

1 A bill to be entitled
2 An act relating to reorganization of the Parole
3 Commission; changing the name to the Parole Board;
4 transferring the commission to the Department of
5 Corrections for administrative purposes; amending ss.
6 11.905, 20.315, 20.32, 23.21, 112.011, 186.005, 255.502,
7 311.12, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07,
8 784.078, 843.01, 843.02, 843.08, 893.11, and 921.16, F.S.;
9 conforming provisions to changes made by the act;
10 repealing s. 921.20, F.S., relating to a classification
11 summary to be furnished to the Parole Commission; amending
12 ss. 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311,
13 943.06, 943.325, 944.012, 944.02, 944.024, 944.091,
14 944.23, 944.291, 944.4731, 945.091, 945.10, 945.25,
15 945.47, and 945.73, F.S.; conforming provisions to changes
16 made by the act; repealing s. 947.001, F.S., relating to a
17 short title to chapter 947, F.S.; amending ss. 947.002,
18 947.005, 947.01, and 947.02, F.S.; conforming provisions
19 to changes made by the act; repealing s. 947.021, F.S.,
20 relating to expedited appointments to the Parole
21 Commission; amending ss. 947.03 and 947.04, F.S.;
22 conforming provisions to changes made by the act;
23 providing a transitional provision relating to assignment
24 of former Parole Commissioners to temporary duty for
25 specified purposes; repealing s. 947.045, F.S., relating
26 to the commission's Federal Grants Trust Fund; amending
27 ss. 947.05, 947.06, 947.07, 947.071, 947.10, 947.11,
28 947.12, and 947.13, F.S.; conforming provisions to changes

29 | made by the act; repealing s. 947.135, F.S., relating to a
 30 | mutual participation program; repealing s. 958.15, F.S.,
 31 | relating to exempting youthful offenders in mutual
 32 | participation program agreements from specified
 33 | provisions; amending ss. 947.1405, 947.141, 947.146,
 34 | 947.149, 947.15, 947.16, 947.165, 947.168, 947.172,
 35 | 947.173, 947.174, 947.1745, 947.1746, 947.1747, 947.18,
 36 | 947.181, 947.185, 947.19, 947.20, 947.21, 947.22, 947.23,
 37 | 947.24, 947.26, 948.09, 948.10, 949.05, 951.29, 957.06,
 38 | 958.045, 960.001, 960.17, 985.04, and 985.045, F.S.;
 39 | conforming provisions to changes made by the act;
 40 | reenacting s. 948.06(6), F.S., relating to violations of
 41 | community control, to incorporate the amendments to ss.
 42 | 947.22 and 947.23, F.S., in references thereto; providing
 43 | a directive to the Division of Statutory Revision;
 44 | transferring statutory powers, duties and functions,
 45 | records, personnel, property, and unexpended balances of
 46 | appropriations, allocations, or other funds for the
 47 | administration of the Parole Commission by a type two
 48 | transfer from the Parole Commission to the Department of
 49 | Corrections; providing legislative intent concerning the
 50 | hiring of former Parole Commission employees by the
 51 | department; specifying legislative intent concerning the
 52 | nature of the transfer; providing provisions that apply if
 53 | a court should rule that the Parole Board is not a
 54 | continuation of the Parole Commission; providing an
 55 | effective date.

56

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

58
 59 Section 1. Paragraph (f) of subsection (7) of section
 60 11.905, Florida Statutes, is amended to read:

61 11.905 Schedule for reviewing state agencies and advisory
 62 committees.--The following state agencies, including their
 63 advisory committees, or the following advisory committees of
 64 agencies shall be reviewed according to the following schedule:

65 (7) Reviewed by July 1, 2020:

66 (f) Parole Board ~~Commission~~.

67
 68 Upon completion of this cycle, each agency shall again be
 69 subject to sunset review 10 years after its initial review.

70 Section 2. Subsections (9) and (10) of section 20.315,
 71 Florida Statutes are amended, subsections (11) and (12) of that
 72 section are renumbered as subsections (12) and (13),
 73 respectively, and a new subsection (11) is added to that
 74 section, to read:

75 20.315 Department of Corrections.--There is created a
 76 Department of Corrections.

77 (9) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.--All
 78 commitments shall state the statutory authority therefor. The
 79 Secretary of Corrections shall have the authority to prescribe
 80 the form to be used for commitments. Nothing in this section ~~act~~
 81 shall be construed to abridge the authority and responsibility
 82 of the Parole Board ~~Commission~~ with respect to the granting and
 83 revocation of parole. The Department of Corrections shall notify
 84 the Parole Board ~~Commission~~ of all violations of parole

85 conditions and provide reports connected thereto as may be
 86 requested by the board ~~commission~~. The board ~~commission~~ shall
 87 have the authority to issue orders dealing with supervision of
 88 specific parolees, and such orders shall be binding on all
 89 parties.

90 (10) PAROLE BOARD SINGLE INFORMATION AND RECORDS
 91 SYSTEM.--The Parole Board shall be administratively housed
 92 within the department. The secretary shall provide appropriate
 93 staff support for the board, office space, and other
 94 administrative support. The secretary may assign parole
 95 examiners to assist the board. The department ~~There shall create~~
 96 and maintain an ~~be only one~~ offender-based information and
 97 records system ~~maintained by the Department of Corrections for~~
 98 the joint use of the department and the board ~~Parole Commission~~.
 99 ~~This data system is managed through the Justice Data Center,~~
 100 ~~which is hereby transferred to the department under this act~~
 101 ~~pursuant to a type two transfer authorized under s. 20.06(2).~~
 102 ~~The department shall develop and maintain, in consultation with~~
 103 the Criminal and Juvenile Justice Information Systems Council
 104 under s. 943.08, ~~such offender based information system designed~~
 105 ~~to serve the needs of both the department and the Parole~~
 106 ~~Commission.~~ The department shall notify the board ~~commission~~ of
 107 all violations of parole and the circumstances thereof.

108 (11) CLEMENCY.--The department shall exercise powers,
 109 duties, and functions relating to investigations of applications
 110 for executive clemency as directed by the Governor and the
 111 Cabinet.

112 Section 3. Section 20.32, Florida Statutes, is amended to
 113 read:

114 20.32 Parole Board ~~Commission~~.--

115 (1) The Parole and Probation Commission, authorized by s.
 116 8(c), Art. IV, State Constitution of 1968, is continued and
 117 renamed the Parole Board ~~Commission~~. The board ~~commission~~
 118 retains its powers, duties, and functions with respect to the
 119 granting and revoking of parole ~~and shall exercise powers,~~
 120 ~~duties, and functions relating to investigations of applications~~
 121 ~~for clemency as directed by the Governor and the Cabinet.~~

122 (2) All powers, duties, and functions relating to the
 123 appointment of the Parole Board ~~Commission~~ as provided in s.
 124 947.02 ~~or s. 947.021~~ shall be exercised and performed by the
 125 Governor and the Cabinet. ~~Except as provided in s. 947.021, each~~
 126 ~~appointment shall be made from among the first three eligible~~
 127 ~~persons on the list of the persons eligible for said position.~~

128 (3) The board is not a department of the executive branch.
 129 The board shall be administratively housed within the Department
 130 of Corrections, which shall provide administrative support and
 131 services to the board. The members of the board are selected
 132 pursuant to s. 947.02 and may be removed from the board pursuant
 133 to s. 947.03. The members of the board are not subject to the
 134 control, supervision, or direction of the department related to
 135 the constitutional or statutory duties of the board. The members
 136 of the board shall give their full-time attention to their
 137 duties, and shall be compensated as provided in the General
 138 Appropriations Act ~~commission may require any employee of the~~
 139 ~~commission to give a bond for the faithful performance of his or~~

140 ~~her duties. The commission may determine the amount of the bond~~
 141 ~~and must approve the bond. In determining the amount of the~~
 142 ~~bond, the commission may consider the amount of money or~~
 143 ~~property likely to be in custody of the officer or employee at~~
 144 ~~any one time. The premiums for the bonds must be paid out of the~~
 145 ~~funds of the commission.~~

146 Section 4. Subsection (1) of section 23.21, Florida
 147 Statutes, is amended to read:

148 23.21 Definitions.--For purposes of this part:

149 (1) "Department" means a principal administrative unit
 150 within the executive branch of state government, as defined in
 151 chapter 20, and includes the State Board of Administration, the
 152 Executive Office of the Governor, the Fish and Wildlife
 153 Conservation Commission, ~~the Parole Commission,~~ the Agency for
 154 Health Care Administration, the State Board of Education, the
 155 Board of Governors of the State University System, the Justice
 156 Administrative Commission, the capital collateral regional
 157 counsel, and separate budget entities placed for administrative
 158 purposes within a department.

159 Section 5. Paragraph (b) of subsection (2) of section
 160 112.011, Florida Statutes, is amended to read:

161 112.011 Felons; removal of disqualifications for
 162 employment, exceptions.--

163 (2)

164 (b) This section shall not be applicable to the employment
 165 practices of any fire department relating to the hiring of
 166 firefighters. An applicant for employment with any fire
 167 department with a prior felony conviction shall be excluded from

168 employment for a period of 4 years after expiration of sentence
 169 or final release by the Parole Board ~~Commission~~ unless the
 170 applicant, prior to the expiration of the 4-year period, has
 171 received a full pardon or has had his or her civil rights
 172 restored.

173 Section 6. Subsection (1) of section 186.005, Florida
 174 Statutes, is amended to read:

175 186.005 Designation of departmental planning officer.--

176 (1) The head of each executive department and the Public
 177 Service Commission, the Fish and Wildlife Conservation
 178 Commission, ~~the Parole Commission,~~ and the Department of
 179 Military Affairs shall select from within such agency a person
 180 to be designated as the planning officer for such agency. The
 181 planning officer shall be responsible for coordinating with the
 182 Executive Office of the Governor and with the planning officers
 183 of other agencies all activities and responsibilities of such
 184 agency relating to planning.

185 Section 7. Subsection (3) of section 255.502, Florida
 186 Statutes, is amended to read:

187 255.502 Definitions; ss. 255.501-255.525.--As used in this
 188 act, the following words and terms shall have the following
 189 meanings unless the context otherwise requires:

190 (3) "Agency" means any department created by chapter 20,
 191 the Executive Office of the Governor, the Fish and Wildlife
 192 Conservation Commission, ~~the Parole Commission,~~ the State Board
 193 of Administration, the Department of Military Affairs, or the
 194 Legislative Branch or the Judicial Branch of state government.

195 Section 8. Paragraph (e) of subsection (3) of section
 196 311.12, Florida Statutes, is amended to read:

197 311.12 Seaport security standards; inspections;
 198 compliance; appeals.--

199 (3)

200 (e) The Department of Law Enforcement shall establish a
 201 waiver process to allow unescorted access to an individual who
 202 is found to be unqualified under paragraph (c) and denied
 203 employment by a seaport. The waiver consideration shall be based
 204 on the circumstances of any disqualifying act or offense,
 205 restitution made by the individual, and other factors from which
 206 it may be determined that the individual does not pose a risk of
 207 engaging in theft, drug trafficking, or terrorism within the
 208 public seaports regulated under this chapter or of harming any
 209 person. The waiver process shall begin when an individual who
 210 has been denied initial employment within or regular unescorted
 211 access to restricted areas of a public seaport as described in
 212 paragraph (c) submits an application for a waiver and notarized
 213 letter or affidavit from the individual's employer or union
 214 representative which states the mitigating reasons for
 215 initiating the waiver process. No later than 90 days after
 216 receipt of the application, the department ~~administrative staff~~
 217 ~~of the Parole Commission~~ shall conduct a factual review of the
 218 waiver application. ~~Findings of fact shall be transmitted to the~~
 219 ~~Department of Law Enforcement for review.~~ The department shall
 220 make a copy of those findings available to the applicant before
 221 final disposition of the waiver request. The department shall
 222 make a final disposition of the waiver request based on the

223 factual findings of its ~~the~~ investigation ~~by the Parole~~
 224 ~~Commission~~. The department shall notify the waiver applicant and
 225 the port authority that originally denied employment to the
 226 applicant of the final disposition of the waiver. The review
 227 process under this paragraph is exempt from chapter 120.

228 Section 9. Paragraph (c) of subsection (1) of section
 229 322.16, Florida Statutes, is amended to read:

230 322.16 License restrictions.--

231 (1)

232 (c) The department may further, at any time, impose other
 233 restrictions on the use of the license with respect to time and
 234 purpose of use or may impose any other condition or restriction
 235 upon recommendation of any court, of the Parole Board
 236 ~~Commission~~, or of the Department of Corrections with respect to
 237 any individual who is under the jurisdiction, supervision, or
 238 control of the entity that made the recommendation.

239 Section 10. Subsection (2) of section 394.926, Florida
 240 Statutes, is amended to read:

241 394.926 Notice to victims of release of persons committed
 242 as sexually violent predators; notice to Department of
 243 Corrections and Parole Board ~~Commission~~.--

244 (2) If a sexually violent predator who has an active or
 245 pending term of probation, community control, parole,
 246 conditional release, or other court-ordered or postprison
 247 release supervision is released from custody, the department
 248 must immediately notify the Department of Corrections' Office of
 249 Community Corrections in Tallahassee. The Parole Board
 250 ~~Commission~~ must also be immediately notified of any releases of

251 a sexually violent predator who has an active or pending term of
 252 parole, conditional release, or other postprison release
 253 supervision that is administered by the Parole Board ~~Commission~~.

254 Section 11. Subsection (2) of section 394.927, Florida
 255 Statutes, is amended to read:

256 394.927 Escape while in lawful custody; notice to victim;
 257 notice to the Department of Corrections and Parole Board
 258 ~~Commission~~.--

259 (2) If a person who is held in custody pursuant to a
 260 finding of probable cause or commitment as a sexually violent
 261 predator escapes while in custody, the department shall
 262 immediately notify the victim in accordance with s. 394.926. The
 263 state attorney that filed the petition for civil commitment of
 264 the escapee must also be immediately notified by the department.
 265 If the escapee has an active or pending term of probation,
 266 community control, parole, conditional release, or other court-
 267 ordered or postprison release supervision, the department shall
 268 also immediately notify the Department of Corrections' Office of
 269 Community Corrections in Tallahassee. The Parole Board
 270 ~~Commission~~ shall also be immediately notified of an escape if
 271 the escapee has an active or pending term of parole, conditional
 272 release, or other postprison release supervision that is
 273 administered by the Parole Board ~~Commission~~.

274 Section 12. Subsection (4) of section 775.089, Florida
 275 Statutes, is amended to read:

276 775.089 Restitution.--

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

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

282 Section 13. Section 775.16, Florida Statutes, is amended
 283 to read:

284 775.16 Drug offenses; additional penalties.--In addition
 285 to any other penalty provided by law, a person who has been
 286 convicted of sale of or trafficking in, or conspiracy to sell or
 287 traffic in, a controlled substance under chapter 893, if such
 288 offense is a felony, or who has been convicted of an offense
 289 under the laws of any state or country which, if committed in
 290 this state, would constitute the felony of selling or
 291 trafficking in, or conspiracy to sell or traffic in, a
 292 controlled substance under chapter 893, is:

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

295 (a) The person has completed all sentences of imprisonment
 296 or supervisory sanctions imposed by the court, by the Parole
 297 Board ~~Commission~~, or by law; or

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

302 1. Seek evaluation and enrollment in, and once enrolled
 303 maintain enrollment in until completion, a drug treatment and
 304 rehabilitation program which is approved by the Department of
 305 Children and Family Services, unless it is deemed by the program

306 that the person does not have a substance abuse problem. The
 307 treatment and rehabilitation program may be specified by:

308 a. The court, in the case of court-ordered supervisory
 309 sanctions;

310 b. The Parole Board ~~Commission~~, in the case of parole,
 311 control release, or conditional release; or

312 c. The Department of Corrections, in the case of
 313 imprisonment or any other supervision required by law.

314 2. Submit to periodic urine drug testing pursuant to
 315 procedures prescribed by the Department of Corrections. If the
 316 person is indigent, the costs shall be paid by the Department of
 317 Corrections.

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

322 (a) The person has completed all sentences of imprisonment
 323 or supervisory sanctions imposed by the court, by the Parole
 324 Board ~~Commission~~, or by law;

325 (b) The person has complied with the conditions of
 326 subparagraphs 1. and 2. which shall be monitored by the
 327 Department of Corrections while the person is under any
 328 supervisory sanction. If the person fails to comply with
 329 provisions of these subparagraphs by either failing to maintain
 330 treatment or by testing positive for drug use, the department
 331 shall notify the licensing, permitting, or certifying agency,
 332 which may refuse to reissue or reinstate such license, permit,

333 or certification. The licensee, permittee, or certificateholder
 334 under supervision may:

335 1. Seek evaluation and enrollment in, and once enrolled
 336 maintain enrollment in until completion, a drug treatment and
 337 rehabilitation program which is approved or regulated by the
 338 Department of Children and Family Services, unless it is deemed
 339 by the program that the person does not have a substance abuse
 340 problem. The treatment and rehabilitation program may be
 341 specified by:

342 a. The court, in the case of court-ordered supervisory
 343 sanctions;

344 b. The Parole Board ~~Commission~~, in the case of parole,
 345 control release, or conditional release; or

346 c. The Department of Corrections, in the case of
 347 imprisonment or any other supervision required by law.

348 2. Submit to periodic urine drug testing pursuant to
 349 procedures prescribed by the Department of Corrections. If the
 350 person is indigent, the costs shall be paid by the Department of
 351 Corrections; or

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

354
 355 The provisions of this section do not apply to any of the taxes,
 356 fees, or permits regulated, controlled, or administered by the
 357 Department of Revenue in accordance with the provisions of s.
 358 213.05.

359 Section 14. Paragraph (a) of subsection (1) of section
 360 784.07, Florida Statutes, is amended to read:

361 784.07 Assault or battery of law enforcement officers,
 362 firefighters, emergency medical care providers, public transit
 363 employees or agents, or other specified officers;
 364 reclassification of offenses; minimum sentences.--

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

366 (a) "Law enforcement officer" includes a law enforcement
 367 officer, a correctional officer, a correctional probation
 368 officer, a part-time law enforcement officer, a part-time
 369 correctional officer, an auxiliary law enforcement officer, and
 370 an auxiliary correctional officer, as those terms are
 371 respectively defined in s. 943.10, and any county probation
 372 officer; an employee or agent of the Department of Corrections
 373 who supervises or provides services to inmates or parolees; a
 374 member ~~an officer~~ of the Parole Board ~~Commission~~; a federal law
 375 enforcement officer as defined in s. 901.1505; and law
 376 enforcement personnel of the Fish and Wildlife Conservation
 377 Commission, the Department of Environmental Protection, or the
 378 Department of Law Enforcement.

379 Section 15. Paragraph (b) of subsection (2) of section
 380 784.078, Florida Statutes, is amended to read:

381 784.078 Battery of facility employee by throwing, tossing,
 382 or expelling certain fluids or materials.--

383 (2)

384 (b) "Employee" includes any person who is a parole
 385 examiner assigned to ~~with the Florida Parole Board Commission~~.

386 Section 16. Section 843.01, Florida Statutes, is amended
 387 to read:

388 843.01 Resisting officer with violence to his or her
 389 person.--Whoever knowingly and willfully resists, obstructs, or
 390 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
 391 (7), (8), or (9); member of the Parole Board ~~Commission~~ or any
 392 administrative aide or supervisor assigned to ~~employed by~~ the
 393 board ~~commission~~; parole and probation supervisor; county
 394 probation officer; personnel or representative of the Department
 395 of Law Enforcement; or other person legally authorized to
 396 execute process in the execution of legal process or in the
 397 lawful execution of any legal duty, by offering or doing
 398 violence to the person of such officer or legally authorized
 399 person, commits ~~is guilty of~~ a felony of the third degree,
 400 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

401 Section 17. Section 843.02, Florida Statutes, is amended
 402 to read:

403 843.02 Resisting officer without violence to his or her
 404 person.--Whoever shall resist, obstruct, or oppose any officer
 405 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);
 406 member of the Parole Board ~~Commission~~ or any administrative aide
 407 or supervisor assigned to ~~employed by~~ the board ~~commission~~;
 408 county probation officer; parole and probation supervisor;
 409 personnel or representative of the Department of Law
 410 Enforcement; or other person legally authorized to execute
 411 process in the execution of legal process or in the lawful
 412 execution of any legal duty, without offering or doing violence
 413 to the person of the officer, commits ~~shall be guilty of~~ a
 414 misdemeanor of the first degree, punishable as provided in s.
 415 775.082 or s. 775.083.

