

By the Committee on Criminal and Civil Justice Appropriations;
and Senator Crist

604-04042-09

20091728c1

1 A bill to be entitled
2 An act relating to the Parole Commission; amending ss.
3 11.905, 20.315, 20.32, 23.21, 112.011, 186.005,
4 255.502, 311.12, 322.16, 394.926, 394.927, 775.089,
5 775.16, 784.07, 784.078, 843.01, 843.02, 843.08,
6 893.11, 921.001, 921.16, 921.20, 921.21, 921.22,
7 940.03, 940.05, 941.23, 943.0311, 943.06, 943.325,
8 944.012, 944.02, 944.4731, 945.091, 945.10, 945.47,
9 945.73, 947.005, 947.01, 947.02, 947.021, 947.045,
10 947.141, 947.146, 947.181, 947.185, 947.22, 948.10,
11 949.05, 951.29, 957.06, 958.045, 960.001, 960.17,
12 985.04, and 985.045, F.S.; changing the name of the
13 Parole Commission to the Commission for Offender
14 Assessment and Transition; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (f) of subsection (7) of section
20 11.905, Florida Statutes, is amended to read:

21 11.905 Schedule for reviewing state agencies and advisory
22 committees.—The following state agencies, including their
23 advisory committees, or the following advisory committees of
24 agencies shall be reviewed according to the following schedule:

25 (7) Reviewed by July 1, 2020:

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

28
29 Upon completion of this cycle, each agency shall again be

604-04042-09

20091728c1

30 subject to sunset review 10 years after its initial review.

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

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

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

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

604-04042-09

20091728c1

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

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

67 20.32 Commission for Offender Assessment and Transition
68 ~~Parole Commission~~.—

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

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

84 (3) The commission may require any employee of the
85 commission to give a bond for the faithful performance of his or
86 her duties. The commission may determine the amount of the bond
87 and must approve the bond. In determining the amount of the

604-04042-09

20091728c1

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

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

94 23.21 Definitions.—For purposes of this part:

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

106 Section 5. Paragraph (b) of subsection (2) of section
107 112.011, Florida Statutes, is amended to read:

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

110 (2)

111 (b) This section shall not be applicable to the employment
112 practices of any fire department relating to the hiring of
113 firefighters. An applicant for employment with any fire
114 department with a prior felony conviction shall be excluded from
115 employment for a period of 4 years after expiration of sentence
116 or final release by the Commission for Offender Assessment and

604-04042-09

20091728c1

117 Transition Parole Commission unless the applicant, prior to the
118 expiration of the 4-year period, has received a full pardon or
119 has had his or her civil rights restored.

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

122 186.005 Designation of departmental planning officer.—

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

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

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

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

144 Section 8. Paragraph (e) of subsection (3) of section
145 311.12, Florida Statutes, is amended to read:

604-04042-09

20091728c1

146 311.12 Seaport security standards; inspections; compliance;
147 appeals.-

148 (3)

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

604-04042-09

20091728c1

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

179 Section 9. Paragraph (c) of subsection (1) of section
180 322.16, Florida Statutes, is amended to read:

181 322.16 License restrictions.—

182 (1)

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

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

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

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

604-04042-09

20091728c1

204 a cause of action against the state or an employee of the state
205 acting within the scope of the employee's employment as a result
206 of the failure to notify pursuant to this part.

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

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

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

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

230 (2) If a person who is held in custody pursuant to a
231 finding of probable cause or commitment as a sexually violent
232 predator escapes while in custody, the department shall

604-04042-09

20091728c1

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

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

249 775.089 Restitution.—

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

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

259 775.16 Drug offenses; additional penalties.—In addition to
260 any other penalty provided by law, a person who has been
261 convicted of sale of or trafficking in, or conspiracy to sell or

604-04042-09

20091728c1

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

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

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

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

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

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

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

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

604-04042-09

20091728c1

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

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

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

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

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

604-04042-09

20091728c1

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

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

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

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

331
332 The provisions of this section do not apply to any of the taxes,
333 fees, or permits regulated, controlled, or administered by the
334 Department of Revenue in accordance with the provisions of s.
335 213.05.

336 Section 14. Paragraph (a) of subsection (1) of section
337 784.07, Florida Statutes, is amended to read:

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

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

343 (a) "Law enforcement officer" includes a law enforcement
344 officer, a correctional officer, a correctional probation
345 officer, a part-time law enforcement officer, a part-time
346 correctional officer, an auxiliary law enforcement officer, and
347 an auxiliary correctional officer, as those terms are
348 respectively defined in s. 943.10, and any county probation

604-04042-09

20091728c1

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

356 Section 15. Paragraph (b) of subsection (2) of section
357 784.078, Florida Statutes, is amended to read:

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

360 (2)

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

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

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

604-04042-09

20091728c1

378 guilty of a felony of the third degree, punishable as provided
379 in s. 775.082, s. 775.083, or s. 775.084.

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

382 843.02 Resisting officer without violence to his or her
383 person.—Whoever shall resist, obstruct, or oppose any officer as
384 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member
385 of the Commission for Offender Assessment and Transition ~~Parole~~
386 ~~Commission~~ or any administrative aide or supervisor employed by
387 the commission; county probation officer; parole and probation
388 supervisor; personnel or representative of the Department of Law
389 Enforcement; or other person legally authorized to execute
390 process in the execution of legal process or in the lawful
391 execution of any legal duty, without offering or doing violence
392 to the person of the officer, shall be guilty of a misdemeanor
393 of the first degree, punishable as provided in s. 775.082 or s.
394 775.083.

