

By Senator Dean

5-00116-13

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1 A bill to be entitled
2 An act relating to mandatory supervision of specified
3 offenders by the Department of Corrections; providing
4 legislative findings; amending s. 944.291, F.S.;
5 requiring that persons convicted on or after a
6 specified date of crimes in specified categories be
7 released only under mandatory supervision; amending s.
8 947.1405, F.S.; renaming the conditional release
9 program as the "mandatory supervision program";
10 amending ss. 20.316, 216.136, 394.926, 394.927,
11 775.084, 775.16, 775.21, 775.261, 893.11, 943.0435,
12 943.325, 944.171, 944.28, 944.606, 944.607, 944.608,
13 944.70, 945.36, 947.071, 947.13, 947.141, 947.16,
14 947.22, 947.24, 948.09, 948.32, and 957.06, F.S.;
15 revising provisions to conform to changes made by the
16 act; providing an effective date.

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

19
20 Section 1. Legislative findings.—The Legislature finds that
21 an offender convicted of violent offenses and sentenced to
22 incarceration is at a higher risk of continuing to perpetrate
23 crimes after his or her release. The Legislature further finds
24 that intensive postrelease supervision may assist these
25 offenders in successfully transitioning from the prison system
26 back into the community, reducing the rate of recidivism.

27 Section 2. Section 944.291, Florida Statutes, is amended to
28 read:

29 944.291 Prisoner released by reason of gain-time allowances

5-00116-13

2013540__

30 or attainment of provisional release date.-

31 (1) Notwithstanding any other ~~provision of law to the~~
32 ~~contrary~~, a prisoner who has served his or her term or terms,
33 less allowable gain-time deductions as provided by law, or who
34 has attained his or her provisional release date shall, upon
35 release, be placed under further supervision and control of the
36 department. A ~~Any~~ released prisoner who is not under further
37 supervision and control of the department or who is not subject
38 to any statute relating to parole is ~~shall be~~ eligible, on a
39 voluntary basis, for any assistance available to him or her
40 through any parole or probation office under the department.

41 (2) A ~~Any~~ prisoner who is convicted of a crime committed on
42 or after October 1, 1988, which crime is contained in category
43 1, category 2, category 3, or category 4 of Rule 3.701 and Rule
44 3.988, Florida Rules of Criminal Procedure, and who has served
45 at least one prior felony commitment at a state or federal
46 correctional institution, ~~or~~ is sentenced as a habitual or
47 violent habitual offender pursuant to s. 775.084, or is
48 convicted of a crime committed on or after October 1, 2013,
49 which crime is or was contained in category 1, category 2,
50 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
51 Rules of Criminal Procedure (1993), may ~~only~~ be released only
52 under mandatory ~~conditional~~ release supervision as described in
53 chapter 947. At least ~~Not fewer than~~ 90 days before ~~prior to~~ the
54 tentative release date or provisional release date, whichever is
55 earlier, the department shall provide the commission with the
56 name and inmate identification number for each eligible inmate.

57 Section 3. Section 947.1405, Florida Statutes, is amended
58 to read:

5-00116-13

2013540__

59 947.1405 Mandatory supervision ~~Conditional release~~
60 program.—

61 (1) This section and s. 947.141 may be cited as the
62 "Mandatory Supervision ~~Conditional Release~~ Program Act."

63 (2) An ~~Any~~ inmate who:

64 (a) Is convicted of a crime committed on or after October
65 1, 1988, and before January 1, 1994, and any inmate who is
66 convicted of a crime committed on or after January 1, 1994,
67 which crime is or was contained in category 1, category 2,
68 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
69 Rules of Criminal Procedure (1993), and who has served at least
70 one prior felony commitment at a state or federal correctional
71 institution;

72 (b) Is sentenced as a habitual or violent habitual offender
73 or a violent career criminal pursuant to s. 775.084; ~~or~~

74 (c) Is found to be a sexual predator under s. 775.21 or
75 former s. 775.23; ~~or~~

76 (d) Is convicted of a crime committed on or after October
77 1, 2013, which crime is or was contained in category 1, category
78 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,
79 Florida Rules of Criminal Procedure (1993),

80
81 shall, upon reaching the tentative release date or provisional
82 release date, whichever is earlier, as established by the
83 Department of Corrections, be released under supervision subject
84 to specified terms and conditions, including payment of the cost
85 of supervision pursuant to s. 948.09. Such supervision ~~is shall~~
86 ~~be~~ applicable to all sentences within the overall term of
87 sentences if an inmate's overall term of sentences includes one

5-00116-13

2013540__

88 or more sentences that are eligible for mandatory ~~conditional~~
89 ~~release~~ supervision as provided herein. Effective July 1, 1994,
90 and applicable for offenses committed on or after that date, the
91 commission may require, as a condition of mandatory supervision
92 ~~conditional release~~, that the releasee make payment of the debt
93 due and owing to a county or municipal detention facility under
94 s. 951.032 for medical care, treatment, hospitalization, or
95 transportation received by the releasee while in that detention
96 facility. The commission, in determining whether to order such
97 repayment and the amount of such repayment, shall consider the
98 amount of the debt, whether there was any fault of the
99 institution for the medical expenses incurred, the financial
100 resources of the releasee, the present and potential future
101 financial needs and earning ability of the releasee, and
102 dependents, and other appropriate factors. If an ~~any~~ inmate
103 placed on mandatory ~~conditional release~~ supervision is also
104 subject to probation or community control, resulting from a
105 probationary or community control split sentence within the
106 overall term of sentences, the Department of Corrections shall
107 supervise such person according to the conditions imposed by the
108 court and the commission shall defer to such supervision. If the
109 court revokes probation or community control and resentsences the
110 offender to a term of incarceration, such revocation also
111 constitutes a sufficient basis for the revocation of the
112 mandatory ~~conditional release~~ supervision on any nonprobationary
113 or noncommunity control sentence without further hearing by the
114 commission. If any such supervision on any nonprobationary or
115 noncommunity control sentence is revoked, such revocation may
116 result in a forfeiture of all gain-time, and the commission may

5-00116-13

2013540__

117 revoke the resulting deferred mandatory ~~conditional release~~
118 supervision or take other action it considers appropriate. If
119 the term of mandatory ~~conditional release~~ supervision exceeds
120 that of the probation or community control, ~~then,~~ upon
121 expiration of the probation or community control, authority for
122 the supervision reverts ~~shall revert~~ to the commission and the
123 supervision is ~~shall be~~ subject to the conditions imposed by the
124 commission. A panel of no fewer than two commissioners shall
125 establish the terms and conditions of any such release. If the
126 offense was a controlled substance violation, the conditions
127 shall include a requirement that the offender submit to random
128 substance abuse testing intermittently throughout the term of
129 mandatory ~~conditional release~~ supervision, upon the direction of
130 the correctional probation officer as defined in s. 943.10(3).
131 The commission shall also determine whether the terms and
132 conditions of the ~~such~~ release have been violated and whether
133 the ~~such~~ violation warrants revocation of the mandatory
134 supervision ~~conditional release~~.