416 Section 18. Section 843.08, Florida Statutes, is amended
 417 to read:

418 843.08 Falsely personating officer, etc.--A person who
 419 falsely assumes or pretends to be a sheriff, officer of the
 420 Florida Highway Patrol, officer of the Fish and Wildlife
 421 Conservation Commission, officer of the Department of
 422 Environmental Protection, officer of the Department of
 423 Transportation, officer of the Department of Financial Services,
 424 officer of the Department of Corrections, correctional probation
 425 officer, deputy sheriff, state attorney or assistant state
 426 attorney, statewide prosecutor or assistant statewide
 427 prosecutor, state attorney investigator, coroner, police
 428 officer, lottery special agent or lottery investigator, beverage
 429 enforcement agent, or watchman, or any member of the Parole
 430 Board Commission and any administrative aide or supervisor
 431 assigned to ~~employed by the board commission~~, or any personnel
 432 or representative of the Department of Law Enforcement, or a
 433 federal law enforcement officer as defined in s. 901.1505, and
 434 takes upon himself or herself to act as such, or to require any
 435 other person to aid or assist him or her in a matter pertaining
 436 to the duty of any such officer, commits a felony of the third
 437 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 438 775.084; however, a person who falsely personates any such
 439 officer during the course of the commission of a felony commits
 440 a felony of the second degree, punishable as provided in s.
 441 775.082, s. 775.083, or s. 775.084; except that if the
 442 commission of the felony results in the death or personal injury
 443 of another human being, the person commits a felony of the first

444 degree, punishable as provided in s. 775.082, s. 775.083, or s.
445 775.084.

446 Section 19. Paragraph (a) of subsection (1) of section
447 893.11, Florida Statutes, is amended to read:

448 893.11 Suspension, revocation, and reinstatement of
449 business and professional licenses.--Upon the conviction in any
450 court of competent jurisdiction of any person holding a license,
451 permit, or certificate issued by a state agency, for sale of, or
452 trafficking in, a controlled substance or for conspiracy to
453 sell, or traffic in, a controlled substance, if such offense is
454 a felony, the clerk of said court shall send a certified copy of
455 the judgment of conviction with the person's license number,
456 permit number, or certificate number on the face of such
457 certified copy to the agency head by whom the convicted
458 defendant has received a license, permit, or certificate to
459 practice his or her profession or to carry on his or her
460 business. Such agency head shall suspend or revoke the license,
461 permit, or certificate of the convicted defendant to practice
462 his or her profession or to carry on his or her business. Upon a
463 showing by any such convicted defendant whose license, permit,
464 or certificate has been suspended or revoked pursuant to this
465 section that his or her civil rights have been restored or upon
466 a showing that the convicted defendant meets the following
467 criteria, the agency head may reinstate or reactivate such
468 license, permit, or certificate when:

469 (1) The person has complied with the conditions of
470 paragraphs (a) and (b) which shall be monitored by the
471 Department of Corrections while the person is under any

472 supervisory sanction. If the person fails to comply with
 473 provisions of these paragraphs by either failing to maintain
 474 treatment or by testing positive for drug use, the department
 475 shall notify the licensing, permitting, or certifying agency,
 476 which shall revoke the license, permit, or certification. The
 477 person under supervision may:

478 (a) Seek evaluation and enrollment in, and once enrolled
 479 maintain enrollment in until completion, a drug treatment and
 480 rehabilitation program which is approved or regulated by the
 481 Department of Children and Family Services. The treatment and
 482 rehabilitation program shall be specified by:

483 1. The court, in the case of court-ordered supervisory
 484 sanctions;

485 2. The Parole Board ~~Commission~~, in the case of parole,
 486 control release, or conditional release; or

487 3. The Department of Corrections, in the case of
 488 imprisonment or any other supervision required by law.

489
 490 This section does not apply to any of the taxes, fees, or
 491 permits regulated, controlled, or administered by the Department
 492 of Revenue in accordance with s. 213.05.

493 Section 20. Subsection (2) of section 921.16, Florida
 494 Statutes, is amended to read:

495 921.16 When sentences to be concurrent and when
 496 consecutive.--

497 (2) A county court or circuit court of this state may
 498 direct that the sentence imposed by such court be served
 499 concurrently with a sentence imposed by a court of another state

500 or of the United States or, for purposes of this section,
 501 concurrently with a sentence to be imposed in another
 502 jurisdiction. In such case, the Department of Corrections may
 503 designate the correctional institution of the other jurisdiction
 504 as the place for reception and confinement of such person and
 505 may also designate the place in Florida for reception and
 506 confinement of such person in the event that confinement in the
 507 other jurisdiction terminates before the expiration of the
 508 Florida sentence. The sheriff shall forward commitment papers
 509 and other documents specified in s. 944.17 to the department.
 510 Upon imposing such a sentence, the court shall notify the Parole
 511 Board ~~Commission~~ as to the jurisdiction in which the sentence is
 512 to be served. Any prisoner so released to another jurisdiction
 513 shall be eligible for consideration for parole by the Parole
 514 Board ~~Commission~~ pursuant to the provisions of chapter 947,
 515 except that the board ~~commission~~ shall determine the presumptive
 516 parole release date and the effective parole release date by
 517 requesting such person's file from the receiving jurisdiction.
 518 Upon receiving such records, the board ~~commission~~ shall
 519 determine these release dates based on the relevant information
 520 in that file and shall give credit toward reduction of the
 521 Florida sentence for gain-time granted by the jurisdiction where
 522 the inmate is serving the sentence. The Parole Board ~~Commission~~
 523 may concur with the parole release decision of the jurisdiction
 524 granting parole and accepting supervision.

525 Section 21. Section 921.20, Florida Statutes, is repealed.

526 Section 22. Section 921.21, Florida Statutes, is amended
 527 to read:

528 921.21 Progress reports to Parole Board ~~Commission~~.--From
 529 time to time the Department of Corrections shall submit to the
 530 Parole Board ~~Commission~~ progress reports and recommendations
 531 regarding prisoners sentenced under s. 921.18. When the
 532 classification board of the Department of Corrections determines
 533 that justice and the public welfare will best be served by
 534 paroling or discharging a prisoner, it shall transmit its
 535 finding to the Parole Board ~~Commission~~. The board ~~commission~~
 536 shall have the authority to place the prisoner on parole as
 537 provided by law or give the prisoner a full discharge from
 538 custody. The period of a parole granted by the Parole Board
 539 ~~Commission~~ shall be in its discretion, but the parole period
 540 shall not exceed the maximum term for which the prisoner was
 541 sentenced.

542 Section 23. Section 921.22, Florida Statutes, is amended
 543 to read:

544 921.22 Determination of exact period of imprisonment by
 545 Parole Board ~~Commission~~.--Upon the recommendation of the
 546 Department of Corrections, the Parole Board ~~Commission~~ shall
 547 have the authority to determine the exact period of imprisonment
 548 to be served by defendants sentenced under the provisions of s.
 549 921.18, but a prisoner shall not be held in custody longer than
 550 the maximum sentence provided for the offense.

551 Section 24. Section 940.03, Florida Statutes, is amended
 552 to read:

553 940.03 Application for executive clemency.--When any
 554 person intends to apply for remission of any fine or forfeiture
 555 or the commutation of any punishment, or for pardon or

556 restoration of civil rights, he or she shall request an
 557 application form from the Department of Corrections ~~Parole~~
 558 ~~Commission~~ in compliance with such rules regarding application
 559 for executive clemency as are adopted by the Governor with the
 560 approval of two members of the Cabinet. Such application may
 561 require the submission of a certified copy of the applicant's
 562 indictment or information, the judgment adjudicating the
 563 applicant to be guilty, and the sentence, if sentence has been
 564 imposed, and may also require the applicant to send a copy of
 565 the application to the judge and prosecuting attorney of the
 566 court in which the applicant was convicted, notifying them of
 567 the applicant's intent to apply for executive clemency. An
 568 application for executive clemency for a person who is sentenced
 569 to death must be filed within 1 year after the date the Supreme
 570 Court issues a mandate on a direct appeal or the United States
 571 Supreme Court denies a petition for certiorari, whichever is
 572 later.

573 Section 25. Subsection (3) of section 940.05, Florida
 574 Statutes, is amended to read:

575 940.05 Restoration of civil rights.--Any person who has
 576 been convicted of a felony may be entitled to the restoration of
 577 all the rights of citizenship enjoyed by him or her prior to
 578 conviction if the person has:

579 (3) Been granted his or her final release by the Parole
 580 Board ~~Commission~~.

581 Section 26. Subsections (2) and (3) of section 941.23,
 582 Florida Statutes, are amended to read:

583 941.23 Application for issuance of requisition; by whom
584 made; contents.--

585 (2) When the return to this state is required of a person
586 who has been convicted of a crime in this state and has escaped
587 from confinement or broken the terms of his or her bail,
588 probation, or parole, the state attorney of the county in which
589 the offense was committed, the Parole Board ~~Commission~~, the
590 Department of Corrections, or the warden of the institution or
591 sheriff of the county, from which escape was made, shall present
592 to the Governor a written application for a requisition for the
593 return of such person, in which application shall be stated the
594 name of the person, the crime of which the person was convicted,
595 the circumstances of his or her escape from confinement or of
596 the breach of the terms of his or her bail, probation, or
597 parole, and the state in which the person is believed to be,
598 including the location of the person therein at the time
599 application is made.

600 (3) The application shall be verified by affidavit, shall
601 be executed in duplicate, and shall be accompanied by two
602 certified copies of the indictment returned or information and
603 affidavit filed or of the complaint made to the judge, stating
604 the offense with which the accused is charged, or of the
605 judgment of conviction or of the sentence. The prosecuting
606 officer, Parole Board ~~Commission~~, Department of Corrections,
607 warden, or sheriff may also attach such further affidavits and
608 other documents in duplicate as he or she shall deem proper to
609 be submitted with such application. One copy of the application,
610 with the action of the Governor indicated by endorsement

611 | thereon, and one of the certified copies of the indictment,
 612 | complaint, information, and affidavits or of the judgment of
 613 | conviction or of the sentence shall be filed in the office of
 614 | the Department of State to remain of record in that office. The
 615 | other copies of all papers shall be forwarded with the
 616 | Governor's requisition.

617 | Section 27. Subsection (7) of section 943.0311, Florida
 618 | Statutes, is amended to read:

619 | 943.0311 Chief of Domestic Security; duties of the
 620 | department with respect to domestic security.--

621 | (7) As used in this section, the term "state agency"
 622 | includes the Agency for Health Care Administration, the Agency
 623 | for Workforce Innovation, the Department of Agriculture and
 624 | Consumer Services, the Department of Business and Professional
 625 | Regulation, the Department of Children and Family Services, the
 626 | Department of Citrus, the Department of Community Affairs, the
 627 | Department of Corrections, the Department of Education, the
 628 | Department of Elderly Affairs, the Department of Environmental
 629 | Protection, the Department of Financial Services, the Department
 630 | of Health, the Department of Highway Safety and Motor Vehicles,
 631 | the Department of Juvenile Justice, the Department of Law
 632 | Enforcement, the Department of Legal Affairs, the Department of
 633 | Management Services, the Department of Military Affairs, the
 634 | Department of Revenue, the Department of State, the Department
 635 | of the Lottery, the Department of Transportation, the Department
 636 | of Veterans' Affairs, the Fish and Wildlife Conservation
 637 | Commission, ~~the Parole Commission,~~ the State Board of
 638 | Administration, and the Executive Office of the Governor.

639 Section 28. Subsection (1) of section 943.06, Florida
 640 Statutes, is amended to read:

641 943.06 Criminal and Juvenile Justice Information Systems
 642 Council.--There is created a Criminal and Juvenile Justice
 643 Information Systems Council within the department.

644 (1) The council shall be composed of 14 members,
 645 consisting of the Attorney General or a designated assistant;
 646 the executive director of the Department of Law Enforcement or a
 647 designated assistant; the secretary of the Department of
 648 Corrections or a designated assistant; the chair of the Parole
 649 Board ~~Commission~~ or a designated assistant; the Secretary of
 650 Juvenile Justice or a designated assistant; the executive
 651 director of the Department of Highway Safety and Motor Vehicles
 652 or a designated assistant; the State Courts Administrator or a
 653 designated assistant; 1 public defender appointed by the Florida
 654 Public Defender Association, Inc.; 1 state attorney appointed by
 655 the Florida Prosecuting Attorneys Association, Inc.; and 5
 656 members, to be appointed by the Governor, consisting of 2
 657 sheriffs, 2 police chiefs, and 1 clerk of the circuit court.

658 Section 29. Paragraph (a) of subsection (9) of section
 659 943.325, Florida Statutes, is amended to read:

660 943.325 Blood or other biological specimen testing for DNA
 661 analysis.--

662 (9) The Department of Law Enforcement shall:

663 (a) Receive, process, and store blood specimen samples or
 664 other approved biological specimen samples and the data derived
 665 therefrom furnished pursuant to subsection (1), pursuant to a
 666 requirement of supervision imposed by the court or the Parole

667 Board ~~Commission~~ with respect to a person convicted of any
 668 offense specified in subsection (1), or as specified in
 669 subsection (6).

670 Section 30. Subsection (5) of section 944.012, Florida
 671 Statutes, is amended to read:

672 944.012 Legislative intent.--The Legislature hereby finds
 673 and declares that:

674 (5) In order to make the correctional system an efficient
 675 and effective mechanism, the various agencies involved in the
 676 correctional process must coordinate their efforts. Where
 677 possible, interagency offices should be physically located
 678 within major institutions and should include representatives of
 679 the Florida State Employment Service, and the vocational
 680 rehabilitation programs of the Department of Education, ~~and the~~
 681 ~~Parole Commission~~. Duplicative and unnecessary methods of
 682 evaluating offenders must be eliminated and areas of
 683 responsibility consolidated in order to more economically
 684 utilize present scarce resources.

685 Section 31. Subsection (1) of section 944.02, Florida
 686 Statutes, is amended to read:

687 944.02 Definitions.--The following words and phrases used
 688 in this chapter shall, unless the context clearly indicates
 689 otherwise, have the following meanings:

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

692 Section 32. Subsection (5) of section 944.024, Florida
 693 Statutes, is amended to read:

694 944.024 Adult intake and evaluation.--The state system of
 695 adult intake and evaluation shall include:

696 (5) The performance of postsentence intake by the
 697 department. Any physical facility established by the department
 698 for the intake and evaluation process prior to the offender's
 699 entry into the correctional system shall provide for specific
 700 office and work areas for the staff of the board ~~commission~~. The
 701 purpose of such a physical center shall be to combine in one
 702 place as many of the rehabilitation-related functions as
 703 possible, including pretrial and posttrial evaluation, parole
 704 and probation services, vocational rehabilitation services,
 705 family assistance services of the Department of Children and
 706 Family Services, and all other rehabilitative and correctional
 707 services dealing with the offender.

708 Section 33. Section 944.091, Florida Statutes, is amended
 709 to read:

710 944.091 United States prisoners, housing board
 711 authorized.--The department is authorized upon request to house
 712 ~~board~~ prisoners of the United States committed to the ~~their~~
 713 custody of the department by any agency of the United States if
 714 such prisoners have less than 6 months remaining of their
 715 federal sentence, and if such prisoners have family
 716 relationships or job opportunities in this state, on a space-
 717 available basis only. Daily compensation for the housing board
 718 of such prisoners shall be paid at a rate to be mutually agreed
 719 upon by the department and the appropriate United States agency.
 720 Such compensation is to recover the total maintenance cost of

721 such prisoners which shall be not less than the average cost per
 722 inmate per day for all inmates confined by the department.

723 Section 34. Section 944.23, Florida Statutes, is amended
 724 to read:

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

736 Section 35. Subsection (2) of section 944.291, Florida
 737 Statutes, is amended to read:

738 944.291 Prisoner released by reason of gain-time
 739 allowances or attainment of provisional release date.--

740 (2) Any prisoner who is convicted of a crime committed on
 741 or after October 1, 1988, which crime is contained in category
 742 1, category 2, category 3, or category 4 of Rule 3.701 and Rule
 743 3.988, Florida Rules of Criminal Procedure, and who has served
 744 at least one prior felony commitment at a state or federal
 745 correctional institution, or is sentenced as a habitual or
 746 violent habitual offender pursuant to s. 775.084, may only be
 747 released under conditional release supervision as described in
 748 chapter 947. Not fewer than 90 days prior to the tentative

749 | release date or provisional release date, whichever is earlier,
 750 | the department shall provide the board ~~commission~~ with the name
 751 | and inmate identification number for each eligible inmate.

752 | Section 36. Paragraph (b) of subsection (2), paragraph (a)
 753 | of subsection (7), and subsection (8) of section 944.4731,
 754 | Florida Statutes, are amended to read:

755 | 944.4731 Addiction-Recovery Supervision Program.--

756 | (2)

757 | (b) An offender released under addiction-recovery
 758 | supervision shall be subject to specified terms and conditions,
 759 | including payment of the costs of supervision under s. 948.09
 760 | and any other court-ordered payments, such as child support and
 761 | restitution. If an offender has received a term of probation or
 762 | community control to be served after release from incarceration,
 763 | the period of probation or community control may not be
 764 | substituted for addiction-recovery supervision and shall follow
 765 | the term of addiction-recovery supervision. The Parole Board ~~A~~
 766 | ~~panel of not fewer than two parole commissioners~~ shall establish
 767 | the terms and conditions of supervision, and the terms and
 768 | conditions must be included in the supervision order. In setting
 769 | the terms and conditions of supervision, the board ~~parole~~
 770 | ~~commission~~ shall weigh heavily the program requirements,
 771 | including, but not limited to, work at paid employment while
 772 | participating in treatment and traveling restrictions. The board
 773 | ~~commission~~ shall also determine whether an offender violates the
 774 | terms and conditions of supervision and whether a violation
 775 | warrants revocation of addiction-recovery supervision pursuant
 776 | to s. 947.141. The board ~~parole commission~~ shall review the

777 offender's record for the purpose of establishing the terms and
778 conditions of supervision. The board ~~parole commission~~ may
779 impose any special conditions it considers warranted from its
780 review of the record. The length of supervision may not exceed
781 the maximum penalty imposed by the court.

782 (7) While participating in a substance abuse transition
783 housing program, an offender shall:

784 (a) Adhere to all conditions of supervision required
785 ~~enforced~~ by the board ~~commission~~ and the program provider.
786 Failure to comply with such rules or conditions may result in
787 revocation of supervision pursuant to s. 947.141.

788 (8) The board ~~commission~~ may adopt rules pursuant to ss.
789 120.536(1) and 120.54 as necessary for administering this
790 section.

791 Section 37. Paragraph (b) of subsection (1) and paragraph
792 (b) of subsection (6) of section 945.091, Florida Statutes, are
793 amended to read:

794 945.091 Extension of the limits of confinement;
795 restitution by employed inmates.--

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

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

819 1. An inmate may participate in paid employment only
820 during the last 36 months of his or her confinement, unless
821 sooner requested by the Parole Board ~~Commission~~ or the Control
822 Release Authority.

823 2. While working at paid employment and residing in the
824 facility, an inmate may apply for placement at a contracted
825 substance abuse transition housing program. The transition
826 assistance specialist shall inform the inmate of program
827 availability and assess the inmate's need and suitability for
828 transition housing assistance. If an inmate is approved for
829 placement, the specialist shall assist the inmate. If an inmate
830 requests and is approved for placement in a contracted faith-
831 based substance abuse transition housing program, the specialist
832 must consult with the chaplain prior to such placement. The

833 department shall ensure that an inmate's faith orientation, or
834 lack thereof, will not be considered in determining admission to
835 a faith-based program and that the program does not attempt to
836 convert an inmate toward a particular faith or religious
837 preference.

838 (6)

839 (b) An offender who is required to provide restitution or
840 reparation may petition the circuit court to amend the amount of
841 restitution or reparation required or to revise the schedule of
842 repayment established by the department or the Parole Board
843 ~~Commission~~.

844 Section 38. Paragraph (d) of subsection (1), paragraphs
845 (a) and (b) of subsection (2), and subsection (5) of section
846 945.10, Florida Statutes, are amended to read:

847 945.10 Confidential information.--

848 (1) Except as otherwise provided by law or in this
849 section, the following records and information held by the
850 Department of Corrections are confidential and exempt from the
851 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
852 Constitution:

853 (d) Parole Board ~~Commission~~ records which are confidential
854 or exempt from public disclosure by law.

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

858 (a) Information specified in paragraphs (1)(b), (d), and
859 (f) to the Office of the Governor, the Legislature, the Parole
860 Board ~~Commission~~, the Department of Children and Family

861 Services, a private correctional facility or program that
 862 operates under a contract, the Department of Legal Affairs, a
 863 state attorney, the court, or a law enforcement agency. A
 864 request for records or information pursuant to this paragraph
 865 need not be in writing.

866 (b) Information specified in paragraphs (1)(c), (e), and
 867 (h) to the Office of the Governor, the Legislature, the Parole
 868 Board ~~Commission~~, the Department of Children and Family
 869 Services, a private correctional facility or program that
 870 operates under contract, the Department of Legal Affairs, a
 871 state attorney, the court, or a law enforcement agency. A
 872 request for records or information pursuant to this paragraph
 873 must be in writing and a statement provided demonstrating a need
 874 for the records or information.

875
 876 Records and information released under this subsection remain
 877 confidential and exempt from the provisions of s. 119.07(1) and
 878 s. 24(a), Art. I of the State Constitution when held by the
 879 receiving person or entity.

880 (5) The Department of Corrections and the Parole Board
 881 ~~Commission~~ shall mutually cooperate with respect to maintaining
 882 the confidentiality of records that are exempt from the
 883 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 884 Constitution.

885 Section 39. Subsection (3) of section 945.25, Florida
 886 Statutes, is amended to read:

887 945.25 Records.--

888 (3) Following the initial hearing provided for in s.
 889 947.172(1), the Parole Board ~~commission~~ shall prepare and the
 890 department shall include in the department ~~official~~ record a
 891 copy of the seriousness-of-offense and favorable-parole-outcome
 892 scores and shall include a listing of the specific factors and
 893 information used in establishing a presumptive parole release
 894 date for the inmate.

