.23,
 64 944.291, 944.4731, 945.091, 945.10, 945.47, 945.73,
 65 947.002, 947.005, 947.02, 947.021, 947.1405, 947.141,
 66 947.146, 947.181, 947.185, 947.22, 948.10, 949.05, 957.06,
 67 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.;
 68 abolishing the Parole Commission; providing for the
 69 creation of regional parole boards; providing for
 70 membership, powers, and duties of such boards; providing
 71 for assignment of inmates to boards; conforming
 72 provisions; transferring support for the Governor and
 73 Cabinet acting in their capacity as the Executive Board of
 74 Clemency from the Parole Commission to the Executive
 75 Office of the Governor; providing a directive to the
 76 Division of Statutory Revision; providing effective dates.

77
 78 Be It Enacted by the Legislature of the State of Florida:

79
 80 Section 1. Subsections (7) through (13) of section 20.315,
 81 Florida Statutes, are renumbered as sections (6) through (12),
 82 respectively, and present subsections (6) and (10) of that
 83 section are amended to read:

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84 20.315 Department of Corrections.--There is created a
85 Department of Corrections.

86 ~~(6) FLORIDA CORRECTIONS COMMISSION.--~~

87 ~~(a)1. The Florida Corrections Commission is hereby~~
88 ~~created. The primary focus of the commission shall be on~~
89 ~~corrections; however, in those instances in which the policies~~
90 ~~of other components of the criminal justice system affect~~
91 ~~corrections, the commission shall advise and make~~
92 ~~recommendations.~~

93 ~~2. The commission shall consist of nine members appointed~~
94 ~~by the Governor subject to confirmation by the Senate. Members~~
95 ~~of the commission shall serve terms of 4 years each. Members~~
96 ~~must be appointed in such a manner as to equitably represent all~~
97 ~~geographic areas of the state. Each member of the commission~~
98 ~~must be a citizen and registered voter of the state. A member of~~
99 ~~the commission shall represent the public safety needs of the~~
100 ~~state as a whole and may not subordinate the needs of the state~~
101 ~~to those of any particular area of the state. The commission's~~
102 ~~membership should, to the extent possible, contain persons who~~
103 ~~are knowledgeable about construction, health care, information~~
104 ~~technology, education, business, food services, law, and inmate~~
105 ~~and youthful offender rehabilitation and services.~~

106 ~~3. The commission is assigned to the office of the~~
107 ~~Secretary of Corrections for administrative and fiscal~~
108 ~~accountability purposes, but it shall otherwise function~~
109 ~~independently of the control and direction of the Department of~~
110 ~~Corrections.~~

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

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

115 ~~2. Periodically review the status of the state~~
116 ~~correctional system and recommend improvements therein to the~~
117 ~~Governor and the Legislature.~~

118 ~~3. Annually perform an in depth review of community based~~
119 ~~intermediate sanctions and recommend to the Governor and the~~
120 ~~Legislature intergovernmental approaches through the Community~~
121 ~~Corrections Partnership Act for planning and implementing such~~
122 ~~sanctions and programs.~~

123 ~~4. Perform an in depth evaluation of the annual budget~~
124 ~~request of the Department of Corrections, the comprehensive~~
125 ~~correctional master plan, and the tentative construction program~~
126 ~~for compliance with all applicable laws and established~~
127 ~~departmental policies. The commission may not consider~~
128 ~~individual construction projects, but shall consider methods of~~
129 ~~accomplishing the department's goals in the most effective,~~
130 ~~efficient, and businesslike manner.~~

131 ~~5. Routinely monitor the financial status of the~~
132 ~~Department of Corrections to assure that the department is~~
133 ~~managing revenue and any applicable bond proceeds responsibly~~
134 ~~and in accordance with law and established policy.~~

135 ~~6. Evaluate, at least quarterly, the efficiency,~~
136 ~~productivity, and management of the Department of Corrections,~~
137 ~~using performance and production standards developed by the~~
138 ~~department under former subsection (18).~~

139 ~~7. Provide public education on corrections and criminal~~
140 ~~justice issues.~~

141 ~~8. Report to the President of the Senate, the Speaker of~~
142 ~~the House of Representatives, and the Governor by November 1 of~~
143 ~~each year.~~

144 ~~9. Resolve disputes between the Department of Corrections~~
145 ~~and the contractors for the private correctional facilities~~
146 ~~entered into under chapter 957 when a contractor proposes to~~
147 ~~waive a rule, policy, or procedure concerning operation~~
148 ~~standards.~~

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

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

153 ~~2. The selection by the department of a consultant or~~
154 ~~contractor or the prequalification by the department of any~~
155 ~~individual consultant or contractor. However, the commission may~~
156 ~~recommend to the Secretary of Corrections standards and policies~~
157 ~~governing the procedure for selection and prequalification of~~
158 ~~consultants and contractors.~~

159 ~~3. The selection by the department of a county for a~~
160 ~~specific project.~~

161 ~~4. The selection by the department of a specific location~~
162 ~~for a correctional facility.~~

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

165 ~~6. The enforcement of minimum standards for any county or~~
166 ~~municipal detention facility.~~

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

169 ~~2. The commission shall hold a minimum of four regular~~
170 ~~meetings annually, and other meetings may be called by the chair~~
171 ~~upon giving at least 7 days' notice to all members and the~~
172 ~~public pursuant to chapter 120. Meetings may also be held upon~~
173 ~~the written request of at least four members, upon at least 7~~
174 ~~days' notice of such meeting being given to all members and the~~
175 ~~public by the chair pursuant to chapter 120. Emergency meetings~~
176 ~~may be held without notice upon the request of all members. The~~
177 ~~meetings of the commission shall be held in the central office~~
178 ~~of the Department of Corrections in Tallahassee unless the chair~~
179 ~~determines that special circumstances warrant meeting at another~~
180 ~~location.~~

181 ~~3. A majority of the membership of the commission~~
182 ~~constitutes a quorum at any meeting of the commission. An action~~
183 ~~of the commission is not binding unless the action is taken~~
184 ~~pursuant to an affirmative vote of a majority of the members~~
185 ~~present, but not fewer than four members of the commission must~~
186 ~~be present, and the vote must be recorded in the minutes of the~~
187 ~~meeting.~~

188 ~~4. The chair shall cause to be made a complete record of~~
189 ~~the proceedings of the commission, which record shall be open~~
190 ~~for public inspection.~~

191 ~~(e) The commission shall appoint an executive director and~~
192 ~~an assistant executive director, who shall serve under the~~
193 ~~direction, supervision, and control of the commission. The~~
194 ~~executive director, with the consent of the commission, shall~~

195 ~~employ such staff as are necessary to perform adequately the~~
 196 ~~functions of the commission, within budgetary limitations. All~~
 197 ~~employees of the commission are exempt from part II of chapter~~
 198 ~~110 and serve at the pleasure of the commission. The salaries~~
 199 ~~and benefits of all employees of the commission shall be set in~~
 200 ~~accordance with the Selected Exempt Service rules; however, the~~
 201 ~~commission shall have complete authority for fixing the salaries~~
 202 ~~of the executive director and the assistant executive director.~~

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

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

210 ~~(h) The commission shall develop a budget pursuant to~~
 211 ~~chapter 216. The budget is not subject to change by the~~
 212 ~~department, but such budget shall be submitted to the Governor~~
 213 ~~along with the budget of the department.~~

214 (9) ~~(10)~~ FORM OF COMMITMENT; NOTICE OF PAROLE
 215 VIOLATION.--All commitments shall state the statutory authority
 216 therefor. The Secretary of Corrections shall have the authority
 217 to prescribe the form to be used for commitments. Nothing in
 218 this act shall be construed to abridge the authority and
 219 responsibility of a regional the parole board Commission with
 220 respect to the granting and ~~revocation~~ of parole. The Department
 221 of Corrections shall notify the original sentencing court Parole
 222 ~~Commission~~ of all violations of parole conditions and provide

223 reports connected thereto as may be requested by the court
 224 ~~commission~~. The court ~~commission~~ shall have the authority to
 225 issue orders dealing with supervision of specific parolees, and
 226 such orders shall be binding on all parties.

227 Section 2. Effective January 1, 2007, section 20.32,
 228 Florida Statutes, is amended to read:

229 20.32 Regional parole boards ~~Parole Commission~~.--

230 (1) There is hereby established a regional parole board of
 231 no fewer than three or more than seven members in each of the
 232 regions of the Department of Corrections. The Governor shall
 233 appoint members to serve on the regional parole boards as
 234 provided by s. 947.02. The regional parole boards shall be
 235 administratively housed within the Office of the Attorney
 236 General, which shall provide administrative and staff support to
 237 the boards ~~The Parole and Probation Commission, authorized by s.~~
 238 ~~8(c), Art. IV, State Constitution of 1968, is continued and~~
 239 ~~renamed the Parole Commission. The commission retains its~~
 240 ~~powers, duties, and functions with respect to the granting and~~
 241 ~~revoking of parole and shall exercise powers, duties, and~~
 242 ~~functions relating to investigations of applications for~~
 243 ~~elemency as directed by the Governor and the Cabinet.~~

244 (2) The powers and duties of the regional parole boards
 245 shall be to conduct parole hearings, to grant or deny parole to
 246 parole-eligible inmates, to set any special conditions for
 247 parole, and such other duties as may be prescribed by law. No
 248 fewer than three members must participate in hearings to grant
 249 or deny parole or to set any special conditions for parole. It
 250 shall require a majority vote of members participating in a

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251 proceeding to grant or deny parole or set any special conditions
252 for parole ~~All powers, duties, and functions relating to the~~
253 ~~appointment of the Parole Commission as provided in s. 947.02 or~~
254 ~~s. 947.021 shall be exercised and performed by the Governor and~~
255 ~~the Cabinet. Except as provided in s. 947.021, each appointment~~
256 ~~shall be made from among the first three eligible persons on the~~
257 ~~list of the persons eligible for said position.~~

258 (3) The Attorney General shall assign parole-eligible
259 inmates to the jurisdiction of a regional board based on the
260 location of the most serious offense that resulted in the
261 offender's incarceration. The Attorney General may, however,
262 assign an inmate to a different parole board than for the
263 location where the most serious offense occurred if necessary to
264 facilitate attendance of a victim or to facilitate the
265 convenience of the parole board volunteer members in cases in
266 which the inmate is physically located outside the region in
267 which the crime occurred. Parole hearings may be held by video
268 teleconference. An accurate record of all proceedings conducted
269 by video teleconference must be maintained by the Office of the
270 Attorney General ~~The commission may require any employee of the~~
271 ~~commission to give a bond for the faithful performance of his or~~
272 ~~her duties. The commission may determine the amount of the bond~~
273 ~~and must approve the bond. In determining the amount of the~~
274 ~~bond, the commission may consider the amount of money or~~
275 ~~property likely to be in custody of the officer or employee at~~
276 ~~any one time. The premiums for the bonds must be paid out of the~~
277 ~~funds of the commission.~~

278 Section 3. Effective January 1, 2007, subsection (1) of

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279 section 23.21, Florida Statutes, is amended to read:

280 23.21 Definitions.--For purposes of this part:

281 (1) "Department" means a principal administrative unit
 282 within the executive branch of state government, as defined in
 283 chapter 20, and includes the State Board of Administration, the
 284 Executive Office of the Governor, the Fish and Wildlife
 285 Conservation Commission, ~~the Parole Commission,~~ the Agency for
 286 Health Care Administration, the Board of Regents, the State
 287 Board of Community Colleges, the Justice Administrative
 288 Commission, the Capital Collateral Representative, and separate
 289 budget entities placed for administrative purposes within a
 290 department.

291 Section 4. Effective January 1, 2007, paragraph (b) of
 292 subsection (2) of section 112.011, Florida Statutes, is amended
 293 to read:

294 112.011 Felons; removal of disqualifications for
 295 employment, exceptions.--

296 (2)

297 (b) This section shall not be applicable to the employment
 298 practices of any fire department relating to the hiring of
 299 firefighters. An applicant for employment with any fire
 300 department with a prior felony conviction shall be excluded from
 301 employment for a period of 4 years after expiration of sentence
 302 or final release by the Parole Commission or a regional parole
 303 board unless the applicant, prior to the expiration of the 4-
 304 year period, has received a full pardon or has had his or her
 305 civil rights restored.

306 Section 5. Effective January 1, 2007, subsection (1) of

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307 section 186.005, Florida Statutes, is amended to read:

308 186.005 Designation of departmental planning officer.--

309 (1) The head of each executive department and the Public
 310 Service Commission, the Fish and Wildlife Conservation
 311 Commission, ~~the Parole Commission,~~ and the Department of
 312 Military Affairs shall select from within such agency a person
 313 to be designated as the planning officer for such agency. The
 314 planning officer shall be responsible for coordinating with the
 315 Executive Office of the Governor and with the planning officers
 316 of other agencies all activities and responsibilities of such
 317 agency relating to planning.

318 Section 6. Effective January 1, 2007, subsection (3) of
 319 section 255.502, Florida Statutes, is amended to read:

320 255.502 Definitions; ss. 255.501-255.525.--As used in this
 321 act, the following words and terms shall have the following
 322 meanings unless the context otherwise requires:

323 (3) "Agency" means any department created by chapter 20,
 324 the Executive Office of the Governor, the Fish and Wildlife
 325 Conservation Commission, ~~the Parole Commission,~~ the State Board
 326 of Administration, the Department of Military Affairs, or the
 327 Legislative Branch or the Judicial Branch of state government.

328 Section 7. Effective January 1, 2007, paragraph (c) of
 329 subsection (1) of section 322.16, Florida Statutes, is amended
 330 to read:

331 322.16 License restrictions.--

332 (1)

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

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335 | purpose of use or may impose any other condition or restriction
 336 | upon recommendation of any court, of the Parole Commission or a
 337 | regional parole board, or of the Department of Corrections with
 338 | respect to any individual who is under the jurisdiction,
 339 | supervision, or control of the entity that made the
 340 | recommendation.

341 | Section 8. Effective January 1, 2007, subsection (2) of
 342 | section 394.926, Florida Statutes, is amended to read:

343 | 394.926 Notice to victims of release of persons committed
 344 | as sexually violent predators; notice to certain agencies
 345 | ~~Department of Corrections and Parole Commission.~~--

346 | (2) If a sexually violent predator who has an active or
 347 | pending term of probation, community control, parole,
 348 | conditional release, or other court-ordered or postprison
 349 | release supervision is released from custody, the department
 350 | must immediately notify the Department of Corrections' Office of
 351 | Community Corrections in Tallahassee. The regional parole board
 352 | with jurisdiction ~~Parole Commission~~ must also be immediately
 353 | notified of any releases of a sexually violent predator who has
 354 | an active or pending term of parole, ~~conditional release, or~~
 355 | ~~other postprison release supervision that is administered by the~~
 356 | ~~Parole Commission.~~

357 | Section 9. Effective January 1, 2007, subsection (2) of
 358 | section 394.927, Florida Statutes, is amended to read:

359 | 394.927 Escape while in lawful custody; notice to victim;
 360 | notice to the Department of Corrections and regional parole
 361 | board ~~Parole Commission.~~--

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

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363 finding of probable cause or commitment as a sexually violent
 364 predator escapes while in custody, the department shall
 365 immediately notify the victim in accordance with s. 394.926. The
 366 state attorney that filed the petition for civil commitment of
 367 the escapee must also be immediately notified by the department.
 368 If the escapee has an active or pending term of probation,
 369 community control, parole, conditional release, or other court-
 370 ordered or postprison release supervision, the department shall
 371 also immediately notify the Department of Corrections' Office of
 372 Community Corrections in Tallahassee. The regional parole board
 373 having jurisdiction ~~Parole Commission~~ shall also be immediately
 374 notified of an escape if the escapee has an active or pending
 375 term of parole, ~~conditional release, or other postprison release~~
 376 ~~supervision that is administered by the Parole Commission.~~

377 Section 10. Effective January 1, 2007, subsection (4) of
 378 section 775.089, Florida Statutes, is amended to read:

379 775.089 Restitution.--

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

385 Section 11. Effective January 1, 2007, section 775.16,
 386 Florida Statutes, is amended to read:

387 775.16 Drug offenses; additional penalties.--In addition
 388 to any other penalty provided by law, a person who has been
 389 convicted of sale of or trafficking in, or conspiracy to sell or
 390 traffic in, a controlled substance under chapter 893, if such

391 offense is a felony, or who has been convicted of an offense
 392 under the laws of any state or country which, if committed in
 393 this state, would constitute the felony of selling or
 394 trafficking in, or conspiracy to sell or traffic in, a
 395 controlled substance under chapter 893, is:

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

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

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

405 1. Seek evaluation and enrollment in, and once enrolled
 406 maintain enrollment in until completion, a drug treatment and
 407 rehabilitation program which is approved by the Department of
 408 Children and Family Services, unless it is deemed by the program
 409 that the person does not have a substance abuse problem. The
 410 treatment and rehabilitation program may be specified by:

411 a. The court, in the case of court-ordered supervisory
 412 sanctions;

413 b. The regional parole board having jurisdiction ~~Parole~~
 414 ~~Commission~~, in the case of parole, ~~control release~~, or
 415 ~~conditional release~~; or

416 c. The Department of Corrections, in the case of
 417 imprisonment, conditional release, control release, or any other
 418 supervision required by law.