135 (3) As part of the mandatory supervision ~~conditional~~
136 ~~release~~ process, the commission, through review and
137 consideration of information provided by the department, shall
138 determine:

139 (a) The amount of reparation or restitution.

140 (b) The consequences of the offense as reported by the
141 aggrieved party.

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

144 (4) The commission shall provide to the aggrieved party
145 information regarding the manner in which notice of any

5-00116-13

2013540__

146 developments concerning the status of the inmate during the term
147 of mandatory supervision ~~conditional release~~ may be requested.

148 (5) Within 180 days before ~~prior to~~ the tentative release
149 date or provisional release date, whichever is earlier, a
150 representative of the department shall review the inmate's
151 program participation, disciplinary record, psychological and
152 medical records, criminal records, and any other information
153 pertinent to the impending release. The department shall gather
154 and compile information necessary for the commission to make the
155 determinations set forth in subsection (3). A department
156 representative shall conduct a personal interview with the
157 inmate for the purpose of determining the details of the
158 inmate's release plan, including the inmate's planned residence
159 and employment. The department representative shall forward the
160 inmate's release plan to the commission and recommend to the
161 commission the terms and conditions of the mandatory supervision
162 ~~conditional release~~.

163 (6) The commission shall review the recommendations of the
164 department, and such other information as it deems relevant, and
165 may conduct a review of the inmate's record for the purpose of
166 establishing the terms and conditions of the mandatory
167 supervision ~~conditional release~~. The commission may impose any
168 special conditions it considers warranted from its review of the
169 release plan and recommendation. If the commission determines
170 that the inmate is eligible for release under this section, the
171 commission shall enter an order establishing the length of
172 supervision and the conditions attendant thereto. However, an
173 inmate who has been convicted of a violation of chapter 794 or
174 found by the court to be a sexual predator is subject to the

5-00116-13

2013540__

175 maximum level of supervision provided, with the mandatory
176 conditions as required in subsection (7), and that supervision
177 shall continue through the end of the releasee's original court-
178 imposed sentence. The length of supervision must not exceed the
179 maximum penalty imposed by the court.

180 (7) (a) An ~~Any~~ inmate who is convicted of a crime committed
181 on or after October 1, 1995, or who has been previously
182 convicted of a crime committed on or after October 1, 1995, in
183 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
184 or s. 847.0145, and is subject to mandatory ~~conditional release~~
185 supervision, shall have, in addition to any other conditions
186 imposed, the following special conditions imposed by the
187 commission:

188 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission
189 may designate another 8-hour period if the offender's employment
190 precludes the above specified time, and such alternative is
191 recommended by the Department of Corrections. If the commission
192 determines that imposing a curfew would endanger the victim, the
193 commission may consider alternative sanctions.

194 2. If the victim was under the age of 18, a prohibition on
195 living within 1,000 feet of a school, child care facility, park,
196 playground, designated public school bus stop, or other place
197 where children regularly congregate. A releasee who is subject
198 to this subparagraph may not relocate to a residence that is
199 within 1,000 feet of a public school bus stop. Beginning October
200 1, 2004, the commission or the department may not approve a
201 residence that is located within 1,000 feet of a school, child
202 care facility, park, playground, designated school bus stop, or
203 other place where children regularly congregate for any releasee

5-00116-13

2013540__

204 who is subject to this subparagraph. On October 1, 2004, the
205 department shall notify each affected school district of the
206 location of the residence of a releasee 30 days before ~~prior to~~
207 release and thereafter, if the releasee relocates to a new
208 residence, shall notify any affected school district of the
209 residence of the releasee within 30 days after relocation. If,
210 on October 1, 2004, any public school bus stop is located within
211 1,000 feet of the existing residence of such releasee, the
212 district school board shall relocate that school bus stop.
213 Beginning October 1, 2004, a district school board may not
214 establish or relocate a public school bus stop within 1,000 feet
215 of the residence of a releasee who is subject to this
216 subparagraph. The failure of the district school board to comply
217 with this subparagraph is not grounds for a finding of ~~shall not~~
218 ~~result in~~ a violation of mandatory conditional release
219 supervision. A releasee who is subject to this subparagraph may
220 not be forced to relocate and does not violate his or her
221 mandatory conditional release supervision if he or she is living
222 in a residence that meets the requirements of this subparagraph
223 and a school, child care facility, park, playground, designated
224 public school bus stop, or other place where children regularly
225 congregate is subsequently established within 1,000 feet of his
226 or her residence.

227 3. Active participation in and successful completion of a
228 sex offender treatment program with qualified practitioners
229 specifically trained to treat sex offenders, at the releasee's
230 own expense. If a qualified practitioner is not available within
231 a 50-mile radius of the releasee's residence, the offender shall
232 participate in other appropriate therapy.

5-00116-13

2013540__

233 4. A prohibition on any contact with the victim, directly
234 or indirectly, including through a third person, unless approved
235 by the victim, a qualified practitioner in the sexual offender
236 treatment program, and the sentencing court.