895 Section 40. Subsection (3) of section 945.47, Florida
 896 Statutes, is amended to read:

897 945.47 Discharge of inmate from mental health treatment.--

898 (3) At any time that an inmate who has received mental
 899 health treatment while in the custody of the department becomes
 900 eligible for release on parole, a complete record of the
 901 inmate's treatment shall be provided to the Parole Board
 902 ~~Commission~~ and to the Department of Children and Family
 903 Services. The record shall include, at least, the inmate's
 904 diagnosis, length of stay in treatment, clinical history,
 905 prognosis, prescribed medication, and treatment plan and
 906 recommendations for aftercare services. In the event that the
 907 inmate is released on parole, the record shall be provided to
 908 the parole officer who shall assist the inmate in applying for
 909 services from a professional or an agency in the community. The
 910 application for treatment and continuation of treatment by the
 911 inmate may be made a condition of parole, as provided in s.
 912 947.19(1); and a failure to participate in prescribed treatment
 913 may be a basis for initiation of parole violation hearings.

914 Section 41. Subsection (6) of section 945.73, Florida
 915 Statutes, is amended to read:

916 945.73 Inmate training program operation.--

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

923 Section 42. Section 947.001, Florida Statutes, is
 924 repealed.

925 Section 43. Subsection (3) of section 947.002, Florida
 926 Statutes, is amended to read:

927 947.002 Intent.--

928 ~~(3) The chair shall be the agency head. While the~~
 929 ~~commission is responsible for making decisions on the granting~~
 930 ~~and revoking of parole, the chair shall establish, execute, and~~
 931 ~~be held accountable for all administrative policy decisions. The~~
 932 ~~routine administrative decisions are the full responsibility of~~
 933 ~~the chair.~~

934 Section 44. Subsection (1) of section 947.005, Florida
 935 Statutes, is amended to read:

936 947.005 Definitions.--As used in this chapter, unless the
 937 context clearly indicates otherwise:

938 (1) "Board" ~~"Commission"~~ means the Parole Board
 939 ~~Commission.~~

940 Section 45. Section 947.01, Florida Statutes, is amended
 941 to read:

942 947.01 Parole Board Commission; creation; number of
 943 members.--A Parole Board Commission is created to consist of

944 three ~~six~~ members who are residents of the state. ~~Effective July~~
 945 ~~1, 1996, the membership of the commission shall be three~~
 946 ~~members.~~ The board shall be administratively housed within the
 947 Department of Corrections, which shall provide administrative
 948 support and services to the board. The members of the board are
 949 not subject to the control, supervision, or direction of the
 950 department related to the constitutional or statutory duties of
 951 the board.

952 Section 46. Subsections (1), (2), and (3) of section
 953 947.02, Florida Statutes, are amended to read:

954 947.02 Parole Board Commission; members, appointment.--

955 (1) ~~Except as provided in s. 947.021,~~ The members of the
 956 Parole Board Commission shall be appointed by the Governor and
 957 Cabinet from a list of eligible applicants submitted by a parole
 958 qualifications committee. The appointments of members of the
 959 board commission shall be certified to the Senate by the
 960 Governor and Cabinet for confirmation, and the membership of the
 961 board commission shall include representation from minority
 962 persons as defined in s. 288.703.

963 (2) A parole qualifications committee shall consist of
 964 five persons who are appointed by the Governor and Cabinet. One
 965 member shall be designated as chair by the Governor and Cabinet.
 966 The committee shall provide for statewide advertisement and the
 967 receiving of applications for any position or positions on the
 968 board commission and shall devise a plan for the determination
 969 of the qualifications of the applicants by investigations and
 970 comprehensive evaluations, including, but not limited to,
 971 investigation and evaluation of the character, habits, and

972 philosophy of each applicant. Each parole qualifications
973 committee shall exist for 2 years. If additional vacancies on
974 the board ~~commission~~ occur during this 2-year period, the
975 committee may advertise and accept additional applications;
976 however, all previously submitted applications shall be
977 considered along with the new applications according to the
978 previously established plan for the evaluation of the
979 qualifications of applicants.

980 (3) Within 90 days before an anticipated vacancy by
981 expiration of term pursuant to s. 947.03 or upon any other
982 vacancy, the Governor and Cabinet shall appoint a parole
983 qualifications committee if one has not been appointed during
984 the previous 2 years. The committee shall consider applications
985 for the board ~~commission~~ seat, including the application of an
986 incumbent board member ~~commissioner~~ if he or she applies,
987 according to the provisions of subsection (2). The committee
988 shall submit a list of three eligible applicants, which may
989 include the incumbent if the committee so decides, without
990 recommendation, to the Governor and Cabinet for appointment to
991 the board ~~commission~~. In the case of an unexpired term, the
992 appointment must be for the remainder of the unexpired term and
993 until a successor is appointed and qualified. If more than one
994 seat is vacant, the committee shall submit a list of eligible
995 applicants, without recommendation, containing a number of names
996 equal to three times the number of vacant seats; however, the
997 names submitted shall not be distinguished by seat, and each
998 submitted applicant shall be considered eligible for each
999 vacancy.

1000 Section 47. Section 947.021, Florida Statutes, is
 1001 repealed.

1002 Section 48. Subsections (1) and (2) of section 947.03,
 1003 Florida Statutes, are amended to read:

1004 947.03 Parole Board members ~~Commissioners~~; tenure and
 1005 removal.--

1006 (1) Upon the expiration of the term of any member of the
 1007 board ~~commission~~, a successor shall be appointed by the Governor
 1008 and Cabinet for a term of 6 years, unless otherwise provided by
 1009 law. No person is eligible to be appointed for more than two
 1010 consecutive 6-year terms.

1011 (2) Vacancies in the membership of the board ~~commission~~
 1012 shall be filled by the Governor and Cabinet for the unexpired
 1013 term in the manner provided for in s. 947.02.

1014 Section 49. Section 947.04, Florida Statutes, is amended
 1015 to read:

1016 947.04 Organization of board ~~commission~~; officers;
 1017 offices.--

1018 (1) Before July 1 of each even-numbered year, the Governor
 1019 and Cabinet shall select a chair who shall serve for a period of
 1020 2 years and until a successor is selected and qualified. ~~The~~
 1021 ~~Governor and Cabinet shall, at the same time that a chair is~~
 1022 ~~selected, select a vice chair to serve during the same 2 year~~
 1023 ~~period as the chair, in the absence of the chair.~~ The chair may
 1024 succeed himself or herself. The chair, as chief administrative
 1025 officer of the board ~~commission~~, has the authority and
 1026 responsibility to plan, direct, coordinate, and execute the
 1027 powers, duties, and responsibilities assigned to the board

1028 ~~commission~~, except those of granting and revoking parole as
 1029 provided for in this chapter. Subject to approval by the
 1030 Governor and the Cabinet, the chair may assign consenting
 1031 retired board members ~~commissioners~~ or former board members
 1032 ~~commissioners~~ to temporary duty when there is a workload need.
 1033 Any such board member ~~commissioner~~ shall be paid \$100 for each
 1034 day or portion of a day spent on the work of the board
 1035 ~~commission~~ and shall be reimbursed for travel expenses as
 1036 provided in s. 112.061. The chair is authorized to provide or
 1037 disseminate information relative to parole ~~by means of~~
 1038 ~~documents, seminars, programs, or otherwise as he or she~~
 1039 ~~determines necessary. The chair shall establish, execute, and be~~
 1040 ~~held accountable for all administrative policy decisions.~~
 1041 ~~However,~~ Decisions to grant or revoke parole shall be made in
 1042 accordance with the provisions of ss. 947.172, 947.174, and
 1043 947.23. The board members ~~commissioners~~ shall be directly
 1044 accountable to the chair in the execution of their duties as
 1045 members ~~commissioners~~, and the chair has authority to recommend
 1046 to the Governor suspension of a member ~~commissioner~~ who fails to
 1047 perform the duties provided for by statute.

1048 ~~(2) Notwithstanding the provisions of s. 20.05(1)(g), the~~
 1049 ~~chair shall appoint administrators with responsibility for the~~
 1050 ~~management of commission activities in the following functional~~
 1051 ~~areas:~~

- 1052 ~~(a) Administration.~~
- 1053 ~~(b) Operations.~~
- 1054 ~~(c) Clemency.~~

1055 ~~(2)(3)~~ The members ~~commissioners~~ shall select from their
 1056 number a secretary who shall serve for a period of 1 year or
 1057 until a successor is elected and qualified.

1058 ~~(3)(4)~~ ~~The commission may establish and maintain field~~
 1059 ~~offices within existing administration buildings at facilities~~
 1060 ~~and institutions operated by the department.~~ Headquarters shall
 1061 be located in Tallahassee. The business of the board ~~commission~~
 1062 ~~may shall~~ be transacted anywhere in the state as provided in s.
 1063 947.06. The board ~~commission~~ shall keep its official records and
 1064 papers at the headquarters, ~~which it shall furnish and equip.~~

1065 ~~(5)~~ ~~Acts and decisions of the chair may be modified as~~
 1066 ~~provided in s. 947.06.~~

1067 Section 50. For purposes of s. 947.04(1), Florida
 1068 Statutes, as amended by this act, the terms "retired board
 1069 members" and "former board members" shall include retired and
 1070 former members of the Parole Commission.

1071 Section 51. Section 947.045, Florida Statutes, is
 1072 repealed.

1073 Section 52. Section 947.05, Florida Statutes, is amended
 1074 to read:

1075 947.05 Seal.--The board ~~commission~~ shall adopt an official
 1076 seal of which the courts shall take judicial notice.

1077 Section 53. Section 947.06, Florida Statutes, is amended
 1078 to read:

1079 947.06 Meeting; quorum; when board ~~commission~~ may
 1080 act.--The board ~~commission~~ shall meet at regularly scheduled
 1081 intervals and from time to time as may otherwise be determined
 1082 by the chair. Action by the board ~~The making of recommendations~~

1083 ~~to the Governor and Cabinet in matters relating to modifications~~
 1084 ~~of acts and decisions of the chair as provided in s. 947.04(1)~~
 1085 shall be by a majority vote of the board ~~commission~~. ~~No prisoner~~
 1086 ~~shall be placed on parole except as provided in ss. 947.172 and~~
 1087 ~~947.174 by a panel of no fewer than two commissioners appointed~~
 1088 ~~by the chair.~~ Two members of the board shall constitute a
 1089 quorum. All matters relating to the granting, denying, or
 1090 revoking of parole shall be decided in a meeting at which the
 1091 public shall have the right to be present. Victims of the crime
 1092 committed by the inmate shall be permitted to make an oral
 1093 statement or submit a written statement regarding their views as
 1094 to the granting, denying, or revoking of parole; other persons
 1095 ~~not members or employees of the commission or victims of the~~
 1096 ~~crime committed by the inmate~~ may be permitted to participate in
 1097 deliberations concerning the granting and revoking of paroles
 1098 only upon the prior written approval of the chair ~~of the~~
 1099 ~~commission~~. To facilitate the ability of victims and other
 1100 persons to attend ~~commission~~ meetings, the board may ~~commission~~
 1101 ~~shall meet in various counties including, but not limited to,~~
 1102 ~~Broward, Dade, Duval, Escambia, Hillsborough, Leon, Orange, and~~
 1103 ~~Palm Beach, with the location chosen being as close as possible~~
 1104 ~~to the location where the parole eligible inmate committed the~~
 1105 ~~offense for which the parole eligible inmate was sentenced.~~ To
 1106 facilitate cost savings, the board may take testimony by
 1107 electronic video conferencing. The board ~~commission~~ shall adopt
 1108 rules governing the oral participation of victims and the
 1109 submission of written statements by victims.

1110 Section 54. Section 947.07, Florida Statutes, is amended
 1111 to read:

1112 947.07 Rules.--The board ~~commission~~ has authority to adopt
 1113 rules pursuant to ss. 120.536(1) and 120.54 governing matters
 1114 relating to parole, conditional release, control release,
 1115 conditional medical release, or addiction-recovery supervision,
 1116 and for its governance, including among other things rules of
 1117 practice and procedure before the board ~~and rules prescribing~~
 1118 ~~qualifications to be possessed by its employees.~~

1119 Section 55. Section 947.071, Florida Statutes, is amended
 1120 to read:

1121 947.071 Rulemaking procedures; indexing of orders.--

1122 ~~(1) It is the intent of the Legislature that all~~
 1123 ~~rulemaking procedures by the commission be conducted pursuant to~~
 1124 ~~the Administrative Procedure Act, chapter 120.~~

1125 ~~(2)~~ The only final orders of the board ~~commission~~ which
 1126 shall be indexed pursuant to chapter 120 are:

- 1127 (1)~~(a)~~ Orders granting parole.
- 1128 (2)~~(b)~~ Orders revoking parole.
- 1129 (3)~~(c)~~ Orders restoring to supervision.
- 1130 (4)~~(d)~~ Orders releasing from custody and further
 1131 supervision.
- 1132 (5)~~(e)~~ Early parole termination orders.
- 1133 (6)~~(f)~~ Orders granting conditional release.
- 1134 (7)~~(g)~~ Orders revoking conditional release.

1135 Section 56. Section 947.10, Florida Statutes, is amended
 1136 to read:

1137 947.10 Business and political activity ~~upon part~~ of
 1138 members ~~and full-time employees~~ of Parole Board ~~commission~~.--No
 1139 member of the board ~~commission~~ and ~~no full-time employee thereof~~
 1140 shall, during her or his service upon ~~or under~~ the board
 1141 ~~commission~~, engage in any other business or profession or hold
 1142 any other public office, nor shall she or he serve as the
 1143 representative of any political party, or any executive
 1144 committee or other governing body thereof, or as an executive
 1145 officer or employee of any political committee, organization, or
 1146 association or be engaged on the behalf of any candidate for
 1147 public office in the solicitation of votes or otherwise.
 1148 ~~However, this shall not be deemed to exclude the appointment of~~
 1149 ~~the Secretary of Corrections to the commission under the terms~~
 1150 ~~and conditions set forth in this chapter.~~

1151 Section 57. Section 947.11, Florida Statutes, is amended
 1152 to read:

1153 947.11 Legal adviser.--The Department of Legal Affairs
 1154 shall be the legal adviser of the board ~~commission~~.

1155 Section 58. Subsection (1) of section 947.12, Florida
 1156 Statutes, is amended to read:

1157 947.12 Members, employees, expenses.--

1158 (1) The members of the board ~~commission~~ and ~~its employees~~
 1159 shall be reimbursed for travel expenses as provided in s.
 1160 112.061. ~~All bills for expenses shall be properly receipted,~~
 1161 ~~audited, and approved and forwarded to the Chief Financial~~
 1162 ~~Officer and shall be paid in a manner and form as the bills for~~
 1163 ~~the expenses of the several departments of the state government~~
 1164 ~~are paid. All expenses, including salaries and other~~

1165 ~~compensation, shall be paid from the General Revenue Fund and~~
 1166 ~~within the appropriation as fixed therefor by the Legislature.~~
 1167 ~~Such expenses shall be paid by the Chief Financial Officer upon~~
 1168 ~~proper warrants drawn upon vouchers and requisitions approved by~~
 1169 ~~the commission.~~

1170 Section 59. Section 947.13, Florida Statutes, is amended
 1171 to read:

1172 947.13 Powers and duties of the board ~~commission~~.--

1173 (1) The board ~~commission~~ shall have the powers and perform
 1174 the duties of:

1175 (a) Determining what persons shall be placed on parole,
 1176 subject to the provisions of ss. 947.172 and 947.174.

1177 (b) Fixing the time and conditions of parole, as provided
 1178 in this chapter.

1179 (c) Determining whether a person has violated parole and
 1180 taking action with respect to such a violation.

1181 (d) Making such investigations as may be necessary.

1182 ~~(e) Reporting to the Board of Executive Clemency the~~
 1183 ~~circumstances, the criminal records, and the social, physical,~~
 1184 ~~mental, and psychiatric conditions and histories of persons~~
 1185 ~~under consideration by the board for pardon, commutation of~~
 1186 ~~sentence, or remission of fine, penalty, or forfeiture.~~

1187 (e)-(f) Establishing the terms and conditions of persons
 1188 released on conditional release under s. 947.1405, and
 1189 determining subsequent ineligibility for conditional release due
 1190 to a violation of the terms or conditions of conditional release
 1191 and taking action with respect to such a violation.

1192 ~~(g)~~ (f) As the Control Release Authority, determining what
 1193 persons will be released on control release under s. 947.146,
 1194 establishing the time and conditions of control release, if any,
 1195 and determining whether a person has violated the conditions of
 1196 control release and taking action with respect to such a
 1197 violation.

1198 ~~(h)~~ (g) Determining what persons will be released on
 1199 conditional medical release under s. 947.149, establishing the
 1200 conditions of conditional medical release, and determining
 1201 whether a person has violated the conditions of conditional
 1202 medical release and taking action with respect to such a
 1203 violation.

1204 (2) (a) The board ~~commission~~ shall immediately examine
 1205 records of the department under s. 945.25, and any other records
 1206 which it obtains, and may make such other investigations as may
 1207 be necessary.

1208 (b) The Department of Children and Family Services and all
 1209 other state, county, and city agencies, sheriffs and their
 1210 deputies, and all peace officers shall cooperate with the board
 1211 ~~commission~~ and the department and shall aid and assist them in
 1212 the performance of their duties.

1213 Section 60. Section 947.135, Florida Statutes, is
 1214 repealed.

1215 Section 61. Section 958.15, Florida Statutes, is repealed.

1216 Section 62. Section 947.1405, Florida Statutes, is amended
 1217 to read:

1218 947.1405 Conditional release program.--

1219 (1) This section and s. 947.141 may be cited as the
 1220 "Conditional Release Program Act."
 1221 (2) Any inmate who:
 1222 (a) Is convicted of a crime committed on or after October
 1223 1, 1988, and before January 1, 1994, and any inmate who is
 1224 convicted of a crime committed on or after January 1, 1994,
 1225 which crime is or was contained in category 1, category 2,
 1226 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
 1227 Rules of Criminal Procedure (1993), and who has served at least
 1228 one prior felony commitment at a state or federal correctional
 1229 institution;
 1230 (b) Is sentenced as a habitual or violent habitual
 1231 offender or a violent career criminal pursuant to s. 775.084; or
 1232 (c) Is found to be a sexual predator under s. 775.21 or
 1233 former s. 775.23,
 1234
 1235 shall, upon reaching the tentative release date or provisional
 1236 release date, whichever is earlier, as established by the
 1237 Department of Corrections, be released under supervision subject
 1238 to specified terms and conditions, including payment of the cost
 1239 of supervision pursuant to s. 948.09. Such supervision shall be
 1240 applicable to all sentences within the overall term of sentences
 1241 if an inmate's overall term of sentences includes one or more
 1242 sentences that are eligible for conditional release supervision
 1243 as provided herein. Effective July 1, 1994, and applicable for
 1244 offenses committed on or after that date, the board ~~commission~~
 1245 may require, as a condition of conditional release, that the
 1246 releasee make payment of the debt due and owing to a county or

1247 municipal detention facility under s. 951.032 for medical care,
1248 treatment, hospitalization, or transportation received by the
1249 releasee while in that detention facility. The board ~~commission~~,
1250 in determining whether to order such repayment and the amount of
1251 such repayment, shall consider the amount of the debt, whether
1252 there was any fault of the institution for the medical expenses
1253 incurred, the financial resources of the releasee, the present
1254 and potential future financial needs and earning ability of the
1255 releasee, and dependents, and other appropriate factors. If any
1256 inmate placed on conditional release supervision is also subject
1257 to probation or community control, resulting from a probationary
1258 or community control split sentence within the overall term of
1259 sentences, the Department of Corrections shall supervise such
1260 person according to the conditions imposed by the court and the
1261 board ~~commission~~ shall defer to such supervision. If the court
1262 revokes probation or community control and resentsences the
1263 offender to a term of incarceration, such revocation also
1264 constitutes a sufficient basis for the revocation of the
1265 conditional release supervision on any nonprobationary or
1266 noncommunity control sentence without further hearing by the
1267 board ~~commission~~. If any such supervision on any nonprobationary
1268 or noncommunity control sentence is revoked, such revocation may
1269 result in a forfeiture of all gain-time, and the board
1270 ~~commission~~ may revoke the resulting deferred conditional release
1271 supervision or take other action it considers appropriate. If
1272 the term of conditional release supervision exceeds that of the
1273 probation or community control, then, upon expiration of the
1274 probation or community control, authority for the supervision

1275 shall revert to the board ~~commission~~ and the supervision shall
 1276 be subject to the conditions imposed by the board ~~commission~~.
 1277 The board ~~A panel of no fewer than two commissioners~~ shall
 1278 establish the terms and conditions of any such release. If the
 1279 offense was a controlled substance violation, the conditions
 1280 shall include a requirement that the offender submit to random
 1281 substance abuse testing intermittently throughout the term of
 1282 conditional release supervision, upon the direction of the
 1283 correctional probation officer as defined in s. 943.10(3). The
 1284 board ~~commission~~ shall also determine whether the terms and
 1285 conditions of such release have been violated and whether such
 1286 violation warrants revocation of the conditional release.