419 2. Submit to periodic urine drug testing pursuant to
 420 procedures prescribed by the Department of Corrections. If the
 421 person is indigent, the costs shall be paid by the Department of
 422 Corrections.

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

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

430 (b) The person has complied with the conditions of
 431 subparagraphs 1. and 2. which shall be monitored by the
 432 Department of Corrections while the person is under any
 433 supervisory sanction. If the person fails to comply with
 434 provisions of these subparagraphs by either failing to maintain
 435 treatment or by testing positive for drug use, the department
 436 shall notify the licensing, permitting, or certifying agency,
 437 which may refuse to reissue or reinstate such license, permit,
 438 or certification. The licensee, permittee, or certificateholder
 439 under supervision may:

440 1. Seek evaluation and enrollment in, and once enrolled
 441 maintain enrollment in until completion, a drug treatment and
 442 rehabilitation program which is approved or regulated by the
 443 Department of Children and Family Services, unless it is deemed
 444 by the program that the person does not have a substance abuse
 445 problem. The treatment and rehabilitation program may be
 446 specified by:

- 447 a. The court, in the case of court-ordered supervisory
 448 sanctions;
 449 b. The regional parole board having jurisdiction ~~Parole~~
 450 ~~Commission~~, in the case of parole, ~~control release, or~~
 451 ~~conditional release~~; or
 452 c. The Department of Corrections, in the case of
 453 imprisonment, conditional release, control release, or any other
 454 supervision required by law.

455 2. Submit to periodic urine drug testing pursuant to
 456 procedures prescribed by the Department of Corrections. If the
 457 person is indigent, the costs shall be paid by the Department of
 458 Corrections; or

459 (c) The person has successfully completed an appropriate
 460 program under the Correctional Education Program.

461
 462 The provisions of this section do not apply to any of the taxes,
 463 fees, or permits regulated, controlled, or administered by the
 464 Department of Revenue in accordance with the provisions of s.
 465 213.05.

466 Section 12. Effective January 1, 2007, paragraph (a) of
 467 subsection (1) of section 784.07, Florida Statutes, is amended
 468 to read:

469 784.07 Assault or battery of law enforcement officers,
 470 firefighters, emergency medical care providers, public transit
 471 employees or agents, or other specified officers;
 472 reclassification of offenses; minimum sentences.--

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

474 (a) "Law enforcement officer" includes a law enforcement

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475 officer, a correctional officer, a correctional probation
 476 officer, a part-time law enforcement officer, a part-time
 477 correctional officer, an auxiliary law enforcement officer, and
 478 an auxiliary correctional officer, as those terms are
 479 respectively defined in s. 943.10, and any county probation
 480 officer; employee or agent of the Department of Corrections who
 481 supervises or provides services to inmates; ~~officer of the~~
 482 ~~Parole Commission,~~ and law enforcement personnel of the Fish and
 483 Wildlife Conservation Commission, the Department of
 484 Environmental Protection, or the Department of Law Enforcement.

485 Section 13. Effective January 1, 2007, subsection (2) of
 486 section 784.078, Florida Statutes, is amended to read:

487 784.078 Battery of facility employee by throwing, tossing,
 488 or expelling certain fluids or materials.--

489 (2)~~(a)~~ As used in this section, the term "employee"
 490 includes any person employed by or performing contractual
 491 services for a public or private entity operating a facility or
 492 any person employed by or performing contractual services for
 493 the corporation operating the prison industry enhancement
 494 programs or the correctional work programs, pursuant to part II
 495 of chapter 946.

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

498 Section 14. Effective January 1, 2007, section 843.01,
 499 Florida Statutes, is amended to read:

500 843.01 Resisting officer with violence to his or her
 501 person.--Whoever knowingly and willfully resists, obstructs, or
 502 opposes any officer as defined in s. 943.10(1), (2), (3), (6),

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503 (7), (8), or (9); ~~member of the Parole Commission or any~~
 504 ~~administrative aide or supervisor employed by the commission;~~
 505 parole and probation supervisor; county probation officer;
 506 personnel or representative of the Department of Law
 507 Enforcement; or other person legally authorized to execute
 508 process in the execution of legal process or in the lawful
 509 execution of any legal duty, by offering or doing violence to
 510 the person of such officer or legally authorized person, commits
 511 ~~is guilty of~~ a felony of the third degree, punishable as
 512 provided in s. 775.082, s. 775.083, or s. 775.084.

513 Section 15. Effective January 1, 2007, section 843.02,
 514 Florida Statutes, is amended to read:

515 843.02 Resisting officer without violence to his or her
 516 person.--Whoever shall resist, obstruct, or oppose any officer
 517 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);
 518 ~~member of the Parole Commission or any administrative aide or~~
 519 ~~supervisor employed by the commission;~~ county probation officer;
 520 parole and probation supervisor; personnel or representative of
 521 the Department of Law Enforcement; or other person legally
 522 authorized to execute process in the execution of legal process
 523 or in the lawful execution of any legal duty, without offering
 524 or doing violence to the person of the officer, commits ~~shall be~~
 525 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 526 provided in s. 775.082 or s. 775.083.

527 Section 16. Effective January 1, 2007, section 843.08,
 528 Florida Statutes, is amended to read:

529 843.08 Falsely personating an officer, ~~etc.~~--A person who
 530 falsely assumes or pretends to be a sheriff, officer of the

531 Florida Highway Patrol, officer of the Fish and Wildlife
 532 Conservation Commission, officer of the Department of
 533 Environmental Protection, officer of the Department of
 534 Transportation, officer of the Department of Corrections,
 535 correctional probation officer, deputy sheriff, state attorney
 536 or assistant state attorney, statewide prosecutor or assistant
 537 statewide prosecutor, state attorney investigator, coroner,
 538 police officer, lottery special agent or lottery investigator,
 539 beverage enforcement agent, or watchman, ~~or any member of the~~
 540 ~~Parole Commission and any administrative aide or supervisor~~
 541 ~~employed by the commission,~~ or any personnel or representative
 542 of the Department of Law Enforcement, and takes upon himself or
 543 herself to act as such, or to require any other person to aid or
 544 assist him or her in a matter pertaining to the duty of any such
 545 officer, commits a felony of the third degree, punishable as
 546 provided in s. 775.082, s. 775.083, or s. 775.084; however, a
 547 person who falsely personates any such officer during the course
 548 of the commission of a felony commits a felony of the second
 549 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 550 775.084; except that if the commission of the felony results in
 551 the death or personal injury of another human being, the person
 552 commits a felony of the first degree, punishable as provided in
 553 s. 775.082, s. 775.083, or s. 775.084.

554 Section 17. Effective January 1, 2007, paragraph (a) of
 555 subsection (1) of section 893.11, Florida Statutes, is amended
 556 to read:

557 893.11 Suspension, revocation, and reinstatement of
 558 business and professional licenses.--Upon the conviction in any

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559 court of competent jurisdiction of any person holding a license,
560 permit, or certificate issued by a state agency, for sale of, or
561 trafficking in, a controlled substance or for conspiracy to
562 sell, or traffic in, a controlled substance, if such offense is
563 a felony, the clerk of said court shall send a certified copy of
564 the judgment of conviction with the person's license number,
565 permit number, or certificate number on the face of such
566 certified copy to the agency head by whom the convicted
567 defendant has received a license, permit, or certificate to
568 practice his or her profession or to carry on his or her
569 business. Such agency head shall suspend or revoke the license,
570 permit, or certificate of the convicted defendant to practice
571 his or her profession or to carry on his or her business. Upon a
572 showing by any such convicted defendant whose license, permit,
573 or certificate has been suspended or revoked pursuant to this
574 section that his or her civil rights have been restored or upon
575 a showing that the convicted defendant meets the following
576 criteria, the agency head may reinstate or reactivate such
577 license, permit, or certificate when:

578 (1) The person has complied with the conditions of
579 paragraphs (a) and (b) which shall be monitored by the
580 Department of Corrections while the person is under any
581 supervisory sanction. If the person fails to comply with
582 provisions of these paragraphs by either failing to maintain
583 treatment or by testing positive for drug use, the department
584 shall notify the licensing, permitting, or certifying agency,
585 which shall revoke the license, permit, or certification. The
586 person under supervision may:

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587 (a) Seek evaluation and enrollment in, and once enrolled
 588 maintain enrollment in until completion, a drug treatment and
 589 rehabilitation program which is approved or regulated by the
 590 Department of Children and Family Services. The treatment and
 591 rehabilitation program shall be specified by:

592 1. The court, in the case of court-ordered supervisory
 593 sanctions;

594 2. The regional parole board having jurisdiction ~~Parole~~
 595 ~~Commission~~, in the case of parole, ~~control release, or~~
 596 ~~conditional release~~; or

597 3. The Department of Corrections, in the case of
 598 imprisonment, conditional release, or any other supervision
 599 required by law.

600

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

604 Section 18. Effective January 1, 2007, paragraph (a) of
 605 subsection (9) of section 921.001, Florida Statutes, is amended
 606 to read:

607 921.001 Sentencing Commission and sentencing guidelines
 608 generally.--

609 (9) (a) The Sentencing Commission and the office of the
 610 State Courts Administrator shall conduct ongoing research on the
 611 impact of the sentencing guidelines, the use of imprisonment and
 612 alternatives to imprisonment, and plea bargaining. The
 613 commission, with the aid of the office of the State Courts
 614 Administrator, and the Department of Corrections, ~~and the Parole~~

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615 ~~Commission~~, shall estimate the impact of any proposed changes to
616 the sentencing guidelines on future rates of incarceration and
617 levels of prison population, based in part on historical data of
618 sentencing practices which have been accumulated by the office
619 of the State Courts Administrator and on Department of
620 Corrections records reflecting average time served for offenses
621 covered by the proposed changes to the guidelines. The
622 commission shall review the projections of impact and shall make
623 them available to other appropriate agencies of state
624 government, including the Legislature, by October 1 of each
625 year.

626 Section 19. Effective January 1, 2007, subsection (2) of
627 section 921.16, Florida Statutes, is amended to read:

628 921.16 When sentences to be concurrent and when
629 consecutive.--

630 (2) A county court or circuit court of this state may
631 direct that the sentence imposed by such court be served
632 concurrently with a sentence imposed by a court of another state
633 or of the United States or, for purposes of this section,
634 concurrently with a sentence to be imposed in another
635 jurisdiction. In such case, the Department of Corrections may
636 designate the correctional institution of the other jurisdiction
637 as the place for reception and confinement of such person and
638 may also designate the place in Florida for reception and
639 confinement of such person in the event that confinement in the
640 other jurisdiction terminates before the expiration of the
641 Florida sentence. The sheriff shall forward commitment papers
642 and other documents specified in s. 944.17 to the department.

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643 Upon imposing such a sentence, the court shall notify the Office
644 of the Attorney General which shall notify the appropriate
645 regional parole board ~~Parole Commission~~ as to the jurisdiction
646 in which the sentence is to be served. Any prisoner so released
647 to another jurisdiction shall be eligible for consideration for
648 parole by the appropriate regional parole board ~~Parole~~
649 ~~Commission~~ pursuant to ~~the provisions of~~ chapter 947, except
650 that the Office of the Attorney General ~~commission~~ shall assist
651 the appropriate regional parole board in determining ~~determine~~
652 the presumptive parole release date and the effective parole
653 release date by requesting such person's file from the receiving
654 jurisdiction. Upon receiving such records, the Office of the
655 Attorney General ~~commission~~ shall determine these release dates
656 based on the relevant information in that file and shall give
657 credit toward reduction of the Florida sentence for gain-time
658 granted by the jurisdiction where the inmate is serving the
659 sentence. The regional parole board ~~Parole Commission~~ may concur
660 in with the parole release decision of the jurisdiction granting
661 parole and accepting supervision.

662 Section 20. Subsection (1) of section 921.187, Florida
663 Statutes, is amended to read:

664 921.187 Disposition and sentencing; alternatives;
665 restitution.--

666 (1) The alternatives provided in this section for the
667 disposition of criminal cases shall be used in a manner that
668 will best serve the needs of society, punish criminal offenders,
669 and provide the opportunity for rehabilitation.

670 (a) If the offender does not receive a state prison

671 sentence, the court may:

672 1. Impose a split sentence whereby the offender is to be
 673 placed on probation upon completion of any specified period of
 674 such sentence, which period may include a term of years or less.

675 2. Make any other disposition that is authorized by law.

676 3. Place the offender on probation with or without an
 677 adjudication of guilt pursuant to s. 948.01.

678 4. Impose a fine and probation pursuant to s. 948.011 when
 679 the offense is punishable by both a fine and imprisonment and
 680 probation is authorized.

681 5. Place the offender into community control requiring
 682 intensive supervision and surveillance pursuant to chapter 948.

683 6. Impose, as a condition of probation or community
 684 control, a period of treatment which shall be restricted to a
 685 county facility, ~~a Department of Corrections probation and~~
 686 ~~restitution center,~~ a probation program drug punishment
 687 treatment community, or a community residential or
 688 nonresidential facility, excluding a community correctional
 689 center as defined in s. 944.026, which is owned and operated by
 690 any qualified public or private entity providing such services.
 691 Before admission to such a facility, the court shall obtain an
 692 individual assessment and recommendations on the appropriate
 693 treatment needs, which shall be considered by the court in
 694 ordering such placements. Placement in such a facility, except
 695 for a county residential probation facility, may not exceed 364
 696 days. Placement in a county residential probation facility may
 697 not exceed 3 years. Early termination of placement may be
 698 recommended to the court, when appropriate, by the center

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699 supervisor, the supervising probation officer, or the probation
700 program manager.

701 7. Sentence the offender pursuant to s. 922.051 to
702 imprisonment in a county jail when a statute directs
703 imprisonment in a state prison, if the offender's cumulative
704 sentence, whether from the same circuit or from separate
705 circuits, is not more than 364 days.

706 8. Sentence the offender who is to be punished by
707 imprisonment in a county jail to a jail in another county if
708 there is no jail within the county suitable for such prisoner
709 pursuant to s. 950.01.

710 9. Require the offender to participate in a work-release
711 or educational or technical training program pursuant to s.
712 951.24 while serving a sentence in a county jail, if such a
713 program is available.

714 10. Require the offender to perform a specified public
715 service pursuant to s. 775.091.

716 11. Require the offender who violates chapter 893 or
717 violates any law while under the influence of a controlled
718 substance or alcohol to participate in a substance abuse
719 program.

720 12.a. Require the offender who violates any criminal
721 provision of chapter 893 to pay an additional assessment in an
722 amount up to the amount of any fine imposed, pursuant to ss.
723 938.21 and 938.23.

724 b. Require the offender who violates any provision of s.
725 893.13 to pay an additional assessment in an amount of \$100,
726 pursuant to ss. 938.25 and 943.361.

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727 13. Impose a split sentence whereby the offender is to be
728 placed in a county jail or county work camp upon the completion
729 of any specified term of community supervision.

730 14. Impose split probation whereby upon satisfactory
731 completion of half the term of probation, the Department of
732 Corrections may place the offender on administrative probation
733 pursuant to s. 948.013 for the remainder of the term of
734 supervision.

735 15. Require residence in a ~~state probation and restitution~~
736 ~~center or~~ private drug treatment program for offenders on
737 community control or offenders who have violated conditions of
738 probation.

739 16. Impose any other sanction which is provided within the
740 community and approved as an intermediate sanction by the county
741 public safety coordinating council as described in s. 951.26.

742 17. Impose, as a condition of community control,
743 probation, or probation following incarceration, a requirement
744 that an offender who has not obtained a high school diploma or
745 high school equivalency diploma or who lacks basic or functional
746 literacy skills, upon acceptance by an adult education program,
747 make a good faith effort toward completion of such basic or
748 functional literacy skills or high school equivalency diploma,
749 as defined in s. 1003.435, in accordance with the assessed adult
750 general education needs of the individual offender.

751 (b)1. Notwithstanding any provision of former s. 921.001
752 or s. 921.002 to the contrary, on or after October 1, 1993, the
753 court may require any defendant who violates s. 893.13(1)(a)1.,
754 (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and meets the criteria

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755 described in s. 893.13(10), to successfully complete a term of
 756 probation pursuant to the terms and conditions set forth in s.
 757 948.034(1), in lieu of serving a term of imprisonment.

758 2. Notwithstanding any provision of former s. 921.001 or
 759 s. 921.002 to the contrary, on or after October 1, 1993, the
 760 court may require any defendant who violates s. 893.13(1)(a)2.,
 761 (2)(a)2., (5)(b), or (6)(a), and meets the criteria described in
 762 s. 893.13(11), to successfully complete a term of probation
 763 pursuant to the terms and conditions set forth in s. 948.034(2),
 764 in lieu of serving a term of imprisonment.