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

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

604-04042-09

20091728c1

407 officer, lottery special agent or lottery investigator, beverage
408 enforcement agent, or watchman, or any member of the Commission
409 for Offender Assessment and Transition ~~Parole Commission~~ and any
410 administrative aide or supervisor employed by the commission, or
411 any personnel or representative of the Department of Law
412 Enforcement, or a federal law enforcement officer as defined in
413 s. 901.1505, and takes upon himself or herself to act as such,
414 or to require any other person to aid or assist him or her in a
415 matter pertaining to the duty of any such officer, commits a
416 felony of the third degree, punishable as provided in s.
417 775.082, s. 775.083, or s. 775.084; however, a person who
418 falsely personates any such officer during the course of the
419 commission of a felony commits a felony of the second degree,
420 punishable as provided in s. 775.082, s. 775.083, or s. 775.084;
421 except that if the commission of the felony results in the death
422 or personal injury of another human being, the person commits a
423 felony of the first degree, punishable as provided in s.
424 775.082, s. 775.083, or s. 775.084.

425 Section 19. Paragraph (a) of subsection (1) of section
426 893.11, Florida Statutes, is amended to read:

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

604-04042-09

20091728c1

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

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

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

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

464 2. The Commission for Offender Assessment and Transition

604-04042-09

20091728c1

465 ~~Parole Commission~~, in the case of parole, control release, or
466 conditional release; or

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

469

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

473 Section 20. Paragraph (a) of subsection (9) of section
474 921.001, Florida Statutes, is amended to read:

475 921.001 Sentencing Commission and sentencing guidelines
476 generally.—

477 (9) (a) The Sentencing Commission and the office of the
478 State Courts Administrator shall conduct ongoing research on the
479 impact of the sentencing guidelines, the use of imprisonment and
480 alternatives to imprisonment, and plea bargaining. The
481 commission, with the aid of the office of the State Courts
482 Administrator, the Department of Corrections, and the Commission
483 for Offender Assessment and Transition ~~Parole Commission~~, shall
484 estimate the impact of any proposed changes to the sentencing
485 guidelines on future rates of incarceration and levels of prison
486 population, based in part on historical data of sentencing
487 practices which have been accumulated by the office of the State
488 Courts Administrator and on Department of Corrections records
489 reflecting average time served for offenses covered by the
490 proposed changes to the guidelines. The commission shall review
491 the projections of impact and shall make them available to other
492 appropriate agencies of state government, including the
493 Legislature, by October 1 of each year.

604-04042-09

20091728c1

494 Section 21. Subsection (2) of section 921.16, Florida
495 Statutes, is amended to read:

496 921.16 When sentences to be concurrent and when
497 consecutive.—

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

604-04042-09

20091728c1

523 reduction of the Florida sentence for gain-time granted by the
524 jurisdiction where the inmate is serving the sentence. The
525 Commission for Offender Assessment and Transition ~~Parole~~
526 ~~Commission~~ may concur with the parole release decision of the
527 jurisdiction granting parole and accepting supervision.

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

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

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

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

604-04042-09

20091728c1

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

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

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

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

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

604-04042-09

20091728c1

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

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

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

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

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

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

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

604-04042-09

20091728c1

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

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

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

638 943.0311 Chief of Domestic Security; duties of the

604-04042-09

20091728c1

639 department with respect to domestic security.—

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

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

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

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

604-04042-09

20091728c1

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

680 Section 30. Paragraph (a) of subsection (9) of section
681 943.325, Florida Statutes, is amended to read:

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

684 (9) The Department of Law Enforcement shall:

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

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

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

696 (5) In order to make the correctional system an efficient

604-04042-09

20091728c1

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

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

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

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

715 Section 33. Paragraph (b) of subsection (2) of section
716 944.4731, Florida Statutes, is amended to read:

717 944.4731 Addiction-Recovery Supervision Program.—

718 (2)

719 (b) An offender released under addiction-recovery
720 supervision shall be subject to specified terms and conditions,
721 including payment of the costs of supervision under s. 948.09
722 and any other court-ordered payments, such as child support and
723 restitution. If an offender has received a term of probation or
724 community control to be served after release from incarceration,
725 the period of probation or community control may not be

604-04042-09

20091728c1

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

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

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

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

604-04042-09

20091728c1

755 prescribed conditions and following investigation and approval
756 by the secretary, or the secretary's designee, who shall
757 maintain a written record of such action, to leave the confines
758 of that place unaccompanied by a custodial agent for a
759 prescribed period of time to:

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

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

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

604-04042-09

20091728c1

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

793 (6)

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

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

802 945.10 Confidential information.—

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

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

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

604-04042-09

20091728c1

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

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

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

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

841 Section 36. Subsection (2) of section 945.47, Florida

604-04042-09

20091728c1

842 Statutes, is amended to read:

843 945.47 Discharge of inmate from mental health treatment.—

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

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

856 945.73 Inmate training program operation.—

857 (6) The department shall work cooperatively with the
858 Control Release Authority, the Florida Commission for Offender
859 Assessment and Transition ~~Parole Commission~~, or such other
860 authority as may exist or be established in the future which is
861 empowered by law to effect the release of an inmate who has
862 successfully completed the requirements established by ss.
863 945.71-945.74.

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

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

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

870 Section 39. Section 947.01, Florida Statutes, is amended to

604-04042-09

20091728c1

871 read:

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

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

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

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

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

604-04042-09

20091728c1

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

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

925 (4) Upon receiving a list of eligible persons from the
926 parole qualifications committee, the Governor and Cabinet may
927 reject the list. If the list is rejected, the committee shall
928 reinitiate the application and examination procedure according

604-04042-09

20091728c1

929 to the provisions of subsection (2).

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

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

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

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

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

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

957 (2) Notwithstanding the provisions of s. 216.301 and

604-04042-09

20091728c1

958 pursuant to s. 216.351, any balance in the trust fund at the end
959 of any fiscal year shall remain in the trust fund at the end of
960 the year and shall be available for carrying out the purposes of
961 the trust fund.

962 (3) In accordance with s. 19(f)(2), Art. III of the State
963 Constitution, the Federal Grants Trust Fund shall be terminated
964 on July 1, 2009, unless terminated sooner. Before its scheduled
965 termination, the trust fund shall be reviewed as provided in s.
966 215.3206(1) and (2).