237 5. If the victim was under the age of 18, a prohibition
238 against contact with children under the age of 18 without review
239 and approval by the commission. The commission may approve
240 supervised contact with a child under the age of 18 if the
241 approval is based upon a recommendation for contact issued by a
242 qualified practitioner who is basing the recommendation on a
243 risk assessment. Further, the sex offender must be currently
244 enrolled in or have successfully completed a sex offender
245 therapy program. The commission may not grant supervised contact
246 with a child if the contact is not recommended by a qualified
247 practitioner and may deny supervised contact with a child at any
248 time. When considering whether to approve supervised contact
249 with a child, the commission must review and consider the
250 following:

251 a. A risk assessment completed by a qualified practitioner.
252 The qualified practitioner must prepare a written report that
253 must include the findings of the assessment and address each of
254 the following components:

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

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

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

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

5-00116-13

2013540__

262 (V) The sex offender's offender treatment history,
263 including a consultation from the sex offender's treating, or
264 most recent treating, therapist;

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

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

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

270 (IX) The results of current psychological testing of the
271 sex offender if determined necessary by the qualified
272 practitioner;

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

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

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

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

283

284 The written report of the assessment must be given to the
285 commission.

286 b. A recommendation made as a part of the risk-assessment
287 report as to whether supervised contact with the child should be
288 approved.†

289 c. A written consent signed by the child's parent or legal
290 guardian, if the parent or legal guardian is not the sex

5-00116-13

2013540__

291 offender, agreeing to the sex offender having supervised contact
292 with the child after receiving full disclosure of the sex
293 offender's present legal status, past criminal history, and the
294 results of the risk assessment. The commission may not approve
295 contact with the child if the parent or legal guardian refuses
296 to give written consent for supervised contact.†

297 d. A safety plan prepared by the qualified practitioner,
298 who provides treatment to the offender, in collaboration with
299 the sex offender, the child's parent or legal guardian, and the
300 child, when age appropriate, which details the acceptable
301 conditions of contact between the sex offender and the child.
302 The safety plan must be reviewed and approved by the Department
303 of Corrections before being submitted to the commission.†~~and~~

304 e. Evidence that the child's parent or legal guardian, if
305 the parent or legal guardian is not the sex offender,
306 understands the need for and agrees to the safety plan and has
307 agreed to provide, or to designate another adult to provide,
308 constant supervision any time the child is in contact with the
309 offender.

310
311 The commission may not appoint a person to conduct a risk
312 assessment and may not accept a risk assessment from a person
313 who has not demonstrated to the commission that he or she has
314 met the requirements of a qualified practitioner as defined in
315 this section.

316 6. If the victim was under age 18, a prohibition on working
317 for pay or as a volunteer at any school, child care facility,
318 park, playground, or other place where children regularly
319 congregate, as prescribed by the commission.

5-00116-13

2013540

320 7. Unless otherwise indicated in the treatment plan
321 provided by a qualified practitioner in the sexual offender
322 treatment program, a prohibition on viewing, owning, or
323 possessing any obscene, pornographic, or sexually stimulating
324 visual or auditory material, including telephone, electronic
325 media, computer programs, or computer services that are relevant
326 to the offender's deviant behavior pattern.

327 8. Effective for a releasee whose crime is committed on or
328 after July 1, 2005, a prohibition on accessing the Internet or
329 other computer services until a qualified practitioner in the
330 offender's sex offender treatment program, after a risk
331 assessment is completed, approves and implements a safety plan
332 for the offender's accessing or using the Internet or other
333 computer services.

334 9. A requirement that the releasee ~~must~~ submit two
335 specimens of blood to the Department of Law Enforcement to be
336 registered with the DNA database.

337 10. A requirement that the releasee make restitution to the
338 victim, as determined by the sentencing court or the commission,
339 for all necessary medical and related professional services
340 relating to physical, psychiatric, and psychological care.

341 11. Submission to a warrantless search by the community
342 control or probation officer of the probationer's or community
343 controllee's person, residence, or vehicle.

344 (b) For a releasee whose crime was committed on or after
345 October 1, 1997, in violation of chapter 794, s. 800.04, s.
346 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
347 mandatory ~~conditional release~~ supervision, in addition to any
348 other provision of this subsection, the commission shall impose

5-00116-13

2013540__

349 the following additional conditions of mandatory ~~conditional~~
350 ~~release~~ supervision:

351 1. As part of a treatment program, participation in a
352 minimum of one annual polygraph examination to obtain
353 information necessary for risk management and treatment and to
354 reduce the sex offender's denial mechanisms. The polygraph
355 examination must be conducted by a polygrapher who is a member
356 of a national or state polygraph association and who is
357 certified as a postconviction sex offender polygrapher, where
358 available, and at the expense of the releasee. The results of
359 the examination shall be provided to the releasee's probation
360 officer and qualified practitioner and may not be used as
361 evidence in a hearing to prove that a violation of supervision
362 has occurred.

363 2. Maintenance of a driving log and a prohibition against
364 driving a motor vehicle alone without the prior approval of the
365 supervising officer.

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

368 4. If there was sexual contact, a submission to, at the
369 releasee's expense, an HIV test with the results to be released
370 to the victim or the victim's parent or guardian.

371 5. Electronic monitoring of any form when ordered by the
372 commission. Any person who has been placed under supervision and
373 is electronically monitored by the department must pay the
374 department for the cost of the electronic monitoring service at
375 a rate that may not exceed the full cost of the monitoring
376 service. Funds collected under this subparagraph shall be
377 deposited into the General Revenue Fund. The department may

5-00116-13

2013540__

378 exempt a person from the payment of all or any part of the
379 electronic monitoring service cost if the department finds that
380 any of the factors listed in s. 948.09(3) exist.

381 (8) It is the finding of the Legislature that the
382 population of offenders released from state prison into the
383 community who meet the mandatory supervision ~~conditional release~~
384 criteria poses the greatest threat to the public safety of the
385 groups of offenders under community supervision. Therefore, the
386 Department of Corrections shall ~~is to~~ provide intensive
387 supervision by experienced correctional probation officers to
388 mandatory supervision ~~conditional release~~ offenders. Subject to
389 specific appropriation by the Legislature, caseloads may be
390 restricted to a maximum of 40 mandatory supervision ~~conditional~~
391 ~~release~~ offenders per officer to provide for enhanced public
392 safety and to effectively monitor conditions of electronic
393 monitoring or curfews, if so ordered by the commission.

