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Proposed Committee Substitute by the Committee on Criminal and
Civil Justice Appropriations

A bill to be entitled

An act relating to the Parole Commission; amending ss.
11.905, 20.315, 20.32, 23.21, 112.011, 186.005,
255.502, 311.12, 322.16, 394.926, 394.927, 775.089,
775.16, 784.07, 784.078, 843.01, 843.02, 843.08,
893.11, 921.001, 921.16, 921.20, 921.21, 921.22,
940.03, 940.05, 941.23, 943.0311, 943.06, 943.325,
944.012, 944.02, 944.4731, 945.091, 945.10, 945.47,
945.73, 947.005, 947.01, 947.02, 947.021, 947.045,
947.141, 947.146, 947.181, 947.185, 947.22, 948.10,
949.05, 951.29, 957.06, 958.045, 960.001, 960.17,
985.04, and 985.045, changing the name of the Parole
Commission to the Commission for Offender Assessment
and Transition; providing an effective date.

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

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

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

(7) Reviewed by July 1, 2020:

(f) Commission for Offender Assessment and Transition
~~Parole Commission.~~



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

30 Section 2. Subsections (9) and (10) of section 20.315,
31 Florida Statutes, are amended to read:

32 20.315 Department of Corrections.—There is created a
33 Department of Corrections.

34 (9) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.—All
35 commitments shall state the statutory authority therefor. The
36 Secretary of Corrections shall have the authority to prescribe
37 the form to be used for commitments. Nothing in this act shall
38 be construed to abridge the authority and responsibility of the
39 Commission for Offender Assessment and Transition Parole
40 ~~Commission~~ with respect to the granting and revocation of
41 parole. The Department of Corrections shall notify the
42 Commission for Offender Assessment and Transition Parole
43 ~~Commission~~ of all violations of parole conditions and provide
44 reports connected thereto as may be requested by the commission.
45 The commission shall have the authority to issue orders dealing
46 with supervision of specific parolees, and such orders shall be
47 binding on all parties.

48 (10) SINGLE INFORMATION AND RECORDS SYSTEM.—There shall be
49 only one offender-based information and records computer system
50 maintained by the Department of Corrections for the joint use of
51 the department and the Commission for Offender Assessment and
52 Transition Parole Commission. This data system shall be is
53 ~~managed~~ through the department's Justice Data Center, ~~which is~~
54 ~~hereby transferred to the department under this act pursuant to~~
55 ~~a type two transfer authorized under s. 20.06(2)~~. The department
56 shall develop and maintain, in consultation with the Criminal



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57 and Juvenile Justice Information Systems Council under s.
58 943.08, such offender-based information, including clemency
59 administration information and other computer services system
60 designed to serve the needs of both the department and the
61 Commission for Offender Assessment and Transition Parole
62 Commission. The department shall notify the commission of all
63 violations of parole and the circumstances thereof.

64 Section 3. Section 20.32, Florida Statutes, is amended to
65 read:

66 20.32 Commission for Offender Assessment and Transition
67 Parole Commission.-

68 (1) The Parole and Probation Commission, authorized by s.
69 8(c), Art. IV, State Constitution of 1968, is continued and
70 renamed the Commission for Offender Assessment and Transition
71 Parole Commission. The commission retains its powers, duties,
72 and functions with respect to the granting and revoking of
73 parole and shall exercise powers, duties, and functions relating
74 to investigations of applications for clemency as directed by
75 the Governor and the Cabinet.

76 (2) All powers, duties, and functions relating to the
77 appointment of the Commission for Offender Assessment and
78 Transition Parole Commission as provided in s. 947.02 or s.
79 947.021 shall be exercised and performed by the Governor and the
80 Cabinet. Except as provided in s. 947.021, each appointment
81 shall be made from among the first three eligible persons on the
82 list of the persons eligible for said position.

83 (3) The commission may require any employee of the
84 commission to give a bond for the faithful performance of his or
85 her duties. The commission may determine the amount of the bond



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86 and must approve the bond. In determining the amount of the
87 bond, the commission may consider the amount of money or
88 property likely to be in custody of the officer or employee at
89 any one time. The premiums for the bonds must be paid out of the
90 funds of the commission.

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

93 23.21 Definitions.—For purposes of this part:

94 (1) "Department" means a principal administrative unit
95 within the executive branch of state government, as defined in
96 chapter 20, and includes the State Board of Administration, the
97 Executive Office of the Governor, the Fish and Wildlife
98 Conservation Commission, the Commission for Offender Assessment
99 and Transition ~~Parole Commission~~, the Agency for Health Care
100 Administration, the State Board of Education, the Board of
101 Governors of the State University System, the Justice
102 Administrative Commission, the capital collateral regional
103 counsel, and separate budget entities placed for administrative
104 purposes within a department.

105 Section 5. Paragraph (b) of subsection (2) of section
106 112.011, Florida Statutes, is amended to read:

107 112.011 Felons; removal of disqualifications for
108 employment, exceptions.—

109 (2)

110 (b) This section shall not be applicable to the employment
111 practices of any fire department relating to the hiring of
112 firefighters. An applicant for employment with any fire
113 department with a prior felony conviction shall be excluded from
114 employment for a period of 4 years after expiration of sentence



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115 or final release by the Commission for Offender Assessment and
116 Transition Parole Commission unless the applicant, prior to the
117 expiration of the 4-year period, has received a full pardon or
118 has had his or her civil rights restored.

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

121 186.005 Designation of departmental planning officer.—

122 (1) The head of each executive department and the Public
123 Service Commission, the Fish and Wildlife Conservation
124 Commission, the Commission for Offender Assessment and
125 Transition Parole Commission, and the Department of Military
126 Affairs shall select from within such agency a person to be
127 designated as the planning officer for such agency. The planning
128 officer shall be responsible for coordinating with the Executive
129 Office of the Governor and with the planning officers of other
130 agencies all activities and responsibilities of such agency
131 relating to planning.

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

134 255.502 Definitions; ss. 255.501-255.525.—As used in this
135 act, the following words and terms shall have the following
136 meanings unless the context otherwise requires:

137 (3) "Agency" means any department created by chapter 20,
138 the Executive Office of the Governor, the Fish and Wildlife
139 Conservation Commission, the Commission for Offender Assessment
140 and Transition Parole Commission, the State Board of
141 Administration, the Department of Military Affairs, or the
142 Legislative Branch or the Judicial Branch of state government.

143 Section 8. Paragraph (e) of subsection (3) of section



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144 311.12, Florida Statutes, is amended to read:

145 311.12 Seaport security standards; inspections; compliance;
146 appeals.—

147 (3)

148 (e) The Department of Law Enforcement shall establish a
149 waiver process to allow unescorted access to an individual who
150 is found to be unqualified under paragraph (c) and denied
151 employment by a seaport. The waiver consideration shall be based
152 on the circumstances of any disqualifying act or offense,
153 restitution made by the individual, and other factors from which
154 it may be determined that the individual does not pose a risk of
155 engaging in theft, drug trafficking, or terrorism within the
156 public seaports regulated under this chapter or of harming any
157 person. The waiver process shall begin when an individual who
158 has been denied initial employment within or regular unescorted
159 access to restricted areas of a public seaport as described in
160 paragraph (c) submits an application for a waiver and notarized
161 letter or affidavit from the individual's employer or union
162 representative which states the mitigating reasons for
163 initiating the waiver process. No later than 90 days after
164 receipt of the application, the administrative staff of the
165 Commission for Offender Assessment and Transition ~~Parole~~
166 ~~Commission~~ shall conduct a factual review of the waiver
167 application. Findings of fact shall be transmitted to the
168 Department of Law Enforcement for review. The department shall
169 make a copy of those findings available to the applicant before
170 final disposition of the waiver request. The department shall
171 make a final disposition of the waiver request based on the
172 factual findings of the investigation by the Commission for



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173 Offender Assessment and Transition Parole Commission. The
174 department shall notify the waiver applicant and the port
175 authority that originally denied employment to the applicant of
176 the final disposition of the waiver. The review process under
177 this paragraph is exempt from chapter 120.

178 Section 9. Paragraph (c) of subsection (1) of section
179 322.16, Florida Statutes, is amended to read:

180 322.16 License restrictions.—

181 (1)

182 (c) The department may further, at any time, impose other
183 restrictions on the use of the license with respect to time and
184 purpose of use or may impose any other condition or restriction
185 upon recommendation of any court, of the Commission for Offender
186 Assessment and Transition Parole Commission, or of the
187 Department of Corrections with respect to any individual who is
188 under the jurisdiction, supervision, or control of the entity
189 that made the recommendation.

190 Section 10. Section 394.926, Florida Statutes, is amended
191 to read:

192 394.926 Notice to victims of release of persons committed
193 as sexually violent predators; notice to Department of
194 Corrections and Commission for Offender Assessment and
195 Transition Parole Commission.—

196 (1) As soon as is practicable, the department shall give
197 written notice of the release of a person committed as a
198 sexually violent predator to any victim of the committed person
199 who is alive and whose address is known to the department or, if
200 the victim is deceased, to the victim's family, if the family's
201 address is known to the department. Failure to notify is not a



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202 reason for postponement of release. This section does not create
203 a cause of action against the state or an employee of the state
204 acting within the scope of the employee's employment as a result
205 of the failure to notify pursuant to this part.

206 (2) If a sexually violent predator who has an active or
207 pending term of probation, community control, parole,
208 conditional release, or other court-ordered or postprison
209 release supervision is released from custody, the department
210 must immediately notify the Department of Corrections' Office of
211 Community Corrections in Tallahassee. The Commission for
212 Offender Assessment and Transition Parole Commission must also
213 be immediately notified of any releases of a sexually violent
214 predator who has an active or pending term of parole,
215 conditional release, or other postprison release supervision
216 that is administered by the Commission for Offender Assessment
217 and Transition Parole Commission.