1287 (3) As part of the conditional release process, the board
 1288 ~~commission~~, through review and consideration of information
 1289 provided by the department, shall determine:

1290 (a) The amount of reparation or restitution.

1291 (b) The consequences of the offense as reported by the
 1292 victim ~~aggrieved party~~.

1293 (c) The victim's ~~aggrieved party's~~ fear of the inmate or
 1294 concerns about the release of the inmate.

1295 (4) The board ~~commission~~ shall provide to the victim
 1296 ~~aggrieved party~~ information regarding the manner in which notice
 1297 of any developments concerning the status of the inmate during
 1298 the term of conditional release may be requested.

1299 (5) Within 180 days prior to the tentative release date or
 1300 provisional release date, whichever is earlier, a representative
 1301 of the department shall review the inmate's program
 1302 participation, disciplinary record, psychological and medical

1303 records, criminal records, and any other information pertinent
1304 to the impending release. The department shall gather and
1305 compile information necessary for the board ~~commission~~ to make
1306 the determinations set forth in subsection (3). A department
1307 representative shall conduct a personal interview with the
1308 inmate for the purpose of determining the details of the
1309 inmate's release plan, including the inmate's planned residence
1310 and employment. The department representative shall forward the
1311 inmate's release plan to the board ~~commission~~ and recommend to
1312 the board ~~commission~~ the terms and conditions of the conditional
1313 release.

1314 (6) The board ~~commission~~ shall review the recommendations
1315 of the department, and such other information as it deems
1316 relevant, and may conduct a review of the inmate's record for
1317 the purpose of establishing the terms and conditions of the
1318 conditional release. The board ~~commission~~ may impose any special
1319 conditions it considers warranted from its review of the release
1320 plan and recommendation. If the board ~~commission~~ determines that
1321 the inmate is eligible for release under this section, the board
1322 ~~commission~~ shall enter an order establishing the length of
1323 supervision and the conditions attendant thereto. However, an
1324 inmate who has been convicted of a violation of chapter 794 or
1325 found by the court to be a sexual predator is subject to the
1326 maximum level of supervision provided, with the mandatory
1327 conditions as required in subsection (7), and that supervision
1328 shall continue through the end of the releasee's original court-
1329 imposed sentence. The length of supervision must not exceed the
1330 maximum penalty imposed by the court.

1331 (7) (a) Any inmate who is convicted of a crime committed on
1332 or after October 1, 1995, or who has been previously convicted
1333 of a crime committed on or after October 1, 1995, in violation
1334 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
1335 subject to conditional release supervision, shall have, in
1336 addition to any other conditions imposed, the following special
1337 conditions imposed by the board ~~commission~~:

1338 1. A mandatory curfew from 10 p.m. to 6 a.m. The board
1339 ~~commission~~ may designate another 8-hour period if the offender's
1340 employment precludes the above specified time, and such
1341 alternative is recommended by the Department of Corrections. If
1342 the board ~~commission~~ determines that imposing a curfew would
1343 endanger the victim, the board ~~commission~~ may consider
1344 alternative sanctions.

1345 2. If the victim was under the age of 18, a prohibition on
1346 living within 1,000 feet of a school, day care center, park,
1347 playground, designated public school bus stop, or other place
1348 where children regularly congregate. A releasee who is subject
1349 to this subparagraph may not relocate to a residence that is
1350 within 1,000 feet of a public school bus stop. Beginning October
1351 1, 2004, the board ~~commission~~ or the department may not approve
1352 a residence that is located within 1,000 feet of a school, day
1353 care center, park, playground, designated school bus stop, or
1354 other place where children regularly congregate for any releasee
1355 who is subject to this subparagraph. On October 1, 2004, the
1356 department shall notify each affected school district of the
1357 location of the residence of a releasee 30 days prior to release
1358 and thereafter, if the releasee relocates to a new residence,

1359 shall notify any affected school district of the residence of
 1360 the releasee within 30 days after relocation. If, on October 1,
 1361 2004, any public school bus stop is located within 1,000 feet of
 1362 the existing residence of such releasee, the district school
 1363 board shall relocate that school bus stop. Beginning October 1,
 1364 2004, a district school board may not establish or relocate a
 1365 public school bus stop within 1,000 feet of the residence of a
 1366 releasee who is subject to this subparagraph. The failure of the
 1367 district school board to comply with this subparagraph shall not
 1368 result in a violation of conditional release supervision.

1369 3. Active participation in and successful completion of a
 1370 sex offender treatment program with qualified practitioners
 1371 specifically trained to treat sex offenders, at the releasee's
 1372 own expense. If a qualified practitioner is not available within
 1373 a 50-mile radius of the releasee's residence, the offender shall
 1374 participate in other appropriate therapy.

1375 4. A prohibition on any contact with the victim, directly
 1376 or indirectly, including through a third person, unless approved
 1377 by the victim, the offender's therapist, and the sentencing
 1378 court.

1379 5. If the victim was under the age of 18, a prohibition
 1380 against contact with children under the age of 18 without review
 1381 and approval by the board ~~commission~~. The board ~~commission~~ may
 1382 approve supervised contact with a child under the age of 18 if
 1383 the approval is based upon a recommendation for contact issued
 1384 by a qualified practitioner who is basing the recommendation on
 1385 a risk assessment. Further, the sex offender must be currently
 1386 enrolled in or have successfully completed a sex offender

1387 therapy program. The board ~~commission~~ may not grant supervised
 1388 contact with a child if the contact is not recommended by a
 1389 qualified practitioner and may deny supervised contact with a
 1390 child at any time. When considering whether to approve
 1391 supervised contact with a child, the board ~~commission~~ must
 1392 review and consider the following:

1393 a. A risk assessment completed by a qualified
 1394 practitioner. The qualified practitioner must prepare a written
 1395 report that must include the findings of the assessment and
 1396 address each of the following components:

1397 (I) The sex offender's current legal status;

1398 (II) The sex offender's history of adult charges with
 1399 apparent sexual motivation;

1400 (III) The sex offender's history of adult charges without
 1401 apparent sexual motivation;

1402 (IV) The sex offender's history of juvenile charges,
 1403 whenever available;

1404 (V) The sex offender's offender treatment history,
 1405 including a consultation from the sex offender's treating, or
 1406 most recent treating, therapist;

1407 (VI) The sex offender's current mental status;

1408 (VII) The sex offender's mental health and substance abuse
 1409 history as provided by the Department of Corrections;

1410 (VIII) The sex offender's personal, social, educational,
 1411 and work history;

1412 (IX) The results of current psychological testing of the
 1413 sex offender if determined necessary by the qualified
 1414 practitioner;

1415 (X) A description of the proposed contact, including the
 1416 location, frequency, duration, and supervisory arrangement;

1417 (XI) The child's preference and relative comfort level
 1418 with the proposed contact, when age-appropriate;

1419 (XII) The parent's or legal guardian's preference
 1420 regarding the proposed contact; and

1421 (XIII) The qualified practitioner's opinion, along with
 1422 the basis for that opinion, as to whether the proposed contact
 1423 would likely pose significant risk of emotional or physical harm
 1424 to the child.

1425

1426 The written report of the assessment must be given to the board
 1427 ~~commission~~.

1428 b. A recommendation made as a part of the risk-assessment
 1429 report as to whether supervised contact with the child should be
 1430 approved;

1431 c. A written consent signed by the child's parent or legal
 1432 guardian, if the parent or legal guardian is not the sex
 1433 offender, agreeing to the sex offender having supervised contact
 1434 with the child after receiving full disclosure of the sex
 1435 offender's present legal status, past criminal history, and the
 1436 results of the risk assessment. The board ~~commission~~ may not
 1437 approve contact with the child if the parent or legal guardian
 1438 refuses to give written consent for supervised contact;

1439 d. A safety plan prepared by the qualified practitioner,
 1440 who provides treatment to the offender, in collaboration with
 1441 the sex offender, the child's parent or legal guardian, and the
 1442 child, when age appropriate, which details the acceptable

1443 conditions of contact between the sex offender and the child.
1444 The safety plan must be reviewed and approved by the Department
1445 of Corrections before being submitted to the board ~~commission~~;
1446 and

1447 e. Evidence that the child's parent or legal guardian, if
1448 the parent or legal guardian is not the sex offender,
1449 understands the need for and agrees to the safety plan and has
1450 agreed to provide, or to designate another adult to provide,
1451 constant supervision any time the child is in contact with the
1452 offender.

1453
1454 The board ~~commission~~ may not appoint a person to conduct a risk
1455 assessment and may not accept a risk assessment from a person
1456 who has not demonstrated to the board ~~commission~~ that he or she
1457 has met the requirements of a qualified practitioner as defined
1458 in this section.

1459 6. If the victim was under age 18, a prohibition on
1460 working for pay or as a volunteer at any school, day care
1461 center, park, playground, or other place where children
1462 regularly congregate, as prescribed by the board ~~commission~~.

1463 7. Unless otherwise indicated in the treatment plan
1464 provided by the sexual offender treatment program, a prohibition
1465 on viewing, owning, or possessing any obscene, pornographic, or
1466 sexually stimulating visual or auditory material, including
1467 telephone, electronic media, computer programs, or computer
1468 services that are relevant to the offender's deviant behavior
1469 pattern.

1470 8. Effective for a releasee whose crime is committed on or
 1471 after July 1, 2005, a prohibition on accessing the Internet or
 1472 other computer services until the offender's sex offender
 1473 treatment program, after a risk assessment is completed,
 1474 approves and implements a safety plan for the offender's
 1475 accessing or using the Internet or other computer services.

1476 9. A requirement that the releasee must submit two
 1477 specimens of blood to the Florida Department of Law Enforcement
 1478 to be registered with the DNA database.

1479 10. A requirement that the releasee make restitution to
 1480 the victim, as determined by the sentencing court or the board
 1481 ~~commission~~, for all necessary medical and related professional
 1482 services relating to physical, psychiatric, and psychological
 1483 care.

1484 11. Submission to a warrantless search by the community
 1485 control or probation officer of the probationer's or community
 1486 controllee's person, residence, or vehicle.

1487 (b) For a releasee whose crime was committed on or after
 1488 October 1, 1997, in violation of chapter 794, s. 800.04, s.
 1489 827.071, or s. 847.0145, and who is subject to conditional
 1490 release supervision, in addition to any other provision of this
 1491 subsection, the board ~~commission~~ shall impose the following
 1492 additional conditions of conditional release supervision:

1493 1. As part of a treatment program, participation in a
 1494 minimum of one annual polygraph examination to obtain
 1495 information necessary for risk management and treatment and to
 1496 reduce the sex offender's denial mechanisms. The polygraph
 1497 examination must be conducted by a polygrapher trained

1498 specifically in the use of the polygraph for the monitoring of
 1499 sex offenders, where available, and at the expense of the sex
 1500 offender. The results of the polygraph examination shall not be
 1501 used as evidence in a hearing to prove that a violation of
 1502 supervision has occurred.

1503 2. Maintenance of a driving log and a prohibition against
 1504 driving a motor vehicle alone without the prior approval of the
 1505 supervising officer.

1506 3. A prohibition against obtaining or using a post office
 1507 box without the prior approval of the supervising officer.

1508 4. If there was sexual contact, a submission to, at the
 1509 probationer's or community controllee's expense, an HIV test
 1510 with the results to be released to the victim or the victim's
 1511 parent or guardian.

1512 5. Electronic monitoring of any form when ordered by the
 1513 board ~~commission~~.

1514 (8) It is the finding of the Legislature that the
 1515 population of offenders released from state prison into the
 1516 community who meet the conditional release criteria poses the
 1517 greatest threat to the public safety of the groups of offenders
 1518 under community supervision. Therefore, the Department of
 1519 Corrections is to provide intensive supervision by experienced
 1520 correctional probation officers to conditional release
 1521 offenders. Subject to specific appropriation by the Legislature,
 1522 caseloads may be restricted to a maximum of 40 conditional
 1523 release offenders per officer to provide for enhanced public
 1524 safety and to effectively monitor conditions of electronic
 1525 monitoring or curfews, if so ordered by the board ~~commission~~.

1526 (9) The board ~~commission~~ shall adopt rules pursuant to ss.
1527 120.536(1) and 120.54 necessary to implement the provisions of
1528 the Conditional Release Program Act.

1529 (10) Effective for a releasee whose crime was committed on
1530 or after September 1, 2005, in violation of chapter 794, s.
1531 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
1532 unlawful activity involved a victim who was 15 years of age or
1533 younger and the offender is 18 years of age or older or for a
1534 releasee who is designated as a sexual predator pursuant to s.
1535 775.21, in addition to any other provision of this section, the
1536 board ~~commission~~ must order electronic monitoring for the
1537 duration of the releasee's supervision.

1538 Section 63. Section 947.141, Florida Statutes, is amended
1539 to read:

1540 947.141 Violations of conditional release, control
1541 release, or conditional medical release or addiction-recovery
1542 supervision.--

1543 (1) If a member of the board ~~commission~~ or a duly
1544 authorized representative of the board ~~commission~~ has reasonable
1545 grounds to believe that an offender who is on release
1546 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
1547 944.4731 has violated the terms and conditions of the release in
1548 a material respect, such member or representative may cause a
1549 warrant to be issued for the arrest of the releasee; if the
1550 offender was found to be a sexual predator, the warrant must be
1551 issued.

1552 (2) Upon the arrest on a felony charge of an offender who
1553 is on release supervision under s. 947.1405, s. 947.146, s.

1554 947.149, or s. 944.4731, the offender must be detained without
 1555 bond until the initial appearance of the offender at which a
 1556 judicial determination of probable cause is made. If the trial
 1557 court judge determines that there was no probable cause for the
 1558 arrest, the offender may be released. If the trial court judge
 1559 determines that there was probable cause for the arrest, such
 1560 determination also constitutes reasonable grounds to believe
 1561 that the offender violated the conditions of the release. Within
 1562 24 hours after the trial court judge's finding of probable
 1563 cause, the detention facility administrator or designee shall
 1564 notify the board ~~commission~~ and the department of the finding
 1565 and transmit to each a facsimile copy of the probable cause
 1566 affidavit or the sworn offense report upon which the trial court
 1567 judge's probable cause determination is based. The offender must
 1568 continue to be detained without bond for a period not exceeding
 1569 72 hours excluding weekends and holidays after the date of the
 1570 probable cause determination, pending a decision by the board
 1571 ~~commission~~ whether to issue a warrant charging the offender with
 1572 violation of the conditions of release. Upon the issuance of the
 1573 board's ~~commission's~~ warrant, the offender must continue to be
 1574 held in custody pending a revocation hearing held in accordance
 1575 with this section.

1576 (3) Within 45 days after notice to the board ~~Parole~~
 1577 ~~Commission~~ of the arrest of a releasee charged with a violation
 1578 of the terms and conditions of conditional release, control
 1579 release, conditional medical release, or addiction-recovery
 1580 supervision, the releasee must be afforded a hearing conducted
 1581 by a board member ~~commissioner~~ or a duly authorized

1582 representative thereof. If the releasee elects to proceed with a
 1583 hearing, the releasee must be informed orally and in writing of
 1584 the following:

1585 (a) The alleged violation with which the releasee is
 1586 charged.

1587 (b) The releasee's right to be represented by counsel.

1588 (c) The releasee's right to be heard in person.

1589 (d) The releasee's right to secure, present, and compel
 1590 the attendance of witnesses relevant to the proceeding.

1591 (e) The releasee's right to produce documents on the
 1592 releasee's own behalf.

1593 (f) The releasee's right of access to all evidence used
 1594 against the releasee and to confront and cross-examine adverse
 1595 witnesses.

1596 (g) The releasee's right to waive the hearing.

1597 (4) Within a reasonable time following the hearing, the
 1598 board member ~~commissioner~~ or the board's ~~commissioner's~~ duly
 1599 authorized representative who conducted the hearing shall make
 1600 findings of fact in regard to the alleged violation. The board ~~A~~
 1601 ~~panel of no fewer than two commissioners~~ shall enter an order
 1602 determining whether the charge of violation of conditional
 1603 release, control release, conditional medical release, or
 1604 addiction-recovery supervision has been sustained based upon the
 1605 findings of fact presented by the member ~~hearing commissioner~~ or
 1606 authorized representative. By such order, the board ~~panel~~ may
 1607 revoke conditional release, control release, conditional medical
 1608 release, or addiction-recovery supervision and thereby return
 1609 the releasee to prison to serve the sentence imposed, reinstate

1610 the original order granting the release, or enter such other
 1611 order as it considers proper. Effective for inmates whose
 1612 offenses were committed on or after July 1, 1995, the board
 1613 ~~panel~~ may order the placement of a releasee, upon a finding of
 1614 violation pursuant to this subsection, into a local detention
 1615 facility as a condition of supervision.

1616 (5) Effective for inmates whose offenses were committed on
 1617 or after July 1, 1995, notwithstanding the provisions of ss.
 1618 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
 1619 951.23, or any other law to the contrary, by such order as
 1620 provided in subsection (4), the board ~~panel~~, upon a finding of
 1621 guilt, may, as a condition of continued supervision, place the
 1622 releasee in a local detention facility for a period of
 1623 incarceration not to exceed 22 months. Prior to the expiration
 1624 of the term of incarceration, or upon recommendation of the
 1625 chief correctional officer of that county, the board ~~commission~~
 1626 shall cause inquiry into the inmate's release plan and custody
 1627 status in the detention facility and consider whether to restore
 1628 the inmate to supervision, modify the conditions of supervision,
 1629 or enter an order of revocation, thereby causing the return of
 1630 the inmate to prison to serve the sentence imposed. The
 1631 provisions of this section do not prohibit the board ~~panel~~ from
 1632 entering such other order or conducting any investigation that
 1633 it deems proper. The board ~~commission~~ may only place a person in
 1634 a local detention facility pursuant to this section if there is
 1635 a contractual agreement between the chief correctional officer
 1636 of that county and the Department of Corrections. The agreement
 1637 must provide for a per diem reimbursement for each person placed

1638 under this section, which is payable by the Department of
1639 Corrections for the duration of the offender's placement in the
1640 facility. This section does not limit the board's ~~commission's~~
1641 ability to place a person in a local detention facility for less
1642 than 1 year.

1643 (6) Whenever a conditional release, control release,
1644 conditional medical release, or addiction-recovery supervision
1645 is revoked by the board ~~a panel of no fewer than two~~
1646 ~~commissioners~~ and the releasee is ordered to be returned to
1647 prison, the releasee, by reason of the misconduct, shall be
1648 deemed to have forfeited all gain-time or commutation of time
1649 for good conduct, as provided for by law, earned up to the date
1650 of release. However, if a conditional medical release is revoked
1651 due to the improved medical or physical condition of the
1652 releasee, the releasee shall not forfeit gain-time accrued
1653 before the date of conditional medical release. This subsection
1654 does not deprive the prisoner of the right to gain-time or
1655 commutation of time for good conduct, as provided by law, from
1656 the date of return to prison.

1657 (7) If a law enforcement officer has probable cause to
1658 believe that an offender who is on release supervision under s.
1659 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
1660 the terms and conditions of his or her release by committing a
1661 felony offense, the officer shall arrest the offender without a
1662 warrant, and a warrant need not be issued in the case.

1663 Section 64. Subsection (1) and paragraph (b) of subsection
1664 (7) of section 947.146, Florida Statutes, are amended to read:
1665 947.146 Control Release Authority.--

1666 (1) There is created a Control Release Authority which
 1667 shall be composed of the members of the Parole Board ~~Commission~~
 1668 and which shall have the same chair as the board ~~commission~~. ~~The~~
 1669 ~~authority shall utilize such commission staff as it determines~~
 1670 ~~is necessary to carry out its purposes.~~

1671 (7) The authority has the power and duty to:

1672 (b) Authorize an individual board member ~~commissioner~~ to
 1673 postpone a control release date for not more than 60 days
 1674 without a hearing for any inmate who has become the subject of a
 1675 disciplinary proceeding, a criminal arrest, an information, or
 1676 an indictment; who has been terminated from work release; or
 1677 about whom there is any recently discovered information as
 1678 specified in paragraph (a).

1679 Section 65. Section 947.149, Florida Statutes, is amended
 1680 to read:

1681 947.149 Conditional medical release.--

1682 (1) The board ~~commission~~ shall, in conjunction with the
 1683 department, establish the conditional medical release program.
 1684 An inmate is eligible for consideration for release under the
 1685 conditional medical release program when the inmate, because of
 1686 an existing medical or physical condition, is determined by the
 1687 department to be within one of the following designations:

1688 (a) "Permanently incapacitated inmate," which means an
 1689 inmate who has a condition caused by injury, disease, or illness
 1690 which, to a reasonable degree of medical certainty, renders the
 1691 inmate permanently and irreversibly physically incapacitated to
 1692 the extent that the inmate does not constitute a danger to
 1693 herself or himself or others.

1694 (b) "Terminally ill inmate," which means an inmate who has
 1695 a condition caused by injury, disease, or illness which, to a
 1696 reasonable degree of medical certainty, renders the inmate
 1697 terminally ill to the extent that there can be no recovery and
 1698 death is imminent, so that the inmate does not constitute a
 1699 danger to herself or himself or others.