765 Section 21. Effective January 1, 2007, section 921.20,
 766 Florida Statutes, is amended to read:

767 921.20 Classification summary; regional parole boards
 768 ~~Parole Commission~~.--As soon as possible after a prisoner has
 769 been placed in the custody of the Department of Corrections, the
 770 classification board shall furnish a classification summary to
 771 the Office of the Attorney General for use by the regional
 772 parole board ~~Parole Commission for use~~ as provided in s. 20.32
 773 ~~947.14~~. The summary shall include the criminal, personal,
 774 social, and environmental background and other relevant factors
 775 considered in classifying the prisoner for a penal environment
 776 best suited for the prisoner's rapid rehabilitation.

777 Section 22. Effective January 1, 2007, section 921.21,
 778 Florida Statutes, is amended to read:

779 921.21 Progress reports to regional parole boards ~~Parole~~
 780 ~~Commission~~.--From time to time the Department of Corrections
 781 shall submit to the Attorney General for use by the regional
 782 parole board ~~Parole Commission~~ progress reports and

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783 recommendations regarding prisoners sentenced under s. 921.18.
 784 When the classification board of the Department of Corrections
 785 determines that justice and the public welfare will best be
 786 served by paroling or discharging a prisoner, it shall transmit
 787 its finding to the Office of the Attorney General which shall
 788 forward such findings to the appropriate regional parole board
 789 Parole Commission. The regional parole board ~~commission~~ shall
 790 have the authority to place the prisoner on parole as provided
 791 by law or give the prisoner a full discharge from custody. The
 792 period of a parole granted by a regional parole board ~~the Parole~~
 793 ~~Commission~~ shall be in its discretion, but the parole period
 794 shall not exceed the maximum term for which the prisoner was
 795 sentenced.

796 Section 23. Effective January 1, 2007, section 921.22,
 797 Florida Statutes, is amended to read:

798 921.22 Determination of exact period of imprisonment by
 799 regional parole board ~~Parole Commission~~.--Upon the
 800 recommendation of the Department of Corrections, a regional
 801 parole board ~~the Parole Commission~~ shall have the authority to
 802 determine the exact period of imprisonment to be served by
 803 defendants sentenced under the provisions of s. 921.18, but a
 804 prisoner shall not be held in custody longer than the maximum
 805 sentence provided for the offense.

806 Section 24. Effective January 1, 2007, section 940.03,
 807 Florida Statutes, is amended to read:

808 940.03 Application for executive clemency.--When any
 809 person intends to apply for remission of any fine or forfeiture
 810 or the commutation of any punishment, or for pardon or

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811 restoration of civil rights, he or she shall request an
 812 application form from the Executive Office of the Governor
 813 ~~Parole Commission~~ in compliance with such rules regarding
 814 application for executive clemency as are adopted by the
 815 Governor with the approval of two members of the Cabinet. Such
 816 application may require the submission of a certified copy of
 817 the applicant's indictment or information, the judgment
 818 adjudicating the applicant to be guilty, and the sentence, if
 819 sentence has been imposed, and may also require the applicant to
 820 send a copy of the application to the judge and prosecuting
 821 attorney of the court in which the applicant was convicted,
 822 notifying them of the applicant's intent to apply for executive
 823 clemency. An application for executive clemency for a person who
 824 is sentenced to death must be filed within 1 year after the date
 825 the Supreme Court issues a mandate on a direct appeal or the
 826 United States Supreme Court denies a petition for certiorari,
 827 whichever is later.

828 Section 25. Effective January 1, 2007, subsection (3) of
 829 section 940.05, Florida Statutes, is amended to read:

830 940.05 Restoration of civil rights.--Any person who has
 831 been convicted of a felony may be entitled to the restoration of
 832 all the rights of citizenship enjoyed by him or her prior to
 833 conviction if the person has:

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

836 Section 26. Effective January 1, 2007, subsections (2) and
 837 (3) of section 941.23, Florida Statutes, are amended to read:

838 941.23 Application for issuance of requisition; by whom

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839 made; contents.--

840 (2) When the return to this state is required of a person
841 who has been convicted of a crime in this state and has escaped
842 from confinement or broken the terms of his or her bail,
843 probation, or parole, the state attorney of the county in which
844 the offense was committed, the regional parole board having
845 jurisdiction ~~Parole Commission~~, the Department of Corrections,
846 or the warden of the institution or sheriff of the county, from
847 which escape was made, shall present to the Governor a written
848 application for a requisition for the return of such person, in
849 which application shall be stated the name of the person, the
850 crime of which the person was convicted, the circumstances of
851 his or her escape from confinement or of the breach of the terms
852 of his or her bail, probation, or parole, and the state in which
853 the person is believed to be, including the location of the
854 person therein at the time application is made.

855 (3) The application shall be verified by affidavit, shall
856 be executed in duplicate, and shall be accompanied by two
857 certified copies of the indictment returned or information and
858 affidavit filed or of the complaint made to the judge, stating
859 the offense with which the accused is charged, or of the
860 judgment of conviction or of the sentence. The prosecuting
861 officer, regional parole board having jurisdiction ~~Parole~~
862 ~~Commission~~, Department of Corrections, warden, or sheriff may
863 also attach such further affidavits and other documents in
864 duplicate as he or she shall deem proper to be submitted with
865 such application. One copy of the application, with the action
866 of the Governor indicated by endorsement thereon, and one of the

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867 certified copies of the indictment, complaint, information, and
 868 affidavits or of the judgment of conviction or of the sentence
 869 shall be filed in the office of the Department of State to
 870 remain of record in that office. The other copies of all papers
 871 shall be forwarded with the Governor's requisition.

872 Section 27. Effective January 1, 2007, subsection (7) of
 873 section 943.0311, Florida Statutes, is amended to read:

874 943.0311 Chief of Domestic Security; duties of the
 875 department with respect to domestic security.--

876 (7) As used in this section, the term "state agency"
 877 includes the Agency for Health Care Administration, the Agency
 878 for Workforce Innovation, the Department of Agriculture and
 879 Consumer Services, the Department of Business and Professional
 880 Regulation, the Department of Children and Family Services, the
 881 Department of Citrus, the Department of Community Affairs, the
 882 Department of Corrections, the Department of Education, the
 883 Department of Elderly Affairs, the Department of Environmental
 884 Protection, the Department of Financial Services, the Department
 885 of Health, the Department of Highway Safety and Motor Vehicles,
 886 the Department of Juvenile Justice, the Department of Law
 887 Enforcement, the Department of Legal Affairs, the Department of
 888 Management Services, the Department of Military Affairs, the
 889 Department of Revenue, the Department of State, the Department
 890 of the Lottery, the Department of Transportation, the Department
 891 of Veterans' Affairs, the Fish and Wildlife Conservation
 892 Commission, ~~the Parole Commission,~~ the State Board of
 893 Administration, and the Executive Office of the Governor.

894 Section 28. Effective January 1, 2007, subsection (1) of

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895 section 943.06, Florida Statutes, is amended to read:

896 943.06 Criminal and Juvenile Justice Information Systems
 897 Council.--There is created a Criminal and Juvenile Justice
 898 Information Systems Council within the department.

899 (1) The council shall be composed of 14 members,
 900 consisting of the Attorney General or a designated assistant;
 901 the executive director of the Department of Law Enforcement or a
 902 designated assistant; the secretary of the Department of
 903 Corrections or a designated assistant; ~~the chair of the Parole~~
 904 ~~Commission or a designated assistant;~~ the Secretary of Juvenile
 905 Justice or a designated assistant; the executive director of the
 906 Department of Highway Safety and Motor Vehicles or a designated
 907 assistant; the State Courts Administrator or a designated
 908 assistant; 1 public defender appointed by the Florida Public
 909 Defender Association, Inc.; 1 state attorney appointed by the
 910 Florida Prosecuting Attorneys Association, Inc.; and 5 members,
 911 to be appointed by the Governor, consisting of 2 sheriffs, 2
 912 police chiefs, and 1 clerk of the circuit court.

913 Section 29. Effective January 1, 2007, subsection (5) of
 914 section 944.012, Florida Statutes, is amended to read:

915 944.012 Legislative intent.--The Legislature hereby finds
 916 and declares that:

917 (5) In order to make the correctional system an efficient
 918 and effective mechanism, the various agencies involved in the
 919 correctional process must coordinate their efforts. Where
 920 possible, interagency offices should be physically located
 921 within major institutions and should include representatives of
 922 the Florida State Employment Service, the vocational

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923 rehabilitation programs of the Department of Education, ~~and the~~
 924 ~~Parole Commission~~. Duplicative and unnecessary methods of
 925 evaluating offenders must be eliminated and areas of
 926 responsibility consolidated in order to more economically
 927 utilize present scarce resources.

928 Section 30. Effective January 1, 2007, section 944.02,
 929 Florida Statutes, is amended to read:

930 944.02 Definitions.--The following words and phrases used
 931 in this chapter shall, unless the context clearly indicates
 932 otherwise, have the following meanings:

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

934 (1)~~(2)~~ "Correctional system" means all prisons and other
 935 state correctional institutions now existing or hereafter
 936 created under the jurisdiction of the Department of Corrections.

937 (2)~~(3)~~ "Department" means the Department of Corrections.

938 (3)~~(4)~~ "Elderly offender" means a prisoner age 50 or older
 939 in a state correctional institution or facility operated by the
 940 Department of Corrections or the Department of Management
 941 Services.

942 (4)~~(5)~~ "Lease-purchase agreement" means an installment
 943 sales contract which requires regular payments with an interest
 944 charge included and which provides that the lessee receive title
 945 to the property upon final payment.

946 (5)~~(6)~~ "Prisoner" means any person who is under civil or
 947 criminal arrest and in the lawful custody of any law enforcement
 948 official, or any person committed to or detained in any
 949 municipal or county jail or state prison, prison farm, or
 950 penitentiary, or to the custody of the department pursuant to

951 lawful authority.

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

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

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

960 Section 31. Effective January 1, 2007, subsection (5) of
 961 section 944.024, Florida Statutes, is amended to read:

962 944.024 Adult intake and evaluation.--The state system of
 963 adult intake and evaluation shall include:

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

977 Section 32. Paragraph (c) of subsection (1) and
 978 subsections (2) and (3) of section 944.026, Florida Statutes,

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979 are amended to read:

980 944.026 Community-based facilities and programs.--

981 (1) In addition to those facilities and services described
982 elsewhere in this chapter, the department shall develop,
983 provide, or contract for a statewide system of community-based
984 facilities, services, and programs dealing with the
985 rehabilitation of offenders, which shall include, but not be
986 limited to:

987 ~~(c) A system of probation and restitution centers~~
988 ~~throughout the state whereby probationers, drug offender~~
989 ~~probationers, and community controllees who have violated their~~
990 ~~terms or conditions, and whose presumptive sentence exceeds 22~~
991 ~~months, may be required to reside while working, receiving~~
992 ~~treatment, or attending school, or for persons on probation,~~
993 ~~drug offender probation, or community control who may be~~
994 ~~required to attend outpatient substance abuse counseling and~~
995 ~~whereby inmates may be placed who are nearing their date of~~
996 ~~release from a correctional institution or a community~~
997 ~~correctional center, who are in need of placement in a substance~~
998 ~~abuse transition housing program, and who are considered~~
999 ~~eligible for such placement by the department. The purpose of~~
1000 ~~these facilities and services is to provide the court with an~~
1001 ~~alternative to committing offenders to more secure state~~
1002 ~~correctional institutions and to assist in the supervision of~~
1003 ~~probationers, drug offender probationers, and community~~
1004 ~~controllees and to provide the department transitional housing~~
1005 ~~beds to assist inmates released into the community.~~

1006 (2) Notwithstanding any other law, the department shall

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1007 ensure that at least 400 of its contracted beds in nonsecure
 1008 community-based residential substance abuse treatment facilities
 1009 authorized under subparagraph (1)(b)1. ~~or probation and~~
 1010 ~~restitution centers authorized under paragraph (1)(c)~~ are
 1011 designated for transition assistance for inmates who are nearing
 1012 their date of release from a correctional institution or a
 1013 community correctional center. These designated beds shall be
 1014 provided by private organizations that do not have a faith
 1015 component and that are under contract with the department. In
 1016 making placement decisions, the department and the contract
 1017 providers shall give priority consideration to those inmates who
 1018 are nearing their date of release and who are to be placed in
 1019 some form of postrelease community supervision. However, if an
 1020 inmate whose sentence expires upon his or her release from a
 1021 correctional institution or a community correction center and
 1022 for whom community supervision is not required demonstrates the
 1023 need for or interest in and suitability for transition-housing
 1024 assistance, as determined by the department, the inmate is
 1025 eligible to be considered for placement in transition housing. A
 1026 right to substance abuse program services is not stated,
 1027 intended, or otherwise implied by this subsection.

1028 (3)~~(a)~~ The department shall develop and implement
 1029 procedures to diagnose offenders prior to sentencing, for the
 1030 purpose of recommending to the sentencing court suitable
 1031 candidates for placement in a community-based residential drug
 1032 treatment facility ~~or probation and restitution center~~ as
 1033 provided in this section. The department shall also develop and
 1034 implement procedures to properly identify inmates prior to

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1035 release who demonstrate the need for or interest in and
 1036 suitability for placement in a community-based substance abuse
 1037 transition housing program as provided in this section and
 1038 pursuant to ss. 944.4731 and 944.704.

1039 ~~(b) Pretrial intervention programs in appropriate counties~~
 1040 ~~to provide early counseling and supervision services to~~
 1041 ~~specified offenders as provided in s. 948.08.~~

1042 Section 33. Effective January 1, 2007, section 944.23,
 1043 Florida Statutes, is amended to read:

1044 944.23 Persons authorized to visit state prisons.--The
 1045 following persons shall be authorized to visit at their pleasure
 1046 all state correctional institutions: The Governor, all Cabinet
 1047 members, members of the Legislature, judges of state courts,
 1048 state attorneys, and public defenders, ~~and authorized~~
 1049 ~~representatives of the commission.~~ No other person not otherwise
 1050 authorized by law shall be permitted to enter a state
 1051 correctional institution except under such regulations as the
 1052 department may prescribe. Permission shall not be unreasonably
 1053 withheld from those who give sufficient evidence to the
 1054 department that they are bona fide reporters or writers.

1055 Section 34. Effective January 1, 2007, subsection (2) of
 1056 section 944.291, Florida Statutes, is amended to read:

1057 944.291 Prisoner released by reason of gain-time
 1058 allowances or attainment of provisional release date.--

1059 (2) Any prisoner who is convicted of a crime committed on
 1060 or after October 1, 1988, which crime is contained in category
 1061 1, category 2, category 3, or category 4 of Rule 3.701 and Rule
 1062 3.988, Florida Rules of Criminal Procedure, and who has served

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1063 at least one prior felony commitment at a state or federal
 1064 correctional institution, or is sentenced as a habitual or
 1065 violent habitual offender pursuant to s. 775.084, may only be
 1066 released under conditional release supervision as described in
 1067 chapter 947. Not fewer than 90 days prior to the tentative
 1068 release date or provisional release date, whichever is earlier,
 1069 the department shall provide the original sentencing court
 1070 ~~commission~~ with the name and inmate identification number for
 1071 each eligible inmate.

1072 Section 35. Effective January 1, 2007, paragraph (b) of
 1073 subsection (2) of section 944.4731, Florida Statutes, is amended
 1074 to read:

1075 944.4731 Addiction-Recovery Supervision Program.--

1076 (2)

1077 (b) An offender released under addiction-recovery
 1078 supervision shall be subject to specified terms and conditions,
 1079 including payment of the costs of supervision under s. 948.09
 1080 and any other court-ordered payments, such as child support and
 1081 restitution. If an offender has received a term of probation or
 1082 community control to be served after release from incarceration,
 1083 the period of probation or community control may not be
 1084 substituted for addiction-recovery supervision and shall follow
 1085 the term of addiction-recovery supervision. The original
 1086 sentencing court ~~A panel of not fewer than two parole~~
 1087 ~~commissioners~~ shall establish the terms and conditions of
 1088 supervision, and the terms and conditions must be included in
 1089 the supervision order. In setting the terms and conditions of
 1090 supervision, the court ~~parole commission~~ shall weigh heavily the

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1091 program requirements, including, but not limited to, work at
 1092 paid employment while participating in treatment and traveling
 1093 restrictions. The court ~~commission~~ shall also determine whether
 1094 an offender violates the terms and conditions of supervision and
 1095 whether a violation warrants revocation of addiction-recovery
 1096 supervision pursuant to s. 947.141. The court ~~parole commission~~
 1097 shall review the offender's record for the purpose of
 1098 establishing the terms and conditions of supervision. The court
 1099 ~~parole commission~~ may impose any special conditions it considers
 1100 warranted from its review of the record. The length of
 1101 supervision may not exceed the maximum penalty imposed by the
 1102 court.