218 Section 11. Section 394.927, Florida Statutes, is amended
219 to read:

220 394.927 Escape while in lawful custody; notice to victim;
221 notice to the Department of Corrections and Commission for
222 Offender Assessment and Transition Parole Commission.-

223 (1) A person who is held in lawful custody pursuant to a
224 judicial finding of probable cause under s. 394.915 or pursuant
225 to a commitment as a sexually violent predator under s. 394.916
226 and who escapes or attempts to escape while in such custody
227 commits a felony of the second degree, punishable as provided in
228 s. 775.082, s. 775.083, or s. 775.084.

229 (2) If a person who is held in custody pursuant to a
230 finding of probable cause or commitment as a sexually violent



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231 predator escapes while in custody, the department shall
232 immediately notify the victim in accordance with s. 394.926. The
233 state attorney that filed the petition for civil commitment of
234 the escapee must also be immediately notified by the department.
235 If the escapee has an active or pending term of probation,
236 community control, parole, conditional release, or other court-
237 ordered or postprison release supervision, the department shall
238 also immediately notify the Department of Corrections' Office of
239 Community Corrections in Tallahassee. The Commission for
240 Offender Assessment and Transition ~~Parole Commission~~ shall also
241 be immediately notified of an escape if the escapee has an
242 active or pending term of parole, conditional release, or other
243 postprison release supervision that is administered by the
244 Commission for Offender Assessment and Transition ~~Parole~~
245 ~~Commission~~.

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

248 775.089 Restitution.—

249 (4) If a defendant is placed on probation or paroled,
250 complete satisfaction of any restitution ordered under this
251 section shall be a condition of such probation or parole. The
252 court may revoke probation, and the Commission for Offender
253 Assessment and Transition ~~Parole Commission~~ may revoke parole,
254 if the defendant fails to comply with such order.

255 Section 13. Subsection (1) and paragraphs (a) and (b) of
256 subsection (2) of section 775.16, Florida Statutes, are amended
257 to read:

258 775.16 Drug offenses; additional penalties.—In addition to
259 any other penalty provided by law, a person who has been



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260 convicted of sale of or trafficking in, or conspiracy to sell or
261 traffic in, a controlled substance under chapter 893, if such
262 offense is a felony, or who has been convicted of an offense
263 under the laws of any state or country which, if committed in
264 this state, would constitute the felony of selling or
265 trafficking in, or conspiracy to sell or traffic in, a
266 controlled substance under chapter 893, is:

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

269 (a) The person has completed all sentences of imprisonment
270 or supervisory sanctions imposed by the court, by the Commission
271 for Offender Assessment and Transition ~~Parole Commission~~, or by
272 law; or

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

277 1. Seek evaluation and enrollment in, and once enrolled
278 maintain enrollment in until completion, a drug treatment and
279 rehabilitation program which is approved by the Department of
280 Children and Family Services, unless it is deemed by the program
281 that the person does not have a substance abuse problem. The
282 treatment and rehabilitation program may be specified by:

283 a. The court, in the case of court-ordered supervisory
284 sanctions;

285 b. The Commission for Offender Assessment and Transition
286 ~~Parole Commission~~, in the case of parole, control release, or
287 conditional release; or

288 c. The Department of Corrections, in the case of



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289 imprisonment or any other supervision required by law.

290 2. Submit to periodic urine drug testing pursuant to
291 procedures prescribed by the Department of Corrections. If the
292 person is indigent, the costs shall be paid by the Department of
293 Corrections.

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

298 (a) The person has completed all sentences of imprisonment
299 or supervisory sanctions imposed by the court, by the Commission
300 for Offender Assessment and Transition ~~Parole Commission~~, or by
301 law;

302 (b) The person has complied with the conditions of
303 subparagraphs 1. and 2. which shall be monitored by the
304 Department of Corrections while the person is under any
305 supervisory sanction. If the person fails to comply with
306 provisions of these subparagraphs by either failing to maintain
307 treatment or by testing positive for drug use, the department
308 shall notify the licensing, permitting, or certifying agency,
309 which may refuse to reissue or reinstate such license, permit,
310 or certification. The licensee, permittee, or certificateholder
311 under supervision may:

312 1. Seek evaluation and enrollment in, and once enrolled
313 maintain enrollment in until completion, a drug treatment and
314 rehabilitation program which is approved or regulated by the
315 Department of Children and Family Services, unless it is deemed
316 by the program that the person does not have a substance abuse
317 problem. The treatment and rehabilitation program may be



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318 specified by:

319 a. The court, in the case of court-ordered supervisory
320 sanctions;

321 b. The Commission for Offender Assessment and Transition
322 ~~Parole Commission~~, in the case of parole, control release, or
323 conditional release; or

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

326 2. Submit to periodic urine drug testing pursuant to
327 procedures prescribed by the Department of Corrections. If the
328 person is indigent, the costs shall be paid by the Department of
329 Corrections; or

330
331 The provisions of this section do not apply to any of the
332 taxes, fees, or permits regulated, controlled, or administered
333 by the Department of Revenue in accordance with the provisions
334 of s. 213.05.

335 Section 14. Paragraph (a) of subsection (1) of section
336 784.07, Florida Statutes, is amended to read:

337 784.07 Assault or battery of law enforcement officers,
338 firefighters, emergency medical care providers, public transit
339 employees or agents, or other specified officers;
340 reclassification of offenses; minimum sentences.-

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

342 (a) "Law enforcement officer" includes a law enforcement
343 officer, a correctional officer, a correctional probation
344 officer, a part-time law enforcement officer, a part-time
345 correctional officer, an auxiliary law enforcement officer, and
346 an auxiliary correctional officer, as those terms are



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347 respectively defined in s. 943.10, and any county probation
348 officer; an employee or agent of the Department of Corrections
349 who supervises or provides services to inmates; an officer of
350 the Commission for Offender Assessment and Transition Parole
351 ~~Commission~~; a federal law enforcement officer as defined in s.
352 901.1505; and law enforcement personnel of the Fish and Wildlife
353 Conservation Commission, the Department of Environmental
354 Protection, or the Department of Law Enforcement.

355 Section 15. Paragraph (b) of subsection (2) of section
356 784.078, Florida Statutes, is amended to read:

357 784.078 Battery of facility employee by throwing, tossing,
358 or expelling certain fluids or materials.-

359 (2)

360 (b) "Employee" includes any person who is a parole examiner
361 with the Florida Commission for Offender Assessment and
362 Transition Parole Commission.

363 Section 16. Section 843.01, Florida Statutes, is amended to
364 read:

365 843.01 Resisting officer with violence to his or her
366 person.-Whoever knowingly and willfully resists, obstructs, or
367 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
368 (7), (8), or (9); member of the Commission for Offender
369 Assessment and Transition Parole Commission or any
370 administrative aide or supervisor employed by the commission;
371 parole and probation supervisor; county probation officer;
372 personnel or representative of the Department of Law
373 Enforcement; or other person legally authorized to execute
374 process in the execution of legal process or in the lawful
375 execution of any legal duty, by offering or doing violence to



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376 the person of such officer or legally authorized person, is
377 guilty of a felony of the third degree, punishable as provided
378 in s. 775.082, s. 775.083, or s. 775.084.

379 Section 17. Section 843.02, Florida Statutes, is amended to
380 read:

381 843.02 Resisting officer without violence to his or her
382 person.—Whoever shall resist, obstruct, or oppose any officer as
383 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member
384 of the Commission for Offender Assessment and Transition ~~Parole~~
385 ~~Commission~~ or any administrative aide or supervisor employed by
386 the commission; county probation officer; parole and probation
387 supervisor; personnel or representative of the Department of Law
388 Enforcement; or other person legally authorized to execute
389 process in the execution of legal process or in the lawful
390 execution of any legal duty, without offering or doing violence
391 to the person of the officer, shall be guilty of a misdemeanor
392 of the first degree, punishable as provided in s. 775.082 or s.
393 775.083.

394 Section 18. Section 843.08, Florida Statutes, is amended to
395 read:

396 843.08 Falsely personating officer, etc.—A person who
397 falsely assumes or pretends to be a sheriff, officer of the
398 Florida Highway Patrol, officer of the Fish and Wildlife
399 Conservation Commission, officer of the Department of
400 Environmental Protection, officer of the Department of
401 Transportation, officer of the Department of Financial Services,
402 officer of the Department of Corrections, correctional probation
403 officer, deputy sheriff, state attorney or assistant state
404 attorney, statewide prosecutor or assistant statewide



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405 prosecutor, state attorney investigator, coroner, police
406 officer, lottery special agent or lottery investigator, beverage
407 enforcement agent, or watchman, or any member of the Commission
408 for Offender Assessment and Transition ~~Parole Commission~~ and any
409 administrative aide or supervisor employed by the commission, or
410 any personnel or representative of the Department of Law
411 Enforcement, or a federal law enforcement officer as defined in
412 s. 901.1505, and takes upon himself or herself to act as such,
413 or to require any other person to aid or assist him or her in a
414 matter pertaining to the duty of any such officer, commits a
415 felony of the third degree, punishable as provided in s.
416 775.082, s. 775.083, or s. 775.084; however, a person who
417 falsely personates any such officer during the course of the
418 commission of a felony commits a felony of the second degree,
419 punishable as provided in s. 775.082, s. 775.083, or s. 775.084;
420 except that if the commission of the felony results in the death
421 or personal injury of another human being, the person commits a
422 felony of the first degree, punishable as provided in s.
423 775.082, s. 775.083, or s. 775.084.