1700 (2) Notwithstanding any provision to the contrary, any
 1701 person determined eligible under this section and sentenced to
 1702 the custody of the department may, upon referral by the
 1703 department, be considered for conditional medical release by the
 1704 board ~~commission~~, in addition to any parole consideration for
 1705 which the inmate may be considered, except that conditional
 1706 medical release is not authorized for an inmate who is under
 1707 sentence of death. No inmate has a right to conditional medical
 1708 release or to a medical evaluation to determine eligibility for
 1709 such release.

1710 (3) The authority and whether or not to grant conditional
 1711 medical release and establish additional conditions of
 1712 conditional medical release rests solely within the discretion
 1713 of the board ~~commission~~, in accordance with the provisions of
 1714 this section, together with the authority to approve the release
 1715 plan to include necessary medical care and attention. The
 1716 department shall identify inmates who may be eligible for
 1717 conditional medical release based upon available medical
 1718 information and shall refer them to the board ~~commission~~ for
 1719 consideration. In considering an inmate for conditional medical
 1720 release, the board ~~commission~~ may require that additional
 1721 medical evidence be produced or that additional medical

1722 examinations be conducted, and may require such other
1723 investigations to be made as may be warranted.

1724 (4) The conditional medical release term of an inmate
1725 released on conditional medical release is for the remainder of
1726 the inmate's sentence, without diminution of sentence for good
1727 behavior. Supervision of the medical releasee must include
1728 periodic medical evaluations at intervals determined by the
1729 board ~~commission~~ at the time of release.

1730 (5) (a) If it is discovered during the conditional medical
1731 release that the medical or physical condition of the medical
1732 releasee has improved to the extent that she or he would no
1733 longer be eligible for conditional medical release under this
1734 section, the board ~~commission~~ may order that the releasee be
1735 returned to the custody of the department for a conditional
1736 medical release revocation hearing, in accordance with s.
1737 947.141. If conditional medical release is revoked due to
1738 improvement in the medical or physical condition of the
1739 releasee, she or he shall serve the balance of her or his
1740 sentence with credit for the time served on conditional medical
1741 release and without forfeiture of any gain-time accrued prior to
1742 conditional medical release. If the person whose conditional
1743 medical release is revoked due to an improvement in medical or
1744 physical condition would otherwise be eligible for parole or any
1745 other release program, the person may be considered for such
1746 release program pursuant to law.

1747 (b) In addition to revocation of conditional medical
1748 release pursuant to paragraph (a), conditional medical release
1749 may also be revoked for violation of any condition of the

1750 release established by the board ~~commission~~, in accordance with
 1751 s. 947.141, and the releasee's gain-time may be forfeited
 1752 pursuant to s. 944.28(1).

1753 (6) The department and the board ~~commission~~ shall adopt
 1754 rules as necessary to implement the conditional medical release
 1755 program.

1756 Section 66. Section 947.15, Florida Statutes, is amended
 1757 to read:

1758 947.15 Reports.--On or before January 1 of each year, the
 1759 board ~~commission~~ shall submit ~~make~~ a written report of ~~to~~ the
 1760 board's Governor and Cabinet of its activities, either as a
 1761 separate report or as part of another Department of Corrections
 1762 report, together with a full and detailed financial statement,
 1763 copies of which shall be sent to the Governor, Cabinet,
 1764 President of the Senate, and Speaker of the House of
 1765 Representatives Department of Legal Affairs and to such other
 1766 officials and persons as the commission may deem advisable. The
 1767 ~~One copy of said~~ report shall become a part of the records of
 1768 the board ~~commission~~.

1769 Section 67. Section 947.16, Florida Statutes, is amended
 1770 to read:

1771 947.16 Eligibility for parole; initial parole interviews;
 1772 powers and duties of board ~~commission~~.--

1773 (1) Every person who has been convicted of a felony or who
 1774 has been convicted of one or more misdemeanors and whose
 1775 sentence or cumulative sentences total 12 months or more, who is
 1776 confined in execution of the judgment of the court, and whose
 1777 record during confinement or while under supervision is good,

1778 shall, unless otherwise provided by law, be eligible for
 1779 interview with an examiner selected by the department for parole
 1780 consideration of her or his cumulative sentence structure as
 1781 follows:

1782 (a) An inmate who has been sentenced for an indeterminate
 1783 term or a term of 3 years or less shall have an initial
 1784 interview ~~conducted by a hearing examiner~~ within 8 months after
 1785 the initial date of confinement in execution of the judgment.

1786 (b) An inmate who has been sentenced for a minimum term in
 1787 excess of 3 years but of less than 6 years shall have an initial
 1788 interview ~~conducted by a hearing examiner~~ within 14 months after
 1789 the initial date of confinement in execution of the judgment.

1790 (c) An inmate who has been sentenced for a minimum term of
 1791 6 or more years but other than for a life term shall have an
 1792 initial interview ~~conducted by a hearing examiner~~ within 24
 1793 months after the initial date of confinement in execution of the
 1794 judgment.

1795 (d) An inmate who has been sentenced for a term of life
 1796 shall have an initial interview ~~conducted by a hearing examiner~~
 1797 within 5 years after the initial date of confinement in
 1798 execution of the judgment.

1799 (e) An inmate who has been convicted and sentenced under
 1800 ss. 958.011-958.15, or any other inmate who has been determined
 1801 by the department to be a youthful offender, shall have an
 1802 initial interview ~~be interviewed by a parole examiner~~ within 8
 1803 months after the initial date of confinement in execution of the
 1804 judgment.

1805 (2) The following special types of cases shall have their
 1806 initial parole interview as follows:

1807 (a) An initial interview may be postponed for a period not
 1808 to exceed 90 days. Such postponement shall be for good cause,
 1809 which shall include, but need not be limited to, the need for
 1810 the department to obtain a presentence or postsentence
 1811 investigation report or a probation or parole or mandatory
 1812 conditional release violation report. The reason for
 1813 postponement shall be ~~noted~~ in writing and included in the
 1814 department official record. No postponement for good cause shall
 1815 result in an initial interview being conducted later than 90
 1816 days after the inmate's initially scheduled initial interview.

1817 (b) An initial interview may be deferred for any inmate
 1818 who is out to court. Such deferral shall not result in an
 1819 initial interview being conducted later than 90 days after ~~the~~
 1820 ~~department provides written notice to the commission that the~~
 1821 inmate has been returned from court.

1822 (c) An initial interview may be deferred for any inmate
 1823 confined in any appropriate treatment facility within the state,
 1824 public or private, by virtue of transfer from the department
 1825 under any applicable law. Such deferral shall not result in an
 1826 initial interview being conducted later than 90 days after ~~the~~
 1827 ~~department provides written notice to the commission that the~~
 1828 inmate has been returned to the department.

1829 (d) An inmate designated a mentally disordered sex
 1830 offender shall have an initial interview conducted within 90
 1831 days of ~~receiving written notification by~~ the department
 1832 determining ~~to the commission of~~ the need for such interview and

1833 that the inmate's file contains all investigative reports deemed
1834 necessary by the department ~~commission~~ to conduct such
1835 interview.

1836 (e) Any inmate who has been determined to be an
1837 incapacitated person pursuant to s. 744.331 shall have an
1838 initial interview conducted within 90 days after the date the
1839 board ~~commission~~ is provided with a court order finding written
1840 ~~notice~~ that the inmate has been restored to capacity ~~by the~~
1841 ~~court~~.

1842 (f) An initial interview may be held at the discretion of
1843 the board ~~commission~~ after the entry of a board ~~commission~~ order
1844 to revoke parole or mandatory conditional release.

1845 (g) For purposes of determining eligibility for parole
1846 interview and release, the mandatory minimum portion of a
1847 concurrent sentence will begin on the date the sentence begins
1848 to run as provided in s. 921.161. The mandatory minimum portions
1849 of consecutive sentences shall be served at the beginning of the
1850 maximum sentence as established by the department ~~of~~
1851 ~~Corrections~~. Each mandatory minimum portion of consecutive
1852 sentences shall be served consecutively; provided, that in no
1853 case shall a sentence begin to run before the date of
1854 imposition. An examiner ~~The commission~~ shall conduct an initial
1855 interview for an inmate serving a mandatory minimum sentence
1856 according to the following schedule:

1857 1. An inmate serving a mandatory term of 7 years or less
1858 shall have an initial interview no sooner than 6 months prior to
1859 the expiration of the mandatory minimum portion of the sentence.

1860 2. An inmate serving a mandatory term in excess of 7 years
 1861 but of less than 15 years shall have an initial interview no
 1862 sooner than 12 months prior to the expiration of the mandatory
 1863 minimum portion of the sentence.

1864 3. An inmate serving a mandatory term of 15 years or more
 1865 shall have an initial interview no sooner than 18 months prior
 1866 to the expiration of the mandatory minimum portion of the
 1867 sentence.

1868 (h) If an inmate is serving a sentence imposed by a county
 1869 or circuit court of this state concurrently with a sentence
 1870 imposed by a court of another state or of the United States, and
 1871 if the department has designated the correctional institution of
 1872 the other jurisdiction as the place for reception and
 1873 confinement of such person, the inmate so released to another
 1874 jurisdiction shall be eligible for consideration for parole,
 1875 except that the board ~~commission~~ shall determine the presumptive
 1876 parole release date and the effective parole release date by
 1877 requesting such person's record file from the receiving
 1878 jurisdiction. Upon receiving such records, the board ~~commission~~
 1879 ~~panel assigned by the chair~~ shall determine such release dates
 1880 based on the relevant information in that file. The board
 1881 ~~commission~~ may concur with the parole release decision of the
 1882 jurisdiction granting parole and accepting supervision. The
 1883 provisions of s. 947.174 do not apply to an inmate serving a
 1884 concurrent sentence in another jurisdiction pursuant to s.
 1885 921.16(2).

1886 (3) Notwithstanding the provisions of ss. 775.021 and
 1887 921.16, if an inmate has received a consecutive sentence or

1888 sentences imposed by a court or courts of this state, the inmate
1889 shall be eligible for consideration for parole, unless otherwise
1890 expressly prohibited by law.

1891 (4) A person who has become eligible for an initial parole
1892 interview and who may, according to the objective parole
1893 guidelines of the board ~~commission~~, be granted parole shall be
1894 placed on parole in accordance with the provisions of this law;
1895 except that, in any case of a person convicted of murder,
1896 robbery, burglary of a dwelling or burglary of a structure or
1897 conveyance in which a human being is present, aggravated
1898 assault, aggravated battery, kidnapping, sexual battery or
1899 attempted sexual battery, incest or attempted incest, an
1900 unnatural and lascivious act or an attempted unnatural and
1901 lascivious act, lewd and lascivious behavior, assault or
1902 aggravated assault when a sexual act is completed or attempted,
1903 battery or aggravated battery when a sexual act is completed or
1904 attempted, arson, or any felony involving the use of a firearm
1905 or other deadly weapon or the use of intentional violence, at
1906 the time of sentencing the judge may enter an order retaining
1907 jurisdiction over the offender for review of a board ~~commission~~
1908 release order. This jurisdiction of the trial court judge is
1909 limited to the first one-third of the maximum sentence imposed.
1910 When any person is convicted of two or more felonies and
1911 concurrent sentences are imposed, then the jurisdiction of the
1912 trial court judge as provided herein applies to the first one-
1913 third of the maximum sentence imposed for the highest felony of
1914 which the person was convicted. When any person is convicted of
1915 two or more felonies and consecutive sentences are imposed, then

1916 the jurisdiction of the trial court judge as provided herein
 1917 applies to one-third of the total consecutive sentences imposed.

1918 (a) In retaining jurisdiction for the purposes of this
 1919 act, the trial court judge shall state the justification with
 1920 individual particularity, and such justification shall be made a
 1921 part of the court record. A copy of such justification shall be
 1922 delivered to the department together with the commitment issued
 1923 by the court ~~pursuant to s. 944.16.~~

1924 (b) Gain-time as provided for by law shall accrue, except
 1925 that an offender over whom the trial court has retained
 1926 jurisdiction as provided herein shall not be released during the
 1927 first one-third of her or his sentence by reason of gain-time.

1928 (c) In such a case of retained jurisdiction, the board
 1929 ~~commission~~, within 30 days after the entry of its release order,
 1930 shall send notice of its release order to the original
 1931 sentencing judge and to the appropriate state attorney. The
 1932 release order shall be made contingent upon entry of an order by
 1933 the appropriate circuit judge relinquishing jurisdiction as
 1934 provided for in paragraphs (d) and (f). If the original
 1935 sentencing judge is no longer in service, such notice shall be
 1936 sent to the chief judge of the circuit in which the offender was
 1937 sentenced. The chief judge may designate any circuit judge
 1938 within the circuit to act in the place of the original
 1939 sentencing judge. Such notice shall stay the time requirements
 1940 of s. 947.1745.

1941 (d) Within 10 days after receipt of the notice provided
 1942 for in paragraph (c), the ~~original sentencing judge or her or~~
 1943 ~~his replacement~~ shall notify the board ~~commission~~ as to whether

1944 or not the court further desires to retain jurisdiction. If the
 1945 ~~original sentencing judge or her or his replacement~~ does not so
 1946 notify the commission within the 10-day period or notifies the
 1947 board ~~commission~~ that the court does not desire to retain
 1948 jurisdiction, then the board ~~commission~~ may dispose of the
 1949 matter as it sees fit.

1950 (e) Upon receipt of notice of intent to retain
 1951 jurisdiction from the ~~original sentencing judge or her or his~~
 1952 ~~replacement~~, the board ~~commission~~ shall, within 10 days, forward
 1953 to the court its release order, the findings of fact, the ~~parole~~
 1954 ~~hearing~~ examiner's report and recommendation, and all supporting
 1955 information upon which its release order was based.

1956 (f) Within 30 days of receipt of the items listed in
 1957 paragraph (e), the ~~original sentencing judge or her or his~~
 1958 ~~replacement~~ shall review the order, findings, and evidence; and,
 1959 if the judge finds that the order of the board ~~commission~~ is not
 1960 based on competent substantial evidence or that the parole is
 1961 not in the best interest of the community or the inmate, the
 1962 court may vacate the release order. The judge ~~or her or his~~
 1963 ~~replacement~~ shall notify the board ~~commission~~ of the decision of
 1964 the court, and, if the release order is vacated, such
 1965 notification shall contain the evidence relied on and the
 1966 reasons for denial. A copy of such notice shall be sent to the
 1967 inmate.

1968 (g) The decision of the ~~original sentencing judge or, in~~
 1969 ~~her or his absence, the chief judge of the circuit~~ to vacate any
 1970 parole release order as provided in this section is not
 1971 appealable. Each inmate whose parole release order has been

1972 vacated by the court shall be reinterviewed within 2 years after
 1973 the date of receipt of the vacated release order and every 2
 1974 years thereafter, or earlier by order of the court retaining
 1975 jurisdiction. However, each inmate whose parole release order
 1976 has been vacated by the court and who has been:

- 1977 1. Convicted of murder or attempted murder;
- 1978 2. Convicted of sexual battery or attempted sexual
 1979 battery; or
- 1980 3. Sentenced to a 25-year minimum mandatory sentence
 1981 previously provided in s. 775.082,

1982
 1983 shall be reinterviewed once within 5 years after the date of
 1984 receipt of the vacated release order and once every 5 years
 1985 thereafter, if the board ~~commission~~ finds that it is not
 1986 reasonable to expect that parole would be granted during the
 1987 following years and states the reason ~~bases~~ for the finding in
 1988 writing. For any inmate who is within 7 years of his or her
 1989 tentative release date, the board ~~commission~~ may establish a
 1990 reinterview date prior to the 5-year schedule.

1991 (h) An inmate whose parole release order has been vacated
 1992 by the court may not be given a presumptive parole release date
 1993 during the period of retention of jurisdiction by the court.
 1994 During such period, a new effective parole release date may be
 1995 authorized at the discretion of the board ~~commission~~ without
 1996 further interview unless an interview is requested by the board
 1997 ~~no fewer than two commissioners~~. Any such new effective parole
 1998 release date must be reviewed in accordance with the provisions
 1999 of paragraphs (c), (d), (e), (f), and (g).

2000 (5) Within 90 days after any interview for parole, the
 2001 inmate shall be advised of the presumptive parole release date.
 2002 Subsequent to the establishment of the presumptive parole
 2003 release date, the board ~~commission~~ may, at its discretion,
 2004 review the official record or order ~~conduct~~ additional
 2005 interviews with the inmate. However, the presumptive parole
 2006 release date may not be changed except for reasons of
 2007 institutional conduct or the acquisition of new information not
 2008 available at the time of the initial interview.

2009 (6) This section as amended by chapter 82-171, Laws of
 2010 Florida, shall apply only to those persons convicted on or after
 2011 the effective date of chapter 82-171; and this section as in
 2012 effect before being amended by chapter 82-171 shall apply to any
 2013 person convicted before the effective date of chapter 82-171.

2014 Section 68. Section 947.165, Florida Statutes, is amended
 2015 to read:

2016 947.165 Objective parole guidelines.--

2017 (1) The board ~~commission~~ shall develop and implement
 2018 objective parole guidelines which shall be the criteria upon
 2019 which parole decisions are made. The objective parole guidelines
 2020 shall be developed according to an acceptable research method
 2021 and shall be based on the seriousness of offense and the
 2022 likelihood of favorable parole outcome. The guidelines shall
 2023 require the board ~~commission~~ to aggravate or aggregate each
 2024 consecutive sentence in establishing the presumptive parole
 2025 release date. Factors used in arriving at the salient factor
 2026 score and the severity of offense behavior category shall not be
 2027 applied as aggravating circumstances. If the sentencing judge

2028 files a written objection to the parole release of an inmate as
 2029 provided for in s. 947.1745(6), such objection may be used by
 2030 the board ~~commission~~ as a basis to extend the presumptive parole
 2031 release date.

2032 (2) At least once a year, the board ~~commission~~ shall
 2033 review the objective parole guidelines and make any revisions
 2034 considered necessary based on a ~~by virtue of~~ statistical
 2035 analysis of board ~~commission~~ actions, using ~~which analysis uses~~
 2036 acceptable research methodologies ~~and methodology~~.

2037 Section 69. Subsections (3) and (4) of section 947.168,
 2038 Florida Statutes, are amended to read:

2039 947.168 Consideration for persons serving parole-eligible
 2040 and parole-ineligible sentences.--

2041 (3) Actual terms of parole service shall not be initiated
 2042 until the satisfactory completion of the parole-ineligible
 2043 sentence and subsequent review by the board ~~commission~~ as
 2044 provided in subsection (4).

2045 (4) Following completion of the parole-ineligible
 2046 sentence, the board ~~commission~~ shall reinterview the offender
 2047 and consider any new information provided by the department of
 2048 ~~Corrections~~. Upon an affirmative vote by the board ~~commission~~,
 2049 the offender shall be released on parole and required to meet
 2050 any conditions set by the board ~~commission~~ pursuant to s.
 2051 947.19.

2052 Section 70. Section 947.172, Florida Statutes, is amended
 2053 to read:

2054 947.172 Establishment of presumptive parole release
 2055 date.--

2056 (1) An ~~The hearing~~ examiner shall conduct an initial
 2057 interview in accordance with the provisions of s. 947.16. This
 2058 interview shall include introduction and explanation of the
 2059 objective parole guidelines as they relate to presumptive and
 2060 effective parole release dates and an explanation of the
 2061 institutional conduct record and satisfactory release plan for
 2062 parole supervision as each relates to parole release.

2063 (2) Based on the objective parole guidelines and any other
 2064 competent evidence relevant to aggravating and mitigating
 2065 circumstances, the ~~hearing~~ examiner shall, within 10 days after
 2066 the interview, recommend in writing to the board ~~a panel of no~~
 2067 ~~fewer than two commissioners appointed by the chair~~ a
 2068 presumptive parole release date for the inmate. ~~The chair shall~~
 2069 ~~assign cases to such panels on a random basis, without regard to~~
 2070 ~~the inmate or to the commissioners sitting on the panel.~~ If the
 2071 recommended presumptive parole release date falls outside the
 2072 matrix time ranges as determined by the objective parole
 2073 guidelines, the ~~hearing~~ examiner shall include with the
 2074 recommendation a statement ~~in writing~~ as to the reasons for the
 2075 decision, ~~specifying individual particularities.~~ If a panel
 2076 ~~fails to reach a decision on a recommended presumptive parole~~
 2077 ~~release date, the chair or any other commissioner designated by~~
 2078 ~~the chair shall cast the deciding vote.~~ Within 90 days after the
 2079 date of the initial interview, the inmate shall be notified in
 2080 writing of the decision as to the inmate's presumptive parole
 2081 release date.

2082 (3) A presumptive parole release date shall become binding
 2083 on the board ~~commission~~ when agreement on the presumptive parole

2084 release date is reached. Should the presumptive parole release
 2085 date fall outside the matrix time ranges as determined by the
 2086 objective parole guidelines, the reasons for this decision shall
 2087 be stated ~~in writing with individual particularities.~~

2088 Section 71. Section 947.173, Florida Statutes, is amended
 2089 to read:

2090 947.173 Review of presumptive parole release date.--

2091 (1) An inmate may request a ~~one~~ review of his or her
 2092 initial presumptive parole release date established according to
 2093 s. 947.16(1) if the inmate shows cause in writing, ~~with~~
 2094 ~~individual particularities,~~ within 60 days after the date the
 2095 inmate is notified of the decision on the presumptive parole
 2096 release date.