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

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

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

981 (a) The alleged violation with which the releasee is
982 charged.

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

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

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

604-04042-09

20091728c1

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

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

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

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

995 947.146 Control Release Authority.—

996 (1) There is created a Control Release Authority which
997 shall be composed of the members of the Commission for Offender
998 Assessment and Transition ~~Parole Commission~~ and which shall have
999 the same chair as the commission. The authority shall utilize
1000 such commission staff as it determines is necessary to carry out
1001 its purposes.

1002 Section 45. Section 947.181, Florida Statutes, is amended
1003 to read:

1004 947.181 Victim restitution as condition of parole.—

1005 (1) (a) The Commission for Offender Assessment and
1006 Transition ~~Parole Commission~~ shall require as a condition of
1007 parole reparation or restitution to the aggrieved party for the
1008 damage or loss caused by the offense for which the parolee was
1009 imprisoned unless the commission finds reasons to the contrary.
1010 If the commission does not order restitution or orders only
1011 partial restitution, the commission shall state on the record
1012 the reasons therefor. The amount of such reparation or
1013 restitution shall be determined by the Commission for Offender
1014 Assessment and Transition ~~Parole Commission~~.

1015 (b) If the parolee fails to make the reparation or

604-04042-09

20091728c1

1016 restitution to the aggrieved party as authorized in paragraph
1017 (a), it shall be considered by the commission as a violation of
1018 parole as specified in s. 947.21 and may be cause for revocation
1019 of her or his parole.

1020 (2) If a defendant is paroled, any restitution ordered
1021 under s. 775.089 shall be a condition of such parole. The
1022 Commission for Offender Assessment and Transition Parole
1023 ~~Commission~~ may revoke parole if the defendant fails to comply
1024 with such order. In determining whether to revoke parole, the
1025 Commission for Offender Assessment and Transition Parole
1026 ~~Commission~~ shall consider the defendant's employment status,
1027 earning ability, and financial resources; the willfulness of the
1028 defendant's failure to pay; and any other special circumstances
1029 that may have a bearing on the defendant's ability to pay.

1030 Section 46. Section 947.185, Florida Statutes, is amended
1031 to read:

1032 947.185 Application for mental retardation services as
1033 condition of parole.—The Commission for Offender Assessment and
1034 Transition Parole ~~Commission~~ may require as a condition of
1035 parole that any inmate who has been diagnosed as mentally
1036 retarded as defined in s. 393.063 shall, upon release, apply for
1037 services from the Agency for Persons with Disabilities.

1038 Section 47. Subsection (2) of section 947.22, Florida
1039 Statutes, is amended to read:

1040 947.22 Authority to arrest parole violators with or without
1041 warrant.—

1042 (2) Any parole and probation officer, when she or he has
1043 reasonable ground to believe that a parolee, control releasee,
1044 or conditional releasee has violated the terms and conditions of

604-04042-09

20091728c1

1045 her or his parole, control release, or conditional release in a
1046 material respect, has the right to arrest the releasee or
1047 parolee without warrant and bring her or him forthwith before
1048 one or more commissioners or a duly authorized representative of
1049 the Commission for Offender Assessment and Transition ~~Parole~~
1050 ~~Commission~~ or Control Release Authority; and proceedings shall
1051 thereupon be had as provided herein when a warrant has been
1052 issued by a member of the commission or authority or a duly
1053 authorized representative of the commission or authority.

1054 Section 48. Paragraph (a) of subsection (1) and subsections
1055 (3) and (6) of section 948.09, Florida Statutes, are amended to
1056 read:

1057 948.09 Payment for cost of supervision and rehabilitation.—

1058 (1) (a) 1. Any person ordered by the court, the Department of
1059 Corrections, or the Commission for Offender Assessment and
1060 Transition ~~Parole Commission~~ to be placed on probation, drug
1061 offender probation, community control, parole, control release,
1062 provisional release supervision, addiction-recovery supervision,
1063 or conditional release supervision under chapter 944, chapter
1064 945, chapter 947, chapter 948, or chapter 958, or in a pretrial
1065 intervention program, must, as a condition of any placement, pay
1066 the department a total sum of money equal to the total month or
1067 portion of a month of supervision times the court-ordered
1068 amount, but not to exceed the actual per diem cost of the
1069 supervision. The department shall adopt rules by which an
1070 offender who pays in full and in advance of regular termination
1071 of supervision may receive a reduction in the amount due. The
1072 rules shall incorporate provisions by which the offender's
1073 ability to pay is linked to an established written payment plan.

604-04042-09

20091728c1

1074 Funds collected from felony offenders may be used to offset
1075 costs of the Department of Corrections associated with community
1076 supervision programs, subject to appropriation by the
1077 Legislature.

1078 2. In addition to any other contribution or surcharge
1079 imposed by this section, each felony offender assessed under
1080 this paragraph shall pay a \$2-per-month surcharge to the
1081 department. The surcharge shall be deemed to be paid only after
1082 the full amount of any monthly payment required by the
1083 established written payment plan has been collected by the
1084 department. These funds shall be used by the department to pay
1085 for correctional probation officers' training and equipment,
1086 including radios, and firearms training, firearms, and attendant
1087 equipment necessary to train and equip officers who choose to
1088 carry a concealed firearm while on duty. Nothing in this
1089 subparagraph shall be construed to limit the department's
1090 authority to determine who shall be authorized to carry a
1091 concealed firearm while on duty, or to limit the right of a
1092 correctional probation officer to carry a personal firearm
1093 approved by the department.