424 Section 19. Paragraph (a) of subsection (1) of section
425 893.11, Florida Statutes, is amended to read:

426 893.11 Suspension, revocation, and reinstatement of
427 business and professional licenses.—Upon the conviction in any
428 court of competent jurisdiction of any person holding a license,
429 permit, or certificate issued by a state agency, for sale of, or
430 trafficking in, a controlled substance or for conspiracy to
431 sell, or traffic in, a controlled substance, if such offense is
432 a felony, the clerk of said court shall send a certified copy of
433 the judgment of conviction with the person's license number,



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434 permit number, or certificate number on the face of such
435 certified copy to the agency head by whom the convicted
436 defendant has received a license, permit, or certificate to
437 practice his or her profession or to carry on his or her
438 business. Such agency head shall suspend or revoke the license,
439 permit, or certificate of the convicted defendant to practice
440 his or her profession or to carry on his or her business. Upon a
441 showing by any such convicted defendant whose license, permit,
442 or certificate has been suspended or revoked pursuant to this
443 section that his or her civil rights have been restored or upon
444 a showing that the convicted defendant meets the following
445 criteria, the agency head may reinstate or reactivate such
446 license, permit, or certificate when:

447 (1) The person has complied with the conditions of
448 paragraphs (a) and (b) which shall be monitored by the
449 Department of Corrections while the person is under any
450 supervisory sanction. If the person fails to comply with
451 provisions of these paragraphs by either failing to maintain
452 treatment or by testing positive for drug use, the department
453 shall notify the licensing, permitting, or certifying agency,
454 which shall revoke the license, permit, or certification. The
455 person under supervision may:

456 (a) Seek evaluation and enrollment in, and once enrolled
457 maintain enrollment in until completion, a drug treatment and
458 rehabilitation program which is approved or regulated by the
459 Department of Children and Family Services. The treatment and
460 rehabilitation program shall be specified by:

461 1. The court, in the case of court-ordered supervisory
462 sanctions;



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463 2. The Commission for Offender Assessment and Transition
464 ~~Parole Commission~~, in the case of parole, control release, or
465 conditional release; or

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

468
469 This section does not apply to any of the taxes, fees, or
470 permits regulated, controlled, or administered by the Department
471 of Revenue in accordance with s. 213.05.

472 Section 20. Paragraph (a) of subsection (9) of section
473 921.001, Florida Statutes, is amended to read:

474 921.001 Sentencing Commission and sentencing guidelines
475 generally.—

476 (9) (a) The Sentencing Commission and the office of the
477 State Courts Administrator shall conduct ongoing research on the
478 impact of the sentencing guidelines, the use of imprisonment and
479 alternatives to imprisonment, and plea bargaining. The
480 commission, with the aid of the office of the State Courts
481 Administrator, the Department of Corrections, and the Commission
482 for Offender Assessment and Transition ~~Parole Commission~~, shall
483 estimate the impact of any proposed changes to the sentencing
484 guidelines on future rates of incarceration and levels of prison
485 population, based in part on historical data of sentencing
486 practices which have been accumulated by the office of the State
487 Courts Administrator and on Department of Corrections records
488 reflecting average time served for offenses covered by the
489 proposed changes to the guidelines. The commission shall review
490 the projections of impact and shall make them available to other
491 appropriate agencies of state government, including the



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492 Legislature, by October 1 of each year.

493 Section 21. 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
511 Commission for Offender Assessment and Transition ~~Parole~~
512 ~~Commission~~ as to the jurisdiction in which the sentence is to be
513 served. Any prisoner so released to another jurisdiction shall
514 be eligible for consideration for parole by the Commission for
515 Offender Assessment and Transition ~~Parole Commission~~ pursuant to
516 the provisions of chapter 947, except that the commission shall
517 determine the presumptive parole release date and the effective
518 parole release date by requesting such person's file from the
519 receiving jurisdiction. Upon receiving such records, the
520 commission shall determine these release dates based on the



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521 relevant information in that file and shall give credit toward
522 reduction of the Florida sentence for gain-time granted by the
523 jurisdiction where the inmate is serving the sentence. The
524 Commission for Offender Assessment and Transition Parole
525 ~~Commission~~ may concur with the parole release decision of the
526 jurisdiction granting parole and accepting supervision.

527 Section 22. Section 921.20, Florida Statutes, is amended to
528 read:

529 921.20 Classification summary; Commission for Offender
530 Assessment and Transition Parole Commission.—As soon as possible
531 after a prisoner has been placed in the custody of the
532 Department of Corrections, the classification board shall
533 furnish a classification summary to the Commission for Offender
534 Assessment and Transition Parole Commission for use as provided
535 in s. 947.14. The summary shall include the criminal, personal,
536 social, and environmental background and other relevant factors
537 considered in classifying the prisoner for a penal environment
538 best suited for the prisoner's rapid rehabilitation.

539 Section 23. Section 921.21, Florida Statutes, is amended to
540 read:

541 921.21 Progress reports to Commission for Offender
542 Assessment and Transition Parole Commission.—From time to time
543 the Department of Corrections shall submit to the Commission for
544 Offender Assessment and Transition Parole Commission progress
545 reports and recommendations regarding prisoners sentenced under
546 s. 921.18. When the classification board of the Department of
547 Corrections determines that justice and the public welfare will
548 best be served by paroling or discharging a prisoner, it shall
549 transmit its finding to the Commission for Offender Assessment



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550 and Transition Parole Commission. The commission shall have the
551 authority to place the prisoner on parole as provided by law or
552 give the prisoner a full discharge from custody. The period of a
553 parole granted by the Commission for Offender Assessment and
554 Transition Parole Commission shall be in its discretion, but the
555 parole period shall not exceed the maximum term for which the
556 prisoner was sentenced.

557 Section 24. Section 921.22, Florida Statutes, is amended to
558 read:

559 921.22 Determination of exact period of imprisonment by
560 Commission for Offender Assessment and Transition Parole
561 Commission.—Upon the recommendation of the Department of
562 Corrections, the Commission for Offender Assessment and
563 Transition Parole Commission shall have the authority to
564 determine the exact period of imprisonment to be served by
565 defendants sentenced under the provisions of s. 921.18, but a
566 prisoner shall not be held in custody longer than the maximum
567 sentence provided for the offense.

568 Section 25. Section 940.03, Florida Statutes, is amended to
569 read:

570 940.03 Application for executive clemency.—When any person
571 intends to apply for remission of any fine or forfeiture or the
572 commutation of any punishment, or for pardon or restoration of
573 civil rights, he or she shall request an application form from
574 the Commission for Offender Assessment and Transition Parole
575 Commission in compliance with such rules regarding application
576 for executive clemency as are adopted by the Governor with the
577 approval of two members of the Cabinet. Such application may
578 require the submission of a certified copy of the applicant's



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579 indictment or information, the judgment adjudicating the
580 applicant to be guilty, and the sentence, if sentence has been
581 imposed, and may also require the applicant to send a copy of
582 the application to the judge and prosecuting attorney of the
583 court in which the applicant was convicted, notifying them of
584 the applicant's intent to apply for executive clemency. An
585 application for executive clemency for a person who is sentenced
586 to death must be filed within 1 year after the date the Supreme
587 Court issues a mandate on a direct appeal or the United States
588 Supreme Court denies a petition for certiorari, whichever is
589 later.

590 Section 26. Subsection (3) of section 940.05, Florida
591 Statutes, is amended to read:

592 940.05 Restoration of civil rights.—Any person who has been
593 convicted of a felony may be entitled to the restoration of all
594 the rights of citizenship enjoyed by him or her prior to
595 conviction if the person has:

596 (3) Been granted his or her final release by the Commission
597 for Offender Assessment and Transition ~~Parole Commission~~.

598 Section 27. Subsections (2) and (3) of section 941.23,
599 Florida Statutes, are amended to read:

600 941.23 Application for issuance of requisition; by whom
601 made; contents.—

602 (2) When the return to this state is required of a person
603 who has been convicted of a crime in this state and has escaped
604 from confinement or broken the terms of his or her bail,
605 probation, or parole, the state attorney of the county in which
606 the offense was committed, the Commission for Offender
607 Assessment and Transition ~~Parole Commission~~, the Department of



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608 Corrections, or the warden of the institution or sheriff of the
609 county, from which escape was made, shall present to the
610 Governor a written application for a requisition for the return
611 of such person, in which application shall be stated the name of
612 the person, the crime of which the person was convicted, the
613 circumstances of his or her escape from confinement or of the
614 breach of the terms of his or her bail, probation, or parole,
615 and the state in which the person is believed to be, including
616 the location of the person therein at the time application is
617 made.

618 (3) The application shall be verified by affidavit, shall
619 be executed in duplicate, and shall be accompanied by two
620 certified copies of the indictment returned or information and
621 affidavit filed or of the complaint made to the judge, stating
622 the offense with which the accused is charged, or of the
623 judgment of conviction or of the sentence. The prosecuting
624 officer, Commission for Offender Assessment and Transition
625 ~~Parole Commission~~, Department of Corrections, warden, or sheriff
626 may also attach such further affidavits and other documents in
627 duplicate as he or she shall deem proper to be submitted with
628 such application. One copy of the application, with the action
629 of the Governor indicated by endorsement thereon, and one of the
630 certified copies of the indictment, complaint, information, and
631 affidavits or of the judgment of conviction or of the sentence
632 shall be filed in the office of the Department of State to
633 remain of record in that office. The other copies of all papers
634 shall be forwarded with the Governor's requisition.

635 Section 28. Subsection (7) of section 943.0311, Florida
636 Statutes, is amended to read:



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637 943.0311 Chief of Domestic Security; duties of the
638 department with respect to domestic security.—

639 (7) As used in this section, the term "state agency"
640 includes the Agency for Health Care Administration, the Agency
641 for Workforce Innovation, the Department of Agriculture and
642 Consumer Services, the Department of Business and Professional
643 Regulation, the Department of Children and Family Services, the
644 Department of Citrus, the Department of Community Affairs, the
645 Department of Corrections, the Department of Education, the
646 Department of Elderly Affairs, the Department of Environmental
647 Protection, the Department of Financial Services, the Department
648 of Health, the Department of Highway Safety and Motor Vehicles,
649 the Department of Juvenile Justice, the Department of Law
650 Enforcement, the Department of Legal Affairs, the Department of
651 Management Services, the Department of Military Affairs, the
652 Department of Revenue, the Department of State, the Department
653 of the Lottery, the Department of Transportation, the Department
654 of Veterans' Affairs, the Fish and Wildlife Conservation
655 Commission, the Commission for Offender Assessment and
656 Transition ~~Parole Commission~~, the State Board of Administration,
657 and the Executive Office of the Governor.