394 (9) The commission shall adopt rules pursuant to ss.
395 120.536(1) and 120.54 necessary to administer ~~implement the~~
396 ~~provisions of the~~ Mandatory Supervision Conditional Release
397 Program Act.

398 (10) Effective for a releasee whose crime was committed on
399 or after September 1, 2005, in violation of chapter 794, s.
400 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
401 unlawful activity involved a victim who was 15 years of age or
402 younger and the offender is 18 years of age or older or for a
403 releasee who is designated as a sexual predator pursuant to s.
404 775.21, in addition to any other provision of this section, the
405 commission must order electronic monitoring for the duration of
406 the releasee's supervision.

5-00116-13

2013540__

407 (11) Effective for a releasee whose crime was committed on
408 or after October 1, 2008, and who has been found to have
409 committed the crime for the purpose of benefiting, promoting, or
410 furthering the interests of a criminal gang, the commission
411 shall, in addition to any other conditions imposed, impose a
412 condition prohibiting the releasee from knowingly associating
413 with other criminal gang members or associates, except as
414 authorized by law enforcement officials, prosecutorial
415 authorities, or the court, for the purpose of aiding in the
416 investigation of criminal activity.

417 (12) In addition to all other conditions imposed, for a
418 releasee who is subject to mandatory supervision ~~conditional~~
419 ~~release~~ for a crime that was committed on or after May 26, 2010,
420 and who has been convicted at any time of committing, or
421 attempting, soliciting, or conspiring to commit, any of the
422 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
423 similar offense in another jurisdiction against a victim who was
424 under 18 years of age at the time of the offense, if the
425 releasee has not received a pardon for any felony or similar law
426 of another jurisdiction necessary for the operation of this
427 subsection, if a conviction of a felony or similar law of
428 another jurisdiction necessary for the operation of this
429 subsection has not been set aside in any postconviction
430 proceeding, or if the releasee has not been removed from the
431 requirement to register as a sexual offender or sexual predator
432 pursuant to s. 943.04354, the commission must impose the
433 following conditions:

434 (a) A prohibition on visiting schools, child care
435 facilities, parks, and playgrounds without prior approval from

5-00116-13

2013540

436 the releasee's supervising officer. The commission may also
437 designate additional prohibited locations to protect a victim.
438 The prohibition ordered under this paragraph does not prohibit
439 the releasee from visiting a school, child care facility, park,
440 or playground for the sole purpose of attending a religious
441 service as defined in s. 775.0861 or picking up or dropping off
442 the releasee's child or grandchild at a child care facility or
443 school.

444 (b) A prohibition on distributing candy or other items to
445 children on Halloween; wearing a Santa Claus costume, or other
446 costume to appeal to children, on or preceding Christmas;
447 wearing an Easter Bunny costume, or other costume to appeal to
448 children, on or preceding Easter; entertaining at children's
449 parties; or wearing a clown costume without prior approval from
450 the commission.

451 Section 4. Paragraph (c) of subsection (1) of section
452 20.316, Florida Statutes, is amended to read:

453 20.316 Department of Juvenile Justice.—There is created a
454 Department of Juvenile Justice.

455 (1) SECRETARY OF JUVENILE JUSTICE.—

456 (c) The Secretary of Juvenile Justice shall:

457 1. Ensure that juvenile justice continuum programs and
458 services are implemented according to legislative intent; state
459 and federal laws, rules, and regulations; statewide program
460 standards; and performance objectives by reviewing and
461 monitoring regional and circuit program operations and providing
462 technical assistance to those programs.

463 2. Identify the need for and recommend the funding and
464 implementation of an appropriate mix of programs and services

5-00116-13

2013540__

465 within the juvenile justice continuum, including prevention,
466 diversion, nonresidential and residential commitment programs,
467 training schools, and mandatory supervision ~~conditional release~~
468 programs and services, with an overlay of educational,
469 vocational, alcohol, drug abuse, and mental health services
470 where appropriate.

471 3. Provide for program research, development, and planning.

472 4. Develop staffing and workload standards and coordinate
473 staff development and training.

474 5. Develop budget and resource allocation methodologies and
475 strategies.

476 6. Establish program policies and rules and ensure that
477 those policies and rules encourage cooperation, collaboration,
478 and information sharing with community partners in the juvenile
479 justice system to the extent authorized by law.

480 7. Develop funding sources external to state government.

481 8. Obtain, approve, monitor, and coordinate research and
482 program development grants.

483 9. Enter into contracts.

484 10. Monitor all state-funded programs, grants,
485 appropriations, or activities that are designed to prevent
486 juvenile crime, delinquency, gang membership, or status offense
487 behaviors and all state-funded programs, grants, appropriations,
488 or activities that are designed to prevent a child from becoming
489 a "child in need of services," as defined in chapter 984, in
490 order to effect the goals and policies of the State
491 Comprehensive Plan regarding children and regarding governmental
492 efficiency, and in order to determine:

493 a. The number of youth served by such state-funded

5-00116-13

2013540__

494 programs, grants, appropriations, or activities;

495 b. The number of youth who complete such state-funded
496 programs, grants, appropriations, or activities;

497 c. The number and percentage of youth who are referred for
498 delinquency while participating in such state-funded programs,
499 grants, appropriations, or activities; and

500 d. The number and percentage of youth who are referred for
501 delinquency within 6 months after completing such state-funded
502 programs, grants, appropriations, or activities.

503 Section 5. Paragraph (c) of subsection (5) of section
504 216.136, Florida Statutes, is amended to read:

505 216.136 Consensus estimating conferences; duties and
506 principals.—

507 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—The Criminal
508 Justice Estimating Conference shall:

509 (c) Develop official information relating to the number of
510 sexual offenders and sexual predators who are required by law to
511 be placed on community control, probation, or mandatory
512 supervision ~~conditional release~~ who are subject to electronic
513 monitoring.

514 Section 6. Subsection (2) of section 394.926, Florida
515 Statutes, is amended to read:

516 394.926 Notice to victims of release of persons committed
517 as sexually violent predators; notice to Department of
518 Corrections and Parole Commission.—

519 (2) If a sexually violent predator who has an active or
520 pending term of probation, community control, parole, mandatory
521 supervision ~~conditional release~~, or other court-ordered or
522 postprison release supervision is released from custody, the

5-00116-13

2013540__

523 department must immediately notify the Department of
524 Corrections' Office of Community Corrections in Tallahassee. The
525 Parole Commission must also be immediately notified of any
526 releases of a sexually violent predator who has an active or
527 pending term of parole, mandatory supervision ~~conditional~~
528 ~~release~~, or other postprison release supervision that is
529 administered by the Parole Commission.