1094 (3) Any failure to pay contribution as required under this
1095 section may constitute a ground for the revocation of probation
1096 by the court, the revocation of parole or conditional release by
1097 the Commission for Offender Assessment and Transition ~~Parole~~
1098 ~~Commission~~, the revocation of control release by the Control
1099 Release Authority, or removal from the pretrial intervention
1100 program by the state attorney. The Department of Corrections may
1101 exempt a person from the payment of all or any part of the
1102 contribution if it finds any of the following factors to exist:

604-04042-09

20091728c1

1103 (a) The offender has diligently attempted, but has been
1104 unable, to obtain employment which provides him or her
1105 sufficient income to make such payments.

1106 (b) The offender is a student in a school, college,
1107 university, or course of career training designed to fit the
1108 student for gainful employment. Certification of such student
1109 status shall be supplied to the Secretary of Corrections by the
1110 educational institution in which the offender is enrolled.

1111 (c) The offender has an employment handicap, as determined
1112 by a physical, psychological, or psychiatric examination
1113 acceptable to, or ordered by, the secretary.

1114 (d) The offender's age prevents him or her from obtaining
1115 employment.

1116 (e) The offender is responsible for the support of
1117 dependents, and the payment of such contribution constitutes an
1118 undue hardship on the offender.

1119 (f) The offender has been transferred outside the state
1120 under an interstate compact adopted pursuant to chapter 949.

1121 (g) There are other extenuating circumstances, as
1122 determined by the secretary.

1123 (6) In addition to any other required contributions, the
1124 department, at its discretion, may require offenders under any
1125 form of supervision to submit to and pay for urinalysis testing
1126 to identify drug usage as part of the rehabilitation program.
1127 Any failure to make such payment, or participate, may be
1128 considered a ground for revocation by the court, the Commission
1129 for Offender Assessment and Transition ~~Parole Commission~~, or the
1130 Control Release Authority, or for removal from the pretrial
1131 intervention program by the state attorney. The department may

604-04042-09

20091728c1

1132 exempt a person from such payment if it determines that any of
1133 the factors specified in subsection (3) exist.

1134 Section 49. Subsection (1) of section 948.10, Florida
1135 Statutes, is amended to read:

1136 948.10 Community control programs.—

1137 (1) The Department of Corrections shall develop and
1138 administer a community control program. This complementary
1139 program shall be rigidly structured and designed to accommodate
1140 offenders who, in the absence of such a program, would have been
1141 incarcerated. The program shall focus on the provision of
1142 sanctions and consequences which are commensurate with the
1143 seriousness of the crime. The program shall offer the courts and
1144 the Commission for Offender Assessment and Transition ~~Parole~~
1145 ~~Commission~~ an alternative, community-based method to punish an
1146 offender in lieu of incarceration when the offender is a member
1147 of one of the following target groups:

1148 (a) Probation violators charged with technical violations
1149 or misdemeanor violations.

1150 (b) Parole violators charged with technical violations or
1151 misdemeanor violations.

1152 (c) Individuals found guilty of felonies, who, due to their
1153 criminal backgrounds or the seriousness of the offenses, would
1154 not be placed on regular probation.

1155 Section 50. Subsection (2) of section 949.05, Florida
1156 Statutes, is amended to read:

1157 949.05 Constitutionality.—

1158 (2) If the method of selecting the commission members as
1159 herein provided is found to be invalid by reason of the vesting
1160 of the appointing power in the Governor and the Cabinet, the

604-04042-09

20091728c1

1161 members of the Commission for Offender Assessment and Transition
1162 ~~Parole Commission~~ herein provided for shall be appointed by the
1163 Governor.

1164 Section 51. Subsection (1) of section 951.29, Florida
1165 Statutes, is amended to read:

1166 951.29 Procedure for requesting restoration of civil rights
1167 of county prisoners convicted of felonies.-

1168 (1) With respect to a person who has been convicted of a
1169 felony and is serving a sentence in a county detention facility,
1170 the administrator of the county detention facility shall provide
1171 to the prisoner, at least 2 weeks before discharge, if possible,
1172 an application form obtained from the Commission for Offender
1173 Assessment and Transition ~~Parole Commission~~ which the prisoner
1174 must complete in order to begin the process of having his or her
1175 civil rights restored.

1176 Section 52. Subsection (6) of section 957.06, Florida
1177 Statutes, is amended to read:

1178 957.06 Powers and duties not delegable to contractor.-A
1179 contract entered into under this chapter does not authorize,
1180 allow, or imply a delegation of authority to the contractor to:

1181 (6) Make recommendations to the Commission for Offender
1182 Assessment and Transition ~~Parole Commission~~ with respect to the
1183 denial or granting of parole, control release, conditional
1184 release, or conditional medical release. However, the contractor
1185 may submit written reports to the Commission for Offender
1186 Assessment and Transition ~~Parole Commission~~ and must respond to
1187 a written request by the Commission for Offender Assessment and
1188 Transition ~~Parole Commission~~ for information.

1189 Section 53. Paragraph (c) of subsection (8) of section

604-04042-09

20091728c1

1190 958.045, Florida Statutes, is amended to read:

1191 958.045 Youthful offender basic training program.—

1192 (8)

1193 (c) The department shall work cooperatively with the
1194 Control Release Authority or the Commission for Offender
1195 Assessment and Transition ~~Parole Commission~~ to effect the
1196 release of an offender who has successfully completed the
1197 requirements of the basic training program.