2097 (2) The board ~~A panel of no fewer than two commissioners~~
 2098 ~~appointed by the chair~~ shall review the inmate's request for
 2099 review and shall notify the inmate in writing of its decision
 2100 within 60 days after the date of receipt of the request ~~by the~~
 2101 ~~commission.~~

2102 (3) The board ~~commission~~ may affirm or modify the
 2103 authorized presumptive parole release date. However, in the
 2104 event of a decision to modify the presumptive parole release
 2105 date, in no case shall this modified date be after the date
 2106 established under the procedures of s. 947.172. ~~It is the intent~~
 2107 ~~of this legislation that, once set,~~ Presumptive parole release
 2108 dates may only be modified ~~only~~ for good cause in exceptional
 2109 circumstances.

2110 Section 72. Section 947.174, Florida Statutes, is amended
 2111 to read:

2112 947.174 Subsequent interviews.--

2113 (1)(a) For any inmate, except an inmate convicted of an
2114 offense enumerated in paragraph (b), whose presumptive parole
2115 release date falls more than 2 years after the date of the
2116 initial interview, an ~~a hearing~~ examiner shall schedule an
2117 interview for review of the presumptive parole release date.
2118 Such interview shall take place within 2 years after the initial
2119 interview and every 2 years thereafter.

2120 (b) For any inmate convicted of murder, attempted murder,
2121 sexual battery, attempted sexual battery, or who has been
2122 sentenced to a 25-year minimum mandatory sentence previously
2123 provided in s. 775.082, and whose presumptive parole release
2124 date is more than 5 years after the date of the initial
2125 interview, an ~~a hearing~~ examiner shall schedule an interview for
2126 review of the presumptive parole release date. Such interview
2127 shall take place once within 5 years after the initial interview
2128 and once every 5 years thereafter if the board ~~commission~~ finds
2129 that it is not reasonable to expect that parole will be granted
2130 at a hearing during the following years and states the reason
2131 ~~bases~~ for the finding in writing. For any inmate who is within 7
2132 years of his or her tentative release date, the board ~~commission~~
2133 may establish an interview date prior to the 5-year schedule.

2134 (c) Such interviews shall be limited to determining
2135 whether or not information has been gathered which might affect
2136 the presumptive parole release date. The provisions of this
2137 subsection shall not apply to an inmate serving a concurrent
2138 sentence in another jurisdiction pursuant to s. 921.16(2).

2139 (2) The board ~~commission~~, for good cause, may at any time
 2140 request that a hearing examiner conduct a subsequent hearing
 2141 according to the procedures outlined in this section. Such
 2142 request shall specify ~~in writing~~ the reasons for such review.

2143 (3) The department shall, within a reasonable amount of
 2144 time, make available and bring to the attention of the board
 2145 ~~commission~~ such information as is deemed important to the review
 2146 of the presumptive parole release date, including, but not
 2147 limited to, current progress reports, psychological reports, and
 2148 disciplinary reports.

2149 (4) The department or an ~~a hearing~~ examiner may recommend
 2150 that an inmate be placed in a work-release program prior to the
 2151 last 18 months of her or his confinement before the presumptive
 2152 parole release date. If the board ~~commission~~ does not deny the
 2153 recommendation within 30 days of the receipt of the
 2154 recommendation, the inmate may be placed in such a program, and
 2155 the department shall advise the board ~~commission~~ of the fact
 2156 prior to such placement.

2157 (5) For purposes of this section, the board ~~commission~~
 2158 shall, after consulting with the department, develop and make
 2159 available to all inmates eligible for parole guidelines which:

2160 ~~(a) define what constitutes an unsatisfactory~~
 2161 ~~institutional record, . In developing such guidelines, the~~
 2162 ~~commission shall consult with the department.~~

2163 ~~(b) Define what constitutes a satisfactory release plan,~~
 2164 and what constitutes verification of the plan prior to placement
 2165 on parole.

2166 Section 73. Section 947.1745, Florida Statutes, is amended
 2167 to read:

2168 947.1745 Establishment of effective parole release
 2169 date.--If the inmate's institutional conduct has been
 2170 satisfactory, the presumptive parole release date shall become
 2171 the effective parole release date as follows:

2172 (1) Within 90 days before the presumptive parole release
 2173 date, an ~~a hearing~~ examiner shall conduct a final interview with
 2174 the inmate in order to establish an effective parole release
 2175 date and parole release plan. If it is determined that the
 2176 inmate's institutional conduct has been unsatisfactory, a
 2177 statement to this effect shall be made in writing with
 2178 ~~particularity~~ and shall be forwarded to the board ~~a panel of no~~
 2179 ~~fewer than two commissioners appointed by the chair.~~

2180 (2) If the board ~~panel~~ finds that the inmate's parole
 2181 release plan is unsatisfactory, this finding may constitute new
 2182 information and good cause in exceptional circumstances as
 2183 described in s. 947.173, under which the board ~~panel~~ may extend
 2184 the presumptive parole release date for not more than 1 year.
 2185 The board ~~panel~~ may review any subsequently proposed parole
 2186 release plan at any time.

2187 (3) Within 30 days after receipt of the inmate's parole
 2188 release plan, the board ~~panel~~ shall determine whether to
 2189 authorize the effective parole release date. The inmate must be
 2190 notified of the decision in writing within 30 days after the
 2191 decision by the board ~~panel~~.

2192 (4) If an effective date of parole has been established,
 2193 release on that date is conditioned upon the completion of a

2194 satisfactory plan for parole supervision. An effective date of
2195 parole may be delayed for up to 60 days by a board member
2196 ~~commissioner~~ without a hearing for the development and approval
2197 of release plans.

2198 (5) An effective date of parole may be delayed by a board
2199 member ~~commissioner~~ for up to 60 days without a hearing based
2200 on:

2201 (a) New information not available at the time of the
2202 effective parole release date interview.

2203 (b) Unsatisfactory institutional conduct which occurred
2204 subsequent to the effective parole release date interview.

2205 (c) The lack of a verified parole release plan.

2206 (6) Within 90 days before the effective parole release
2207 date interview, the board ~~commission~~ shall send written notice
2208 to the sentencing judge of any inmate who has been scheduled for
2209 an effective parole release date interview. If the sentencing
2210 judge is no longer serving, the notice must be sent to the chief
2211 judge of the circuit in which the offender was sentenced. The
2212 chief judge may designate any circuit judge within the circuit
2213 to act in the place of the sentencing judge. Within 30 days
2214 after receipt of the board's ~~commission's~~ notice, the sentencing
2215 judge, or the designee, shall send to the board ~~commission~~
2216 notice of objection to parole release, if the judge objects to
2217 such release. If there is objection by the judge, such objection
2218 may constitute good cause in exceptional circumstances as
2219 described in s. 947.173, and the board ~~commission~~ may schedule a
2220 subsequent review within 2 years, extending the presumptive

2221 parole release date beyond that time. However, for an inmate who
 2222 has been:

2223 (a) Convicted of murder or attempted murder;

2224 (b) Convicted of sexual battery or attempted sexual
 2225 battery; or

2226 (c) Sentenced to a 25-year minimum mandatory sentence
 2227 previously provided in s. 775.082,

2228
 2229 the board ~~commission~~ may schedule a subsequent review under this
 2230 subsection once every 5 years, extending the presumptive parole
 2231 release date beyond that time if the board ~~commission~~ finds that
 2232 it is not reasonable to expect that parole would be granted at a
 2233 review during the following years and states the reason ~~bases~~
 2234 for the finding in writing. For any inmate who is within 7 years
 2235 of his or her release date, the board ~~commission~~ may schedule a
 2236 subsequent review prior to the 5 year schedule. With any
 2237 subsequent review the same procedure outlined above will be
 2238 followed. If the judge remains silent with respect to parole
 2239 release, the board ~~commission~~ may authorize an effective parole
 2240 release date. This subsection applies if the board ~~commission~~
 2241 desires to consider the establishment of an effective release
 2242 date without delivery of the effective parole release date
 2243 interview. Notice of the effective release date must be sent to
 2244 the sentencing judge, and either the judge's response to the
 2245 notice must be received or the time period allowed for such
 2246 response must elapse before the board ~~commission~~ may authorize
 2247 an effective release date.

2248 Section 74. Section 947.1746, Florida Statutes, is amended
 2249 to read:

2250 947.1746 Establishment of effective parole release
 2251 date.--Within 30 days of the receipt of new information or upon
 2252 receipt of a written recommendation from the department that an
 2253 inmate be considered for mitigation of the authorized
 2254 presumptive parole release date, the board ~~commission~~ may, ~~at~~
 2255 ~~its discretion~~, provide for a final interview to establish an
 2256 effective parole release date or may review the official record
 2257 and establish an effective parole release date without provision
 2258 of a final interview, unless an interview is requested by the
 2259 board ~~no fewer than two commissioners~~.

2260 Section 75. Section 947.1747, Florida Statutes, is amended
 2261 to read:

2262 947.1747 Community control as a special condition of
 2263 parole.--Upon the establishment of an effective parole release
 2264 date as provided for in ss. 947.1745 and 947.1746, the board
 2265 ~~commission~~ may, as a special condition of parole, require an
 2266 inmate to be placed in the community control program ~~of the~~
 2267 ~~Department of Corrections~~ as described in s. 948.10 for a period
 2268 not exceeding 6 months. In every case in which the board
 2269 ~~commission~~ decides to place an inmate on community control as a
 2270 special condition of parole, the board ~~commission~~ shall provide
 2271 a written explanation of the reasons for its decision.

2272 Section 76. Section 947.18, Florida Statutes, is amended
 2273 to read:

2274 947.18 Conditions of parole.--No inmate ~~person~~ shall be
 2275 placed on parole merely as a reward for good conduct or

2276 efficient performance of duties assigned in prison. No inmate
 2277 ~~person~~ shall be placed on parole until and unless the board
 2278 ~~commission~~ finds that there is a reasonable probability that, if
 2279 ~~the person is~~ placed on parole, he or she will live ~~and conduct~~
 2280 ~~himself or herself as~~ a respectable and law-abiding life ~~person~~
 2281 and that the parolee's ~~person's~~ release will be compatible with
 2282 his or her own welfare and the welfare of society. No inmate
 2283 ~~person~~ shall be placed on parole unless and until the board
 2284 ~~commission~~ is satisfied that he or she will be suitably employed
 2285 in self-sustaining employment or that he or she will not become
 2286 a public charge. The board ~~commission~~ shall determine the terms
 2287 upon which such person shall be granted parole. If the inmate's
 2288 ~~person's~~ conviction was for a controlled substance violation,
 2289 one of the conditions must be that the person submit to random
 2290 substance abuse testing ~~intermittently~~ throughout the term of
 2291 supervision, upon the direction of the correctional probation
 2292 officer as defined in s. 943.10(3). In addition to any other
 2293 lawful condition of parole, the board ~~commission~~ may make the
 2294 payment of the debt due and owing to the state under s. 960.17
 2295 or the payment of the attorney's fees and costs due and owing to
 2296 the state under s. 938.29 a condition of parole subject to
 2297 modification based on a change of circumstances.

2298 Section 77. Section 947.181, Florida Statutes, is amended
 2299 to read:

2300 947.181 Victim restitution as condition of parole.--

2301 (1) (a) The board ~~Parole Commission~~ shall require as a
 2302 condition of parole that the parolee pay reparation or
 2303 restitution to the victim ~~aggrieved party~~ for the damage or loss

2304 caused by the offense for which the parolee was imprisoned,
 2305 unless the board ~~commission~~ finds reasons to the contrary. If
 2306 the board ~~commission~~ does not order restitution or orders only
 2307 partial restitution, the board ~~commission~~ shall state on the
 2308 record the reasons therefor. The amount of such reparation or
 2309 restitution shall be determined by the board ~~Parole Commission~~.

2310 (b) If the parolee fails to make the reparation or
 2311 restitution to the victim ~~aggrieved party~~ as required by
 2312 ~~authorized in~~ paragraph (a), the failure ~~it~~ shall be considered
 2313 by the board ~~commission~~ as a violation of parole as specified in
 2314 s. 947.21 and may be cause for revocation of ~~her or his~~ parole.

2315 (2) If an inmate ~~a defendant~~ is paroled, any restitution
 2316 ordered under s. 775.089 shall be a condition of such parole.
 2317 The board ~~Parole Commission~~ may revoke parole if the parolee
 2318 ~~defendant~~ fails to comply with such condition ~~order~~. In
 2319 determining whether to revoke parole, the board ~~Parole~~
 2320 ~~Commission~~ shall consider the parolee's ~~defendant's~~ employment
 2321 status, earning ability, and financial resources; the
 2322 willfulness of the parolee's ~~defendant's~~ failure to pay; and any
 2323 other special circumstances that may have a bearing on the
 2324 parolee's ~~defendant's~~ ability to pay.

2325 Section 78. Section 947.185, Florida Statutes, is amended
 2326 to read:

2327 947.185 Application for mental retardation services as
 2328 condition of parole.--The board ~~Parole Commission~~ may require as
 2329 a condition of parole that any inmate who has been diagnosed as
 2330 mentally retarded as defined in s. 393.063 shall, upon release,

2331 apply for services that may be provided by ~~from~~ the Agency for
 2332 Persons with Disabilities.

2333 Section 79. Section 947.19, Florida Statutes, is amended
 2334 to read:

2335 947.19 Terms of parole.--

2336 (1) The board ~~commission~~, upon authorizing an effective
 2337 parole release date, shall specify in writing the terms and
 2338 conditions of the parole, a certified copy of which shall be
 2339 given to the parolee.

2340 (2) A parolee may, within 120 days of receipt of the
 2341 certified copy of the terms and conditions of parole, request
 2342 that the board ~~commission~~ modify the terms and conditions of
 2343 parole. ~~+~~ The parolee must specify in writing the reasons for
 2344 requesting modification ~~such modifications~~.

2345 (3) The board ~~A panel of no fewer than two commissioners~~
 2346 ~~appointed by the chair~~ shall consider requests for review of the
 2347 terms and conditions of parole, render a written decision to
 2348 continue or to modify the terms and conditions of parole,
 2349 specifying the reasons ~~therefor~~, and inform the parolee of the
 2350 decision in writing within 30 days of the date of receipt of
 2351 request for review. ~~Such panel shall not include those~~
 2352 ~~commissioners who authorized the original conditions of parole.~~

2353 (4) During any period of requested review of terms and
 2354 conditions of parole, the parolee shall be subject to the
 2355 authorized terms and conditions of parole until ~~such time~~
 2356 ~~according to the provisions of this section~~ a decision is made
 2357 to ~~continue or~~ modify the terms and conditions of parole.

2358 Section 80. Section 947.20, Florida Statutes, is amended
 2359 to read:

2360 947.20 Rules of board related to terms and conditions of
 2361 parole ~~commission~~.--The board, after consulting with the
 2362 department, ~~commission~~ shall adopt general rules on the terms
 2363 and conditions of parole and what constitutes a ~~shall constitute~~
 2364 the violation of parole. The rules ~~thereof~~ and may include ~~make~~
 2365 special rules to govern particular cases. ~~Such rules, both~~
 2366 ~~general and special, may include, among other things, a~~
 2367 ~~requirement that the parolee shall not leave the state or any~~
 2368 ~~definite area in Florida without the consent of the commission,~~
 2369 ~~that the parolee shall contribute to the support of her or his~~
 2370 ~~dependents to the best of her or his ability; that the parolee~~
 2371 ~~shall make reparation or restitution for her or his crime; that~~
 2372 ~~the parolee shall not associate with persons engaged in criminal~~
 2373 ~~activity; and that the parolee shall carry out the instructions~~
 2374 ~~of her or his parole supervisor and, in general, comport herself~~
 2375 ~~or himself in accordance with the terms and conditions of her or~~
 2376 ~~his parole.~~

2377 Section 81. Subsection (2) of section 947.21, Florida
 2378 Statutes, is amended to read:

2379 947.21 Violations of parole.--

2380 (2) An offender whose parole is revoked may, at the
 2381 discretion of the board ~~commission~~, be credited with any portion
 2382 of the time ~~the offender has~~ satisfactorily served on parole.

2383 Section 82. Section 947.22, Florida Statutes, is amended
 2384 to read:

2385 947.22 Authority to arrest parole violators with or
2386 without warrant.--

2387 (1) If a member of the board ~~commission~~ or a duly
2388 authorized representative of the board ~~commission~~ has reasonable
2389 grounds to believe that a parolee has violated the terms and
2390 conditions of her or his parole in a material respect, such
2391 member or representative may issue a warrant for the arrest of
2392 the ~~such~~ parolee. The warrant shall be returnable before a
2393 member of the board ~~commission~~ or a duly authorized
2394 representative of the board ~~commission~~. A board member ~~The~~
2395 ~~commission, a commissioner, or a parole examiner with approval~~
2396 ~~of the parole examiner supervisor,~~ may release the parolee on
2397 bail or on her or his own recognizance, conditioned upon the
2398 parolee's ~~her or his~~ appearance at any hearings noticed by the
2399 board ~~commission~~. If not released on bail or on her or his own
2400 recognizance, the parolee shall be committed to jail pending
2401 hearings pursuant to s. 947.23. The board ~~commission, at its~~
2402 ~~election,~~ may have the hearing conducted by one or more board
2403 members ~~commissioners~~ or by a duly authorized representative of
2404 the department ~~commission~~. Any ~~parole and probation officer, any~~
2405 officer authorized to serve criminal process, or any peace
2406 officer of this state, is authorized to execute the warrant.

2407 (2) Any parole and probation officer, who ~~when she or he~~
2408 has reasonable ground to believe that a parolee, control
2409 releasee, or conditional releasee has violated the terms and
2410 conditions of her or his parole, control release, or conditional
2411 release in a material respect, has the right to arrest the
2412 releasee or parolee without warrant and have the parolee brought

2413 ~~bring her or him forthwith~~ before one or more board members
 2414 ~~commissioners~~ or a duly authorized representative ~~of the Parole~~
 2415 ~~Commission or Control Release Authority~~; and proceedings shall
 2416 thereupon be had as provided herein when a warrant has been
 2417 issued by a member of the board ~~commission or authority or a~~
 2418 ~~duly authorized representative of the commission or authority.~~

2419 (3) If a law enforcement officer has probable cause to
 2420 believe that a parolee has violated the terms and conditions of
 2421 his or her parole, the officer shall arrest and take into
 2422 custody the parolee without a warrant, and a warrant need not be
 2423 issued in the case.

2424 Section 83. Section 947.23, Florida Statutes, is amended
 2425 to read:

2426 947.23 Action of board ~~commission~~ upon arrest of
 2427 parolee.--

2428 (1) Within 30 days after the arrest of a parolee person
 2429 charged with violation of the terms and conditions of ~~her or his~~
 2430 parole, the parolee shall be afforded a prompt preliminary
 2431 hearing, conducted by a member of the board ~~commission~~ or its
 2432 duly authorized representative, ~~at or near the place of~~
 2433 ~~violation or arrest~~ to determine if there is probable cause or
 2434 reasonable grounds to believe that the parolee has committed a
 2435 violation of the terms or conditions of ~~her or his~~ parole. The
 2436 parolee may knowingly execute a waiver of this hearing, up until
 2437 the time of such hearing, provided the consequences of such
 2438 action have been fully explained. If the parolee elects to
 2439 proceed with the preliminary hearing, the parolee:

2440 (a) ~~The parolee~~ Shall be afforded a timely notice of the
 2441 preliminary hearing, which notice shall state the purpose of the
 2442 hearing and state the alleged violation.

2443 (b) ~~The parolee~~ Shall be permitted to cross-examine
 2444 adverse witnesses, unless it is determined that good cause
 2445 exists not to allow such examination.

2446 (c) ~~The parolee~~ Shall be allowed to call witnesses as
 2447 provided in subsection (3), and present evidence in her or his
 2448 own behalf.

2449 (d) ~~The parolee~~ May be represented by counsel.

2450

2451 The findings based on the evidence presented at the preliminary
 2452 hearing shall be made available to the parolee either
 2453 immediately following the preliminary hearing or within a
 2454 reasonable time thereafter.

2455 (2) If the preliminary hearing results in a finding of
 2456 probable cause or reasonable grounds to believe that a violation
 2457 of the terms or conditions of parole has occurred, any one or
 2458 more board members ~~commissioners~~ or a duly authorized
 2459 representative of the board ~~commission~~ shall convene a final
 2460 revocation hearing on the alleged violation. The parolee shall
 2461 appear at the final hearing in person, and, ~~if the parolee~~
 2462 ~~desires, she or he~~ may be represented by counsel. At the final
 2463 hearing, the state and the parolee may introduce such evidence
 2464 as is necessary and pertinent to the charge of parole violation.