530 Section 7. Subsection (2) of section 394.927, Florida
531 Statutes, is amended to read:

532 394.927 Escape while in lawful custody; notice to victim;
533 notice to the Department of Corrections and Parole Commission.—

534 (2) If a person who is held in custody pursuant to a
535 finding of probable cause or commitment as a sexually violent
536 predator escapes while in custody, the department shall
537 immediately notify the victim in accordance with s. 394.926. The
538 state attorney that filed the petition for civil commitment of
539 the escapee must also be immediately notified by the department.
540 If the escapee has an active or pending term of probation,
541 community control, parole, mandatory supervision ~~conditional~~
542 ~~release~~, or other court-ordered or postprison release
543 supervision, the department shall also immediately notify the
544 Department of Corrections' Office of Community Corrections in
545 Tallahassee. The Parole Commission shall also be immediately
546 notified of an escape if the escapee has an active or pending
547 term of parole, mandatory supervision ~~conditional release~~, or
548 other postprison release supervision that is administered by the
549 Parole Commission.

550 Section 8. Paragraphs (a), (b), and (d) of subsection (1)
551 of section 775.084, Florida Statutes, are amended to read:

5-00116-13

2013540__

552 775.084 Violent career criminals; habitual felony offenders
553 and habitual violent felony offenders; three-time violent felony
554 offenders; definitions; procedure; enhanced penalties or
555 mandatory minimum prison terms.-

556 (1) As used in this act:

557 (a) "Habitual felony offender" means a defendant for whom
558 the court may impose an extended term of imprisonment, as
559 provided in paragraph (4) (a), if it finds that:

560 1. The defendant has previously been convicted of any
561 combination of two or more felonies in this state or other
562 qualified offenses.

563 2. The felony for which the defendant is to be sentenced
564 was committed:

565 a. While the defendant was serving a prison sentence or
566 other sentence, or court-ordered or lawfully imposed supervision
567 that is imposed as a result of a prior conviction for a felony
568 or other qualified offense; or

569 b. Within 5 years of the date of the conviction of the
570 defendant's last prior felony or other qualified offense, or
571 within 5 years of the defendant's release from a prison
572 sentence, probation, community control, control release,
573 mandatory supervision ~~conditional release~~, parole or court-
574 ordered or lawfully imposed supervision or other sentence that
575 is imposed as a result of a prior conviction for a felony or
576 other qualified offense, whichever is later.

577 3. The felony for which the defendant is to be sentenced,
578 and one of the two prior felony convictions, is not a violation
579 of s. 893.13 relating to the purchase or the possession of a
580 controlled substance.

5-00116-13

2013540

581 4. The defendant has not received a pardon for any felony
582 or other qualified offense that is necessary for the operation
583 of this paragraph.

584 5. A conviction of a felony or other qualified offense
585 necessary to the operation of this paragraph has not been set
586 aside in any postconviction proceeding.

587 (b) "Habitual violent felony offender" means a defendant
588 for whom the court may impose an extended term of imprisonment,
589 as provided in paragraph (4) (b), if it finds that:

590 1. The defendant has previously been convicted of a felony
591 or an attempt or conspiracy to commit a felony and one or more
592 of such convictions was for:

593 a. Arson;

594 b. Sexual battery;

595 c. Robbery;

596 d. Kidnapping;

597 e. Aggravated child abuse;

598 f. Aggravated abuse of an elderly person or disabled adult;

599 g. Aggravated assault with a deadly weapon;

600 h. Murder;

601 i. Manslaughter;

602 j. Aggravated manslaughter of an elderly person or disabled
603 adult;

604 k. Aggravated manslaughter of a child;

605 l. Unlawful throwing, placing, or discharging of a
606 destructive device or bomb;

607 m. Armed burglary;

608 n. Aggravated battery; or

609 o. Aggravated stalking.

5-00116-13

2013540__

610 2. The felony for which the defendant is to be sentenced
611 was committed:

612 a. While the defendant was serving a prison sentence or
613 other sentence, or court-ordered or lawfully imposed supervision
614 that is imposed as a result of a prior conviction for an
615 enumerated felony; or

616 b. Within 5 years of the date of the conviction of the last
617 prior enumerated felony, or within 5 years of the defendant's
618 release from a prison sentence, probation, community control,
619 control release, mandatory supervision ~~conditional release~~,
620 parole, or court-ordered or lawfully imposed supervision or
621 other sentence that is imposed as a result of a prior conviction
622 for an enumerated felony, whichever is later.

623 3. The defendant has not received a pardon on the ground of
624 innocence for any crime that is necessary for the operation of
625 this paragraph.

626 4. A conviction of a crime necessary to the operation of
627 this paragraph has not been set aside in any postconviction
628 proceeding.

629 (d) "Violent career criminal" means a defendant for whom
630 the court must impose imprisonment pursuant to paragraph (4) (d),
631 if it finds that:

632 1. The defendant has previously been convicted as an adult
633 three or more times for an offense in this state or other
634 qualified offense that is:

635 a. Any forcible felony, as described in s. 776.08;

636 b. Aggravated stalking, as described in s. 784.048(3) and
637 (4);

638 c. Aggravated child abuse, as described in s. 827.03(2) (a);

5-00116-13

2013540__

639 d. Aggravated abuse of an elderly person or disabled adult,
640 as described in s. 825.102(2);

641 e. Lewd or lascivious battery, lewd or lascivious
642 molestation, lewd or lascivious conduct, or lewd or lascivious
643 exhibition, as described in s. 800.04 or s. 847.0135(5);

644 f. Escape, as described in s. 944.40; or

645 g. A felony violation of chapter 790 involving the use or
646 possession of a firearm.

647 2. The defendant has been incarcerated in a state prison or
648 a federal prison.