1103 Section 36. Section 944.8041, Florida Statutes, is amended
 1104 to read:

1105 944.8041 Elderly offenders; annual review.--For the
 1106 purpose of providing information to the Legislature on elderly
 1107 offenders within the correctional system, the department ~~Florida~~
 1108 ~~Corrections Commission~~ and the Correctional Medical Authority
 1109 shall each submit annually a report on the status and treatment
 1110 of elderly offenders in the state-administered and private state
 1111 correctional systems, as well as such information on the River
 1112 Junction Correctional Institution. In order to adequately
 1113 prepare the reports, the Department of Corrections and the
 1114 Department of Management Services shall grant access to ~~the~~
 1115 ~~Florida Corrections Commission~~ and the Correctional Medical
 1116 Authority which includes access to the facilities, offenders,
 1117 and any information the agencies require to complete their
 1118 reports. The review shall also include an examination of

1119 promising geriatric policies, practices, and programs currently
 1120 implemented in other correctional systems within the United
 1121 States. The reports, with specific findings and recommendations
 1122 for implementation, shall be submitted to the President of the
 1123 Senate and the Speaker of the House of Representatives on or
 1124 before December 31 of each year.

1125 Section 37. Paragraphs (d), (e), and (f) of subsection (1)
 1126 of section 945.025, Florida Statutes, are amended to read:

1127 945.025 Jurisdiction of department.--

1128 (1) The Department of Corrections shall have supervisory
 1129 and protective care, custody, and control of the inmates,
 1130 buildings, grounds, property, and all other matters pertaining
 1131 to the following facilities and programs for the imprisonment,
 1132 correction, and rehabilitation of adult offenders:

1133 (d) ~~Department of Corrections Probation and Restitution~~
 1134 ~~Center;~~

1135 ~~(e)~~ Department of Corrections community correctional
 1136 centers; and

1137 (e)~~(f)~~ Department of Corrections vocational centers.

1138 Section 38. Effective January 1, 2007, paragraph (b) of
 1139 subsection (1) and paragraph (b) of subsection (6) of section
 1140 945.091, Florida Statutes, are amended to read:

1141 945.091 Extension of the limits of confinement;
 1142 restitution by employed inmates.--

1143 (1) The department may adopt rules permitting the
 1144 extension of the limits of the place of confinement of an inmate
 1145 as to whom there is reasonable cause to believe that the inmate
 1146 will honor his or her trust by authorizing the inmate, under

1147 | prescribed conditions and following investigation and approval
 1148 | by the secretary, or the secretary's designee, who shall
 1149 | maintain a written record of such action, to leave the confines
 1150 | of that place unaccompanied by a custodial agent for a
 1151 | prescribed period of time to:

1152 | (b) Work at paid employment, participate in an education
 1153 | or a training program, or voluntarily serve a public or
 1154 | nonprofit agency or faith-based service group in the community,
 1155 | while continuing as an inmate of the institution or facility in
 1156 | which the inmate is confined, except during the hours of his or
 1157 | her employment, education, training, or service and traveling
 1158 | thereto and therefrom. An inmate may travel to and from his or
 1159 | her place of employment, education, or training only by means of
 1160 | walking, bicycling, or using public transportation or
 1161 | transportation that is provided by a family member or employer.
 1162 | Contingent upon specific appropriations, the department may
 1163 | transport an inmate in a state-owned vehicle if the inmate is
 1164 | unable to obtain other means of travel to his or her place of
 1165 | employment, education, or training.

1166 | 1. An inmate may participate in paid employment only
 1167 | during the last 36 months of his or her confinement, unless
 1168 | sooner requested by the regional parole board having
 1169 | jurisdiction ~~Parole Commission~~ or the Control Release Authority.

1170 | 2. While working at paid employment and residing in the
 1171 | facility, an inmate may apply for placement at a contracted
 1172 | substance abuse transition housing program. The transition
 1173 | assistance specialist shall inform the inmate of program
 1174 | availability and assess the inmate's need and suitability for

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1175 transition housing assistance. If an inmate is approved for
 1176 placement, the specialist shall assist the inmate. If an inmate
 1177 requests and is approved for placement in a contracted faith-
 1178 based substance abuse transition housing program, the specialist
 1179 must consult with the chaplain prior to such placement. The
 1180 department shall ensure that an inmate's faith orientation, or
 1181 lack thereof, will not be considered in determining admission to
 1182 a faith-based program and that the program does not attempt to
 1183 convert an inmate toward a particular faith or religious
 1184 preference.

1185 (6)

1186 (b) An offender who is required to provide restitution or
 1187 reparation may petition the circuit court to amend the amount of
 1188 restitution or reparation required or to revise the schedule of
 1189 repayment established by the department, a regional parole
 1190 board, or the Parole Commission.

1191 Section 39. Effective January 1, 2007, paragraph (d) of
 1192 subsection (1), paragraphs (a) and (b) of subsection (2), and
 1193 subsection (5) of section 945.10, Florida Statutes, are amended
 1194 to read:

1195 945.10 Confidential information.--

1196 (1) Except as otherwise provided by law or in this
 1197 section, the following records and information held by the
 1198 Department of Corrections are confidential and exempt from the
 1199 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1200 Constitution:

1201 (d) ~~Parole Commission~~ Records of a regional parole board
 1202 that ~~which~~ are confidential or exempt from public disclosure by

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1203 law.

1204 (2) The records and information specified in paragraphs
 1205 (1) (a) - (h) may be released as follows unless expressly
 1206 prohibited by federal law:

1207 (a) Information specified in paragraphs (1) (b), (d), and
 1208 (f) to the Office of the Governor, the Legislature, a regional
 1209 parole board ~~the Parole Commission~~, the Department of Children
 1210 and Family Services, a private correctional facility or program
 1211 that operates under a contract, the Department of Legal Affairs,
 1212 a state attorney, the court, or a law enforcement agency. A
 1213 request for records or information pursuant to this paragraph
 1214 need not be in writing.

1215 (b) Information specified in paragraphs (1) (c), (e), and
 1216 (h) to the Office of the Governor, the Legislature, a regional
 1217 parole board ~~the Parole Commission~~, the Department of Children
 1218 and Family Services, a private correctional facility or program
 1219 that operates under contract, the Department of Legal Affairs, a
 1220 state attorney, the court, or a law enforcement agency. A
 1221 request for records or information pursuant to this paragraph
 1222 must be in writing and a statement provided demonstrating a need
 1223 for the records or information.

1224
 1225 Records and information released under this subsection remain
 1226 confidential and exempt from the provisions of s. 119.07(1) and
 1227 s. 24(a), Art. I of the State Constitution when held by the
 1228 receiving person or entity.

1229 (5) The Department of Corrections and the regional parole
 1230 board ~~Parole Commission~~ shall mutually cooperate with respect to

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1231 maintaining the confidentiality of records that are exempt from
 1232 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1233 Constitution.

1234 Section 40. Effective January 1, 2007, subsection (3) of
 1235 section 945.47, Florida Statutes, is amended to read:

1236 945.47 Discharge of inmate from mental health treatment.--

1237 (3) At any time that an inmate who has received mental
 1238 health treatment while in the custody of the department becomes
 1239 eligible for release on parole, a complete record of the
 1240 inmate's treatment shall be provided to the regional parole
 1241 board having jurisdiction ~~Parole Commission~~ and to the
 1242 Department of Children and Family Services. The record shall
 1243 include, at least, the inmate's diagnosis, length of stay in
 1244 treatment, clinical history, prognosis, prescribed medication,
 1245 and treatment plan and recommendations for aftercare services.
 1246 In the event that the inmate is released on parole, the record
 1247 shall be provided to the parole officer who shall assist the
 1248 inmate in applying for services from a professional or an agency
 1249 in the community. The application for treatment and continuation
 1250 of treatment by the inmate may be made a condition of parole, as
 1251 provided in s. 947.19(1); and a failure to participate in
 1252 prescribed treatment may be a basis for initiation of parole
 1253 violation hearings.

1254 Section 41. Effective January 1, 2007, subsection (6) of
 1255 section 945.73, Florida Statutes, is amended to read:

1256 945.73 Inmate training program operation.--

1257 (6) The department shall work cooperatively with the
 1258 Control Release Authority, the regional parole board ~~Florida~~

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1259 ~~Parole Commission~~, or such other authority as may exist or be
 1260 established in the future that ~~which~~ is empowered by law to
 1261 effect the release of an inmate who has successfully completed
 1262 the requirements established by ss. 945.71-945.74.

1263 Section 42. Effective January 1, 2007, subsections (3),
 1264 (4), and (5) of section 947.002, Florida Statutes, are amended
 1265 to read:

1266 947.002 Intent.--

1267 ~~(3) The chair shall be the agency head. While the~~
 1268 ~~commission is responsible for making decisions on the granting~~
 1269 ~~and revoking of parole, the chair shall establish, execute, and~~
 1270 ~~be held accountable for all administrative policy decisions. The~~
 1271 ~~routine administrative decisions are the full responsibility of~~
 1272 ~~the chair.~~

1273 ~~(4) Hearing examiners are assigned on the basis of~~
 1274 ~~easeload needs as determined by the chair.~~

1275 (3)~~(5)~~ It is the intent of the Legislature that the
 1276 decision to parole an inmate from the incarceration portion of
 1277 the inmate's sentence is an act of grace of the state and shall
 1278 not be considered a right.

1279 Section 43. Effective January 1, 2007, subsection (1) of
 1280 section 947.005, Florida Statutes, is amended to read:

1281 947.005 Definitions.--As used in this chapter, unless the
 1282 context clearly indicates otherwise:

1283 (1) "Regional parole board" means a regional parole board
 1284 established pursuant to s. 20.32 ~~"Commission" means the Parole~~
 1285 ~~Commission.~~

1286 Section 44. Effective January 1, 2007, subsections (1)

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1287 through (4) of section 947.02, Florida Statutes, are amended,
 1288 and subsection (6) is added to that section, read:

1289 947.02 Regional parole boards ~~Parole Commission~~; members,
 1290 appointment.--

1291 (1) Except as provided in s. 947.021, the members of each
 1292 regional parole board ~~the Parole Commission~~ shall be appointed
 1293 by the Governor ~~and Cabinet~~ from a list of eligible applicants
 1294 submitted by a parole qualifications committee. The appointments
 1295 of members of the commission shall be certified to the Senate by
 1296 the Governor ~~and Cabinet~~ for confirmation, and the membership of
 1297 the commission shall include representation from minority
 1298 persons as defined in s. 288.703.

1299 (2) A parole qualifications committee shall consist of
 1300 five persons who are appointed by the Governor ~~and Cabinet~~. One
 1301 member shall be designated as chair by the Governor ~~and Cabinet~~.
 1302 The committee shall provide for ~~statewide~~ advertisement
 1303 throughout the region and the receiving of applications for any
 1304 position or positions on the commission and shall devise a plan
 1305 for the determination of the qualifications of the applicants by
 1306 investigations and comprehensive evaluations, including, but not
 1307 limited to, investigation and evaluation of the character,
 1308 habits, and philosophy of each applicant. Each parole
 1309 qualifications committee shall exist for 2 years. If additional
 1310 vacancies on a regional parole board ~~the commission~~ occur during
 1311 this 2-year period, the committee may advertise and accept
 1312 additional applications; however, all previously submitted
 1313 applications shall be considered along with the new applications
 1314 according to the previously established plan for the evaluation

1315 of the qualifications of applicants.

1316 (3) Within 90 days before an anticipated vacancy by
 1317 expiration of term pursuant to s. 947.03 or upon any other
 1318 vacancy, the Governor ~~and Cabinet~~ shall appoint a parole
 1319 qualifications committee if one has not been appointed during
 1320 the previous 2 years. The committee shall consider applications
 1321 for the board vacancy ~~commission seat~~, including the application
 1322 of an incumbent board member ~~commissioner~~ if he or she applies,
 1323 according to the provisions of subsection (2). The committee
 1324 shall submit a list of three eligible applicants, which may
 1325 include the incumbent if the committee so decides, without
 1326 recommendation, to the Governor ~~and Cabinet~~ for appointment to
 1327 the board ~~commission~~. In the case of an unexpired term, the
 1328 appointment must be for the remainder of the unexpired term and
 1329 until a successor is appointed and qualified. If more than one
 1330 seat is vacant, the committee shall submit a list of eligible
 1331 applicants, without recommendation, containing a number of names
 1332 equal to three times the number of vacant seats; however, the
 1333 names submitted shall not be distinguished by seat, and each
 1334 submitted applicant shall be considered eligible for each
 1335 vacancy.

1336 (4) Upon receiving a list of eligible persons from the
 1337 parole qualifications committee, the Governor ~~and Cabinet~~ may
 1338 reject the list. If the list is rejected, the committee shall
 1339 reinitiate the application and examination procedure according
 1340 to the provisions of subsection (2).

1341 (6) Members of the regional parole boards shall be
 1342 volunteers and shall not receive compensation for their

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1343 services. They shall, however, receive reimbursement for travel
 1344 expenses and other expenses incurred in carrying out their
 1345 official responsibilities as provided in s. 112.061.

1346 Section 45. Effective January 1, 2007, section 947.021,
 1347 Florida Statutes, is amended to read:

1348 947.021 Regional parole boards ~~Parole Commission~~;
 1349 expedited appointments.--Whenever the Legislature decreases the
 1350 membership of the regional parole boards ~~commission~~, all terms
 1351 of office shall expire, notwithstanding any law to the contrary.
 1352 Under such circumstances, the Governor and Cabinet shall
 1353 expedite the appointment of commissioners. Notwithstanding the
 1354 parole qualifications committee procedure in s. 947.02, members
 1355 shall be directly appointed by the Governor and Cabinet. Members
 1356 appointed to the boards ~~commission~~ may be selected from
 1357 incumbents. Members shall be certified to the Senate by the
 1358 Governor and Cabinet for confirmation, and the membership of the
 1359 commission shall include representation from minority persons as
 1360 defined in s. 288.703.

1361 Section 46. Effective January 1, 2007, subsections (2)
 1362 through (7) and subsection (9) of section 947.1405, Florida
 1363 Statutes, are amended to read:

1364 947.1405 Conditional release program.--

1365 (2) Any inmate who:

1366 (a) Is convicted of a crime committed on or after October
 1367 1, 1988, and before January 1, 1994, and any inmate who is
 1368 convicted of a crime committed on or after January 1, 1994,
 1369 which crime is or was contained in category 1, category 2,
 1370 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida

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1371 Rules of Criminal Procedure (1993), and who has served at least
 1372 one prior felony commitment at a state or federal correctional
 1373 institution;

1374 (b) Is sentenced as a habitual or violent habitual
 1375 offender or a violent career criminal pursuant to s. 775.084; or

1376 (c) Is found to be a sexual predator under s. 775.21 or
 1377 former s. 775.23,

1378
 1379 shall, upon reaching the tentative release date or provisional
 1380 release date, whichever is earlier, as established by the
 1381 Department of Corrections, be released under supervision subject
 1382 to specified terms and conditions, including payment of the cost
 1383 of supervision pursuant to s. 948.09. Such supervision shall be
 1384 applicable to all sentences within the overall term of sentences
 1385 if an inmate's overall term of sentences includes one or more
 1386 sentences that are eligible for conditional release supervision
 1387 as provided herein. Effective July 1, 1994, and applicable for
 1388 offenses committed on or after that date, the sentencing court
 1389 ~~commission~~ may require, as a condition of conditional release,
 1390 that the releasee make payment of the debt due and owing to a
 1391 county or municipal detention facility under s. 951.032 for
 1392 medical care, treatment, hospitalization, or transportation
 1393 received by the releasee while in that detention facility. The
 1394 court ~~commission~~, in determining whether to order such repayment
 1395 and the amount of such repayment, shall consider the amount of
 1396 the debt, whether there was any fault of the institution for the
 1397 medical expenses incurred, the financial resources of the
 1398 releasee, the present and potential future financial needs and

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1399 earning ability of the releasee, and dependents, and other
 1400 appropriate factors. ~~If Any inmate placed on conditional release~~
 1401 supervision shall be supervised by ~~is also subject to probation~~
 1402 ~~or community control, resulting from a probationary or community~~
 1403 ~~control split sentence within the overall term of sentences, the~~
 1404 Department of Corrections, which shall supervise such person
 1405 according to the conditions imposed by the court ~~and the~~
 1406 ~~commission shall defer to such supervision.~~ If the court revokes
 1407 probation or community control and resentsences the offender to a
 1408 term of incarceration, such revocation also constitutes a
 1409 sufficient basis for the revocation of the conditional release
 1410 supervision on any nonprobationary or noncommunity control
 1411 sentence without further hearing ~~by the commission.~~ If any such
 1412 supervision on any nonprobationary or noncommunity control
 1413 sentence is revoked, such revocation may result in a forfeiture
 1414 of all gain-time, and the court ~~commission~~ may revoke the
 1415 resulting deferred conditional release supervision or take other
 1416 action it considers appropriate. If the term of conditional
 1417 release supervision exceeds that of the probation or community
 1418 control, then, upon expiration of the probation or community
 1419 control, ~~authority for the supervision shall revert to the~~
 1420 ~~commission and~~ the supervision shall be subject to the
 1421 conditions of conditional release imposed by the court
 1422 ~~commission.~~ The original sentencing court ~~A panel of no fewer~~
 1423 ~~than two commissioners~~ shall establish the terms and conditions
 1424 of conditional release at the time of initial sentencing or
 1425 prior to release of the inmate if terms and conditions were not
 1426 established at the initial sentencing ~~any such release.~~ The

1427 court may alter the original terms of conditional release at any
 1428 time based on any additional information that may become
 1429 available. If the offense was a controlled substance violation,
 1430 the conditions shall include a requirement that the offender
 1431 submit to random substance abuse testing intermittently
 1432 throughout the term of conditional release supervision, upon the
 1433 direction of the correctional probation officer as defined in s.
 1434 943.10(3). The court ~~commission~~ shall also determine whether the
 1435 terms and conditions of such release have been violated and
 1436 whether such violation warrants revocation of the conditional
 1437 release.