2465 (3) Any one or more board members ~~commissioners~~ or a duly
 2466 authorized representative of the board ~~commission~~ may administer
 2467 oaths and compel the attendance of witnesses at such hearing by

2468 the issuance of summons, subpoenas, and subpoenas duces tecum.
 2469 Subpoenas and subpoenas duces tecum shall be enforceable by
 2470 appropriate proceedings in circuit court, ~~and~~ The failure of
 2471 any person to comply with a court order enforcing a subpoena or
 2472 subpoena duces tecum shall constitute contempt of court. Any
 2473 board member ~~one or more commissioners~~ or a duly authorized
 2474 representative of the board ~~commission~~ may issue subpoenas on
 2475 behalf of the state or the parolee. The board ~~commission~~ may
 2476 decline a request to subpoena a witness whose testimony it finds
 2477 would be cumulative, irrelevant, or nonprobative. A ~~The~~ party
 2478 requesting a subpoena ~~the subpoenas~~ shall furnish ~~to~~ the board
 2479 with ~~commissioner, commissioners, or duly authorized~~
 2480 ~~representative of the commission~~ the names and addresses of her
 2481 or his proposed witnesses at least 10 days prior to the hearing
 2482 date.

2483 (4) At the hearing, the parolee shall be informed orally
 2484 and in writing of:

2485 (a) The violation of the terms and conditions of parole
 2486 with which the parolee has been charged.

2487 (b) The right to be represented by counsel.

2488 (c) The right to be heard in person.

2489 (d) The right to secure, present, and compel the
 2490 attendance of witnesses ~~as provided in subsection (3)~~ and the
 2491 production of documents on her or his behalf.

2492 (e) The right of access to all evidence used against her
 2493 or him.

2494 (f) The right to confront and cross-examine adverse
 2495 witnesses, unless the board, board member ~~commissioner,~~

2496 ~~commissioners~~, or duly authorized representative of the board
 2497 ~~commission~~ conducting the hearing finds specifically, and states
 2498 in writing, good cause not to allow the confrontation.

2499 (5) (a) At any such hearing ~~convened by one or more~~
 2500 ~~commissioners or a duly authorized representative of the~~
 2501 ~~commission~~, the accused may waive her or his right to proceed
 2502 further if, after being informed of her or his rights and after
 2503 being advised of the consequences of a waiver in regard to the
 2504 nature of the order which may be entered as a result of such
 2505 waiver, the accused affirms, in writing, knowledge and
 2506 understanding of such rights and consequences and elects, in
 2507 writing, to execute the waiver.

2508 (b) The accused violator may execute a waiver, in writing,
 2509 of a final revocation hearing prior to the commencement of such
 2510 hearing. Such waiver may be executed before a member of the
 2511 board ~~commission~~ or a duly authorized representative of the
 2512 board ~~commission~~ after the accused violator has been informed of
 2513 her or his rights and after she or he has been advised of the
 2514 consequences of a waiver. Within 14 days after the execution of
 2515 a waiver, the accused may withdraw the waiver by executing a
 2516 withdrawal of waiver before a notary public and forwarding the
 2517 original of that withdrawal to the board ~~commission~~.

2518 (6) Within a reasonable time after the hearing, the board
 2519 member or members ~~commissioner, commissioners~~, or duly
 2520 authorized representative of the board ~~commission~~ who conducted
 2521 the hearing, shall make findings of fact in regard to the
 2522 alleged parole violation.

2523 (a) The board ~~If the hearing was conducted by three or~~
 2524 ~~more commissioners, a majority of them~~ shall enter an order
 2525 determining whether the charges of parole violation have been
 2526 sustained, based on the findings of fact made by the board, the
 2527 board member, or duly authorized representative of the board
 2528 ~~them~~. By such order the board ~~they~~ shall revoke the parole and
 2529 return the parolee to prison to serve the sentence theretofore
 2530 imposed upon her or him, reinstate the original order of parole,
 2531 order the placement of the parolee into a community control
 2532 program as set forth in s. 948.101, or enter such other order as
 2533 is proper.

2534 ~~(b) If the hearing was conducted by one or two~~
 2535 ~~commissioners or a duly authorized representative of the~~
 2536 ~~commission, at least two commissioners shall enter an order~~
 2537 ~~determining whether or not the charges of parole violation have~~
 2538 ~~been sustained, based on the findings of fact made by the~~
 2539 ~~commissioner, commissioners, or duly authorized representative~~
 2540 ~~of the commission. The commissioners, by such order, shall~~
 2541 ~~revoke the parole and return the parolee to prison to serve the~~
 2542 ~~sentence theretofore imposed upon her or him, reinstate the~~
 2543 ~~original order of parole, order the placement of the parolee~~
 2544 ~~into a community control program as set forth in s. 948.101, or~~
 2545 ~~enter such other order as is proper.~~

2546 **(b)(e)** If the disposition after the revocation hearing is
 2547 to place the parolee into a community control program, the board
 2548 ~~commission~~ shall be guided by the procedures and requirements
 2549 provided in chapter 948 which apply to the courts regarding the
 2550 development and implementation of community control.

2551 (c) ~~However,~~ Any decision to revoke parole shall be based
 2552 on a violation of a standard term or condition of parole or a
 2553 term or condition specifically enumerated in the parole release
 2554 order.

2555 (d) In a case in which parole is revoked, the board
 2556 ~~majority of the commission or the two commissioners~~ shall make a
 2557 written statement of the evidence relied on and the reasons for
 2558 revoking parole.

2559 (7) Whenever a parole is revoked by the board ~~commission~~
 2560 and the parolee is ordered by the board ~~commission~~ to be
 2561 returned to prison, the parolee, ~~by reason of her or his~~
 2562 ~~misconduct,~~ shall be deemed to forfeit all gain-time or
 2563 commutation of time for good conduct, as provided for by law,
 2564 earned up to the date of her or his release on parole. Nothing
 2565 herein shall deprive the inmate ~~prisoner~~ of her or his right to
 2566 gain-time or commutation of time for good conduct, as provided
 2567 by law, from the date the inmate ~~prisoner~~ is returned to prison.

2568 Section 84. Section 947.24, Florida Statutes, is amended
 2569 to read:

2570 947.24 Discharge from parole supervision or release
 2571 supervision.--

2572 (1) When an inmate ~~a person~~ is placed on parole, control
 2573 release, or conditional release, the board ~~commission~~ shall
 2574 determine the period of time the inmate ~~person~~ will be under
 2575 ~~parole supervision or release supervision~~ in the following
 2576 manner:

2577 (a) If the inmate ~~person~~ is being paroled or released
 2578 under supervision from a single or concurrent sentence, the

2579 | period of time the inmate ~~person~~ will be under parole
2580 | supervision or release supervision may not exceed 2 years unless
2581 | the board ~~commission~~ designates a longer period of time, in
2582 | which case it must advise the parolee or releasee in writing of
2583 | the reasons for the extended period. In any event, the period of
2584 | parole supervision or release supervision may not exceed the
2585 | maximum period for which the inmate ~~person~~ has been sentenced.

2586 | (b) If the inmate ~~person~~ is being paroled or released
2587 | under supervision from a consecutive sentence or sentences, the
2588 | period of time the inmate ~~person~~ will be under parole
2589 | supervision or release supervision will be for the maximum
2590 | period for which the person was sentenced.

2591 | (2) The board ~~commission~~ shall review the progress of each
2592 | inmate ~~person~~ who has been placed on parole, control release, or
2593 | conditional release after 2 years of supervision in the
2594 | community and biennially thereafter. The department shall
2595 | provide to the board ~~commission~~ the information necessary to
2596 | conduct such a review. Such review must include consideration of
2597 | whether to modify the reporting schedule, thereby authorizing
2598 | the person under parole supervision or release supervision to
2599 | submit reports quarterly, semiannually, or annually. The board
2600 | ~~commission~~, after having retained jurisdiction of a parolee
2601 | ~~person~~ for a sufficient length of time to evidence satisfactory
2602 | rehabilitation and cooperation, may further modify the terms and
2603 | conditions of the ~~person's~~ parole, control release, or
2604 | conditional release, may discharge the person from parole
2605 | supervision or release supervision, may relieve the person from
2606 | making further reports, or may permit the person to leave the

2607 state or country, upon finding that such action is in the best
 2608 interests of the parolee ~~person~~ and society.

2609 (3) This section does not affect the rights of a parolee
 2610 to request modification of the terms and conditions of parole
 2611 under s. 947.19.

2612 Section 85. Section 947.26, Florida Statutes, is amended
 2613 to read:

2614 947.26 Cooperation of custodian of prisoner; right of
 2615 access.--The warden or jailer of any jail or prison in which
 2616 persons convicted of crime may be confined and all officers or
 2617 employees thereof shall at all times cooperate with the board
 2618 ~~commission~~ and, upon its request, shall furnish it with such
 2619 information as they may have respecting any person inquired
 2620 about as will enable the board ~~commission~~ properly to perform
 2621 its duties. Such officials shall, at all reasonable times, when
 2622 the public safety permits, give the members of the board
 2623 ~~commission~~ and its authorized agents ~~and employees~~ access to all
 2624 prisoners in their charge.

2625 Section 86. Paragraph (a) of subsection (1) and
 2626 subsections (3) and (6) of section 948.09, Florida Statutes, are
 2627 amended to read:

2628 948.09 Payment for cost of supervision and
 2629 rehabilitation.--

2630 (1)(a)1. Any person ordered by the court, the Department
 2631 of Corrections, or the parole board ~~commission~~ to be placed on
 2632 probation, drug offender probation, community control, parole,
 2633 control release, provisional release supervision, addiction-
 2634 recovery supervision, or conditional release supervision under

2635 chapter 944, chapter 945, chapter 947, chapter 948, or chapter
2636 958, or in a pretrial intervention program, must, as a condition
2637 of any placement, pay the department a total sum of money equal
2638 to the total month or portion of a month of supervision times
2639 the court-ordered amount, but not to exceed the actual per diem
2640 cost of the supervision. The department shall adopt rules by
2641 which an offender who pays in full and in advance of regular
2642 termination of supervision may receive a reduction in the amount
2643 due. The rules shall incorporate provisions by which the
2644 offender's ability to pay is linked to an established written
2645 payment plan. Funds collected from felony offenders may be used
2646 to offset costs of the Department of Corrections associated with
2647 community supervision programs, subject to appropriation by the
2648 Legislature.

2649 2. In addition to any other contribution or surcharge
2650 imposed by this section, each felony offender assessed under
2651 this paragraph shall pay a \$2-per-month surcharge to the
2652 department. The surcharge shall be deemed to be paid only after
2653 the full amount of any monthly payment required by the
2654 established written payment plan has been collected by the
2655 department. These funds shall be used by the department to pay
2656 for correctional probation officers' training and equipment,
2657 including radios, and firearms training, firearms, and attendant
2658 equipment necessary to train and equip officers who choose to
2659 carry a concealed firearm while on duty. Nothing in this
2660 subparagraph shall be construed to limit the department's
2661 authority to determine who shall be authorized to carry a
2662 concealed firearm while on duty, or to limit the right of a

2663 | correctional probation officer to carry a personal firearm
 2664 | approved by the department.

2665 | (3) Any failure to pay contribution as required under this
 2666 | section may constitute a ground for the revocation of probation
 2667 | by the court, the revocation of parole or conditional release by
 2668 | the Parole Board ~~Commission~~, the revocation of control release
 2669 | by the Control Release Authority, or removal from the pretrial
 2670 | intervention program by the state attorney. The Department of
 2671 | Corrections may exempt a person from the payment of all or any
 2672 | part of the contribution if it finds any of the following
 2673 | factors to exist:

2674 | (a) The offender has diligently attempted, but has been
 2675 | unable, to obtain employment which provides him or her
 2676 | sufficient income to make such payments.

2677 | (b) The offender is a student in a school, college,
 2678 | university, or course of career training designed to fit the
 2679 | student for gainful employment. Certification of such student
 2680 | status shall be supplied to the department ~~Secretary of~~
 2681 | ~~Corrections~~ by the educational institution in which the offender
 2682 | is enrolled.

2683 | (c) The offender has an employment handicap, as determined
 2684 | by a physical, psychological, or psychiatric examination
 2685 | acceptable to, or ordered by, the department ~~secretary~~.

2686 | (d) The offender's age prevents him or her from obtaining
 2687 | employment.

2688 | (e) The offender is responsible for the support of
 2689 | dependents, and the payment of such contribution constitutes an
 2690 | undue hardship on the offender.

2691 (f) The offender has been transferred outside the state
 2692 under an interstate compact adopted pursuant to chapter 949.

2693 (g) There are other extenuating circumstances, as
 2694 determined by the department ~~secretary~~.

2695 (6) In addition to any other required contributions, the
 2696 department, at its discretion, may require offenders under any
 2697 form of supervision to submit to and pay for urinalysis testing
 2698 to identify drug usage as part of the rehabilitation program.
 2699 Any failure to make such payment, or participate, may be
 2700 considered a ground for revocation by the court, the Parole
 2701 Board ~~Commission~~, or the Control Release Authority, or for
 2702 removal from the pretrial intervention program by the state
 2703 attorney. The department may exempt a person from such payment
 2704 if it determines that any of the factors specified in subsection
 2705 (3) exist.

2706 Section 87. Subsection (1) of section 948.10, Florida
 2707 Statutes, is amended to read:

2708 948.10 Community control programs.--

2709 (1) The Department of Corrections shall develop and
 2710 administer a community control program. Such community control
 2711 program and required manuals shall be developed in consultation
 2712 with the Florida Conference of Circuit Court Judges and the
 2713 office of the State Courts Administrator. This complementary
 2714 program shall be rigidly structured and designed to accommodate
 2715 offenders who, in the absence of such a program, would be ~~have~~
 2716 ~~been~~ incarcerated. The program shall focus on the provision of
 2717 sanctions and consequences which are commensurate with the
 2718 seriousness of the crime. The program shall offer the courts and

2719 the Parole Board ~~Commission~~ an alternative, community-based
 2720 method to punish an offender in lieu of incarceration when the
 2721 offender is a member of one of the following target groups:

2722 (a) Probation violators charged with technical violations
 2723 or misdemeanor violations.

2724 (b) Parole violators charged with technical violations or
 2725 misdemeanor violations.

2726 (c) Individuals found guilty of felonies, who, due to
 2727 their criminal backgrounds or the seriousness of the offenses,
 2728 would not be placed on regular probation.

2729 Section 88. Subsection (2) of section 949.05, Florida
 2730 Statutes, is amended to read:

2731 949.05 Constitutionality.--

2732 (2) If the method of selecting the board ~~commission~~
 2733 members as herein provided is found to be invalid by reason of
 2734 the vesting of the appointing power in the Governor and the
 2735 Cabinet, the members of the Parole Board ~~Commission~~ herein
 2736 provided for shall be appointed by the Governor.

2737 Section 89. Subsection (1) of section 951.29, Florida
 2738 Statutes, is amended to read:

2739 951.29 Procedure for requesting restoration of civil
 2740 rights of county prisoners convicted of felonies.--

2741 (1) With respect to a person who has been convicted of a
 2742 felony and is serving a sentence in a county detention facility,
 2743 the administrator of the county detention facility shall provide
 2744 to the prisoner, at least 2 weeks before discharge, if possible,
 2745 an application form obtained from the Department of Corrections

2746 ~~Parole Commission~~ which the prisoner must complete in order to
 2747 begin the process of having his or her civil rights restored.

2748 Section 90. Subsection (6) of section 957.06, Florida
 2749 Statutes, is amended to read:

2750 957.06 Powers and duties not delegable to contractor.--A
 2751 contract entered into under this chapter does not authorize,
 2752 allow, or imply a delegation of authority to the contractor to:

2753 (6) Make recommendations to the Parole Board ~~Commission~~
 2754 with respect to the denial or granting of parole, control
 2755 release, conditional release, or conditional medical release.
 2756 However, the contractor may submit written reports to the Parole
 2757 Board ~~Commission~~ and must respond to a written request by the
 2758 Parole Board ~~Commission~~ for information.

2759 Section 91. Paragraph (c) of subsection (8) of section
 2760 958.045, Florida Statutes, is amended to read:

2761 958.045 Youthful offender basic training program.--

2762 (8)

2763 (c) The department shall work cooperatively with the
 2764 Control Release Authority ~~or the Parole Commission~~ to effect the
 2765 release of an offender who has successfully completed the
 2766 requirements of the basic training program.

2767 Section 92. Subsection (1) of section 960.001, Florida
 2768 Statutes, is amended to read:

2769 960.001 Guidelines for fair treatment of victims and
 2770 witnesses in the criminal justice and juvenile justice
 2771 systems.--

2772 (1) The Department of Legal Affairs, the state attorneys,
 2773 the Department of Corrections, the Department of Juvenile

2774 Justice, the Parole Board ~~Commission~~, the State Courts
 2775 Administrator and circuit court administrators, the Department
 2776 of Law Enforcement, and every sheriff's department, police
 2777 department, or other law enforcement agency as defined in s.
 2778 943.10(4) shall develop and implement guidelines for the use of
 2779 their respective agencies, which guidelines are consistent with
 2780 the purposes of this act and s. 16(b), Art. I of the State
 2781 Constitution and are designed to implement the provisions of s.
 2782 16(b), Art. I of the State Constitution and to achieve the
 2783 following objectives:

2784 (a) Information concerning services available to victims
 2785 of adult and juvenile crime.--As provided in s. 27.0065, state
 2786 attorneys and public defenders shall gather information
 2787 regarding the following services in the geographic boundaries of
 2788 their respective circuits and shall provide such information to
 2789 each law enforcement agency with jurisdiction within such
 2790 geographic boundaries. Law enforcement personnel shall ensure,
 2791 through distribution of a victim's rights information card or
 2792 brochure at the crime scene, during the criminal investigation,
 2793 and in any other appropriate manner, that victims are given, as
 2794 a matter of course at the earliest possible time, information
 2795 about:

2796 1. The availability of crime victim compensation, when
 2797 applicable;

2798 2. Crisis intervention services, supportive or bereavement
 2799 counseling, social service support referrals, and community-
 2800 based victim treatment programs;

2801 3. The role of the victim in the criminal or juvenile
 2802 justice process, including what the victim may expect from the
 2803 system as well as what the system expects from the victim;

2804 4. The stages in the criminal or juvenile justice process
 2805 which are of significance to the victim and the manner in which
 2806 information about such stages can be obtained;

2807 5. The right of a victim, who is not incarcerated,
 2808 including the victim's parent or guardian if the victim is a
 2809 minor, the lawful representative of the victim or of the
 2810 victim's parent or guardian if the victim is a minor, and the
 2811 next of kin of a homicide victim, to be informed, to be present,
 2812 and to be heard when relevant, at all crucial stages of a
 2813 criminal or juvenile proceeding, to the extent that this right
 2814 does not interfere with constitutional rights of the accused, as
 2815 provided by s. 16(b), Art. I of the State Constitution;

2816 6. In the case of incarcerated victims, the right to be
 2817 informed and to submit written statements at all crucial stages
 2818 of the criminal proceedings, parole proceedings, or juvenile
 2819 proceedings; and

2820 7. The right of a victim to a prompt and timely
 2821 disposition of the case in order to minimize the period during
 2822 which the victim must endure the responsibilities and stress
 2823 involved to the extent that this right does not interfere with
 2824 the constitutional rights of the accused.

2825 (b) Information for purposes of notifying victim or
 2826 appropriate next of kin of victim or other designated contact of
 2827 victim.--In the case of a homicide, pursuant to chapter 782; or
 2828 a sexual offense, pursuant to chapter 794; or an attempted

2829 murder or sexual offense, pursuant to chapter 777; or stalking,
 2830 pursuant to s. 784.048; or domestic violence, pursuant to s.
 2831 25.385:

2832 1. The arresting law enforcement officer or personnel of
 2833 an organization that provides assistance to a victim or to the
 2834 appropriate next of kin of the victim or other designated
 2835 contact must request that the victim or appropriate next of kin
 2836 of the victim or other designated contact complete a victim
 2837 notification card. However, the victim or appropriate next of
 2838 kin of the victim or other designated contact may choose not to
 2839 complete the victim notification card.

2840 2. Unless the victim or the appropriate next of kin of the
 2841 victim or other designated contact waives the option to complete
 2842 the victim notification card, a copy of the victim notification
 2843 card must be filed with the incident report or warrant in the
 2844 sheriff's office of the jurisdiction in which the incident
 2845 report or warrant originated. The notification card shall, at a
 2846 minimum, consist of:

2847 a. The name, address, and phone number of the victim; or
 2848 b. The name, address, and phone number of the appropriate
 2849 next of kin of the victim; or

2850 c. The name, address, and phone number of a designated
 2851 contact other than the victim or appropriate next of kin of the
 2852 victim; and

2853 d. Any relevant identification or case numbers assigned to
 2854 the case.

2855 3. The chief administrator, or a person designated by the
 2856 chief administrator, of a county jail, municipal jail, juvenile

2857 detention facility, or residential commitment facility shall
2858 make a reasonable attempt to notify the alleged victim or
2859 appropriate next of kin of the alleged victim or other
2860 designated contact within 4 hours following the release of the
2861 defendant on bail or, in the case of a juvenile offender, upon
2862 the release from residential detention or commitment. If the
2863 chief administrator, or designee, is unable to contact the
2864 alleged victim or appropriate next of kin of the alleged victim
2865 or other designated contact by telephone, the chief
2866 administrator, or designee, must send to the alleged victim or
2867 appropriate next of kin of the alleged victim or other
2868 designated contact a written notification of the defendant's
2869 release.