1198 Section 54. Subsection (1) of section 960.001, Florida
1199 Statutes, is amended to read:

1200 960.001 Guidelines for fair treatment of victims and
1201 witnesses in the criminal justice and juvenile justice systems.—

1202 (1) The Department of Legal Affairs, the state attorneys,
1203 the Department of Corrections, the Department of Juvenile
1204 Justice, the Commission for Offender Assessment and Transition
1205 ~~Parole Commission~~, the State Courts Administrator and circuit
1206 court administrators, the Department of Law Enforcement, and
1207 every sheriff's department, police department, or other law
1208 enforcement agency as defined in s. 943.10(4) shall develop and
1209 implement guidelines for the use of their respective agencies,
1210 which guidelines are consistent with the purposes of this act
1211 and s. 16(b), Art. I of the State Constitution and are designed
1212 to implement the provisions of s. 16(b), Art. I of the State
1213 Constitution and to achieve the following objectives:

1214 (a) *Information concerning services available to victims of*
1215 *adult and juvenile crime.*—As provided in s. 27.0065, state
1216 attorneys and public defenders shall gather information
1217 regarding the following services in the geographic boundaries of
1218 their respective circuits and shall provide such information to

604-04042-09

20091728c1

1219 each law enforcement agency with jurisdiction within such
1220 geographic boundaries. Law enforcement personnel shall ensure,
1221 through distribution of a victim's rights information card or
1222 brochure at the crime scene, during the criminal investigation,
1223 and in any other appropriate manner, that victims are given, as
1224 a matter of course at the earliest possible time, information
1225 about:

1226 1. The availability of crime victim compensation, when
1227 applicable;

1228 2. Crisis intervention services, supportive or bereavement
1229 counseling, social service support referrals, and community-
1230 based victim treatment programs;

1231 3. The role of the victim in the criminal or juvenile
1232 justice process, including what the victim may expect from the
1233 system as well as what the system expects from the victim;

1234 4. The stages in the criminal or juvenile justice process
1235 which are of significance to the victim and the manner in which
1236 information about such stages can be obtained;

1237 5. The right of a victim, who is not incarcerated,
1238 including the victim's parent or guardian if the victim is a
1239 minor, the lawful representative of the victim or of the
1240 victim's parent or guardian if the victim is a minor, and the
1241 next of kin of a homicide victim, to be informed, to be present,
1242 and to be heard when relevant, at all crucial stages of a
1243 criminal or juvenile proceeding, to the extent that this right
1244 does not interfere with constitutional rights of the accused, as
1245 provided by s. 16(b), Art. I of the State Constitution;

1246 6. In the case of incarcerated victims, the right to be
1247 informed and to submit written statements at all crucial stages

604-04042-09

20091728c1

1248 of the criminal proceedings, parole proceedings, or juvenile
1249 proceedings; and

1250 7. The right of a victim to a prompt and timely disposition
1251 of the case in order to minimize the period during which the
1252 victim must endure the responsibilities and stress involved to
1253 the extent that this right does not interfere with the
1254 constitutional rights of the accused.

1255 (b) *Information for purposes of notifying victim or*
1256 *appropriate next of kin of victim or other designated contact of*
1257 *victim.*—In the case of a homicide, pursuant to chapter 782; or a
1258 sexual offense, pursuant to chapter 794; or an attempted murder
1259 or sexual offense, pursuant to chapter 777; or stalking,
1260 pursuant to s. 784.048; or domestic violence, pursuant to s.
1261 25.385:

1262 1. The arresting law enforcement officer or personnel of an
1263 organization that provides assistance to a victim or to the
1264 appropriate next of kin of the victim or other designated
1265 contact must request that the victim or appropriate next of kin
1266 of the victim or other designated contact complete a victim
1267 notification card. However, the victim or appropriate next of
1268 kin of the victim or other designated contact may choose not to
1269 complete the victim notification card.

1270 2. Unless the victim or the appropriate next of kin of the
1271 victim or other designated contact waives the option to complete
1272 the victim notification card, a copy of the victim notification
1273 card must be filed with the incident report or warrant in the
1274 sheriff's office of the jurisdiction in which the incident
1275 report or warrant originated. The notification card shall, at a
1276 minimum, consist of:

604-04042-09

20091728c1

- 1277 a. The name, address, and phone number of the victim; or
1278 b. The name, address, and phone number of the appropriate
1279 next of kin of the victim; or
1280 c. The name, address, and phone number of a designated
1281 contact other than the victim or appropriate next of kin of the
1282 victim; and
1283 d. Any relevant identification or case numbers assigned to
1284 the case.
- 1285 3. The chief administrator, or a person designated by the
1286 chief administrator, of a county jail, municipal jail, juvenile
1287 detention facility, or residential commitment facility shall
1288 make a reasonable attempt to notify the alleged victim or
1289 appropriate next of kin of the alleged victim or other
1290 designated contact within 4 hours following the release of the
1291 defendant on bail or, in the case of a juvenile offender, upon
1292 the release from residential detention or commitment. If the
1293 chief administrator, or designee, is unable to contact the
1294 alleged victim or appropriate next of kin of the alleged victim
1295 or other designated contact by telephone, the chief
1296 administrator, or designee, must send to the alleged victim or
1297 appropriate next of kin of the alleged victim or other
1298 designated contact a written notification of the defendant's
1299 release.
- 1300 4. Unless otherwise requested by the victim or the
1301 appropriate next of kin of the victim or other designated
1302 contact, the information contained on the victim notification
1303 card must be sent by the chief administrator, or designee, of
1304 the appropriate facility to the subsequent correctional or
1305 residential commitment facility following the sentencing and

604-04042-09

20091728c1

1306 incarceration of the defendant, and unless otherwise requested
1307 by the victim or the appropriate next of kin of the victim or
1308 other designated contact, he or she must be notified of the
1309 release of the defendant from incarceration as provided by law.

1310 5. If the defendant was arrested pursuant to a warrant
1311 issued or taken into custody pursuant to s. 985.101 in a
1312 jurisdiction other than the jurisdiction in which the defendant
1313 is being released, and the alleged victim or appropriate next of
1314 kin of the alleged victim or other designated contact does not
1315 waive the option for notification of release, the chief
1316 correctional officer or chief administrator of the facility
1317 releasing the defendant shall make a reasonable attempt to
1318 immediately notify the chief correctional officer of the
1319 jurisdiction in which the warrant was issued or the juvenile was
1320 taken into custody pursuant to s. 985.101, and the chief
1321 correctional officer of that jurisdiction shall make a
1322 reasonable attempt to notify the alleged victim or appropriate
1323 next of kin of the alleged victim or other designated contact,
1324 as provided in this paragraph, that the defendant has been or
1325 will be released.