1438 (3) As part of the conditional release process, the court
 1439 ~~commission~~, through review and consideration of information
 1440 provided by the state attorney, victim, and department, shall
 1441 determine:

1442 (a) The amount of reparation or restitution.

1443 (b) The consequences of the offense as reported by the
 1444 aggrieved party.

1445 (c) The aggrieved party's fear of the inmate or concerns
 1446 about the release of the inmate.

1447 (4) The department ~~commission~~ shall provide to the
 1448 aggrieved party information regarding the manner in which notice
 1449 of any developments concerning the status of the inmate during
 1450 the term of conditional release may be requested.

1451 (5) Within 180 days prior to the tentative release date or
 1452 provisional release date, whichever is earlier, a representative
 1453 of the department shall review the inmate's program
 1454 participation, disciplinary record, psychological and medical

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1455 records, criminal records, and any other information pertinent
 1456 to the impending release and shall provide this information to
 1457 the original sentencing court. ~~The department shall gather and~~
 1458 ~~compile information necessary for the commission to make the~~
 1459 ~~determinations set forth in subsection (3).~~ This shall include
 1460 information developed during ~~A department representative shall~~
 1461 ~~conduct~~ a personal interview with the inmate for the purpose of
 1462 determining the details of the inmate's release plan, including
 1463 the inmate's planned residence and employment. The department
 1464 ~~representative~~ shall forward the inmate's release plan to the
 1465 court ~~commission~~ and recommend terms and conditions of
 1466 conditional release or any modifications to the original
 1467 ~~commission~~ the terms and conditions of the conditional release
 1468 established by the court.

1469 (6) The court ~~commission~~ shall review the recommendations
 1470 of the department, and such other information as it deems
 1471 relevant, and may conduct a review of the inmate's record for
 1472 the purpose of modifying or establishing the terms and
 1473 conditions of the conditional release. The court ~~commission~~ may
 1474 impose any special conditions it considers warranted from its
 1475 review of the release plan and recommendation. If the court
 1476 ~~commission~~ determines that the inmate is eligible for release
 1477 under this section, it ~~the commission~~ shall enter an order
 1478 establishing the length of supervision and the conditions
 1479 attendant thereto. However, an inmate who has been convicted of
 1480 a violation of chapter 794 or found by the court to be a sexual
 1481 predator is subject to the maximum level of supervision
 1482 provided, with the mandatory conditions as required in

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1483 subsection (7), and that supervision shall continue through the
1484 end of the releasee's original court-imposed sentence. The
1485 length of supervision must not exceed the maximum penalty
1486 imposed by the court.

1487 (7)(a) Any inmate who is convicted of a crime committed on
1488 or after October 1, 1995, or who has been previously convicted
1489 of a crime committed on or after October 1, 1995, in violation
1490 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
1491 subject to conditional release supervision, shall have, in
1492 addition to any other conditions imposed, the following special
1493 conditions imposed ~~by the commission~~:

1494 1. A mandatory curfew from 10 p.m. to 6 a.m. The court
1495 ~~commission~~ may designate another 8-hour period if the offender's
1496 employment precludes the above specified time, and such
1497 alternative is recommended by the Department of Corrections. If
1498 the court ~~commission~~ determines that imposing a curfew would
1499 endanger the victim, the court ~~commission~~ may consider
1500 alternative sanctions.

1501 2. If the victim was under the age of 18, a prohibition on
1502 living within 1,000 feet of a school, day care center, park,
1503 playground, designated public school bus stop, or other place
1504 where children regularly congregate. A releasee who is subject
1505 to this subparagraph may not relocate to a residence that is
1506 within 1,000 feet of a public school bus stop. Beginning October
1507 1, 2004, ~~the commission or~~ the department may not approve a
1508 residence that is located within 1,000 feet of a school, day
1509 care center, park, playground, designated school bus stop, or
1510 other place where children regularly congregate for any releasee

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1511 who is subject to this subparagraph. On October 1, 2004, the
1512 department shall notify each affected school district of the
1513 location of the residence of a releasee 30 days prior to release
1514 and thereafter, if the releasee relocates to a new residence,
1515 shall notify any affected school district of the residence of
1516 the releasee within 30 days after relocation. If, on October 1,
1517 2004, any public school bus stop is located within 1,000 feet of
1518 the existing residence of such releasee, the district school
1519 board shall relocate that school bus stop. Beginning October 1,
1520 2004, a district school board may not establish or relocate a
1521 public school bus stop within 1,000 feet of the residence of a
1522 releasee who is subject to this subparagraph. The failure of the
1523 district school board to comply with this subparagraph shall not
1524 result in a violation of conditional release supervision.

1525 3. Active participation in and successful completion of a
1526 sex offender treatment program with qualified practitioners
1527 specifically trained to treat sex offenders, at the releasee's
1528 own expense. If a qualified practitioner is not available within
1529 a 50-mile radius of the releasee's residence, the offender shall
1530 participate in other appropriate therapy.

1531 4. A prohibition on any contact with the victim, directly
1532 or indirectly, including through a third person, unless approved
1533 by the victim, the offender's therapist, and the sentencing
1534 court.

1535 5. If the victim was under the age of 18, a prohibition
1536 against contact with children under the age of 18 without review
1537 and approval by the commission. The commission may approve
1538 supervised contact with a child under the age of 18 if the

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1539 approval is based upon a recommendation for contact issued by a
1540 qualified practitioner who is basing the recommendation on a
1541 risk assessment. Further, the sex offender must be currently
1542 enrolled in or have successfully completed a sex offender
1543 therapy program. The commission may not grant supervised contact
1544 with a child if the contact is not recommended by a qualified
1545 practitioner and may deny supervised contact with a child at any
1546 time. When considering whether to approve supervised contact
1547 with a child, the commission must review and consider the
1548 following:

1549 a. A risk assessment completed by a qualified
1550 practitioner. The qualified practitioner must prepare a written
1551 report that must include the findings of the assessment and
1552 address each of the following components:

1553 (I) The sex offender's current legal status;

1554 (II) The sex offender's history of adult charges with
1555 apparent sexual motivation;

1556 (III) The sex offender's history of adult charges without
1557 apparent sexual motivation;

1558 (IV) The sex offender's history of juvenile charges,
1559 whenever available;

1560 (V) The sex offender's offender treatment history,
1561 including a consultation from the sex offender's treating, or
1562 most recent treating, therapist;

1563 (VI) The sex offender's current mental status;

1564 (VII) The sex offender's mental health and substance abuse
1565 history as provided by the Department of Corrections;

1566 (VIII) The sex offender's personal, social, educational,

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1567 and work history;

1568 (IX) The results of current psychological testing of the
 1569 sex offender if determined necessary by the qualified
 1570 practitioner;

1571 (X) A description of the proposed contact, including the
 1572 location, frequency, duration, and supervisory arrangement;

1573 (XI) The child's preference and relative comfort level
 1574 with the proposed contact, when age-appropriate;

1575 (XII) The parent's or legal guardian's preference
 1576 regarding the proposed contact; and

1577 (XIII) The qualified practitioner's opinion, along with
 1578 the basis for that opinion, as to whether the proposed contact
 1579 would likely pose significant risk of emotional or physical harm
 1580 to the child.

1581
 1582 The written report of the assessment must be given to the
 1583 commission.

1584 b. A recommendation made as a part of the risk-assessment
 1585 report as to whether supervised contact with the child should be
 1586 approved;

1587 c. A written consent signed by the child's parent or legal
 1588 guardian, if the parent or legal guardian is not the sex
 1589 offender, agreeing to the sex offender having supervised contact
 1590 with the child after receiving full disclosure of the sex
 1591 offender's present legal status, past criminal history, and the
 1592 results of the risk assessment. The commission may not approve
 1593 contact with the child if the parent or legal guardian refuses
 1594 to give written consent for supervised contact;

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1595 d. A safety plan prepared by the qualified practitioner,
1596 who provides treatment to the offender, in collaboration with
1597 the sex offender, the child's parent or legal guardian, and the
1598 child, when age appropriate, which details the acceptable
1599 conditions of contact between the sex offender and the child.

1600 The safety plan must be reviewed and approved by the Department
1601 of Corrections before being submitted to the commission; and

1602 e. Evidence that the child's parent or legal guardian, if
1603 the parent or legal guardian is not the sex offender,
1604 understands the need for and agrees to the safety plan and has
1605 agreed to provide, or to designate another adult to provide,
1606 constant supervision any time the child is in contact with the
1607 offender.

1608
1609 The commission may not appoint a person to conduct a risk
1610 assessment and may not accept a risk assessment from a person
1611 who has not demonstrated to the commission that he or she has
1612 met the requirements of a qualified practitioner as defined in
1613 this section.

1614 6. If the victim was under age 18, a prohibition on
1615 working for pay or as a volunteer at any school, day care
1616 center, park, playground, or other place where children
1617 regularly congregate, as prescribed by the commission.

1618 7. Unless otherwise indicated in the treatment plan
1619 provided by the sexual offender treatment program, a prohibition
1620 on viewing, owning, or possessing any obscene, pornographic, or
1621 sexually stimulating visual or auditory material, including
1622 telephone, electronic media, computer programs, or computer

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1623 services that are relevant to the offender's deviant behavior
 1624 pattern.

1625 8. Effective for a releasee whose crime is committed on or
 1626 after July 1, 2005, a prohibition on accessing the Internet or
 1627 other computer services until the offender's sex offender
 1628 treatment program, after a risk assessment is completed,
 1629 approves and implements a safety plan for the offender's
 1630 accessing or using the Internet or other computer services.

1631 9. A requirement that the releasee must submit two
 1632 specimens of blood to the Florida Department of Law Enforcement
 1633 to be registered with the DNA database.

1634 10. A requirement that the releasee make restitution to
 1635 the victim, as determined by the sentencing court or the
 1636 commission, for all necessary medical and related professional
 1637 services relating to physical, psychiatric, and psychological
 1638 care.

1639 11. Submission to a warrantless search by the community
 1640 control or probation officer of the probationer's or community
 1641 controllee's person, residence, or vehicle.

1642 (b) For a releasee whose crime was committed on or after
 1643 October 1, 1997, in violation of chapter 794, s. 800.04, s.
 1644 827.071, or s. 847.0145, and who is subject to conditional
 1645 release supervision, in addition to any other provision of this
 1646 subsection, the ~~commission shall impose the~~ following additional
 1647 conditions of conditional release supervision are hereby
 1648 imposed:

1649 1. As part of a treatment program, participation in a
 1650 minimum of one annual polygraph examination to obtain

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1651 information necessary for risk management and treatment and to
 1652 reduce the sex offender's denial mechanisms. The polygraph
 1653 examination must be conducted by a polygrapher trained
 1654 specifically in the use of the polygraph for the monitoring of
 1655 sex offenders, where available, and at the expense of the sex
 1656 offender. The results of the polygraph examination shall not be
 1657 used as evidence in a hearing to prove that a violation of
 1658 supervision has occurred.

1659 2. Maintenance of a driving log and a prohibition against
 1660 driving a motor vehicle alone without the prior approval of the
 1661 supervising officer.

1662 3. A prohibition against obtaining or using a post office
 1663 box without the prior approval of the supervising officer.

1664 4. If there was sexual contact, a submission to, at the
 1665 probationer's or community controllee's expense, an HIV test
 1666 with the results to be released to the victim or the victim's
 1667 parent or guardian.

1668 5. Electronic monitoring of any form when ordered by the
 1669 commission.

1670 (9) The department ~~commission~~ shall adopt rules pursuant
 1671 to ss. 120.536(1) and 120.54 necessary to implement the
 1672 provisions of the Conditional Release Program Act.

1673 Section 47. Effective January 1, 2007, section 947.141,
 1674 Florida Statutes, is amended to read:

1675 947.141 Violations of conditional release, control
 1676 release, or conditional medical release or addiction-recovery
 1677 supervision.--

1678 (1) If ~~a member of the~~ court ~~commission or a duly~~

1679 ~~authorized representative of the commission~~ has reasonable
 1680 grounds to believe that an offender who is on release
 1681 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
 1682 944.4731 has violated the terms and conditions of the release in
 1683 a material respect, the court ~~such member or representative~~ may
 1684 cause a warrant to be issued for the arrest of the releasee; if
 1685 the offender was found to be a sexual predator, the warrant must
 1686 be issued.

1687 (2) Upon the arrest on a felony charge of an offender who
 1688 is on release supervision under s. 947.1405, s. 947.146, s.
 1689 947.149, or s. 944.4731, the offender must be detained without
 1690 bond until the initial appearance of the offender at which a
 1691 judicial determination of probable cause is made. If the trial
 1692 court judge determines that there was no probable cause for the
 1693 arrest, the offender may be released. If the trial court judge
 1694 determines that there was probable cause for the arrest, such
 1695 determination also constitutes reasonable grounds to believe
 1696 that the offender violated the conditions of the release. Within
 1697 24 hours after the trial court judge's finding of probable
 1698 cause, the detention facility administrator or designee shall
 1699 notify the ~~commission and the~~ department of the finding and
 1700 transmit to each a facsimile copy of the probable cause
 1701 affidavit or the sworn offense report upon which the trial court
 1702 judge's probable cause determination is based. The offender must
 1703 continue to be detained without bond for a period not exceeding
 1704 72 hours excluding weekends and holidays after the date of the
 1705 probable cause determination, pending a decision by the court
 1706 ~~commission~~ whether to issue a warrant charging the offender with

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1707 violation of the conditions of release. Upon the issuance of the
1708 court's ~~commission's~~ warrant, the offender must continue to be
1709 held in custody pending a revocation hearing held in accordance
1710 with this section.

1711 (3) Within 45 days after ~~notice to the Parole Commission~~
1712 ~~of~~ the arrest of a releasee charged with a violation of the
1713 terms and conditions of conditional release, control release,
1714 conditional medical release, or addiction-recovery supervision,
1715 the releasee must be afforded a hearing conducted by a judge
1716 ~~commissioner~~ or a duly authorized representative thereof. If the
1717 releasee elects to proceed with a hearing, the releasee must be
1718 informed orally and in writing of the following:

1719 (a) The alleged violation with which the releasee is
1720 charged.

1721 (b) The releasee's right to be represented by counsel.

1722 (c) The releasee's right to be heard in person.

1723 (d) The releasee's right to secure, present, and compel
1724 the attendance of witnesses relevant to the proceeding.

1725 (e) The releasee's right to produce documents on the
1726 releasee's own behalf.

1727 (f) The releasee's right of access to all evidence used
1728 against the releasee and to confront and cross-examine adverse
1729 witnesses.

1730 (g) The releasee's right to waive the hearing.

1731 (4) Within a reasonable time following the hearing, the
1732 judge ~~commissioner~~ or the judge's ~~commissioner's~~ duly authorized
1733 representative who conducted the hearing shall make findings of
1734 fact in regard to the alleged violation. The judge ~~A panel of no~~

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1735 ~~fewer than two commissioners~~ shall enter an order determining
1736 whether the charge of violation of conditional release, control
1737 release, conditional medical release, or addiction-recovery
1738 supervision has been sustained based upon his or her ~~the~~
1739 findings of fact or by the findings of the duly presented by the
1740 ~~hearing commissioner or~~ authorized representative. By such
1741 order, the court panel may revoke conditional release, control
1742 release, conditional medical release, or addiction-recovery
1743 supervision and thereby return the releasee to prison to serve
1744 the sentence imposed, reinstate the original order granting the
1745 release, or enter such other order as it considers proper.
1746 Effective for inmates whose offenses were committed on or after
1747 July 1, 1995, the court panel may order the placement of a
1748 releasee, upon a finding of violation pursuant to this
1749 subsection, into a local detention facility as a condition of
1750 supervision.