658 Section 29. Subsection (1) of section 943.06, Florida
659 Statutes, is amended to read:

660 943.06 Criminal and Juvenile Justice Information Systems
661 Council.—There is created a Criminal and Juvenile Justice
662 Information Systems Council within the department.

663 (1) The council shall be composed of 15 members, consisting
664 of the Attorney General or a designated assistant; the executive
665 director of the Department of Law Enforcement or a designated



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666 assistant; the secretary of the Department of Corrections or a
667 designated assistant; the chair of the Commission for Offender
668 Assessment and Transition ~~Parole Commission~~ or a designated
669 assistant; the Secretary of Juvenile Justice or a designated
670 assistant; the executive director of the Department of Highway
671 Safety and Motor Vehicles or a designated assistant; the
672 Secretary of Children and Family Services or a designated
673 assistant; the State Courts Administrator or a designated
674 assistant; 1 public defender appointed by the Florida Public
675 Defender Association, Inc.; 1 state attorney appointed by the
676 Florida Prosecuting Attorneys Association, Inc.; and 5 members,
677 to be appointed by the Governor, consisting of 2 sheriffs, 2
678 police chiefs, and 1 clerk of the circuit court.

679 Section 30. Paragraph (a) of subsection (9) of section
680 943.325, Florida Statutes, is amended to read:

681 943.325 Blood or other biological specimen testing for DNA
682 analysis.—

683 (9) The Department of Law Enforcement shall:

684 (a) Receive, process, and store blood specimen samples or
685 other approved biological specimen samples and the data derived
686 therefrom furnished pursuant to subsection (1), pursuant to a
687 requirement of supervision imposed by the court or the
688 Commission for Offender Assessment and Transition ~~Parole~~
689 ~~Commission~~ with respect to a person convicted of any offense
690 specified in subsection (1), or as specified in subsection (6).

691 Section 31. Subsection (5) of section 944.012, Florida
692 Statutes, is amended to read:

693 944.012 Legislative intent.—The Legislature hereby finds
694 and declares that:



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695 (5) In order to make the correctional system an efficient
696 and effective mechanism, the various agencies involved in the
697 correctional process must coordinate their efforts. Where
698 possible, interagency offices should be physically located
699 within major institutions and should include representatives of
700 the Florida State Employment Service, the vocational
701 rehabilitation programs of the Department of Education, and the
702 Commission for Offender Assessment and Transition ~~Parole~~
703 ~~Commission~~. Duplicative and unnecessary methods of evaluating
704 offenders must be eliminated and areas of responsibility
705 consolidated in order to more economically utilize present
706 scarce resources.

707 Section 32. Subsection (1) of section 944.02, Florida
708 Statutes, is amended to read:

709 944.02 Definitions.—The following words and phrases used in
710 this chapter shall, unless the context clearly indicates
711 otherwise, have the following meanings:

712 (1) "Commission" means the Commission for Offender
713 Assessment and Transition ~~Parole Commission~~.

714 Section 33. Paragraph (b) of subsection (2) of section
715 944.4731, Florida Statutes, is amended to read:

716 944.4731 Addiction-Recovery Supervision Program.—

717 (2)

718 (b) An offender released under addiction-recovery
719 supervision shall be subject to specified terms and conditions,
720 including payment of the costs of supervision under s. 948.09
721 and any other court-ordered payments, such as child support and
722 restitution. If an offender has received a term of probation or
723 community control to be served after release from incarceration,



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724 the period of probation or community control may not be
725 substituted for addiction-recovery supervision and shall follow
726 the term of addiction-recovery supervision. A panel of not fewer
727 than two parole commissioners shall establish the terms and
728 conditions of supervision, and the terms and conditions must be
729 included in the supervision order. In setting the terms and
730 conditions of supervision, the Commission for Offender
731 Assessment and Transition ~~Parole Commission~~ shall weigh heavily
732 the program requirements, including, but not limited to, work at
733 paid employment while participating in treatment and traveling
734 restrictions. The commission shall also determine whether an
735 offender violates the terms and conditions of supervision and
736 whether a violation warrants revocation of addiction-recovery
737 supervision pursuant to s. 947.141. The Commission for Offender
738 Assessment and Transition ~~Parole Commission~~ shall review the
739 offender's record for the purpose of establishing the terms and
740 conditions of supervision. The Commission for Offender
741 Assessment and Transition ~~Parole Commission~~ may impose any
742 special conditions it considers warranted from its review of the
743 record. The length of supervision may not exceed the maximum
744 penalty imposed by the court.

745 Section 34. Paragraph (b) of subsection (1) and paragraph
746 (b) of subsection (6) of section 945.091, Florida Statutes, is
747 amended to read:

748 945.091 Extension of the limits of confinement; restitution
749 by employed inmates.—

750 (1) The department may adopt rules permitting the extension
751 of the limits of the place of confinement of an inmate as to
752 whom there is reasonable cause to believe that the inmate will



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753 honor his or her trust by authorizing the inmate, under
754 prescribed conditions and following investigation and approval
755 by the secretary, or the secretary's designee, who shall
756 maintain a written record of such action, to leave the confines
757 of that place unaccompanied by a custodial agent for a
758 prescribed period of time to:

759 (b) Work at paid employment, participate in an education or
760 a training program, or voluntarily serve a public or nonprofit
761 agency or faith-based service group in the community, while
762 continuing as an inmate of the institution or facility in which
763 the inmate is confined, except during the hours of his or her
764 employment, education, training, or service and traveling
765 thereto and therefrom. An inmate may travel to and from his or
766 her place of employment, education, or training only by means of
767 walking, bicycling, or using public transportation or
768 transportation that is provided by a family member or employer.
769 Contingent upon specific appropriations, the department may
770 transport an inmate in a state-owned vehicle if the inmate is
771 unable to obtain other means of travel to his or her place of
772 employment, education, or training.

773 1. An inmate may participate in paid employment only during
774 the last 36 months of his or her confinement, unless sooner
775 requested by the Commission for Offender Assessment and
776 Transition ~~Parole Commission~~ or the Control Release Authority.

777 2. While working at paid employment and residing in the
778 facility, an inmate may apply for placement at a contracted
779 substance abuse transition housing program. The transition
780 assistance specialist shall inform the inmate of program
781 availability and assess the inmate's need and suitability for



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782 transition housing assistance. If an inmate is approved for
783 placement, the specialist shall assist the inmate. If an inmate
784 requests and is approved for placement in a contracted faith-
785 based substance abuse transition housing program, the specialist
786 must consult with the chaplain prior to such placement. The
787 department shall ensure that an inmate's faith orientation, or
788 lack thereof, will not be considered in determining admission to
789 a faith-based program and that the program does not attempt to
790 convert an inmate toward a particular faith or religious
791 preference.

792 (6)

793 (b) An offender who is required to provide restitution or
794 reparation may petition the circuit court to amend the amount of
795 restitution or reparation required or to revise the schedule of
796 repayment established by the department or the Commission for
797 Offender Assessment and Transition ~~Parole Commission~~.

798 Section 35. Paragraph (d) of subsection (1), paragraphs (a)
799 and (b) of subsection (2), and subsection (5) of section 945.10,
800 Florida Statutes, are amended to read:

801 945.10 Confidential information.—

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

806 (d) Commission for Offender Assessment and Transition
807 ~~Parole Commission~~ records which are confidential or exempt from
808 public disclosure by law.

809 (2) The records and information specified in paragraphs
810 (1) (a)-(h) may be released as follows unless expressly



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811 prohibited by federal law:

812 (a) Information specified in paragraphs (1)(b), (d), and
813 (f) to the Office of the Governor, the Legislature, the
814 Commission for Offender Assessment and Transition ~~Parole~~
815 ~~Commission~~, the Department of Children and Family Services, a
816 private correctional facility or program that operates under a
817 contract, the Department of Legal Affairs, a state attorney, the
818 court, or a law enforcement agency. A request for records or
819 information pursuant to this paragraph need not be in writing.

820 (b) Information specified in paragraphs (1)(c), (e), and
821 (h) to the Office of the Governor, the Legislature, the
822 Commission for Offender Assessment and Transition ~~Parole~~
823 ~~Commission~~, the Department of Children and Family Services, a
824 private correctional facility or program that operates under
825 contract, the Department of Legal Affairs, a state attorney, the
826 court, or a law enforcement agency. A request for records or
827 information pursuant to this paragraph must be in writing and a
828 statement provided demonstrating a need for the records or
829 information.

830
831 Records and information released under this subsection
832 remain confidential and exempt from the provisions of s.
833 119.07(1) and s. 24(a), Art. I of the State Constitution when
834 held by the receiving person or entity.

835 (5) The Department of Corrections and the Commission for
836 Offender Assessment and Transition ~~Parole Commission~~ shall
837 mutually cooperate with respect to maintaining the
838 confidentiality of records that are exempt from the provisions
839 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.



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840 Section 36. Subsection (2) of section 945.47, Florida
841 Statutes, is amended to read:

842 945.47 Discharge of inmate from mental health treatment.—

843 (2) At any time that an inmate who has received mental
844 health treatment while in the custody of the department becomes
845 eligible for release under supervision or upon end of sentence,
846 a record of the inmate's mental health treatment may be provided
847 to the Commission for Offender Assessment and Transition ~~Parole~~
848 ~~Commission~~ and to the Department of Children and Family Services
849 upon request. The record shall include, at a minimum, a summary
850 of the inmate's diagnosis, length of stay in treatment, clinical
851 history, prognosis, prescribed medication, treatment plan, and
852 recommendations for aftercare services.

853 Section 37. Subsection (6) of section 945.73, Florida
854 Statutes, is amended to read:

855 945.73 Inmate training program operation.—

856 (6) The department shall work cooperatively with the
857 Control Release Authority, the Florida Commission for Offender
858 Assessment and Transition ~~Parole Commission~~, or such other
859 authority as may exist or be established in the future which is
860 empowered by law to effect the release of an inmate who has
861 successfully completed the requirements established by ss.
862 945.71-945.74.