649 3. The primary felony offense for which the defendant is to
650 be sentenced is a felony enumerated in subparagraph 1. and was
651 committed on or after October 1, 1995, and:

652 a. While the defendant was serving a prison sentence or
653 other sentence, or court-ordered or lawfully imposed supervision
654 that is imposed as a result of a prior conviction for an
655 enumerated felony; or

656 b. Within 5 years after the conviction of the last prior
657 enumerated felony, or within 5 years after the defendant's
658 release from a prison sentence, probation, community control,
659 control release, mandatory supervision ~~conditional release~~,
660 parole, or court-ordered or lawfully imposed supervision or
661 other sentence that is imposed as a result of a prior conviction
662 for an enumerated felony, whichever is later.

663 4. The defendant has not received a pardon for any felony
664 or other qualified offense that is necessary for the operation
665 of this paragraph.

666 5. A conviction of a felony or other qualified offense
667 necessary to the operation of this paragraph has not been set

5-00116-13

2013540__

668 aside in any postconviction proceeding.

669 Section 9. Section 775.16, Florida Statutes, is amended to
670 read:

671 775.16 Drug offenses; additional penalties.—In addition to
672 any other penalty provided by law, a person who has been
673 convicted of sale of or trafficking in, or conspiracy to sell or
674 traffic in, a controlled substance under chapter 893, if such
675 offense is a felony, or who has been convicted of an offense
676 under the laws of any state or country which, if committed in
677 this state, would constitute the felony of selling or
678 trafficking in, or conspiracy to sell or traffic in, a
679 controlled substance under chapter 893, is:

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

682 (a) The person has completed all sentences of imprisonment
683 or supervisory sanctions imposed by the court, by the Parole
684 Commission, or by law; or

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

689 1. Seek evaluation and enrollment in, and once enrolled
690 maintain enrollment in until completion, a drug treatment and
691 rehabilitation program that ~~which~~ is approved by the Department
692 of Children and Family Services, unless it is deemed by the
693 program that the person does not have a substance abuse problem.
694 The treatment and rehabilitation program may be specified by:

695 a. The court, in the case of court-ordered supervisory
696 sanctions;

5-00116-13

2013540__

697 b. The Parole Commission, in the case of parole, control
698 release, or mandatory supervision ~~conditional release~~; or

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

701 2. Submit to periodic urine drug testing pursuant to
702 procedures prescribed by the Department of Corrections. If the
703 person is indigent, the costs shall be paid by the Department of
704 Corrections.

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

709 (a) The person has completed all sentences of imprisonment
710 or supervisory sanctions imposed by the court, by the Parole
711 Commission, or by law;

712 (b) The person has complied with the conditions of
713 subparagraphs 1. and 2. which shall be monitored by the
714 Department of Corrections while the person is under any
715 supervisory sanction. If the person fails to comply with
716 provisions of these subparagraphs by either failing to maintain
717 treatment or by testing positive for drug use, the department
718 shall notify the licensing, permitting, or certifying agency,
719 which may refuse to reissue or reinstate such license, permit,
720 or certification. The licensee, permittee, or certificateholder
721 under supervision may:

722 1. Seek evaluation and enrollment in, and once enrolled
723 maintain enrollment in until completion, a drug treatment and
724 rehabilitation program which is approved or regulated by the
725 Department of Children and Family Services, unless it is deemed

5-00116-13

2013540__

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

729 a. The court, in the case of court-ordered supervisory
730 sanctions;

731 b. The Parole Commission, in the case of parole, control
732 release, or mandatory supervision ~~conditional release~~; or

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

735 2. Submit to periodic urine drug testing pursuant to
736 procedures prescribed by the Department of Corrections. If the
737 person is indigent, the costs shall be paid by the Department of
738 Corrections; or

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

741
742 The provisions of this section do not apply to any of the taxes,
743 fees, or permits regulated, controlled, or administered by the
744 Department of Revenue in accordance with the provisions of s.
745 213.05.

746 Section 10. Paragraph (e) of subsection (2) of section
747 775.21, Florida Statutes, is amended to read:

748 775.21 The Florida Sexual Predators Act.—

749 (2) DEFINITIONS.—As used in this section, the term:

750 (e) "Conviction" means a determination of guilt which is
751 the result of a trial or the entry of a plea of guilty or nolo
752 contendere, regardless of whether adjudication is withheld. A
753 conviction for a similar offense includes, but is not limited
754 to, a conviction by a federal or military tribunal, including

5-00116-13

2013540

755 courts-martial conducted by the Armed Forces of the United
756 States, and includes a conviction or entry of a plea of guilty
757 or nolo contendere resulting in a sanction in any state of the
758 United States or other jurisdiction. A sanction includes, but is
759 not limited to, a fine, probation, community control, parole,
760 mandatory supervision ~~conditional release~~, control release, or
761 incarceration in a state prison, federal prison, private
762 correctional facility, or local detention facility.

763 Section 11. Paragraph (a) of subsection (3) of section
764 775.261, Florida Statutes, is amended to read:

765 775.261 The Florida Career Offender Registration Act.—

766 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

767 (a) A career offender released on or after July 1, 2002,
768 from a sanction imposed in this state must register as required
769 under subsection (4) and is subject to community and public
770 notification as provided under subsection (5). For purposes of
771 this section, a sanction imposed in this state includes, but is
772 not limited to, a fine, probation, community control, parole,
773 mandatory supervision ~~conditional release~~, control release, or
774 incarceration in a state prison, private correctional facility,
775 or local detention facility, and:

776 1. The career offender has not received a pardon for any
777 felony or other qualified offense that is necessary for the
778 operation of this paragraph; or

779 2. A conviction of a felony or other qualified offense
780 necessary to the operation of this paragraph has not been set
781 aside in any postconviction proceeding.