1751 (5) Effective for inmates whose offenses were committed on
1752 or after July 1, 1995, notwithstanding the provisions of ss.
1753 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
1754 951.23, or any other law to the contrary, by such order as
1755 provided in subsection (4), the court panel, upon a finding of
1756 guilt, may, as a condition of continued supervision, place the
1757 releasee in a local detention facility for a period of
1758 incarceration not to exceed 22 months. Prior to the expiration
1759 of the term of incarceration, or upon recommendation of the
1760 chief correctional officer of that county, the court ~~commission~~
1761 shall cause inquiry into the inmate's release plan and custody
1762 status in the detention facility and consider whether to restore

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1763 the inmate to supervision, modify the conditions of supervision,
 1764 or enter an order of revocation, thereby causing the return of
 1765 the inmate to prison to serve the sentence imposed. The
 1766 provisions of this section do not prohibit the court panel from
 1767 entering such other order or conducting any investigation that
 1768 it deems proper. The court commission may only place a person in
 1769 a local detention facility pursuant to this section if there is
 1770 a contractual agreement between the chief correctional officer
 1771 of that county and the Department of Corrections. The agreement
 1772 must provide for a per diem reimbursement for each person placed
 1773 under this section, which is payable by the Department of
 1774 Corrections for the duration of the offender's placement in the
 1775 facility. This section does not limit the court's commission's
 1776 ability to place a person in a local detention facility for less
 1777 than 1 year.

1778 (6) Whenever a conditional release, control release,
 1779 conditional medical release, or addiction-recovery supervision
 1780 is revoked as provided by this section ~~by a panel of no fewer~~
 1781 ~~than two commissioners~~ and the releasee is ordered to be
 1782 returned to prison, the releasee, by reason of the misconduct,
 1783 shall be deemed to have forfeited all gain-time or commutation
 1784 of time for good conduct, as provided for by law, earned up to
 1785 the date of release. However, if a conditional medical release
 1786 is revoked due to the improved medical or physical condition of
 1787 the releasee, the releasee shall not forfeit gain-time accrued
 1788 before the date of conditional medical release. This subsection
 1789 does not deprive the prisoner of the right to gain-time or
 1790 commutation of time for good conduct, as provided by law, from

1791 the date of return to prison.

1792 (7) If a law enforcement officer has probable cause to
 1793 believe that an offender who is on release supervision under s.
 1794 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
 1795 the terms and conditions of his or her release by committing a
 1796 felony offense, the officer shall arrest the offender without a
 1797 warrant, and a warrant need not be issued in the case.

1798 Section 48. Effective January 1, 2007, subsection (1) and
 1799 paragraph (b) of subsection (7) of section 947.146, Florida
 1800 Statutes, are amended to read:

1801 947.146 Control Release Authority.--

1802 (1) There may be ~~is~~ created a Control Release Authority to
 1803 be administratively housed within the Department of Corrections,
 1804 which shall be composed of five ~~the~~ members appointed by the
 1805 Governor, who shall also designate the chair of the ~~Parole~~
 1806 ~~Commission and which shall have the same chair as the~~
 1807 ~~commission.~~ The authority shall use ~~utilize~~ such ~~commission~~
 1808 staff from the Department of Corrections as it determines is
 1809 necessary to carry out its purposes.

1810 (7) The authority has the power and duty to:

1811 (b) Authorize an individual member of the authority
 1812 ~~commissioner~~ to postpone a control release date for not more
 1813 than 60 days without a hearing for any inmate who has become the
 1814 subject of a disciplinary proceeding, a criminal arrest, an
 1815 information, or an indictment; who has been terminated from work
 1816 release; or about whom there is any recently discovered
 1817 information as specified in paragraph (a).

1818 Section 49. Effective January 1, 2007, section 947.181,

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1819 Florida Statutes, is amended to read:

1820 947.181 Victim restitution as condition of parole.--

1821 (1) (a) The regional parole boards ~~Parole Commission~~ shall
 1822 require as a condition of parole reparation or restitution to
 1823 the aggrieved party for the damage or loss caused by the offense
 1824 for which the parolee was imprisoned unless the commission finds
 1825 reasons to the contrary. If a regional parole board ~~the~~
 1826 ~~commission~~ does not order restitution or orders only partial
 1827 restitution, the board ~~commission~~ shall state on the record the
 1828 reasons therefor. The amount of such reparation or restitution
 1829 shall be determined by the regional parole board having
 1830 jurisdiction ~~Parole Commission~~.

1831 (b) If the parolee fails to make the reparation or
 1832 restitution to the aggrieved party as authorized in paragraph
 1833 (a), it shall be considered by the court ~~commission~~ as a
 1834 violation of parole as specified in s. 947.21 and may be cause
 1835 for revocation of her or his parole.

1836 (2) If a defendant is paroled, any restitution ordered
 1837 under s. 775.089 shall be a condition of such parole. The court
 1838 ~~Parole Commission~~ may revoke parole if the defendant fails to
 1839 comply with such order. In determining whether to revoke parole,
 1840 the court ~~Parole Commission~~ shall consider the defendant's
 1841 employment status, earning ability, and financial resources; the
 1842 willfulness of the defendant's failure to pay; and any other
 1843 special circumstances that may have a bearing on the defendant's
 1844 ability to pay.

1845 Section 50. Effective January 1, 2007, section 947.185,
 1846 Florida Statutes, is amended to read:

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1847 947.185 Application for mental retardation services as
 1848 condition of parole.--A regional parole board ~~The Parole~~
 1849 ~~Commission~~ may require as a condition of parole that any inmate
 1850 who has been diagnosed as mentally retarded as defined in s.
 1851 393.063 shall, upon release, apply for retardation services from
 1852 the Department of Children and Family Services.

1853 Section 51. Effective January 1, 2007, subsections (1) and
 1854 (2) of section 947.22, Florida Statutes, are amended to read:

1855 947.22 Authority to arrest parole violators with or
 1856 without warrant.--

1857 (1) If a court ~~member of the commission or a duly~~
 1858 ~~authorized representative of the commission~~ has reasonable
 1859 grounds to believe that a parolee has violated the terms and
 1860 conditions of her or his parole in a material respect, it ~~such~~
 1861 ~~member or representative~~ may issue a warrant for the arrest of
 1862 such parolee. The warrant shall be returnable before the court ~~a~~
 1863 ~~member of the commission or a duly authorized representative of~~
 1864 ~~the commission~~. The court ~~commission, a commissioner, or a~~
 1865 ~~parole examiner with approval of the parole examiner supervisor,~~
 1866 may release the parolee on bail or her or his own recognizance,
 1867 conditioned upon her or his appearance at any hearings noticed
 1868 by the commission. If not released on bail or her or his own
 1869 recognizance, the parolee shall be committed to jail pending
 1870 hearings pursuant to s. 947.23. ~~The commission, at its election,~~
 1871 ~~may have the hearing conducted by one or more commissioners or~~
 1872 ~~by a duly authorized representative of the commission~~. Any
 1873 parole and probation officer, any officer authorized to serve
 1874 criminal process, or any peace officer of this state is

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1875 authorized to execute the warrant.

1876 (2) Any parole and probation officer, when she or he has
1877 reasonable ground to believe that a parolee, control releasee,
1878 or conditional releasee has violated the terms and conditions of
1879 her or his parole, control release, or conditional release in a
1880 material respect, has the right to arrest the releasee or
1881 parolee without warrant and bring her or him forthwith before a
1882 court ~~one or more commissioners or a duly authorized~~
1883 ~~representative of the Parole Commission or Control Release~~
1884 ~~Authority;~~ and proceedings shall thereupon be had as provided
1885 ~~herein when a warrant has been issued by a member of the~~
1886 ~~commission or authority or a duly authorized representative of~~
1887 ~~the commission or authority.~~

1888 Section 52. Subsection (2) of section 948.03, Florida
1889 Statutes, is amended to read:

1890 948.03 Terms and conditions of probation.--

1891 (2) The enumeration of specific kinds of terms and
1892 conditions shall not prevent the court from adding thereto such
1893 other or others as it considers proper. However, the sentencing
1894 court may only impose a condition of supervision allowing an
1895 offender convicted of s. 794.011, s. 800.04, s. 827.071, or s.
1896 847.0145, to reside in another state, if the order stipulates
1897 that it is contingent upon the approval of the receiving state
1898 interstate compact authority. The court may rescind or modify at
1899 any time the terms and conditions theretofore imposed by it upon
1900 the probationer. However, if the court withholds adjudication of
1901 guilt or imposes a period of incarceration as a condition of
1902 probation, the period shall not exceed 364 days, and

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1903 incarceration shall be restricted to either a county facility, a
 1904 ~~probation and restitution center under the jurisdiction of the~~
 1905 ~~Department of Corrections,~~ a probation program drug punishment
 1906 phase I secure residential treatment institution, or a community
 1907 residential facility owned or operated by any entity providing
 1908 such services.

1909 Section 53. Subsection (1) of section 948.035, Florida
 1910 Statutes, is amended to read:

1911 948.035 Residential treatment as a condition of probation
 1912 or community control.--

1913 (1) If the court imposes a period of residential treatment
 1914 or incarceration as a condition of probation or community
 1915 control, the residential treatment or incarceration shall be
 1916 restricted to the following facilities:

1917 (a) ~~A Department of Corrections probation and restitution~~
 1918 ~~center;~~

1919 ~~(b)~~ A probation program drug punishment treatment
 1920 community;

1921 (b)~~(e)~~ A community residential facility which is owned and
 1922 operated by any public or private entity, excluding a community
 1923 correctional center as defined in s. 944.026; or

1924 (c)~~(d)~~ A county-owned facility.

1925 Section 54. Subsections (1) and (8) of section 948.08,
 1926 Florida Statutes, are amended, and subsection (9) is added to
 1927 that section, to read:

1928 948.08 Pretrial intervention program.--

1929 (1) At its discretion, each county may operate and ~~The~~
 1930 ~~department shall~~ supervise pretrial intervention programs for

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1931 persons charged with a crime, before or after any information
 1932 has been filed or an indictment has been returned in the circuit
 1933 court. Such programs shall provide appropriate counseling,
 1934 education, supervision, and medical and psychological treatment
 1935 as available and when appropriate for the persons released to
 1936 such programs. Effective July 1, 2007, the department shall no
 1937 longer be responsible for the supervision of pretrial
 1938 intervention programs, including the supervision of offenders in
 1939 pretrial intervention programs.

1940 (8) The county department may contract for the services
 1941 and facilities necessary to operate pretrial intervention
 1942 programs.

1943 (9) The Department of Corrections shall no longer
 1944 supervise offenders under pretrial intervention supervision
 1945 effective July 1, 2007, but the county may supervise such
 1946 offenders if the county elects to continue a pretrial
 1947 supervision program or may be referred to the State Attorney's
 1948 Office for further consideration.

1949 Section 55. Effective January 1, 2007, paragraph (a) of
 1950 subsection (1) and subsections (3) and (6) of section 948.09,
 1951 Florida Statutes, are amended to read:

1952 948.09 Payment for cost of supervision and
 1953 rehabilitation.--

1954 (1)(a)1. Any person ordered by the court, the Department
 1955 of Corrections, ~~or the parole commission~~ to be placed on
 1956 probation, drug offender probation, community control, parole,
 1957 control release, provisional release supervision, addiction-
 1958 recovery supervision, or conditional release supervision under

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1959 chapter 944, chapter 945, chapter 947, chapter 948, or chapter
 1960 958, ~~or in a pretrial intervention program,~~ must, as a condition
 1961 of any placement, pay the department a total sum of money equal
 1962 to the total month or portion of a month of supervision times
 1963 the court-ordered amount, but not to exceed the actual per diem
 1964 cost of the supervision. The department shall adopt rules by
 1965 which an offender who pays in full and in advance of regular
 1966 termination of supervision may receive a reduction in the amount
 1967 due. The rules shall incorporate provisions by which the
 1968 offender's ability to pay is linked to an established written
 1969 payment plan. Funds collected from felony offenders may be used
 1970 to offset costs of the Department of Corrections associated with
 1971 community supervision programs, subject to appropriation by the
 1972 Legislature.

1973 2. In addition to any other contribution or surcharge
 1974 imposed by this section, each felony offender assessed under
 1975 this paragraph shall pay a \$2-per-month surcharge to the
 1976 department. The surcharge shall be deemed to be paid only after
 1977 the full amount of any monthly payment required by the
 1978 established written payment plan has been collected by the
 1979 department. These funds shall be used by the department to pay
 1980 for correctional probation officers' training and equipment,
 1981 including radios, and firearms training, firearms, and attendant
 1982 equipment necessary to train and equip officers who choose to
 1983 carry a concealed firearm while on duty. Nothing in this
 1984 subparagraph shall be construed to limit the department's
 1985 authority to determine who shall be authorized to carry a
 1986 concealed firearm while on duty, or to limit the right of a

1987 | correctional probation officer to carry a personal firearm
 1988 | approved by the department.

1989 | (3) Any failure to pay contribution as required under this
 1990 | section may constitute a ground for the revocation of probation,
 1991 | parole, or conditional release by the court, ~~the revocation of~~
 1992 | ~~parole or conditional release by the Parole Commission, the~~
 1993 | ~~revocation of control release by the Control Release Authority,~~
 1994 | ~~or removal from the pretrial intervention program by the state~~
 1995 | ~~attorney~~. The Department of Corrections may exempt a person from
 1996 | the payment of all or any part of the contribution if it finds
 1997 | any of the following factors to exist:

1998 | (a) The offender has diligently attempted, but has been
 1999 | unable, to obtain employment which provides him or her
 2000 | sufficient income to make such payments.

2001 | (b) The offender is a student in a school, college,
 2002 | university, or course of career training designed to fit the
 2003 | student for gainful employment. Certification of such student
 2004 | status shall be supplied to the Secretary of Corrections by the
 2005 | educational institution in which the offender is enrolled.

2006 | (c) The offender has an employment handicap, as determined
 2007 | by a physical, psychological, or psychiatric examination
 2008 | acceptable to, or ordered by, the secretary.

2009 | (d) The offender's age prevents him or her from obtaining
 2010 | employment.

2011 | (e) The offender is responsible for the support of
 2012 | dependents, and the payment of such contribution constitutes an
 2013 | undue hardship on the offender.

2014 | (f) The offender has been transferred outside the state

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2015 | under an interstate compact adopted pursuant to chapter 949.

2016 | (g) There are other extenuating circumstances, as
 2017 | determined by the secretary.

2018 | (6) In addition to any other required contributions, the
 2019 | department, at its discretion, may require offenders under any
 2020 | form of supervision to submit to and pay for urinalysis testing
 2021 | to identify drug usage as part of the rehabilitation program.
 2022 | Any failure to make such payment, or participate, may be
 2023 | considered a ground for revocation by the court, ~~the Parole~~
 2024 | ~~Commission, or the Control Release Authority, or for removal~~
 2025 | ~~from the pretrial intervention program by the state attorney.~~
 2026 | The department may exempt a person from such payment if it
 2027 | determines that any of the factors specified in subsection (3)
 2028 | exist.

2029 | Section 56. Effective January 1, 2007, subsection (1) of
 2030 | section 948.10, Florida Statutes, is amended to read:

2031 | 948.10 Community control programs.--

2032 | (1) The Department of Corrections shall develop and
 2033 | administer a community control program. Such community control
 2034 | program and required manuals shall be developed in consultation
 2035 | with the Florida Conference of Circuit Court Judges and the
 2036 | office of the State Courts Administrator. This complementary
 2037 | program shall be rigidly structured and designed to accommodate
 2038 | offenders who, in the absence of such a program, would have been
 2039 | incarcerated. The program shall focus on the provision of
 2040 | sanctions and consequences which are commensurate with the
 2041 | seriousness of the crime. The program shall offer the courts ~~and~~
 2042 | ~~the Parole Commission~~ an alternative, community-based method to

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2043 | punish an offender in lieu of incarceration when the offender is
 2044 | a member of one of the following target groups:

2045 | (a) Probation violators charged with technical violations
 2046 | or misdemeanor violations.

2047 | (b) Parole violators charged with technical violations or
 2048 | misdemeanor violations.

2049 | (c) Individuals found guilty of felonies, who, due to
 2050 | their criminal backgrounds or the seriousness of the offenses,
 2051 | would not be placed on regular probation.

2052 | Section 57. Subsection (2) of section 948.101, Florida
 2053 | Statutes, is amended to read:

2054 | 948.101 Terms and conditions of community control and
 2055 | criminal quarantine community control.--

2056 | (2) The enumeration of specific kinds of terms and
 2057 | conditions does not prevent the court from adding thereto any
 2058 | other terms or conditions that the court considers proper.
 2059 | However, the sentencing court may only impose a condition of
 2060 | supervision allowing an offender convicted of s. 794.011, s.
 2061 | 800.04, s. 827.071, or s. 847.0145 to reside in another state if
 2062 | the order stipulates that it is contingent upon the approval of
 2063 | the receiving state interstate compact authority. The court may
 2064 | rescind or modify at any time the terms and conditions
 2065 | theretofore imposed by it upon the offender in community
 2066 | control. However, if the court withholds adjudication of guilt
 2067 | or imposes a period of incarceration as a condition of community
 2068 | control, the period may not exceed 364 days, and incarceration
 2069 | shall be restricted to a county facility, ~~a probation and~~
 2070 | ~~restitution center under the jurisdiction of the Department of~~

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2071 ~~Corrections~~, a probation program drug punishment phase I secure
 2072 residential treatment institution, or a community residential
 2073 facility owned or operated by any entity providing such
 2074 services.