863 Section 38. Subsection (1) of section 947.005, Florida
864 Statutes, is amended to read:

865 947.005 Definitions.—As used in this chapter, unless the
866 context clearly indicates otherwise:

867 (1) "Commission" means the Commission for Offender
868 Assessment and Transition ~~Parole Commission~~.



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869 Section 39. Section 947.01, Florida Statutes, is amended to
870 read:

871 947.01 Commission for Offender Assessment and Transition
872 ~~Parole Commission~~; creation; number of members.—A Commission for
873 Offender Assessment and Transition ~~Parole Commission~~ is created
874 to consist of six members who are residents of the state.
875 Effective July 1, 1996, the membership of the commission shall
876 be three members.

877 Section 40. Section 947.02, Florida Statutes, is amended to
878 read:

879 947.02 Commission for Offender Assessment and Transition
880 ~~Parole Commission~~; members, appointment.—

881 (1) Except as provided in s. 947.021, the members of the
882 Commission for Offender Assessment and Transition ~~Parole~~
883 ~~Commission~~ shall be appointed by the Governor and Cabinet from a
884 list of eligible applicants submitted by a parole qualifications
885 committee. The appointments of members of the commission shall
886 be certified to the Senate by the Governor and Cabinet for
887 confirmation, and the membership of the commission shall include
888 representation from minority persons as defined in s. 288.703.

889 (2) A parole qualifications committee shall consist of five
890 persons who are appointed by the Governor and Cabinet. One
891 member shall be designated as chair by the Governor and Cabinet.
892 The committee shall provide for statewide advertisement and the
893 receiving of applications for any position or positions on the
894 commission and shall devise a plan for the determination of the
895 qualifications of the applicants by investigations and
896 comprehensive evaluations, including, but not limited to,
897 investigation and evaluation of the character, habits, and



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898 philosophy of each applicant. Each parole qualifications
899 committee shall exist for 2 years. If additional vacancies on
900 the commission occur during this 2-year period, the committee
901 may advertise and accept additional applications; however, all
902 previously submitted applications shall be considered along with
903 the new applications according to the previously established
904 plan for the evaluation of the qualifications of applicants.

905 (3) Within 90 days before an anticipated vacancy by
906 expiration of term pursuant to s. 947.03 or upon any other
907 vacancy, the Governor and Cabinet shall appoint a parole
908 qualifications committee if one has not been appointed during
909 the previous 2 years. The committee shall consider applications
910 for the commission seat, including the application of an
911 incumbent commissioner if he or she applies, according to the
912 provisions of subsection (2). The committee shall submit a list
913 of three eligible applicants, which may include the incumbent if
914 the committee so decides, without recommendation, to the
915 Governor and Cabinet for appointment to the commission. In the
916 case of an unexpired term, the appointment must be for the
917 remainder of the unexpired term and until a successor is
918 appointed and qualified. If more than one seat is vacant, the
919 committee shall submit a list of eligible applicants, without
920 recommendation, containing a number of names equal to three
921 times the number of vacant seats; however, the names submitted
922 shall not be distinguished by seat, and each submitted applicant
923 shall be considered eligible for each vacancy.

924 (4) Upon receiving a list of eligible persons from the
925 parole qualifications committee, the Governor and Cabinet may
926 reject the list. If the list is rejected, the committee shall



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927 reinitiate the application and examination procedure according
928 to the provisions of subsection (2).

929 (5) The provisions of s. 120.525 and chapters 119 and 286
930 apply to all activities and proceedings of a parole
931 qualifications committee.

932 Section 41. Section 947.021, Florida Statutes, is amended
933 to read:

934 947.021 Commission for Offender Assessment and Transition
935 ~~Parole Commission~~; expedited appointments.—Whenever the
936 Legislature decreases the membership of the commission, all
937 terms of office shall expire, notwithstanding any law to the
938 contrary. Under such circumstances, the Governor and Cabinet
939 shall expedite the appointment of commissioners. Notwithstanding
940 the parole qualifications committee procedure in s. 947.02,
941 members shall be directly appointed by the Governor and Cabinet.
942 Members appointed to the commission may be selected from
943 incumbents. Members shall be certified to the Senate by the
944 Governor and Cabinet for confirmation, and the membership of the
945 commission shall include representation from minority persons as
946 defined in s. 288.703.

947 Section 42. Section 947.045, Florida Statutes, is amended
948 to read:

949 947.045 Federal Grants Trust Fund.—The Federal Grants Trust
950 Fund is hereby created, to be administered by the Florida
951 Commission for Offender Assessment and Transition ~~Parole~~
952 ~~Commission~~.

953 (1) Funds to be credited to the trust fund shall consist of
954 receipts from federal grants and shall be used for the various
955 purposes for which the federal funds were intended.



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956 (2) Notwithstanding the provisions of s. 216.301 and
957 pursuant to s. 216.351, any balance in the trust fund at the end
958 of any fiscal year shall remain in the trust fund at the end of
959 the year and shall be available for carrying out the purposes of
960 the trust fund.

961 (3) In accordance with s. 19(f)(2), Art. III of the State
962 Constitution, the Federal Grants Trust Fund shall be terminated
963 on July 1, 2009, unless terminated sooner. Before its scheduled
964 termination, the trust fund shall be reviewed as provided in s.
965 215.3206(1) and (2).

966 Section 43. Subsection (3) of section 947.141, Florida
967 Statutes, is amended to read:

968 947.141 Violations of conditional release, control release,
969 or conditional medical release or addiction-recovery
970 supervision.—

971 (3) Within 45 days after notice to the Commission for
972 Offender Assessment and Transition ~~Parole Commission~~ of the
973 arrest of a releasee charged with a violation of the terms and
974 conditions of conditional release, control release, conditional
975 medical release, or addiction-recovery supervision, the releasee
976 must be afforded a hearing conducted by a commissioner or a duly
977 authorized representative thereof. If the releasee elects to
978 proceed with a hearing, the releasee must be informed orally and
979 in writing of the following:

- 980 (a) The alleged violation with which the releasee is
981 charged.
- 982 (b) The releasee's right to be represented by counsel.
- 983 (c) The releasee's right to be heard in person.
- 984 (d) The releasee's right to secure, present, and compel the



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985 attendance of witnesses relevant to the proceeding.

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

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

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

992 Section 44. Subsection (1) of section 947.146, Florida
993 Statutes, is amended to read:

994 947.146 Control Release Authority.—

995 (1) There is created a Control Release Authority which
996 shall be composed of the members of the Commission for Offender
997 Assessment and Transition ~~Parole Commission~~ and which shall have
998 the same chair as the commission. The authority shall utilize
999 such commission staff as it determines is necessary to carry out
1000 its purposes.

1001 Section 45. Section 947.181, Florida Statutes, is amended
1002 to read:

1003 947.181 Victim restitution as condition of parole.—

1004 (1) (a) The Commission for Offender Assessment and
1005 Transition ~~Parole Commission~~ shall require as a condition of
1006 parole reparation or restitution to the aggrieved party for the
1007 damage or loss caused by the offense for which the parolee was
1008 imprisoned unless the commission finds reasons to the contrary.
1009 If the commission does not order restitution or orders only
1010 partial restitution, the commission shall state on the record
1011 the reasons therefor. The amount of such reparation or
1012 restitution shall be determined by the Commission for Offender
1013 Assessment and Transition ~~Parole Commission~~.



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1014 (b) If the parolee fails to make the reparation or
1015 restitution to the aggrieved party as authorized in paragraph
1016 (a), it shall be considered by the commission as a violation of
1017 parole as specified in s. 947.21 and may be cause for revocation
1018 of her or his parole.

1019 (2) If a defendant is paroled, any restitution ordered
1020 under s. 775.089 shall be a condition of such parole. The
1021 Commission for Offender Assessment and Transition Parole
1022 ~~Commission~~ may revoke parole if the defendant fails to comply
1023 with such order. In determining whether to revoke parole, the
1024 Commission for Offender Assessment and Transition Parole
1025 ~~Commission~~ shall consider the defendant's employment status,
1026 earning ability, and financial resources; the willfulness of the
1027 defendant's failure to pay; and any other special circumstances
1028 that may have a bearing on the defendant's ability to pay.

1029 Section 46. Section 947.185, Florida Statutes, is amended
1030 to read:

1031 947.185 Application for mental retardation services as
1032 condition of parole.—The Commission for Offender Assessment and
1033 Transition Parole ~~Commission~~ may require as a condition of
1034 parole that any inmate who has been diagnosed as mentally
1035 retarded as defined in s. 393.063 shall, upon release, apply for
1036 services from the Agency for Persons with Disabilities.

1037 Section 47. Subsection (2) of section 947.22, Florida
1038 Statutes, is amended to read:

1039 947.22 Authority to arrest parole violators with or without
1040 warrant.—

1041 (2) Any parole and probation officer, when she or he has
1042 reasonable ground to believe that a parolee, control releasee,



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1043 or conditional releasee has violated the terms and conditions of
1044 her or his parole, control release, or conditional release in a
1045 material respect, has the right to arrest the releasee or
1046 parolee without warrant and bring her or him forthwith before
1047 one or more commissioners or a duly authorized representative of
1048 the Commission for Offender Assessment and Transition ~~Parole~~
1049 ~~Commission~~ or Control Release Authority; and proceedings shall
1050 thereupon be had as provided herein when a warrant has been
1051 issued by a member of the commission or authority or a duly
1052 authorized representative of the commission or authority.

1053 Section 48. Paragraph (a) of subsection (1) and subsections
1054 (3) and (6) of section 948.09, Florida Statutes, are amended to
1055 read:

1056 948.09 Payment for cost of supervision and rehabilitation.—

1057 (1) (a) 1. Any person ordered by the court, the Department of
1058 Corrections, or the Commission for Offender Assessment and
1059 Transition ~~Parole Commission~~ to be placed on probation, drug
1060 offender probation, community control, parole, control release,
1061 provisional release supervision, addiction-recovery supervision,
1062 or conditional release supervision under chapter 944, chapter
1063 945, chapter 947, chapter 948, or chapter 958, or in a pretrial
1064 intervention program, must, as a condition of any placement, pay
1065 the department a total sum of money equal to the total month or
1066 portion of a month of supervision times the court-ordered
1067 amount, but not to exceed the actual per diem cost of the
1068 supervision. The department shall adopt rules by which an
1069 offender who pays in full and in advance of regular termination
1070 of supervision may receive a reduction in the amount due. The
1071 rules shall incorporate provisions by which the offender's



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1072 ability to pay is linked to an established written payment plan.
1073 Funds collected from felony offenders may be used to offset
1074 costs of the Department of Corrections associated with community
1075 supervision programs, subject to appropriation by the
1076 Legislature.