782 Section 12. Section 893.11, Florida Statutes, is amended to
783 read:

5-00116-13

2013540__

784 893.11 Suspension, revocation, and reinstatement of
785 business and professional licenses.—For the purposes of s.
786 120.60(6), any conviction in any court reported to the
787 Comprehensive Case Information System of the Florida Association
788 of Court Clerks and Comptrollers, Inc., for the sale of, or
789 trafficking in, a controlled substance or for conspiracy to
790 sell, or traffic in, a controlled substance constitutes an
791 immediate serious danger to the public health, safety, or
792 welfare, and is grounds for disciplinary action by the licensing
793 state agency. A state agency shall initiate an immediate
794 emergency suspension of an individual professional license
795 issued by the agency, in compliance with the procedures for
796 summary suspensions in s. 120.60(6), upon the agency's findings
797 of the licensee's conviction in any court reported to the
798 Comprehensive Case Information System of the Florida Association
799 of Court Clerks and Comptrollers, Inc., for the sale of, or
800 trafficking in, a controlled substance, or for conspiracy to
801 sell, or traffic in, a controlled substance. Before renewing any
802 professional license, a state agency that issues a professional
803 license must use the Comprehensive Case Information System of
804 the Florida Association of Court Clerks and Comptrollers, Inc.,
805 to obtain information relating to any conviction for the sale
806 of, or trafficking in, a controlled substance or for conspiracy
807 to sell, or traffic in, a controlled substance. The clerk of
808 court shall provide electronic access to each state agency at no
809 cost and also provide certified copies of the judgment upon
810 request to the agency. Upon a showing by any such convicted
811 defendant whose professional license has been suspended or
812 revoked pursuant to this section that his or her civil rights

5-00116-13

2013540__

813 have been restored or upon a showing that the convicted
814 defendant meets the following criteria, the agency head may
815 reinstate or reactivate such license when:

816 (1) The person has complied with the conditions of
817 paragraphs (a) and (b) which shall be monitored by the
818 Department of Corrections while the person is under any
819 supervisory sanction. If the person fails to comply with
820 provisions of these paragraphs by either failing to maintain
821 treatment or by testing positive for drug use, the department
822 shall notify the licensing agency, which shall revoke the
823 license. The person under supervision may:

824 (a) Seek evaluation and enrollment in, and once enrolled
825 maintain enrollment in until completion, a drug treatment and
826 rehabilitation program that ~~which~~ is approved or regulated by
827 the Department of Children and Family Services. The treatment
828 and rehabilitation program shall be specified by:

829 1. The court, in the case of court-ordered supervisory
830 sanctions;

831 2. The Parole Commission, in the case of parole, control
832 release, or mandatory supervision ~~conditional release~~; or

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

835 (b) Submit to periodic urine drug testing pursuant to
836 procedures prescribed by the Department of Corrections. If the
837 person is indigent, the costs shall be paid by the Department of
838 Corrections; or

839 (2) The person has successfully completed an appropriate
840 program under the Correctional Education Program.

841 (3) As used in this section, the term "professional

5-00116-13

2013540

842 license" includes any license, permit, or certificate that
843 authorizes a person to practice his or her profession. However,
844 the term does not include any of the taxes, fees, or permits
845 regulated, controlled, or administered by the Department of
846 Revenue in accordance with s. 213.05.

847 Section 13. Paragraphs (a) and (b) of subsection (1) of
848 section 943.0435, Florida Statutes, are amended to read:

849 943.0435 Sexual offenders required to register with the
850 department; penalty.—

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

852 (a)1. "Sexual offender" means a person who meets the
853 criteria in sub-subparagraph a., sub-subparagraph b., sub-
854 subparagraph c., or sub-subparagraph d., as follows:

855 a.(I) Has been convicted of committing, or attempting,
856 soliciting, or conspiring to commit, any of the criminal
857 offenses proscribed in the following statutes in this state or
858 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
859 or s. 787.025(2)(c), where the victim is a minor and the
860 defendant is not the victim's parent or guardian; s.
861 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
862 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
863 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
864 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
865 or s. 985.701(1); or any similar offense committed in this state
866 which has been redesignated from a former statute number to one
867 of those listed in this sub-sub-subparagraph; and

868 (II) Has been released on or after October 1, 1997, from
869 the sanction imposed for any conviction of an offense described
870 in sub-sub-subparagraph (I). For purposes of sub-sub-

5-00116-13

2013540

871 subparagraph (I), a sanction imposed in this state or in any
872 other jurisdiction includes, but is not limited to, a fine,
873 probation, community control, parole, mandatory supervision
874 ~~conditional release~~, control release, or incarceration in a
875 state prison, federal prison, private correctional facility, or
876 local detention facility;

877 b. Establishes or maintains a residence in this state and
878 who has not been designated as a sexual predator by a court of
879 this state but who has been designated as a sexual predator, as
880 a sexually violent predator, or by another sexual offender
881 designation in another state or jurisdiction and was, as a
882 result of such designation, subjected to registration or
883 community or public notification, or both, or would be if the
884 person were a resident of that state or jurisdiction, without
885 regard to whether the person otherwise meets the criteria for
886 registration as a sexual offender;

887 c. Establishes or maintains a residence in this state who
888 is in the custody or control of, or under the supervision of,
889 any other state or jurisdiction as a result of a conviction for
890 committing, or attempting, soliciting, or conspiring to commit,
891 any of the criminal offenses proscribed in the following
892 statutes or similar offense in another jurisdiction: s. 787.01,
893 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
894 the defendant is not the victim's parent or guardian; s.
895 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
896 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
897 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
898 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
899 or s. 985.701(1); or any similar offense committed in this state

5-00116-13

2013540__

900 which has been redesignated from a former statute number to one
901 of those listed in this sub-subparagraph; or

902 d. On or after July 1, 2007, has been adjudicated
903 delinquent for committing, or attempting, soliciting, or
904 conspiring to commit, any of the criminal offenses proscribed in
905 the following statutes in this state or similar offenses in
906 another jurisdiction when the juvenile was 14 years of age or
907 older at the time of the offense:

908 (I) Section 794.011, excluding s. 794.011(10);

909 (II) Section 800.04(4)(b) where the victim is under 12
910 years of age or where the court finds sexual activity by the use
911 of force or coercion;

912 (III) Section 800.04(5)(c)1. where the court finds
913 molestation involving unclothed genitals; or

914 (IV) Section 800.04(5)(d) where the court finds the use of
915 force or coercion and unclothed genitals.

916 2. For all qualifying offenses listed in sub-subparagraph
917 (1)(a)1.d., the court shall make a written finding of the age of
918 the offender at the time of the offense.