2870 4. Unless otherwise requested by the victim or the
2871 appropriate next of kin of the victim or other designated
2872 contact, the information contained on the victim notification
2873 card must be sent by the chief administrator, or designee, of
2874 the appropriate facility to the subsequent correctional or
2875 residential commitment facility following the sentencing and
2876 incarceration of the defendant, and unless otherwise requested
2877 by the victim or the appropriate next of kin of the victim or
2878 other designated contact, he or she must be notified of the
2879 release of the defendant from incarceration as provided by law.

2880 5. If the defendant was arrested pursuant to a warrant
2881 issued or taken into custody pursuant to s. 985.101 in a
2882 jurisdiction other than the jurisdiction in which the defendant
2883 is being released, and the alleged victim or appropriate next of
2884 kin of the alleged victim or other designated contact does not

2885 waive the option for notification of release, the chief
2886 correctional officer or chief administrator of the facility
2887 releasing the defendant shall make a reasonable attempt to
2888 immediately notify the chief correctional officer of the
2889 jurisdiction in which the warrant was issued or the juvenile was
2890 taken into custody pursuant to s. 985.101, and the chief
2891 correctional officer of that jurisdiction shall make a
2892 reasonable attempt to notify the alleged victim or appropriate
2893 next of kin of the alleged victim or other designated contact,
2894 as provided in this paragraph, that the defendant has been or
2895 will be released.

2896 (c) Information concerning protection available to victim
2897 or witness.--A victim or witness shall be furnished, as a matter
2898 of course, with information on steps that are available to law
2899 enforcement officers and state attorneys to protect victims and
2900 witnesses from intimidation. Victims of domestic violence shall
2901 also be given information about the address confidentiality
2902 program provided under s. 741.403.

2903 (d) Notification of scheduling changes.--Each victim or
2904 witness who has been scheduled to attend a criminal or juvenile
2905 justice proceeding shall be notified as soon as possible by the
2906 agency scheduling his or her appearance of any change in
2907 scheduling which will affect his or her appearance.

2908 (e) Advance notification to victim or relative of victim
2909 concerning judicial proceedings; right to be present.--Any
2910 victim, parent, guardian, or lawful representative of a minor
2911 who is a victim, or relative of a homicide victim shall receive
2912 from the appropriate agency, at the address found in the police

2913 report or the victim notification card if such has been provided
 2914 to the agency, prompt advance notification, unless the agency
 2915 itself does not have advance notification, of judicial and
 2916 postjudicial proceedings relating to his or her case, including
 2917 all proceedings or hearings relating to:

- 2918 1. The arrest of an accused;
- 2919 2. The release of the accused pending judicial proceedings
 2920 or any modification of release conditions; and
- 2921 3. Proceedings in the prosecution or petition for
 2922 delinquency of the accused, including the filing of the
 2923 accusatory instrument, the arraignment, disposition of the
 2924 accusatory instrument, trial or adjudicatory hearing, sentencing
 2925 or disposition hearing, appellate review, subsequent
 2926 modification of sentence, collateral attack of a judgment, and,
 2927 when a term of imprisonment, detention, or residential
 2928 commitment is imposed, the release of the defendant or juvenile
 2929 offender from such imprisonment, detention, or residential
 2930 commitment by expiration of sentence or parole and any meeting
 2931 held to consider such release.

2932

2933 A victim, a victim's parent or guardian if the victim is a
 2934 minor, a lawful representative of the victim or of the victim's
 2935 parent or guardian if the victim is a minor, or a victim's next
 2936 of kin may not be excluded from any portion of any hearing,
 2937 trial, or proceeding pertaining to the offense based solely on
 2938 the fact that such person is subpoenaed to testify, unless, upon
 2939 motion, the court determines such person's presence to be
 2940 prejudicial. The appropriate agency with respect to notification

2941 | under subparagraph 1. is the arresting law enforcement agency,
 2942 | and the appropriate agency with respect to notification under
 2943 | subparagraphs 2. and 3. is the Attorney General or state
 2944 | attorney, unless the notification relates to a hearing
 2945 | concerning parole, in which case the appropriate agency is the
 2946 | Parole Board ~~Commission~~. The Department of Corrections, the
 2947 | Department of Juvenile Justice, or the sheriff is the
 2948 | appropriate agency with respect to release by expiration of
 2949 | sentence or any other release program provided by law. Any
 2950 | victim may waive notification at any time, and such waiver shall
 2951 | be noted in the agency's files.

2952 | (f) Information concerning release from incarceration from
 2953 | a county jail, municipal jail, juvenile detention facility, or
 2954 | residential commitment facility.--The chief administrator, or a
 2955 | person designated by the chief administrator, of a county jail,
 2956 | municipal jail, juvenile detention facility, or residential
 2957 | commitment facility shall, upon the request of the victim or the
 2958 | appropriate next of kin of a victim or other designated contact
 2959 | of the victim of any of the crimes specified in paragraph (b),
 2960 | make a reasonable attempt to notify the victim or appropriate
 2961 | next of kin of the victim or other designated contact prior to
 2962 | the defendant's or offender's release from incarceration,
 2963 | detention, or residential commitment if the victim notification
 2964 | card has been provided pursuant to paragraph (b). If prior
 2965 | notification is not successful, a reasonable attempt must be
 2966 | made to notify the victim or appropriate next of kin of the
 2967 | victim or other designated contact within 4 hours following the
 2968 | release of the defendant or offender from incarceration,

2969 detention, or residential commitment. If the defendant is
 2970 released following sentencing, disposition, or furlough, the
 2971 chief administrator or designee shall make a reasonable attempt
 2972 to notify the victim or the appropriate next of kin of the
 2973 victim or other designated contact within 4 hours following the
 2974 release of the defendant. If the chief administrator or designee
 2975 is unable to contact the victim or appropriate next of kin of
 2976 the victim or other designated contact by telephone, the chief
 2977 administrator or designee must send to the victim or appropriate
 2978 next of kin of the victim or other designated contact a written
 2979 notification of the defendant's or offender's release.

2980 (g) Consultation with victim or guardian or family of
 2981 victim.--

2982 1. In addition to being notified of the provisions of s.
 2983 921.143, the victim of a felony involving physical or emotional
 2984 injury or trauma or, in a case in which the victim is a minor
 2985 child or in a homicide, the guardian or family of the victim
 2986 shall be consulted by the state attorney in order to obtain the
 2987 views of the victim or family about the disposition of any
 2988 criminal or juvenile case brought as a result of such crime,
 2989 including the views of the victim or family about:

2990 a. The release of the accused pending judicial
 2991 proceedings;

2992 b. Plea agreements;

2993 c. Participation in pretrial diversion programs; and

2994 d. Sentencing of the accused.

2995 2. Upon request, the state attorney shall permit the
 2996 victim, the victim's parent or guardian if the victim is a

2997 | minor, the lawful representative of the victim or of the
2998 | victim's parent or guardian if the victim is a minor, or the
2999 | victim's next of kin in the case of a homicide to review a copy
3000 | of the presentence investigation report prior to the sentencing
3001 | hearing if one was completed. Any confidential information that
3002 | pertains to medical history, mental health, or substance abuse
3003 | and any information that pertains to any other victim shall be
3004 | redacted from the copy of the report. Any person who reviews the
3005 | report pursuant to this paragraph must maintain the
3006 | confidentiality of the report and shall not disclose its
3007 | contents to any person except statements made to the state
3008 | attorney or the court.

3009 | 3. When an inmate has been approved for community work
3010 | release, the Department of Corrections shall, upon request and
3011 | as provided in s. 944.605, notify the victim, the victim's
3012 | parent or guardian if the victim is a minor, the lawful
3013 | representative of the victim or of the victim's parent or
3014 | guardian if the victim is a minor, or the victim's next of kin
3015 | if the victim is a homicide victim.

3016 | (h) Return of property to victim.--Law enforcement
3017 | agencies and the state attorney shall promptly return a victim's
3018 | property held for evidentiary purposes unless there is a
3019 | compelling law enforcement reason for retaining it. The trial or
3020 | juvenile court exercising jurisdiction over the criminal or
3021 | juvenile proceeding may enter appropriate orders to implement
3022 | the provisions of this subsection, including allowing
3023 | photographs of the victim's property to be used as evidence at
3024 | the criminal trial or the juvenile proceeding in place of the

3025 victim's property when no substantial evidentiary issue related
3026 thereto is in dispute.

3027 (i) Notification to employer and explanation to creditors
3028 of victim or witness.--A victim or witness who so requests shall
3029 be assisted by law enforcement agencies and the state attorney
3030 in informing his or her employer that the need for victim and
3031 witness cooperation in the prosecution of the case may
3032 necessitate the absence of that victim or witness from work. A
3033 victim or witness who, as a direct result of a crime or of his
3034 or her cooperation with law enforcement agencies or a state
3035 attorney, is subjected to serious financial strain shall be
3036 assisted by such agencies and state attorney in explaining to
3037 the creditors of such victim or witness the reason for such
3038 serious financial strain.

3039 (j) Notification of right to request restitution.--Law
3040 enforcement agencies and the state attorney shall inform the
3041 victim of the victim's right to request and receive restitution
3042 pursuant to s. 775.089 or s. 985.437, and of the victim's rights
3043 of enforcement under ss. 775.089(6) and 985.0301 in the event an
3044 offender does not comply with a restitution order. The state
3045 attorney shall seek the assistance of the victim in the
3046 documentation of the victim's losses for the purpose of
3047 requesting and receiving restitution. In addition, the state
3048 attorney shall inform the victim if and when restitution is
3049 ordered. If an order of restitution is converted to a civil lien
3050 or civil judgment against the defendant, the clerks shall make
3051 available at their office, as well as on their website,

3052 information provided by the Secretary of State, the court, or
 3053 The Florida Bar on enforcing the civil lien or judgment.

3054 (k) Notification of right to submit impact statement.--The
 3055 state attorney shall inform the victim of the victim's right to
 3056 submit an oral or written impact statement pursuant to s.
 3057 921.143 and shall assist in the preparation of such statement if
 3058 necessary.

3059 (l) Local witness coordination services.--The requirements
 3060 for notification provided for in paragraphs (c), (d), and (i)
 3061 may be performed by the state attorney or public defender for
 3062 their own witnesses.

3063 (m) Victim assistance education and training.--Victim
 3064 assistance education and training shall be offered to persons
 3065 taking courses at law enforcement training facilities and to
 3066 state attorneys and assistant state attorneys so that victims
 3067 may be promptly, properly, and completely assisted.

3068 (n) General victim assistance.--Victims and witnesses
 3069 shall be provided with such other assistance, such as
 3070 transportation, parking, separate pretrial waiting areas, and
 3071 translator services in attending court, as is practicable.

3072 (o) Victim's rights information card or brochure.--A
 3073 victim of a crime shall be provided with a victim's rights
 3074 information card or brochure containing essential information
 3075 concerning the rights of a victim and services available to a
 3076 victim as required by state law.

3077 (p) Information concerning escape from a state
 3078 correctional institution, county jail, juvenile detention
 3079 facility, or residential commitment facility.--In any case where

3080 an offender escapes from a state correctional institution,
3081 private correctional facility, county jail, juvenile detention
3082 facility, or residential commitment facility, the institution of
3083 confinement shall immediately notify the state attorney of the
3084 jurisdiction where the criminal charge or petition for
3085 delinquency arose and the judge who imposed the sentence of
3086 incarceration. The state attorney shall thereupon make every
3087 effort to notify the victim, material witness, parents or legal
3088 guardian of a minor who is a victim or witness, or immediate
3089 relatives of a homicide victim of the escapee. The state
3090 attorney shall also notify the sheriff of the county where the
3091 criminal charge or petition for delinquency arose. The sheriff
3092 shall offer assistance upon request. When an escaped offender is
3093 subsequently captured or is captured and returned to the
3094 institution of confinement, the institution of confinement shall
3095 again immediately notify the appropriate state attorney and
3096 sentencing judge pursuant to this section.

3097 (q) Presence of victim advocate during discovery
3098 deposition; testimony of victim of a sexual offense.--At the
3099 request of the victim or the victim's parent, guardian, or
3100 lawful representative, the victim advocate designated by state
3101 attorney's office, sheriff's office, or municipal police
3102 department, or one representative from a not-for-profit victim
3103 services organization, including, but not limited to, rape
3104 crisis centers, domestic violence advocacy groups, and alcohol
3105 abuse or substance abuse groups shall be permitted to attend and
3106 be present during any deposition of the victim. The victim of a
3107 sexual offense shall be informed of the right to have the

3108 | courtroom cleared of certain persons as provided in s. 918.16
3109 | when the victim is testifying concerning that offense.

3110 | (r) Implementing crime prevention in order to protect the
3111 | safety of persons and property, as prescribed in the State
3112 | Comprehensive Plan.--By preventing crimes that create victims or
3113 | further harm former victims, crime prevention efforts are an
3114 | essential part of providing effective service for victims and
3115 | witnesses. Therefore, the agencies identified in this subsection
3116 | may participate in and expend funds for crime prevention, public
3117 | awareness, public participation, and educational activities
3118 | directly relating to, and in furtherance of, existing public
3119 | safety statutes. Furthermore, funds may not be expended for the
3120 | purpose of influencing public opinion on public policy issues
3121 | that have not been resolved by the Legislature or the
3122 | electorate.

3123 | (s) Attendance of victim at same school as
3124 | defendant.--When the victim of an offense committed by a
3125 | juvenile is a minor, the Department of Juvenile Justice shall
3126 | request information to determine if the victim, or any sibling
3127 | of the victim, attends or is eligible to attend the same school
3128 | as the offender. However, if the offender is subject to a
3129 | presentence investigation by the Department of Corrections, the
3130 | Department of Corrections shall make such request. If the victim
3131 | or any sibling of the victim attends or is eligible to attend
3132 | the same school as that of the offender, the appropriate agency
3133 | shall notify the victim's parent or legal guardian of the right
3134 | to attend the sentencing or disposition of the offender and

3135 request that the offender be required to attend a different
 3136 school.

3137 (t) Use of a polygraph examination or other truth-telling
 3138 device with victim.--No law enforcement officer, prosecuting
 3139 attorney, or other government official shall ask or require an
 3140 adult, youth, or child victim of an alleged sexual battery as
 3141 defined in chapter 794 or other sexual offense to submit to a
 3142 polygraph examination or other truth-telling device as a
 3143 condition of proceeding with the investigation of such an
 3144 offense. The refusal of a victim to submit to such an
 3145 examination shall not prevent the investigation, charging, or
 3146 prosecution of the offense.

3147 (u) Presence of victim advocates during forensic medical
 3148 examination.--At the request of the victim or the victim's
 3149 parent, guardian, or lawful representative, a victim advocate
 3150 from a certified rape crisis center shall be permitted to attend
 3151 any forensic medical examination.

3152 Section 93. Subsection (3) of section 960.17, Florida
 3153 Statutes, is amended to read:

3154 960.17 Award constitutes debt owed to state.--

3155 (3) The Parole Board ~~Commission~~ shall make the payment of
 3156 the debt to the state a condition of parole under chapter 947,
 3157 unless the board ~~commission~~ finds reasons to the contrary. If
 3158 the board ~~commission~~ does not order payment, or orders only
 3159 partial payment, it shall state on the record the reasons
 3160 therefor.

3161 Section 94. Subsection (1) of section 985.04, Florida
 3162 Statutes, is amended to read:

3163 985.04 Oaths; records; confidential information.--
 3164 (1) Except as provided in subsections (2), (3), (6), and
 3165 (7) and s. 943.053, all information obtained under this chapter
 3166 in the discharge of official duty by any judge, any employee of
 3167 the court, any authorized agent of the department, the Parole
 3168 Board ~~Commission~~, the Department of Corrections, the juvenile
 3169 justice circuit boards, any law enforcement agent, or any
 3170 licensed professional or licensed community agency
 3171 representative participating in the assessment or treatment of a
 3172 juvenile is confidential and may be disclosed only to the
 3173 authorized personnel of the court, the department and its
 3174 designees, the Department of Corrections, the Parole Board
 3175 ~~Commission~~, law enforcement agents, school superintendents and
 3176 their designees, any licensed professional or licensed community
 3177 agency representative participating in the assessment or
 3178 treatment of a juvenile, and others entitled under this chapter
 3179 to receive that information, or upon order of the court. Within
 3180 each county, the sheriff, the chiefs of police, the district
 3181 school superintendent, and the department shall enter into an
 3182 interagency agreement for the purpose of sharing information
 3183 about juvenile offenders among all parties. The agreement must
 3184 specify the conditions under which summary criminal history
 3185 information is to be made available to appropriate school
 3186 personnel, and the conditions under which school records are to
 3187 be made available to appropriate department personnel. Such
 3188 agreement shall require notification to any classroom teacher of
 3189 assignment to the teacher's classroom of a juvenile who has been
 3190 placed in a probation or commitment program for a felony

3191 offense. The agencies entering into such agreement must comply
3192 with s. 943.0525, and must maintain the confidentiality of
3193 information that is otherwise exempt from s. 119.07(1), as
3194 provided by law.

3195 Section 95. Subsection (2) of section 985.045, Florida
3196 Statutes, is amended to read:

3197 985.045 Court records.--

3198 (2) The clerk shall keep all official records required by
3199 this section separate from other records of the circuit court,
3200 except those records pertaining to motor vehicle violations,
3201 which shall be forwarded to the Department of Highway Safety and
3202 Motor Vehicles. Except as provided in ss. 943.053 and
3203 985.04(6)(b) and (7), official records required by this chapter
3204 are not open to inspection by the public, but may be inspected
3205 only upon order of the court by persons deemed by the court to
3206 have a proper interest therein, except that a child and the
3207 parents, guardians, or legal custodians of the child and their
3208 attorneys, law enforcement agencies, the Department of Juvenile
3209 Justice and its designees, the Parole Board ~~Commission~~, the
3210 Department of Corrections, and the Justice Administrative
3211 Commission shall always have the right to inspect and copy any
3212 official record pertaining to the child. The court may permit
3213 authorized representatives of recognized organizations compiling
3214 statistics for proper purposes to inspect, and make abstracts
3215 from, official records under whatever conditions upon the use
3216 and disposition of such records the court may deem proper and
3217 may punish by contempt proceedings any violation of those
3218 conditions.

3219 Section 96. For the purpose of incorporating the
 3220 amendments made by this act to sections 947.22 and 947.23,
 3221 Florida Statutes, in references thereto, subsection (6) of
 3222 section 948.06, Florida Statutes, is reenacted to read:

3223 948.06 Violation of probation or community control;
 3224 revocation; modification; continuance; failure to pay
 3225 restitution or cost of supervision.--

3226 (6) Any parolee in a community control program who has
 3227 allegedly violated the terms and conditions of such placement is
 3228 subject to the provisions of ss. 947.22 and 947.23.

3229 Section 97. The Division of Statutory Revision is directed
 3230 to redesignate the title of chapter 947, Florida Statutes, as
 3231 "Parole".

3232 Section 98. Effective October 1, 2008, all of the
 3233 statutory powers, duties and functions, records, personnel,
 3234 property, and unexpended balances of appropriations,
 3235 allocations, or other funds for the administration of the Parole
 3236 Commission shall be transferred by a type two transfer, as
 3237 defined in s. 20.06(2), Florida Statutes, from the Parole
 3238 Commission to the Department of Corrections. It is the intent of
 3239 the Legislature that the Department of Corrections, when filling
 3240 vacancies in positions that exercise powers, duties, or
 3241 functions of the department with respect to parole or probation
 3242 give consideration, to the greatest possible extent, to
 3243 qualified former employees of the Parole Commission whose
 3244 position with the commission has been eliminated as a result of
 3245 its reorganization by this act.

3246 Section 99. It is the intent of the Legislature that this
3247 act does not abolish the Parole Commission but transfers fiscal
3248 administration of the commission and its employees and
3249 activities to the Department of Corrections for administrative
3250 purposes, while renaming the commission as the Parole Board. If
3251 a court rules that the Parole Board is not a continuation of the
3252 Parole Commission, the following shall apply:

3253 (1) Parole Commissioners in office on the effective date
3254 of this act shall be and hereby are made members of the Parole
3255 Board whose term in office on the Parole Board shall expire on
3256 the same day as their former term of office on the Parole
3257 Commission would have expired.

3258 (2) Time served by a Parole Commissioner shall count as
3259 time served as a Parole Board member for the purpose of
3260 implementing the term limit of s. 947.03(1), Florida Statutes.

3261 (3) Any order of the Parole Commission entered into on or
3262 before September 30, 2008, shall continue in full force and
3263 effect as of October 1, 2008, and may be enforced or amended
3264 pursuant to law on or after October 1, 2008, by the Parole
3265 Board.

3266 (4) All cases and matters pending before the Parole
3267 Commission on September 30, 2008, shall be transferred to, and
3268 fall under the jurisdiction of, the Parole Board. This transfer
3269 shall not affect any time period running pursuant to law or
3270 rule.

3271 (5) Administrative rules adopted by the Parole Commission
3272 on or prior to September 30, 2008, and in effect on that day
3273 shall be administrative rules of the Parole Board as of October

HB 5075, Engrossed 1

2008

3274 | 1, 2008, with the Parole Board substituted for the Parole
3275 | Commission where appropriate, except to the extent any such rule
3276 | is superseded by this act, and such rules shall remain in effect
3277 | until amended or repealed by the Parole Board.

3278 | Section 100. This act shall take effect October 1, 2008.