1077 2. In addition to any other contribution or surcharge
1078 imposed by this section, each felony offender assessed under
1079 this paragraph shall pay a \$2-per-month surcharge to the
1080 department. The surcharge shall be deemed to be paid only after
1081 the full amount of any monthly payment required by the
1082 established written payment plan has been collected by the
1083 department. These funds shall be used by the department to pay
1084 for correctional probation officers' training and equipment,
1085 including radios, and firearms training, firearms, and attendant
1086 equipment necessary to train and equip officers who choose to
1087 carry a concealed firearm while on duty. Nothing in this
1088 subparagraph shall be construed to limit the department's
1089 authority to determine who shall be authorized to carry a
1090 concealed firearm while on duty, or to limit the right of a
1091 correctional probation officer to carry a personal firearm
1092 approved by the department.

1093 (3) Any failure to pay contribution as required under this
1094 section may constitute a ground for the revocation of probation
1095 by the court, the revocation of parole or conditional release by
1096 the Commission for Offender Assessment and Transition ~~Parole~~
1097 ~~Commission~~, the revocation of control release by the Control
1098 Release Authority, or removal from the pretrial intervention
1099 program by the state attorney. The Department of Corrections may
1100 exempt a person from the payment of all or any part of the



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1101 contribution if it finds any of the following factors to exist:

1102 (a) The offender has diligently attempted, but has been
1103 unable, to obtain employment which provides him or her
1104 sufficient income to make such payments.

1105 (b) The offender is a student in a school, college,
1106 university, or course of career training designed to fit the
1107 student for gainful employment. Certification of such student
1108 status shall be supplied to the Secretary of Corrections by the
1109 educational institution in which the offender is enrolled.

1110 (c) The offender has an employment handicap, as determined
1111 by a physical, psychological, or psychiatric examination
1112 acceptable to, or ordered by, the secretary.

1113 (d) The offender's age prevents him or her from obtaining
1114 employment.

1115 (e) The offender is responsible for the support of
1116 dependents, and the payment of such contribution constitutes an
1117 undue hardship on the offender.

1118 (f) The offender has been transferred outside the state
1119 under an interstate compact adopted pursuant to chapter 949.

1120 (g) There are other extenuating circumstances, as
1121 determined by the secretary.

1122 (6) In addition to any other required contributions, the
1123 department, at its discretion, may require offenders under any
1124 form of supervision to submit to and pay for urinalysis testing
1125 to identify drug usage as part of the rehabilitation program.
1126 Any failure to make such payment, or participate, may be
1127 considered a ground for revocation by the court, the Commission
1128 for Offender Assessment and Transition ~~Parole Commission~~, or the
1129 Control Release Authority, or for removal from the pretrial



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1130 intervention program by the state attorney. The department may
1131 exempt a person from such payment if it determines that any of
1132 the factors specified in subsection (3) exist.

1133 Section 49. Subsection (1) of section 948.10, Florida
1134 Statutes, is amended to read:

1135 948.10 Community control programs.—

1136 (1) The Department of Corrections shall develop and
1137 administer a community control program. This complementary
1138 program shall be rigidly structured and designed to accommodate
1139 offenders who, in the absence of such a program, would have been
1140 incarcerated. The program shall focus on the provision of
1141 sanctions and consequences which are commensurate with the
1142 seriousness of the crime. The program shall offer the courts and
1143 the Commission for Offender Assessment and Transition ~~Parole~~
1144 ~~Commission~~ an alternative, community-based method to punish an
1145 offender in lieu of incarceration when the offender is a member
1146 of one of the following target groups:

1147 (a) Probation violators charged with technical violations
1148 or misdemeanor violations.

1149 (b) Parole violators charged with technical violations or
1150 misdemeanor violations.

1151 (c) Individuals found guilty of felonies, who, due to their
1152 criminal backgrounds or the seriousness of the offenses, would
1153 not be placed on regular probation.

1154 Section 50. Subsection (2) of section 949.05, Florida
1155 Statutes, is amended to read:

1156 949.05 Constitutionality.—

1157 (2) If the method of selecting the commission members as
1158 herein provided is found to be invalid by reason of the vesting



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1159 of the appointing power in the Governor and the Cabinet, the
1160 members of the Commission for Offender Assessment and Transition
1161 ~~Parole Commission~~ herein provided for shall be appointed by the
1162 Governor.

1163 Section 51. Subsection (1) of section 951.29, Florida
1164 Statutes, is amended to read:

1165 951.29 Procedure for requesting restoration of civil rights
1166 of county prisoners convicted of felonies.—

1167 (1) With respect to a person who has been convicted of a
1168 felony and is serving a sentence in a county detention facility,
1169 the administrator of the county detention facility shall provide
1170 to the prisoner, at least 2 weeks before discharge, if possible,
1171 an application form obtained from the Commission for Offender
1172 Assessment and Transition ~~Parole Commission~~ which the prisoner
1173 must complete in order to begin the process of having his or her
1174 civil rights restored.

1175 Section 52. Subsection (6) of section 957.06, Florida
1176 Statutes, is amended to read:

1177 957.06 Powers and duties not delegable to contractor.—A
1178 contract entered into under this chapter does not authorize,
1179 allow, or imply a delegation of authority to the contractor to:

1180 (6) Make recommendations to the Commission for Offender
1181 Assessment and Transition ~~Parole Commission~~ with respect to the
1182 denial or granting of parole, control release, conditional
1183 release, or conditional medical release. However, the contractor
1184 may submit written reports to the Commission for Offender
1185 Assessment and Transition ~~Parole Commission~~ and must respond to
1186 a written request by the Commission for Offender Assessment and
1187 Transition ~~Parole Commission~~ for information.



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1188 Section 53. Paragraph (c) of subsection (8) of section
1189 958.045, Florida Statutes, is amended to read:

1190 958.045 Youthful offender basic training program.—

1191 (8)

1192 (c) The department shall work cooperatively with the
1193 Control Release Authority or the Commission for Offender
1194 Assessment and Transition ~~Parole Commission~~ to effect the
1195 release of an offender who has successfully completed the
1196 requirements of the basic training program.

1197 Section 54. Subsection (1) of section 960.001, Florida
1198 Statutes, is amended to read:

1199 960.001 Guidelines for fair treatment of victims and
1200 witnesses in the criminal justice and juvenile justice systems.—

1201 (1) The Department of Legal Affairs, the state attorneys,
1202 the Department of Corrections, the Department of Juvenile
1203 Justice, the Commission for Offender Assessment and Transition
1204 ~~Parole Commission~~, the State Courts Administrator and circuit
1205 court administrators, the Department of Law Enforcement, and
1206 every sheriff's department, police department, or other law
1207 enforcement agency as defined in s. 943.10(4) shall develop and
1208 implement guidelines for the use of their respective agencies,
1209 which guidelines are consistent with the purposes of this act
1210 and s. 16(b), Art. I of the State Constitution and are designed
1211 to implement the provisions of s. 16(b), Art. I of the State
1212 Constitution and to achieve the following objectives:

1213 (a) *Information concerning services available to victims of*
1214 *adult and juvenile crime.*—As provided in s. 27.0065, state
1215 attorneys and public defenders shall gather information
1216 regarding the following services in the geographic boundaries of



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1217 their respective circuits and shall provide such information to
1218 each law enforcement agency with jurisdiction within such
1219 geographic boundaries. Law enforcement personnel shall ensure,
1220 through distribution of a victim's rights information card or
1221 brochure at the crime scene, during the criminal investigation,
1222 and in any other appropriate manner, that victims are given, as
1223 a matter of course at the earliest possible time, information
1224 about:

1225 1. The availability of crime victim compensation, when
1226 applicable;

1227 2. Crisis intervention services, supportive or bereavement
1228 counseling, social service support referrals, and community-
1229 based victim treatment programs;

1230 3. The role of the victim in the criminal or juvenile
1231 justice process, including what the victim may expect from the
1232 system as well as what the system expects from the victim;

1233 4. The stages in the criminal or juvenile justice process
1234 which are of significance to the victim and the manner in which
1235 information about such stages can be obtained;

1236 5. The right of a victim, who is not incarcerated,
1237 including the victim's parent or guardian if the victim is a
1238 minor, the lawful representative of the victim or of the
1239 victim's parent or guardian if the victim is a minor, and the
1240 next of kin of a homicide victim, to be informed, to be present,
1241 and to be heard when relevant, at all crucial stages of a
1242 criminal or juvenile proceeding, to the extent that this right
1243 does not interfere with constitutional rights of the accused, as
1244 provided by s. 16(b), Art. I of the State Constitution;

1245 6. In the case of incarcerated victims, the right to be



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1246 informed and to submit written statements at all crucial stages
1247 of the criminal proceedings, parole proceedings, or juvenile
1248 proceedings; and

1249 7. The right of a victim to a prompt and timely disposition
1250 of the case in order to minimize the period during which the
1251 victim must endure the responsibilities and stress involved to
1252 the extent that this right does not interfere with the
1253 constitutional rights of the accused.

1254 (b) *Information for purposes of notifying victim or*
1255 *appropriate next of kin of victim or other designated contact of*
1256 *victim.*—In the case of a homicide, pursuant to chapter 782; or a
1257 sexual offense, pursuant to chapter 794; or an attempted murder
1258 or sexual offense, pursuant to chapter 777; or stalking,
1259 pursuant to s. 784.048; or domestic violence, pursuant to s.
1260 25.385:

1261 1. The arresting law enforcement officer or personnel of an
1262 organization that provides assistance to a victim or to the
1263 appropriate next of kin of the victim or other designated
1264 contact must request that the victim or appropriate next of kin
1265 of the victim or other designated contact complete a victim
1266 notification card. However, the victim or appropriate next of
1267 kin of the victim or other designated contact may choose not to
1268 complete the victim notification card.