1326 (c) *Information concerning protection available to victim*
1327 *or witness.*—A victim or witness shall be furnished, as a matter
1328 of course, with information on steps that are available to law
1329 enforcement officers and state attorneys to protect victims and
1330 witnesses from intimidation. Victims of domestic violence shall
1331 also be given information about the address confidentiality
1332 program provided under s. 741.403.

1333 (d) *Notification of scheduling changes.*—Each victim or
1334 witness who has been scheduled to attend a criminal or juvenile

604-04042-09

20091728c1

1335 justice proceeding shall be notified as soon as possible by the
1336 agency scheduling his or her appearance of any change in
1337 scheduling which will affect his or her appearance.

1338 (e) *Advance notification to victim or relative of victim*
1339 *concerning judicial proceedings; right to be present.*—Any
1340 victim, parent, guardian, or lawful representative of a minor
1341 who is a victim, or relative of a homicide victim shall receive
1342 from the appropriate agency, at the address found in the police
1343 report or the victim notification card if such has been provided
1344 to the agency, prompt advance notification, unless the agency
1345 itself does not have advance notification, of judicial and
1346 postjudicial proceedings relating to his or her case, including
1347 all proceedings or hearings relating to:

1348 1. The arrest of an accused;

1349 2. The release of the accused pending judicial proceedings
1350 or any modification of release conditions; and

1351 3. Proceedings in the prosecution or petition for
1352 delinquency of the accused, including the filing of the
1353 accusatory instrument, the arraignment, disposition of the
1354 accusatory instrument, trial or adjudicatory hearing, sentencing
1355 or disposition hearing, appellate review, subsequent
1356 modification of sentence, collateral attack of a judgment, and,
1357 when a term of imprisonment, detention, or residential
1358 commitment is imposed, the release of the defendant or juvenile
1359 offender from such imprisonment, detention, or residential
1360 commitment by expiration of sentence or parole and any meeting
1361 held to consider such release.

1362
1363 A victim, a victim's parent or guardian if the victim is a

604-04042-09

20091728c1

1364 minor, a lawful representative of the victim or of the victim's
1365 parent or guardian if the victim is a minor, or a victim's next
1366 of kin may not be excluded from any portion of any hearing,
1367 trial, or proceeding pertaining to the offense based solely on
1368 the fact that such person is subpoenaed to testify, unless, upon
1369 motion, the court determines such person's presence to be
1370 prejudicial. The appropriate agency with respect to notification
1371 under subparagraph 1. is the arresting law enforcement agency,
1372 and the appropriate agency with respect to notification under
1373 subparagraphs 2. and 3. is the Attorney General or state
1374 attorney, unless the notification relates to a hearing
1375 concerning parole, in which case the appropriate agency is the
1376 Commission for Offender Assessment and Transition ~~Parole~~
1377 ~~Commission~~. The Department of Corrections, the Department of
1378 Juvenile Justice, or the sheriff is the appropriate agency with
1379 respect to release by expiration of sentence or any other
1380 release program provided by law. Any victim may waive
1381 notification at any time, and such waiver shall be noted in the
1382 agency's files.

1383 (f) *Information concerning release from incarceration from*
1384 *a county jail, municipal jail, juvenile detention facility, or*
1385 *residential commitment facility.*—The chief administrator, or a
1386 person designated by the chief administrator, of a county jail,
1387 municipal jail, juvenile detention facility, or residential
1388 commitment facility shall, upon the request of the victim or the
1389 appropriate next of kin of a victim or other designated contact
1390 of the victim of any of the crimes specified in paragraph (b),
1391 make a reasonable attempt to notify the victim or appropriate
1392 next of kin of the victim or other designated contact prior to

604-04042-09

20091728c1

1393 the defendant's or offender's release from incarceration,
1394 detention, or residential commitment if the victim notification
1395 card has been provided pursuant to paragraph (b). If prior
1396 notification is not successful, a reasonable attempt must be
1397 made to notify the victim or appropriate next of kin of the
1398 victim or other designated contact within 4 hours following the
1399 release of the defendant or offender from incarceration,
1400 detention, or residential commitment. If the defendant is
1401 released following sentencing, disposition, or furlough, the
1402 chief administrator or designee shall make a reasonable attempt
1403 to notify the victim or the appropriate next of kin of the
1404 victim or other designated contact within 4 hours following the
1405 release of the defendant. If the chief administrator or designee
1406 is unable to contact the victim or appropriate next of kin of
1407 the victim or other designated contact by telephone, the chief
1408 administrator or designee must send to the victim or appropriate
1409 next of kin of the victim or other designated contact a written
1410 notification of the defendant's or offender's release.

1411 (g) *Consultation with victim or guardian or family of*
1412 *victim.*—

1413 1. In addition to being notified of the provisions of s.
1414 921.143, the victim of a felony involving physical or emotional
1415 injury or trauma or, in a case in which the victim is a minor
1416 child or in a homicide, the guardian or family of the victim
1417 shall be consulted by the state attorney in order to obtain the
1418 views of the victim or family about the disposition of any
1419 criminal or juvenile case brought as a result of such crime,
1420 including the views of the victim or family about:

1421 a. The release of the accused pending judicial proceedings;

604-04042-09

20091728c1

1422 b. Plea agreements;

1423 c. Participation in pretrial diversion programs; and

1424 d. Sentencing of the accused.

1425 2. Upon request, the state attorney shall permit the

1426 victim, the victim's parent or guardian if the victim is a

1427 minor, the lawful representative of the victim or of the

1428 victim's parent or guardian if the victim is a minor, or the

1429 victim's next of kin in the case of a homicide to review a copy

1430 of the presentence investigation report prior to the sentencing

1431 hearing if one was completed. Any confidential information that

1432 pertains to medical history, mental health, or substance abuse

1433 and any information that pertains to any other victim shall be

1434 redacted from the copy of the report. Any person who reviews the

1435 report pursuant to this paragraph must maintain the

1436 confidentiality of the report and shall not disclose its

1437 contents to any person except statements made to the state

1438 attorney or the court.