2075 Section 58. Paragraph (b) of subsection (4) of section
 2076 948.51, Florida Statutes, is amended to read:

2077 948.51 Community corrections assistance to counties or
 2078 county consortiums.--

2079 (4) PURPOSES OF COMMUNITY CORRECTIONS FUNDS.--

2080 (b) Programs, services, and facilities that may be funded
 2081 under this section include, but are not limited to:

- 2082 1. Programs providing pretrial services.
- 2083 2. Specialized divisions within the circuit or county
 2084 court established for the purpose of hearing specific types of
 2085 cases, such as drug cases or domestic violence cases.
- 2086 3. Work camps.
- 2087 4. Programs providing intensive probation supervision.
- 2088 5. Military-style boot camps.
- 2089 6. Work-release facilities.
- 2090 7. Centers to which offenders report during the day.
- 2091 8. ~~Restitution centers.~~
- 2092 9. Inpatient or outpatient programs for substance abuse
 2093 treatment and counseling.
- 2094 9.10. Vocational and educational programs.

2095 Section 59. Effective January 1, 2007, section 949.05,
 2096 Florida Statutes, is amended to read:

2097 949.05 Constitutionality.--

2098 ~~(1)~~ If any clause, sentence, paragraph, section, or part

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2099 of chapters 947-949 shall for any reason be adjudged by any
 2100 court of competent jurisdiction to be unconstitutional, invalid,
 2101 or void, such judgment shall not affect, impair, or invalidate
 2102 the remainder of the law, but shall be confined in its operation
 2103 to the clause, sentence, paragraph, section, or part thereof
 2104 directly involved in the controversy in which such judgment
 2105 shall have been rendered.

2106 ~~(2) If the method of selecting the commission members as~~
 2107 ~~herein provided is found to be invalid by reason of the vesting~~
 2108 ~~of the appointing power in the Governor and the Cabinet, the~~
 2109 ~~members of the Parole Commission herein provided for shall be~~
 2110 ~~appointed by the Governor.~~

2111 Section 60. Subsections (3), (4), and (5) of section
 2112 951.231, Florida Statutes, are amended to read:

2113 951.231 County residential probation program.--

2114 ~~(3) A local government having an existing Department of~~
 2115 ~~Corrections probation and restitution center within its~~
 2116 ~~boundaries with current available capacity may contract with the~~
 2117 ~~Department of Corrections to house prisoners sentenced in~~
 2118 ~~accordance with s. 921.18.~~

2119 ~~(4)~~ A local government having an existing Department of
 2120 Corrections probation and restitution center within its
 2121 boundaries without current available capacity, or a local
 2122 government not having an existing Department of Corrections
 2123 probation and restitution center within its boundaries, may
 2124 provide facilities either through construction, purchase, or
 2125 lease of new facilities or purchase, renovation, or lease of
 2126 existing facilities.

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2127 | (4)~~(5)~~ Local governments participating in this program may
 2128 | apply to the Department of Corrections for funding. The
 2129 | department shall allocate the funding for this program to the
 2130 | extent authorized in the General Appropriations Act.

2131 | Section 61. Paragraph (e) of subsection (1) of section
 2132 | 957.04, Florida Statutes, is amended to read:

2133 | 957.04 Contract requirements.--

2134 | (1) A contract entered into under this chapter for the
 2135 | operation of private correctional facilities shall maximize the
 2136 | cost savings of such facilities and shall:

2137 | (e) Establish operations standards for correctional
 2138 | facilities subject to the contract. However, if the department
 2139 | and the contractor disagree with an operations standard, the
 2140 | contractor may propose to waive any rule, policy, or procedure
 2141 | of the department related to the operations standards of
 2142 | correctional facilities which is inconsistent with the mission
 2143 | of the contractor to establish cost-effective, privately
 2144 | operated correctional facilities. The Department of Management
 2145 | Services ~~Florida Corrections Commission~~ shall be responsible for
 2146 | considering all proposals from the contractor to waive any rule,
 2147 | policy, or procedure and shall render a final decision granting
 2148 | or denying such request.

2149 | Section 62. Effective January 1, 2007, subsection (6) of
 2150 | section 957.06, Florida Statutes, is amended to read:

2151 | 957.06 Powers and duties not delegable to contractor.--A
 2152 | contract entered into under this chapter does not authorize,
 2153 | allow, or imply a delegation of authority to the contractor to:

2154 | (6) Make recommendations to a regional parole board ~~the~~

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2155 ~~Parole Commission~~ with respect to the denial or granting of
 2156 parole, control release, conditional release, or conditional
 2157 medical release. However, the contractor may submit written
 2158 reports to a regional parole board ~~the Parole Commission~~ and
 2159 must respond to a written request by a regional parole board ~~the~~
 2160 ~~Parole Commission~~ for information.

2161 Section 63. Subsection (5) of section 957.07, Florida
 2162 Statutes, is amended to read:

2163 957.07 Cost-saving requirements.--

2164 (5) (a) At the request of the Speaker of the House of
 2165 Representatives or the President of the Senate ~~By February 1~~
 2166 ~~each year~~, the Prison Per-Diem Workgroup shall develop consensus
 2167 per diem rates for use by the Legislature ~~to be used when~~
 2168 ~~determining per diem rates of privately operated prisons~~. The
 2169 Office of Program Policy Analysis and Government Accountability,
 2170 ~~the Office of the Auditor General~~, and the staffs of the
 2171 appropriations committees of both the Senate and the House of
 2172 Representatives are the principals of the workgroup. The
 2173 workgroup may consult with other experts to assist in the
 2174 development of the consensus per diem rates. All meetings of the
 2175 workgroup shall be open to the public as provided in chapter
 2176 286.

2177 (b) When developing the consensus per diem rates, the
 2178 workgroup must:

2179 1. Use data provided by the Department of Corrections from
 2180 the most recent fiscal year to determine per diem costs for the
 2181 following activities:

2182 a. Custody and control;

2183 b. Health services;

2184 c. Substance abuse programs; and

2185 d. Educational programs;

2186 2. Include the cost of departmental, regional,

2187 institutional, and program administration and any other fixed

2188 costs of the department;

2189 3. Calculate average per diem rates for the following

2190 offender populations: adult male, youthful offender male, and

2191 female; and

2192 4. Make per diem adjustments, as appropriate, to account

2193 for variations in size and location of correctional facilities.

2194 (c) ~~It is the intent of the Legislature that~~ The consensus

2195 per diem rates determined by the workgroup may ~~shall~~ be used to

2196 assist the Legislature in determining ~~determine~~ the level of

2197 funding provided to privately operated prisons to meet the,

2198 ~~which must reflect at least a 7-percent savings~~ required of

2199 private prisons by this chapter ~~when compared to the Department~~

2200 ~~of Corrections.~~

2201 (d) If a private vendor chooses not to renew the contract

2202 at the appropriated level, the Department of Management Services

2203 shall terminate the contract as provided in s. 957.14.

2204 ~~(e) This subsection supersedes the proviso language~~

2205 ~~immediately following Specific Appropriation 570 in the~~

2206 ~~Conference Report on CS for SB 2-C.~~

2207 Section 64. Paragraphs (b) and (c) of subsection (2) of

2208 section 958.04, Florida Statutes, are amended to read:

2209 958.04 Judicial disposition of youthful offenders.--

2210 (2) In lieu of other criminal penalties authorized by law

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2211 and notwithstanding any imposition of consecutive sentences, the
 2212 court shall dispose of the criminal case as follows:

2213 (b) The court may impose a period of incarceration as a
 2214 condition of probation or community control, which period of
 2215 incarceration shall be served in either a county facility, a
 2216 ~~department probation and restitution center,~~ or a community
 2217 residential facility which is owned and operated by any public
 2218 or private entity providing such services. No youthful offender
 2219 may be required to serve a period of incarceration in a
 2220 community correctional center as defined in s. 944.026.
 2221 Admission to a department facility ~~or center~~ shall be contingent
 2222 upon the availability of bed space and shall take into account
 2223 the purpose and function of such facility ~~or center~~. Placement
 2224 in such a facility ~~or center~~ shall not exceed 364 days.

2225 (c) The court may impose a split sentence whereby the
 2226 youthful offender is to be placed on probation or community
 2227 control upon completion of any specified period of
 2228 incarceration; however, if the incarceration period is to be
 2229 served in a department facility ~~other than a probation and~~
 2230 ~~restitution center~~ or community residential facility, such
 2231 period shall be for not less than 1 year or more than 4 years.
 2232 The period of probation or community control shall commence
 2233 immediately upon the release of the youthful offender from
 2234 incarceration. The period of incarceration imposed or served and
 2235 the period of probation or community control, when added
 2236 together, shall not exceed 6 years.

2237 Section 65. Effective January 1, 2007, paragraph (c) of
 2238 subsection (8) of section 958.045, Florida Statutes, is amended

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2239 to read:

2240 958.045 Youthful offender basic training program.--

2241 (8)

2242 (c) The department shall work cooperatively with the
 2243 Control Release Authority or the regional parole board having
 2244 jurisdiction ~~Parole Commission~~ to effect the release of an
 2245 offender who has successfully completed the requirements of the
 2246 basic training program.

2247 Section 66. Effective January 1, 2007, subsection (1) of
 2248 section 960.001, Florida Statutes, is amended to read:

2249 960.001 Guidelines for fair treatment of victims and
 2250 witnesses in the criminal justice and juvenile justice
 2251 systems.--

2252 (1) The Department of Legal Affairs, the state attorneys,
 2253 the Department of Corrections, the Department of Juvenile
 2254 Justice, ~~the Parole Commission~~, the State Courts Administrator
 2255 and circuit court administrators, the Department of Law
 2256 Enforcement, and every sheriff's department, police department,
 2257 or other law enforcement agency as defined in s. 943.10(4) shall
 2258 develop and implement guidelines for the use of their respective
 2259 agencies, which guidelines are consistent with the purposes of
 2260 this act and s. 16(b), Art. I of the State Constitution and are
 2261 designed to implement the provisions of s. 16(b), Art. I of the
 2262 State Constitution and to achieve the following objectives:

2263 (a) Information concerning services available to victims
 2264 of adult and juvenile crime.--As provided in s. 27.0065, state
 2265 attorneys and public defenders shall gather information
 2266 regarding the following services in the geographic boundaries of

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2267 their respective circuits and shall provide such information to
2268 each law enforcement agency with jurisdiction within such
2269 geographic boundaries. Law enforcement personnel shall ensure,
2270 through distribution of a victim's rights information card or
2271 brochure at the crime scene, during the criminal investigation,
2272 and in any other appropriate manner, that victims are given, as
2273 a matter of course at the earliest possible time, information
2274 about:

2275 1. The availability of crime victim compensation, when
2276 applicable;

2277 2. Crisis intervention services, supportive or bereavement
2278 counseling, social service support referrals, and community-
2279 based victim treatment programs;

2280 3. The role of the victim in the criminal or juvenile
2281 justice process, including what the victim may expect from the
2282 system as well as what the system expects from the victim;

2283 4. The stages in the criminal or juvenile justice process
2284 which are of significance to the victim and the manner in which
2285 information about such stages can be obtained;

2286 5. The right of a victim, who is not incarcerated,
2287 including the victim's parent or guardian if the victim is a
2288 minor, the lawful representative of the victim or of the
2289 victim's parent or guardian if the victim is a minor, and the
2290 next of kin of a homicide victim, to be informed, to be present,
2291 and to be heard when relevant, at all crucial stages of a
2292 criminal or juvenile proceeding, to the extent that this right
2293 does not interfere with constitutional rights of the accused, as
2294 provided by s. 16(b), Art. I of the State Constitution;

2295 6. In the case of incarcerated victims, the right to be
 2296 informed and to submit written statements at all crucial stages
 2297 of the criminal proceedings, parole proceedings, or juvenile
 2298 proceedings; and

2299 7. The right of a victim to a prompt and timely
 2300 disposition of the case in order to minimize the period during
 2301 which the victim must endure the responsibilities and stress
 2302 involved to the extent that this right does not interfere with
 2303 the constitutional rights of the accused.

2304 (b) Information for purposes of notifying victim or
 2305 appropriate next of kin of victim or other designated contact of
 2306 victim.--In the case of a homicide, pursuant to chapter 782; or
 2307 a sexual offense, pursuant to chapter 794; or an attempted
 2308 murder or sexual offense, pursuant to chapter 777; or stalking,
 2309 pursuant to s. 784.048; or domestic violence, pursuant to s.
 2310 25.385:

2311 1. The arresting law enforcement officer or personnel of
 2312 an organization that provides assistance to a victim or to the
 2313 appropriate next of kin of the victim or other designated
 2314 contact must request that the victim or appropriate next of kin
 2315 of the victim or other designated contact complete a victim
 2316 notification card. However, the victim or appropriate next of
 2317 kin of the victim or other designated contact may choose not to
 2318 complete the victim notification card.

2319 2. Unless the victim or the appropriate next of kin of the
 2320 victim or other designated contact waives the option to complete
 2321 the victim notification card, a copy of the victim notification
 2322 card must be filed with the incident report or warrant in the

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2323 | sheriff's office of the jurisdiction in which the incident
2324 | report or warrant originated. The notification card shall, at a
2325 | minimum, consist of:

2326 | a. The name, address, and phone number of the victim; or

2327 | b. The name, address, and phone number of the appropriate
2328 | next of kin of the victim; or

2329 | c. The name, address, and phone number of a designated
2330 | contact other than the victim or appropriate next of kin of the
2331 | victim; and

2332 | d. Any relevant identification or case numbers assigned to
2333 | the case.

2334 | 3. The chief administrator, or a person designated by the
2335 | chief administrator, of a county jail, municipal jail, juvenile
2336 | detention facility, or residential commitment facility shall
2337 | make a reasonable attempt to notify the alleged victim or
2338 | appropriate next of kin of the alleged victim or other
2339 | designated contact within 4 hours following the release of the
2340 | defendant on bail or, in the case of a juvenile offender, upon
2341 | the release from residential detention or commitment. If the
2342 | chief administrator, or designee, is unable to contact the
2343 | alleged victim or appropriate next of kin of the alleged victim
2344 | or other designated contact by telephone, the chief
2345 | administrator, or designee, must send to the alleged victim or
2346 | appropriate next of kin of the alleged victim or other
2347 | designated contact a written notification of the defendant's
2348 | release.

2349 | 4. Unless otherwise requested by the victim or the
2350 | appropriate next of kin of the victim or other designated

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2351 contact, the information contained on the victim notification
2352 card must be sent by the chief administrator, or designee, of
2353 the appropriate facility to the subsequent correctional or
2354 residential commitment facility following the sentencing and
2355 incarceration of the defendant, and unless otherwise requested
2356 by the victim or the appropriate next of kin of the victim or
2357 other designated contact, he or she must be notified of the
2358 release of the defendant from incarceration as provided by law.

2359 5. If the defendant was arrested pursuant to a warrant
2360 issued or taken into custody pursuant to s. 985.207 in a
2361 jurisdiction other than the jurisdiction in which the defendant
2362 is being released, and the alleged victim or appropriate next of
2363 kin of the alleged victim or other designated contact does not
2364 waive the option for notification of release, the chief
2365 correctional officer or chief administrator of the facility
2366 releasing the defendant shall make a reasonable attempt to
2367 immediately notify the chief correctional officer of the
2368 jurisdiction in which the warrant was issued or the juvenile was
2369 taken into custody pursuant to s. 985.207, and the chief
2370 correctional officer of that jurisdiction shall make a
2371 reasonable attempt to notify the alleged victim or appropriate
2372 next of kin of the alleged victim or other designated contact,
2373 as provided in this paragraph, that the defendant has been or
2374 will be released.

2375 (c) Information concerning protection available to victim
2376 or witness.--A victim or witness shall be furnished, as a matter
2377 of course, with information on steps that are available to law
2378 enforcement officers and state attorneys to protect victims and

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2379 witnesses from intimidation. Victims of domestic violence shall
 2380 also be given information about the address confidentiality
 2381 program provided under s. 741.403.

2382 (d) Notification of scheduling changes.--Each victim or
 2383 witness who has been scheduled to attend a criminal or juvenile
 2384 justice proceeding shall be notified as soon as possible by the
 2385 agency scheduling his or her appearance of any change in
 2386 scheduling which will affect his or her appearance.