1269 2. Unless the victim or the appropriate next of kin of the
1270 victim or other designated contact waives the option to complete
1271 the victim notification card, a copy of the victim notification
1272 card must be filed with the incident report or warrant in the
1273 sheriff's office of the jurisdiction in which the incident
1274 report or warrant originated. The notification card shall, at a



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1275 minimum, consist of:

1276 a. The name, address, and phone number of the victim; or

1277 b. The name, address, and phone number of the appropriate
1278 next of kin of the victim; or

1279 c. The name, address, and phone number of a designated
1280 contact other than the victim or appropriate next of kin of the
1281 victim; and

1282 d. Any relevant identification or case numbers assigned to
1283 the case.

1284 3. The chief administrator, or a person designated by the
1285 chief administrator, of a county jail, municipal jail, juvenile
1286 detention facility, or residential commitment facility shall
1287 make a reasonable attempt to notify the alleged victim or
1288 appropriate next of kin of the alleged victim or other
1289 designated contact within 4 hours following the release of the
1290 defendant on bail or, in the case of a juvenile offender, upon
1291 the release from residential detention or commitment. If the
1292 chief administrator, or designee, is unable to contact the
1293 alleged victim or appropriate next of kin of the alleged victim
1294 or other designated contact by telephone, the chief
1295 administrator, or designee, must send to the alleged victim or
1296 appropriate next of kin of the alleged victim or other
1297 designated contact a written notification of the defendant's
1298 release.

1299 4. Unless otherwise requested by the victim or the
1300 appropriate next of kin of the victim or other designated
1301 contact, the information contained on the victim notification
1302 card must be sent by the chief administrator, or designee, of
1303 the appropriate facility to the subsequent correctional or



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1304 residential commitment facility following the sentencing and
1305 incarceration of the defendant, and unless otherwise requested
1306 by the victim or the appropriate next of kin of the victim or
1307 other designated contact, he or she must be notified of the
1308 release of the defendant from incarceration as provided by law.

1309 5. If the defendant was arrested pursuant to a warrant
1310 issued or taken into custody pursuant to s. 985.101 in a
1311 jurisdiction other than the jurisdiction in which the defendant
1312 is being released, and the alleged victim or appropriate next of
1313 kin of the alleged victim or other designated contact does not
1314 waive the option for notification of release, the chief
1315 correctional officer or chief administrator of the facility
1316 releasing the defendant shall make a reasonable attempt to
1317 immediately notify the chief correctional officer of the
1318 jurisdiction in which the warrant was issued or the juvenile was
1319 taken into custody pursuant to s. 985.101, and the chief
1320 correctional officer of that jurisdiction shall make a
1321 reasonable attempt to notify the alleged victim or appropriate
1322 next of kin of the alleged victim or other designated contact,
1323 as provided in this paragraph, that the defendant has been or
1324 will be released.

1325 (c) *Information concerning protection available to victim*
1326 *or witness.*—A victim or witness shall be furnished, as a matter
1327 of course, with information on steps that are available to law
1328 enforcement officers and state attorneys to protect victims and
1329 witnesses from intimidation. Victims of domestic violence shall
1330 also be given information about the address confidentiality
1331 program provided under s. 741.403.

1332 (d) *Notification of scheduling changes.*—Each victim or



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1333 witness who has been scheduled to attend a criminal or juvenile
1334 justice proceeding shall be notified as soon as possible by the
1335 agency scheduling his or her appearance of any change in
1336 scheduling which will affect his or her appearance.

1337 (e) *Advance notification to victim or relative of victim*
1338 *concerning judicial proceedings; right to be present.*—Any
1339 victim, parent, guardian, or lawful representative of a minor
1340 who is a victim, or relative of a homicide victim shall receive
1341 from the appropriate agency, at the address found in the police
1342 report or the victim notification card if such has been provided
1343 to the agency, prompt advance notification, unless the agency
1344 itself does not have advance notification, of judicial and
1345 postjudicial proceedings relating to his or her case, including
1346 all proceedings or hearings relating to:

- 1347 1. The arrest of an accused;
- 1348 2. The release of the accused pending judicial proceedings
1349 or any modification of release conditions; and
- 1350 3. Proceedings in the prosecution or petition for
1351 delinquency of the accused, including the filing of the
1352 accusatory instrument, the arraignment, disposition of the
1353 accusatory instrument, trial or adjudicatory hearing, sentencing
1354 or disposition hearing, appellate review, subsequent
1355 modification of sentence, collateral attack of a judgment, and,
1356 when a term of imprisonment, detention, or residential
1357 commitment is imposed, the release of the defendant or juvenile
1358 offender from such imprisonment, detention, or residential
1359 commitment by expiration of sentence or parole and any meeting
1360 held to consider such release.

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1362 A victim, a victim's parent or guardian if the victim is a
1363 minor, a lawful representative of the victim or of the victim's
1364 parent or guardian if the victim is a minor, or a victim's next
1365 of kin may not be excluded from any portion of any hearing,
1366 trial, or proceeding pertaining to the offense based solely on
1367 the fact that such person is subpoenaed to testify, unless, upon
1368 motion, the court determines such person's presence to be
1369 prejudicial. The appropriate agency with respect to notification
1370 under subparagraph 1. is the arresting law enforcement agency,
1371 and the appropriate agency with respect to notification under
1372 subparagraphs 2. and 3. is the Attorney General or state
1373 attorney, unless the notification relates to a hearing
1374 concerning parole, in which case the appropriate agency is the
1375 Commission for Offender Assessment and Transition ~~Parole~~
1376 ~~Commission~~. The Department of Corrections, the Department of
1377 Juvenile Justice, or the sheriff is the appropriate agency with
1378 respect to release by expiration of sentence or any other
1379 release program provided by law. Any victim may waive
1380 notification at any time, and such waiver shall be noted in the
1381 agency's files.

1382 (f) *Information concerning release from incarceration from*
1383 *a county jail, municipal jail, juvenile detention facility, or*
1384 *residential commitment facility.*—The chief administrator, or a
1385 person designated by the chief administrator, of a county jail,
1386 municipal jail, juvenile detention facility, or residential
1387 commitment facility shall, upon the request of the victim or the
1388 appropriate next of kin of a victim or other designated contact
1389 of the victim of any of the crimes specified in paragraph (b),
1390 make a reasonable attempt to notify the victim or appropriate



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1391 next of kin of the victim or other designated contact prior to
1392 the defendant's or offender's release from incarceration,
1393 detention, or residential commitment if the victim notification
1394 card has been provided pursuant to paragraph (b). If prior
1395 notification is not successful, a reasonable attempt must be
1396 made to notify the victim or appropriate next of kin of the
1397 victim or other designated contact within 4 hours following the
1398 release of the defendant or offender from incarceration,
1399 detention, or residential commitment. If the defendant is
1400 released following sentencing, disposition, or furlough, the
1401 chief administrator or designee shall make a reasonable attempt
1402 to notify the victim or the appropriate next of kin of the
1403 victim or other designated contact within 4 hours following the
1404 release of the defendant. If the chief administrator or designee
1405 is unable to contact the victim or appropriate next of kin of
1406 the victim or other designated contact by telephone, the chief
1407 administrator or designee must send to the victim or appropriate
1408 next of kin of the victim or other designated contact a written
1409 notification of the defendant's or offender's release.

1410 (g) *Consultation with victim or guardian or family of*
1411 *victim.*—

1412 1. In addition to being notified of the provisions of s.
1413 921.143, the victim of a felony involving physical or emotional
1414 injury or trauma or, in a case in which the victim is a minor
1415 child or in a homicide, the guardian or family of the victim
1416 shall be consulted by the state attorney in order to obtain the
1417 views of the victim or family about the disposition of any
1418 criminal or juvenile case brought as a result of such crime,
1419 including the views of the victim or family about:



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- 1420 a. The release of the accused pending judicial proceedings;
1421 b. Plea agreements;
1422 c. Participation in pretrial diversion programs; and
1423 d. Sentencing of the accused.

1424 2. Upon request, the state attorney shall permit the
1425 victim, the victim's parent or guardian if the victim is a
1426 minor, the lawful representative of the victim or of the
1427 victim's parent or guardian if the victim is a minor, or the
1428 victim's next of kin in the case of a homicide to review a copy
1429 of the presentence investigation report prior to the sentencing
1430 hearing if one was completed. Any confidential information that
1431 pertains to medical history, mental health, or substance abuse
1432 and any information that pertains to any other victim shall be
1433 redacted from the copy of the report. Any person who reviews the
1434 report pursuant to this paragraph must maintain the
1435 confidentiality of the report and shall not disclose its
1436 contents to any person except statements made to the state
1437 attorney or the court.

1438 3. When an inmate has been approved for community work
1439 release, the Department of Corrections shall, upon request and
1440 as provided in s. 944.605, notify the victim, the victim's
1441 parent or guardian if the victim is a minor, the lawful
1442 representative of the victim or of the victim's parent or
1443 guardian if the victim is a minor, or the victim's next of kin
1444 if the victim is a homicide victim.

1445 (h) *Return of property to victim.*—Law enforcement agencies
1446 and the state attorney shall promptly return a victim's property
1447 held for evidentiary purposes unless there is a compelling law
1448 enforcement reason for retaining it. The trial or juvenile court



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1449 exercising jurisdiction over the criminal or juvenile proceeding
1450 may enter appropriate orders to implement the provisions of this
1451 subsection, including allowing photographs of the victim's
1452 property to be used as evidence at the criminal trial or the
1453 juvenile proceeding in place of the victim's property when no
1454 substantial evidentiary issue related thereto is in dispute.