1439 3. When an inmate has been approved for community work

1440 release, the Department of Corrections shall, upon request and

1441 as provided in s. 944.605, notify the victim, the victim's

1442 parent or guardian if the victim is a minor, the lawful

1443 representative of the victim or of the victim's parent or

1444 guardian if the victim is a minor, or the victim's next of kin

1445 if the victim is a homicide victim.

1446 (h) *Return of property to victim.*—Law enforcement agencies

1447 and the state attorney shall promptly return a victim's property

1448 held for evidentiary purposes unless there is a compelling law

1449 enforcement reason for retaining it. The trial or juvenile court

1450 exercising jurisdiction over the criminal or juvenile proceeding

604-04042-09

20091728c1

1451 may enter appropriate orders to implement the provisions of this
1452 subsection, including allowing photographs of the victim's
1453 property to be used as evidence at the criminal trial or the
1454 juvenile proceeding in place of the victim's property when no
1455 substantial evidentiary issue related thereto is in dispute.

1456 (i) *Notification to employer and explanation to creditors*
1457 *of victim or witness.*—A victim or witness who so requests shall
1458 be assisted by law enforcement agencies and the state attorney
1459 in informing his or her employer that the need for victim and
1460 witness cooperation in the prosecution of the case may
1461 necessitate the absence of that victim or witness from work. A
1462 victim or witness who, as a direct result of a crime or of his
1463 or her cooperation with law enforcement agencies or a state
1464 attorney, is subjected to serious financial strain shall be
1465 assisted by such agencies and state attorney in explaining to
1466 the creditors of such victim or witness the reason for such
1467 serious financial strain.

1468 (j) *Notification of right to request restitution.*—Law
1469 enforcement agencies and the state attorney shall inform the
1470 victim of the victim's right to request and receive restitution
1471 pursuant to s. 775.089 or s. 985.437, and of the victim's rights
1472 of enforcement under ss. 775.089(6) and 985.0301 in the event an
1473 offender does not comply with a restitution order. The state
1474 attorney shall seek the assistance of the victim in the
1475 documentation of the victim's losses for the purpose of
1476 requesting and receiving restitution. In addition, the state
1477 attorney shall inform the victim if and when restitution is
1478 ordered. If an order of restitution is converted to a civil lien
1479 or civil judgment against the defendant, the clerks shall make

604-04042-09

20091728c1

1480 available at their office, as well as on their website,
1481 information provided by the Secretary of State, the court, or
1482 The Florida Bar on enforcing the civil lien or judgment.

1483 (k) *Notification of right to submit impact statement.*—The
1484 state attorney shall inform the victim of the victim's right to
1485 submit an oral or written impact statement pursuant to s.
1486 921.143 and shall assist in the preparation of such statement if
1487 necessary.

1488 (l) *Local witness coordination services.*—The requirements
1489 for notification provided for in paragraphs (c), (d), and (i)
1490 may be performed by the state attorney or public defender for
1491 their own witnesses.

1492 (m) *Victim assistance education and training.*—Victim
1493 assistance education and training shall be offered to persons
1494 taking courses at law enforcement training facilities and to
1495 state attorneys and assistant state attorneys so that victims
1496 may be promptly, properly, and completely assisted.

1497 (n) *General victim assistance.*—Victims and witnesses shall
1498 be provided with such other assistance, such as transportation,
1499 parking, separate pretrial waiting areas, and translator
1500 services in attending court, as is practicable.

1501 (o) *Victim's rights information card or brochure.*—A victim
1502 of a crime shall be provided with a victim's rights information
1503 card or brochure containing essential information concerning the
1504 rights of a victim and services available to a victim as
1505 required by state law.

1506 (p) *Information concerning escape from a state correctional
1507 institution, county jail, juvenile detention facility, or
1508 residential commitment facility.*—In any case where an offender

604-04042-09

20091728c1

1509 escapes from a state correctional institution, private
1510 correctional facility, county jail, juvenile detention facility,
1511 or residential commitment facility, the institution of
1512 confinement shall immediately notify the state attorney of the
1513 jurisdiction where the criminal charge or petition for
1514 delinquency arose and the judge who imposed the sentence of
1515 incarceration. The state attorney shall thereupon make every
1516 effort to notify the victim, material witness, parents or legal
1517 guardian of a minor who is a victim or witness, or immediate
1518 relatives of a homicide victim of the escapee. The state
1519 attorney shall also notify the sheriff of the county where the
1520 criminal charge or petition for delinquency arose. The sheriff
1521 shall offer assistance upon request. When an escaped offender is
1522 subsequently captured or is captured and returned to the
1523 institution of confinement, the institution of confinement shall
1524 again immediately notify the appropriate state attorney and
1525 sentencing judge pursuant to this section.

1526 (q) *Presence of victim advocate during discovery*
1527 *deposition; testimony of victim of a sexual offense.*—At the
1528 request of the victim or the victim's parent, guardian, or
1529 lawful representative, the victim advocate designated by state
1530 attorney's office, sheriff's office, or municipal police
1531 department, or one representative from a not-for-profit victim
1532 services organization, including, but not limited to, rape
1533 crisis centers, domestic violence advocacy groups, and alcohol
1534 abuse or substance abuse groups shall be permitted to attend and
1535 be present during any deposition of the victim. The victim of a
1536 sexual offense shall be informed of the right to have the
1537 courtroom cleared of certain persons as provided in s. 918.16

604-04042-09

20091728c1

1538 when the victim is testifying concerning that offense.