2387 (e) Advance notification to victim or relative of victim
 2388 concerning judicial proceedings; right to be present.--Any
 2389 victim, parent, guardian, or lawful representative of a minor
 2390 who is a victim, or relative of a homicide victim shall receive
 2391 from the appropriate agency, at the address found in the police
 2392 report or the victim notification card if such has been provided
 2393 to the agency, prompt advance notification, unless the agency
 2394 itself does not have advance notification, of judicial and
 2395 postjudicial proceedings relating to his or her case, including
 2396 all proceedings or hearings relating to:

- 2397 1. The arrest of an accused;
- 2398 2. The release of the accused pending judicial proceedings
 2399 or any modification of release conditions; and
- 2400 3. Proceedings in the prosecution or petition for
 2401 delinquency of the accused, including the filing of the
 2402 accusatory instrument, the arraignment, disposition of the
 2403 accusatory instrument, trial or adjudicatory hearing, sentencing
 2404 or disposition hearing, appellate review, subsequent
 2405 modification of sentence, collateral attack of a judgment, and,
 2406 when a term of imprisonment, detention, or residential

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2407 | commitment is imposed, the release of the defendant or juvenile
2408 | offender from such imprisonment, detention, or residential
2409 | commitment by expiration of sentence or parole and any meeting
2410 | held to consider such release.

2411 |
2412 | A victim, a victim's parent or guardian if the victim is a
2413 | minor, a lawful representative of the victim or of the victim's
2414 | parent or guardian if the victim is a minor, or a victim's next
2415 | of kin may not be excluded from any portion of any hearing,
2416 | trial, or proceeding pertaining to the offense based solely on
2417 | the fact that such person is subpoenaed to testify, unless, upon
2418 | motion, the court determines such person's presence to be
2419 | prejudicial. The appropriate agency with respect to notification
2420 | under subparagraph 1. is the arresting law enforcement agency,
2421 | and the appropriate agency with respect to notification under
2422 | subparagraphs 2. and 3. is the Attorney General or state
2423 | attorney, unless the notification relates to a hearing
2424 | concerning parole, in which case the appropriate agency is the
2425 | Office of the Attorney General ~~Parole Commission~~. The Department
2426 | of Corrections, the Department of Juvenile Justice, or the
2427 | sheriff is the appropriate agency with respect to release by
2428 | expiration of sentence or any other release program provided by
2429 | law. Any victim may waive notification at any time, and such
2430 | waiver shall be noted in the agency's files.

2431 | (f) Information concerning release from incarceration from
2432 | a county jail, municipal jail, juvenile detention facility, or
2433 | residential commitment facility.--The chief administrator, or a
2434 | person designated by the chief administrator, of a county jail,

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2435 municipal jail, juvenile detention facility, or residential
 2436 commitment facility shall, upon the request of the victim or the
 2437 appropriate next of kin of a victim or other designated contact
 2438 of the victim of any of the crimes specified in paragraph (b),
 2439 make a reasonable attempt to notify the victim or appropriate
 2440 next of kin of the victim or other designated contact prior to
 2441 the defendant's or offender's release from incarceration,
 2442 detention, or residential commitment if the victim notification
 2443 card has been provided pursuant to paragraph (b). If prior
 2444 notification is not successful, a reasonable attempt must be
 2445 made to notify the victim or appropriate next of kin of the
 2446 victim or other designated contact within 4 hours following the
 2447 release of the defendant or offender from incarceration,
 2448 detention, or residential commitment. If the defendant is
 2449 released following sentencing, disposition, or furlough, the
 2450 chief administrator or designee shall make a reasonable attempt
 2451 to notify the victim or the appropriate next of kin of the
 2452 victim or other designated contact within 4 hours following the
 2453 release of the defendant. If the chief administrator or designee
 2454 is unable to contact the victim or appropriate next of kin of
 2455 the victim or other designated contact by telephone, the chief
 2456 administrator or designee must send to the victim or appropriate
 2457 next of kin of the victim or other designated contact a written
 2458 notification of the defendant's or offender's release.

2459 (g) Consultation with victim or guardian or family of
 2460 victim.--

2461 1. In addition to being notified of the provisions of s.
 2462 921.143, the victim of a felony involving physical or emotional

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2463 injury or trauma or, in a case in which the victim is a minor
 2464 child or in a homicide, the guardian or family of the victim
 2465 shall be consulted by the state attorney in order to obtain the
 2466 views of the victim or family about the disposition of any
 2467 criminal or juvenile case brought as a result of such crime,
 2468 including the views of the victim or family about:

- 2469 a. The release of the accused pending judicial
- 2470 proceedings;
- 2471 b. Plea agreements;
- 2472 c. Participation in pretrial diversion programs; and
- 2473 d. Sentencing of the accused.

2474 2. Upon request, the state attorney shall permit the
 2475 victim, the victim's parent or guardian if the victim is a
 2476 minor, the lawful representative of the victim or of the
 2477 victim's parent or guardian if the victim is a minor, or the
 2478 victim's next of kin in the case of a homicide to review a copy
 2479 of the presentence investigation report prior to the sentencing
 2480 hearing if one was completed. Any confidential information that
 2481 pertains to medical history, mental health, or substance abuse
 2482 and any information that pertains to any other victim shall be
 2483 redacted from the copy of the report. Any person who reviews the
 2484 report pursuant to this paragraph must maintain the
 2485 confidentiality of the report and shall not disclose its
 2486 contents to any person except statements made to the state
 2487 attorney or the court.

2488 3. When an inmate has been approved for community work
 2489 release, the Department of Corrections shall, upon request and
 2490 as provided in s. 944.605, notify the victim, the victim's

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2491 parent or guardian if the victim is a minor, the lawful
2492 representative of the victim or of the victim's parent or
2493 guardian if the victim is a minor, or the victim's next of kin
2494 if the victim is a homicide victim.

2495 (h) Return of property to victim.--Law enforcement
2496 agencies and the state attorney shall promptly return a victim's
2497 property held for evidentiary purposes unless there is a
2498 compelling law enforcement reason for retaining it. The trial or
2499 juvenile court exercising jurisdiction over the criminal or
2500 juvenile proceeding may enter appropriate orders to implement
2501 the provisions of this subsection, including allowing
2502 photographs of the victim's property to be used as evidence at
2503 the criminal trial or the juvenile proceeding in place of the
2504 victim's property when no substantial evidentiary issue related
2505 thereto is in dispute.

2506 (i) Notification to employer and explanation to creditors
2507 of victim or witness.--A victim or witness who so requests shall
2508 be assisted by law enforcement agencies and the state attorney
2509 in informing his or her employer that the need for victim and
2510 witness cooperation in the prosecution of the case may
2511 necessitate the absence of that victim or witness from work. A
2512 victim or witness who, as a direct result of a crime or of his
2513 or her cooperation with law enforcement agencies or a state
2514 attorney, is subjected to serious financial strain shall be
2515 assisted by such agencies and state attorney in explaining to
2516 the creditors of such victim or witness the reason for such
2517 serious financial strain.

2518 (j) Notification of right to request restitution.--Law

2519 enforcement agencies and the state attorney shall inform the
 2520 victim of the victim's right to request and receive restitution
 2521 pursuant to s. 775.089 or s. 985.231(1)(a)1., and of the
 2522 victim's rights of enforcement under ss. 775.089(6) and 985.201
 2523 in the event an offender does not comply with a restitution
 2524 order. The state attorney shall seek the assistance of the
 2525 victim in the documentation of the victim's losses for the
 2526 purpose of requesting and receiving restitution. In addition,
 2527 the state attorney shall inform the victim if and when
 2528 restitution is ordered. If an order of restitution is converted
 2529 to a civil lien or civil judgment against the defendant, the
 2530 clerks shall make available at their office, as well as on their
 2531 website, information provided by the Secretary of State, the
 2532 court, or The Florida Bar on enforcing the civil lien or
 2533 judgment.

2534 (k) Notification of right to submit impact statement.--The
 2535 state attorney shall inform the victim of the victim's right to
 2536 submit an oral or written impact statement pursuant to s.
 2537 921.143 and shall assist in the preparation of such statement if
 2538 necessary.

2539 (l) Local witness coordination services.--The requirements
 2540 for notification provided for in paragraphs (c), (d), and (i)
 2541 may be performed by the state attorney or public defender for
 2542 their own witnesses.

2543 (m) Victim assistance education and training.--Victim
 2544 assistance education and training shall be offered to persons
 2545 taking courses at law enforcement training facilities and to
 2546 state attorneys and assistant state attorneys so that victims

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2547 may be promptly, properly, and completely assisted.

2548 (n) General victim assistance.--Victims and witnesses
2549 shall be provided with such other assistance, such as
2550 transportation, parking, separate pretrial waiting areas, and
2551 translator services in attending court, as is practicable.

2552 (o) Victim's rights information card or brochure.--A
2553 victim of a crime shall be provided with a victim's rights
2554 information card or brochure containing essential information
2555 concerning the rights of a victim and services available to a
2556 victim as required by state law.

2557 (p) Information concerning escape from a state
2558 correctional institution, county jail, juvenile detention
2559 facility, or residential commitment facility.--In any case where
2560 an offender escapes from a state correctional institution,
2561 private correctional facility, county jail, juvenile detention
2562 facility, or residential commitment facility, the institution of
2563 confinement shall immediately notify the state attorney of the
2564 jurisdiction where the criminal charge or petition for
2565 delinquency arose and the judge who imposed the sentence of
2566 incarceration. The state attorney shall thereupon make every
2567 effort to notify the victim, material witness, parents or legal
2568 guardian of a minor who is a victim or witness, or immediate
2569 relatives of a homicide victim of the escapee. The state
2570 attorney shall also notify the sheriff of the county where the
2571 criminal charge or petition for delinquency arose. The sheriff
2572 shall offer assistance upon request. When an escaped offender is
2573 subsequently captured or is captured and returned to the
2574 institution of confinement, the institution of confinement shall

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2575 again immediately notify the appropriate state attorney and
2576 sentencing judge pursuant to this section.

2577 (q) Presence of victim advocate during discovery
2578 deposition; testimony of victim of a sexual offense.--At the
2579 request of the victim or the victim's parent, guardian, or
2580 lawful representative, the victim advocate designated by state
2581 attorney's office, sheriff's office, or municipal police
2582 department, or one representative from a not-for-profit victim
2583 services organization, including, but not limited to, rape
2584 crisis centers, domestic violence advocacy groups, and alcohol
2585 abuse or substance abuse groups shall be permitted to attend and
2586 be present during any deposition of the victim. The victim of a
2587 sexual offense shall be informed of the right to have the
2588 courtroom cleared of certain persons as provided in s. 918.16
2589 when the victim is testifying concerning that offense.

2590 (r) Implementing crime prevention in order to protect the
2591 safety of persons and property, as prescribed in the State
2592 Comprehensive Plan.--By preventing crimes that create victims or
2593 further harm former victims, crime prevention efforts are an
2594 essential part of providing effective service for victims and
2595 witnesses. Therefore, the agencies identified in this subsection
2596 may participate in and expend funds for crime prevention, public
2597 awareness, public participation, and educational activities
2598 directly relating to, and in furtherance of, existing public
2599 safety statutes. Furthermore, funds may not be expended for the
2600 purpose of influencing public opinion on public policy issues
2601 that have not been resolved by the Legislature or the
2602 electorate.

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2603 (s) Attendance of victim at same school as
 2604 defendant.--When the victim of an offense committed by a
 2605 juvenile is a minor, the Department of Juvenile Justice shall
 2606 request information to determine if the victim, or any sibling
 2607 of the victim, attends or is eligible to attend the same school
 2608 as the offender. However, if the offender is subject to a
 2609 presentence investigation by the Department of Corrections, the
 2610 Department of Corrections shall make such request. If the victim
 2611 or any sibling of the victim attends or is eligible to attend
 2612 the same school as that of the offender, the appropriate agency
 2613 shall notify the victim's parent or legal guardian of the right
 2614 to attend the sentencing or disposition of the offender and
 2615 request that the offender be required to attend a different
 2616 school.

2617 Section 67. Effective January 1, 2007, subsection (3) of
 2618 section 960.17, Florida Statutes, is amended to read:

2619 960.17 Award constitutes debt owed to state.--

2620 (3) The regional parole board with jurisdiction ~~Parole~~
 2621 ~~Commission~~ shall make the payment of the debt to the state a
 2622 condition of parole under chapter 947, unless the board
 2623 ~~commission~~ finds reasons to the contrary. If the board
 2624 ~~commission~~ does not order payment, or orders only partial
 2625 payment, it shall state on the record the reasons therefor.

2626 Section 68. Effective January 1, 2007, paragraph (a) of
 2627 subsection (3) of section 985.04, Florida Statutes, is amended
 2628 to read:

2629 985.04 Oaths; records; confidential information.--

2630 (3) (a) Except as provided in subsections (2), (4), (5),

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2631 and (6), and s. 943.053, all information obtained under this
2632 part in the discharge of official duty by any judge, any
2633 employee of the court, any authorized agent of the Department of
2634 Juvenile Justice, the regional parole boards ~~Parole Commission~~,
2635 the Department of Corrections, the juvenile justice circuit
2636 boards, any law enforcement agent, or any licensed professional
2637 or licensed community agency representative participating in the
2638 assessment or treatment of a juvenile is confidential and may be
2639 disclosed only to the authorized personnel of the court, the
2640 Department of Juvenile Justice and its designees, the Department
2641 of Corrections, the regional parole boards ~~Parole Commission~~,
2642 law enforcement agents, school superintendents and their
2643 designees, any licensed professional or licensed community
2644 agency representative participating in the assessment or
2645 treatment of a juvenile, and others entitled under this chapter
2646 to receive that information, or upon order of the court. Within
2647 each county, the sheriff, the chiefs of police, the district
2648 school superintendent, and the department shall enter into an
2649 interagency agreement for the purpose of sharing information
2650 about juvenile offenders among all parties. The agreement must
2651 specify the conditions under which summary criminal history
2652 information is to be made available to appropriate school
2653 personnel, and the conditions under which school records are to
2654 be made available to appropriate department personnel. Such
2655 agreement shall require notification to any classroom teacher of
2656 assignment to the teacher's classroom of a juvenile who has been
2657 placed in a probation or commitment program for a felony
2658 offense. The agencies entering into such agreement must comply

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2659 with s. 943.0525, and must maintain the confidentiality of
 2660 information that is otherwise exempt from s. 119.07(1), as
 2661 provided by law.

2662 Section 69. Effective January 1, 2007, subsection (2) of
 2663 section 985.05, Florida Statutes, is amended to read:

2664 985.05 Court records.--

2665 (2) The clerk shall keep all official records required by
 2666 this section separate from other records of the circuit court,
 2667 except those records pertaining to motor vehicle violations,
 2668 which shall be forwarded to the Department of Highway Safety and
 2669 Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),
 2670 official records required by this part are not open to
 2671 inspection by the public, but may be inspected only upon order
 2672 of the court by persons deemed by the court to have a proper
 2673 interest therein, except that a child and the parents,
 2674 guardians, or legal custodians of the child and their attorneys,
 2675 law enforcement agencies, the Department of Juvenile Justice and
 2676 its designees, a regional parole board ~~the Parole Commission~~,
 2677 the Department of Corrections, and the Justice Administrative
 2678 Commission shall always have the right to inspect and copy any
 2679 official record pertaining to the child. The court may permit
 2680 authorized representatives of recognized organizations compiling
 2681 statistics for proper purposes to inspect, and make abstracts
 2682 from, official records under whatever conditions upon the use
 2683 and disposition of such records the court may deem proper and
 2684 may punish by contempt proceedings any violation of those
 2685 conditions.

2686 Section 70. Effective January 1, 2007, subsection (1) of

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2687 section 784.078, Florida Statutes, is amended to read:

2688 784.078 Battery of facility employee by throwing, tossing,
2689 or expelling certain fluids or materials.--

2690 (1) As used in this section, the term "facility" means a
2691 state correctional institution defined in s. 944.02~~(6)~~; a
2692 private correctional facility defined in s. 944.710 or under
2693 chapter 957; a county, municipal, or regional jail or other
2694 detention facility of local government under chapter 950 or
2695 chapter 951; or a secure facility operated and maintained by the
2696 Department of Corrections or the Department of Juvenile Justice.

2697 Section 71. Effective January 1, 2007, support for the
2698 Governor and Cabinet acting in their capacity as the Executive
2699 Board of Clemency is hereby transferred from the Parole
2700 Commission to the Executive Office of the Governor by a type two
2701 transfer as provided in s. 20.06, Florida Statutes.

2702 Section 72. Effective January 1, 2007, sections 947.01 and
2703 947.022, Florida Statutes, are repealed.

2704 Section 73. The Division of Statutory Revision of the
2705 Office of Legislative Services shall redesignate, in the next
2706 edition of the Florida Statutes, the title of chapter 947,
2707 Florida Statutes, as "Regional Parole Boards."

2708 Section 74. Except as otherwise expressly provided in this
2709 act, this act shall take effect July 1, 2006.