1455 (i) *Notification to employer and explanation to creditors*
1456 *of victim or witness.*—A victim or witness who so requests shall
1457 be assisted by law enforcement agencies and the state attorney
1458 in informing his or her employer that the need for victim and
1459 witness cooperation in the prosecution of the case may
1460 necessitate the absence of that victim or witness from work. A
1461 victim or witness who, as a direct result of a crime or of his
1462 or her cooperation with law enforcement agencies or a state
1463 attorney, is subjected to serious financial strain shall be
1464 assisted by such agencies and state attorney in explaining to
1465 the creditors of such victim or witness the reason for such
1466 serious financial strain.

1467 (j) *Notification of right to request restitution.*—Law
1468 enforcement agencies and the state attorney shall inform the
1469 victim of the victim's right to request and receive restitution
1470 pursuant to s. 775.089 or s. 985.437, and of the victim's rights
1471 of enforcement under ss. 775.089(6) and 985.0301 in the event an
1472 offender does not comply with a restitution order. The state
1473 attorney shall seek the assistance of the victim in the
1474 documentation of the victim's losses for the purpose of
1475 requesting and receiving restitution. In addition, the state
1476 attorney shall inform the victim if and when restitution is
1477 ordered. If an order of restitution is converted to a civil lien



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1478 or civil judgment against the defendant, the clerks shall make
1479 available at their office, as well as on their website,
1480 information provided by the Secretary of State, the court, or
1481 The Florida Bar on enforcing the civil lien or judgment.

1482 (k) *Notification of right to submit impact statement.*—The
1483 state attorney shall inform the victim of the victim's right to
1484 submit an oral or written impact statement pursuant to s.
1485 921.143 and shall assist in the preparation of such statement if
1486 necessary.

1487 (l) *Local witness coordination services.*—The requirements
1488 for notification provided for in paragraphs (c), (d), and (i)
1489 may be performed by the state attorney or public defender for
1490 their own witnesses.

1491 (m) *Victim assistance education and training.*—Victim
1492 assistance education and training shall be offered to persons
1493 taking courses at law enforcement training facilities and to
1494 state attorneys and assistant state attorneys so that victims
1495 may be promptly, properly, and completely assisted.

1496 (n) *General victim assistance.*—Victims and witnesses shall
1497 be provided with such other assistance, such as transportation,
1498 parking, separate pretrial waiting areas, and translator
1499 services in attending court, as is practicable.

1500 (o) *Victim's rights information card or brochure.*—A victim
1501 of a crime shall be provided with a victim's rights information
1502 card or brochure containing essential information concerning the
1503 rights of a victim and services available to a victim as
1504 required by state law.

1505 (p) *Information concerning escape from a state correctional*
1506 *institution, county jail, juvenile detention facility, or*



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1507 *residential commitment facility.*—In any case where an offender
1508 escapes from a state correctional institution, private
1509 correctional facility, county jail, juvenile detention facility,
1510 or residential commitment facility, the institution of
1511 confinement shall immediately notify the state attorney of the
1512 jurisdiction where the criminal charge or petition for
1513 delinquency arose and the judge who imposed the sentence of
1514 incarceration. The state attorney shall thereupon make every
1515 effort to notify the victim, material witness, parents or legal
1516 guardian of a minor who is a victim or witness, or immediate
1517 relatives of a homicide victim of the escapee. The state
1518 attorney shall also notify the sheriff of the county where the
1519 criminal charge or petition for delinquency arose. The sheriff
1520 shall offer assistance upon request. When an escaped offender is
1521 subsequently captured or is captured and returned to the
1522 institution of confinement, the institution of confinement shall
1523 again immediately notify the appropriate state attorney and
1524 sentencing judge pursuant to this section.

1525 (q) *Presence of victim advocate during discovery*
1526 *deposition; testimony of victim of a sexual offense.*—At the
1527 request of the victim or the victim's parent, guardian, or
1528 lawful representative, the victim advocate designated by state
1529 attorney's office, sheriff's office, or municipal police
1530 department, or one representative from a not-for-profit victim
1531 services organization, including, but not limited to, rape
1532 crisis centers, domestic violence advocacy groups, and alcohol
1533 abuse or substance abuse groups shall be permitted to attend and
1534 be present during any deposition of the victim. The victim of a
1535 sexual offense shall be informed of the right to have the



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1536 courtroom cleared of certain persons as provided in s. 918.16
1537 when the victim is testifying concerning that offense.

1538 (r) *Implementing crime prevention in order to protect the*
1539 *safety of persons and property, as prescribed in the State*
1540 *Comprehensive Plan.*—By preventing crimes that create victims or
1541 further harm former victims, crime prevention efforts are an
1542 essential part of providing effective service for victims and
1543 witnesses. Therefore, the agencies identified in this subsection
1544 may participate in and expend funds for crime prevention, public
1545 awareness, public participation, and educational activities
1546 directly relating to, and in furtherance of, existing public
1547 safety statutes. Furthermore, funds may not be expended for the
1548 purpose of influencing public opinion on public policy issues
1549 that have not been resolved by the Legislature or the
1550 electorate.

1551 (s) *Attendance of victim at same school as defendant.*—When
1552 the victim of an offense committed by a juvenile is a minor, the
1553 Department of Juvenile Justice shall request information to
1554 determine if the victim, or any sibling of the victim, attends
1555 or is eligible to attend the same school as the offender.
1556 However, if the offender is subject to a presentence
1557 investigation by the Department of Corrections, the Department
1558 of Corrections shall make such request. If the victim or any
1559 sibling of the victim attends or is eligible to attend the same
1560 school as that of the offender, the appropriate agency shall
1561 notify the victim's parent or legal guardian of the right to
1562 attend the sentencing or disposition of the offender and request
1563 that the offender be required to attend a different school.

1564 (t) *Use of a polygraph examination or other truth-telling*



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1565 device with victim.—No law enforcement officer, prosecuting
1566 attorney, or other government official shall ask or require an
1567 adult, youth, or child victim of an alleged sexual battery as
1568 defined in chapter 794 or other sexual offense to submit to a
1569 polygraph examination or other truth-telling device as a
1570 condition of proceeding with the investigation of such an
1571 offense. The refusal of a victim to submit to such an
1572 examination shall not prevent the investigation, charging, or
1573 prosecution of the offense.

1574 (u) *Presence of victim advocates during forensic medical*
1575 *examination.*—At the request of the victim or the victim's
1576 parent, guardian, or lawful representative, a victim advocate
1577 from a certified rape crisis center shall be permitted to attend
1578 any forensic medical examination.

1579 Section 55. Subsection (3) of section 960.17, Florida
1580 Statutes, is amended to read:

1581 960.17 Award constitutes debt owed to state.—

1582 (3) The Commission for Offender Assessment and Transition
1583 ~~Parole Commission~~ shall make the payment of the debt to the
1584 state a condition of parole under chapter 947, unless the
1585 commission finds reasons to the contrary. If the commission does
1586 not order payment, or orders only partial payment, it shall
1587 state on the record the reasons therefor.

1588 Section 56. Subsection (1) of section 985.04, Florida
1589 Statutes, is amended to read:

1590 985.04 Oaths; records; confidential information.—

1591 (1) Except as provided in subsections (2), (3), (6), and
1592 (7) and s. 943.053, all information obtained under this chapter
1593 in the discharge of official duty by any judge, any employee of



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1594 the court, any authorized agent of the department, the
1595 Commission for Offender Assessment and Transition ~~Parole~~
1596 ~~Commission~~, the Department of Corrections, the juvenile justice
1597 circuit boards, any law enforcement agent, or any licensed
1598 professional or licensed community agency representative
1599 participating in the assessment or treatment of a juvenile is
1600 confidential and may be disclosed only to the authorized
1601 personnel of the court, the department and its designees, the
1602 Department of Corrections, the Commission for Offender
1603 Assessment and Transition ~~Parole Commission~~, law enforcement
1604 agents, school superintendents and their designees, any licensed
1605 professional or licensed community agency representative
1606 participating in the assessment or treatment of a juvenile, and
1607 others entitled under this chapter to receive that information,
1608 or upon order of the court. Within each county, the sheriff, the
1609 chiefs of police, the district school superintendent, and the
1610 department shall enter into an interagency agreement for the
1611 purpose of sharing information about juvenile offenders among
1612 all parties. The agreement must specify the conditions under
1613 which summary criminal history information is to be made
1614 available to appropriate school personnel, and the conditions
1615 under which school records are to be made available to
1616 appropriate department personnel. Such agreement shall require
1617 notification to any classroom teacher of assignment to the
1618 teacher's classroom of a juvenile who has been placed in a
1619 probation or commitment program for a felony offense. The
1620 agencies entering into such agreement must comply with s.
1621 943.0525, and must maintain the confidentiality of information
1622 that is otherwise exempt from s. 119.07(1), as provided by law.



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1623 Section 57. Subsection (2) of section 985.045, Florida
1624 Statutes, is amended to read:

1625 985.045 Court records.—

1626 (2) The clerk shall keep all official records required by
1627 this section separate from other records of the circuit court,
1628 except those records pertaining to motor vehicle violations,
1629 which shall be forwarded to the Department of Highway Safety and
1630 Motor Vehicles. Except as provided in ss. 943.053 and
1631 985.04(6)(b) and (7), official records required by this chapter
1632 are not open to inspection by the public, but may be inspected
1633 only upon order of the court by persons deemed by the court to
1634 have a proper interest therein, except that a child and the
1635 parents, guardians, or legal custodians of the child and their
1636 attorneys, law enforcement agencies, the Department of Juvenile
1637 Justice and its designees, the Commission for Offender
1638 Assessment and Transition ~~Parole Commission~~, the Department of
1639 Corrections, and the Justice Administrative Commission shall
1640 always have the right to inspect and copy any official record
1641 pertaining to the child. The court may permit authorized
1642 representatives of recognized organizations compiling statistics
1643 for proper purposes to inspect, and make abstracts from,
1644 official records under whatever conditions upon the use and
1645 disposition of such records the court may deem proper and may
1646 punish by contempt proceedings any violation of those
1647 conditions.

1648 Section 58. This act shall take effect July 1, 2009.