1539 (r) *Implementing crime prevention in order to protect the*
1540 *safety of persons and property, as prescribed in the State*
1541 *Comprehensive Plan.*—By preventing crimes that create victims or
1542 further harm former victims, crime prevention efforts are an
1543 essential part of providing effective service for victims and
1544 witnesses. Therefore, the agencies identified in this subsection
1545 may participate in and expend funds for crime prevention, public
1546 awareness, public participation, and educational activities
1547 directly relating to, and in furtherance of, existing public
1548 safety statutes. Furthermore, funds may not be expended for the
1549 purpose of influencing public opinion on public policy issues
1550 that have not been resolved by the Legislature or the
1551 electorate.

1552 (s) *Attendance of victim at same school as defendant.*—When
1553 the victim of an offense committed by a juvenile is a minor, the
1554 Department of Juvenile Justice shall request information to
1555 determine if the victim, or any sibling of the victim, attends
1556 or is eligible to attend the same school as the offender.
1557 However, if the offender is subject to a presentence
1558 investigation by the Department of Corrections, the Department
1559 of Corrections shall make such request. If the victim or any
1560 sibling of the victim attends or is eligible to attend the same
1561 school as that of the offender, the appropriate agency shall
1562 notify the victim's parent or legal guardian of the right to
1563 attend the sentencing or disposition of the offender and request
1564 that the offender be required to attend a different school.

1565 (t) *Use of a polygraph examination or other truth-telling*
1566 *device with victim.*—No law enforcement officer, prosecuting

604-04042-09

20091728c1

1567 attorney, or other government official shall ask or require an
1568 adult, youth, or child victim of an alleged sexual battery as
1569 defined in chapter 794 or other sexual offense to submit to a
1570 polygraph examination or other truth-telling device as a
1571 condition of proceeding with the investigation of such an
1572 offense. The refusal of a victim to submit to such an
1573 examination shall not prevent the investigation, charging, or
1574 prosecution of the offense.

1575 (u) *Presence of victim advocates during forensic medical*
1576 *examination.*—At the request of the victim or the victim's
1577 parent, guardian, or lawful representative, a victim advocate
1578 from a certified rape crisis center shall be permitted to attend
1579 any forensic medical examination.

1580 Section 55. Subsection (3) of section 960.17, Florida
1581 Statutes, is amended to read:

1582 960.17 Award constitutes debt owed to state.—

1583 (3) The Commission for Offender Assessment and Transition
1584 ~~Parole Commission~~ shall make the payment of the debt to the
1585 state a condition of parole under chapter 947, unless the
1586 commission finds reasons to the contrary. If the commission does
1587 not order payment, or orders only partial payment, it shall
1588 state on the record the reasons therefor.

1589 Section 56. Subsection (1) of section 985.04, Florida
1590 Statutes, is amended to read:

1591 985.04 Oaths; records; confidential information.—

1592 (1) Except as provided in subsections (2), (3), (6), and
1593 (7) and s. 943.053, all information obtained under this chapter
1594 in the discharge of official duty by any judge, any employee of
1595 the court, any authorized agent of the department, the

604-04042-09

20091728c1

1596 Commission for Offender Assessment and Transition Parole
1597 ~~Commission~~, the Department of Corrections, the juvenile justice
1598 circuit boards, any law enforcement agent, or any licensed
1599 professional or licensed community agency representative
1600 participating in the assessment or treatment of a juvenile is
1601 confidential and may be disclosed only to the authorized
1602 personnel of the court, the department and its designees, the
1603 Department of Corrections, the Commission for Offender
1604 Assessment and Transition Parole Commission, law enforcement
1605 agents, school superintendents and their designees, any licensed
1606 professional or licensed community agency representative
1607 participating in the assessment or treatment of a juvenile, and
1608 others entitled under this chapter to receive that information,
1609 or upon order of the court. Within each county, the sheriff, the
1610 chiefs of police, the district school superintendent, and the
1611 department shall enter into an interagency agreement for the
1612 purpose of sharing information about juvenile offenders among
1613 all parties. The agreement must specify the conditions under
1614 which summary criminal history information is to be made
1615 available to appropriate school personnel, and the conditions
1616 under which school records are to be made available to
1617 appropriate department personnel. Such agreement shall require
1618 notification to any classroom teacher of assignment to the
1619 teacher's classroom of a juvenile who has been placed in a
1620 probation or commitment program for a felony offense. The
1621 agencies entering into such agreement must comply with s.
1622 943.0525, and must maintain the confidentiality of information
1623 that is otherwise exempt from s. 119.07(1), as provided by law.
1624 Section 57. Subsection (2) of section 985.045, Florida

604-04042-09

20091728c1

1625 Statutes, is amended to read:

1626 985.045 Court records.-

1627 (2) The clerk shall keep all official records required by
1628 this section separate from other records of the circuit court,
1629 except those records pertaining to motor vehicle violations,
1630 which shall be forwarded to the Department of Highway Safety and
1631 Motor Vehicles. Except as provided in ss. 943.053 and
1632 985.04(6)(b) and (7), official records required by this chapter
1633 are not open to inspection by the public, but may be inspected
1634 only upon order of the court by persons deemed by the court to
1635 have a proper interest therein, except that a child and the
1636 parents, guardians, or legal custodians of the child and their
1637 attorneys, law enforcement agencies, the Department of Juvenile
1638 Justice and its designees, the Commission for Offender
1639 Assessment and Transition ~~Parole Commission~~, the Department of
1640 Corrections, and the Justice Administrative Commission shall
1641 always have the right to inspect and copy any official record
1642 pertaining to the child. The court may permit authorized
1643 representatives of recognized organizations compiling statistics
1644 for proper purposes to inspect, and make abstracts from,
1645 official records under whatever conditions upon the use and
1646 disposition of such records the court may deem proper and may
1647 punish by contempt proceedings any violation of those
1648 conditions.

1649 Section 58. This act shall take effect July 1, 2009.