919
920 For each violation of a qualifying offense listed in this
921 subsection, the court shall make a written finding of the age of
922 the victim at the time of the offense. For a violation of s.
923 800.04(4), the court shall additionally make a written finding
924 indicating that the offense did or did not involve sexual
925 activity and indicating that the offense did or did not involve
926 force or coercion. For a violation of s. 800.04(5), the court
927 shall additionally make a written finding that the offense did
928 or did not involve unclothed genitals or genital area and that

5-00116-13

2013540__

929 the offense did or did not involve the use of force or coercion.

930 (b) "Convicted" means that there has been a determination
931 of guilt as a result of a trial or the entry of a plea of guilty
932 or nolo contendere, regardless of whether adjudication is
933 withheld, and includes an adjudication of delinquency of a
934 juvenile as specified in this section. Conviction of a similar
935 offense includes, but is not limited to, a conviction by a
936 federal or military tribunal, including courts-martial conducted
937 by the Armed Forces of the United States, and includes a
938 conviction or entry of a plea of guilty or nolo contendere
939 resulting in a sanction in any state of the United States or
940 other jurisdiction. A sanction includes, but is not limited to,
941 a fine, probation, community control, parole, mandatory
942 supervision ~~conditional release~~, control release, or
943 incarceration in a state prison, federal prison, private
944 correctional facility, or local detention facility.

945 Section 14. Paragraph (a) of subsection (7) of section
946 943.325, Florida Statutes, is amended to read:

947 943.325 DNA database.—

948 (7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

949 (a) Any qualifying offender, who is:

950 1. Arrested in this state;

951 2. Incarcerated in this state; or

952 3. On probation, community control, parole, mandatory
953 supervision ~~conditional release~~, control release, or any other
954 type of court-ordered supervision in this state,

955
956 shall be required to submit a DNA sample to a department-
957 designated facility.

5-00116-13

2013540

958 Section 15. Paragraph (a) of subsection (2) of section
959 944.171, Florida Statutes, is amended to read:

960 944.171 Housing of inmates.—

961 (2) Notwithstanding s. 944.17, the department may enter
962 into contracts with another state, a political subdivision of
963 another state, or a correctional management services vendor in
964 another state for the transfer and confinement in that state of
965 inmates who have been committed to the custody of the
966 department.

967 (a) Any such contract must include:

968 1. A termination date.

969 2. Provisions concerning the costs of inmate maintenance,
970 extraordinary medical and dental expenses, and any participation
971 in or receipt by inmates of rehabilitative or correctional
972 services, facilities, programs, or treatment, including those
973 costs not reasonably included as part of normal maintenance.

974 3. Provisions concerning participation in programs of
975 inmate employment, if any, the disposition or crediting of any
976 payments received by inmates on account of employment, and the
977 crediting of proceeds or disposal of any products resulting from
978 employment.

979 4. Provisions for the delivery and retaking of inmates.

980 5. A provision for a waiver of extradition by the parties
981 to the contract.

982 6. Retention of jurisdiction of the inmates transferred by
983 Florida.

984 7. Regular reporting procedures concerning Florida inmates
985 by officials of the state, political subdivision, or
986 correctional management services vendor with which the

5-00116-13

2013540__

987 department is contracting.

988 8. Provisions concerning procedures for community
989 supervision, including probation, parole, mandatory supervision
990 ~~conditional release~~, and discharge.

991 9. The same standards of reasonable and humane care as the
992 inmates would receive in an appropriate institution in this
993 state.

994 10. Any other matters that are necessary and appropriate to
995 establish the obligations, responsibilities, and rights of
996 Florida and the state, political subdivision, or correctional
997 management services vendor with which the department is
998 contracting.

999 Section 16. Subsection (1) of section 944.28, Florida
1000 Statutes, is amended to read:

1001 944.28 Forfeiture of gain-time and the right to earn gain-
1002 time in the future.—

1003 (1) If a prisoner is convicted of escape, or if the
1004 clemency, mandatory supervision ~~conditional release~~ as described
1005 in chapter 947, probation or community control as described in
1006 chapter 948, provisional release as described in s. 944.277,
1007 parole, or control release as described in s. 947.146 granted to
1008 the prisoner is revoked, the department may, without notice or
1009 hearing, declare a forfeiture of all gain-time earned according
1010 to the provisions of law by such prisoner prior to such escape
1011 or his or her release under such clemency, mandatory supervision
1012 ~~conditional release~~, probation, community control, provisional
1013 release, control release, or parole.

1014 Section 17. Paragraph (a) of subsection (1) of section
1015 944.606, Florida Statutes, is amended to read:

5-00116-13

2013540__

1016 944.606 Sexual offenders; notification upon release.-

1017 (1) As used in this section:

1018 (a) "Convicted" means there has been a determination of
1019 guilt as a result of a trial or the entry of a plea of guilty or
1020 nolo contendere, regardless of whether adjudication is withheld.
1021 A conviction for a similar offense includes, but is not limited
1022 to, a conviction by a federal or military tribunal, including
1023 courts-martial conducted by the Armed Forces of the United
1024 States, and includes a conviction or entry of a plea of guilty
1025 or nolo contendere resulting in a sanction in any state of the
1026 United States or other jurisdiction. A sanction includes, but is
1027 not limited to, a fine; probation; community control; parole;
1028 mandatory supervision ~~conditional release~~; control release; or
1029 incarceration in a state prison, federal prison, private
1030 correctional facility, or local detention facility.

1031 Section 18. Paragraph (b) of subsection (1) and subsection
1032 (6) of section 944.607, Florida Statutes, are amended to read:

1033 944.607 Notification to Department of Law Enforcement of
1034 information on sexual offenders.-

1035 (1) As used in this section, the term:

1036 (b) "Conviction" means a determination of guilt which is
1037 the result of a trial or the entry of a plea of guilty or nolo
1038 contendere, regardless of whether adjudication is withheld.
1039 Conviction of a similar offense includes, but is not limited to,
1040 a conviction by a federal or military tribunal, including
1041 courts-martial conducted by the Armed Forces of the United
1042 States, and includes a conviction or entry of a plea of guilty
1043 or nolo contendere resulting in a sanction in any state of the
1044 United States or other jurisdiction. A sanction includes, but is

5-00116-13

2013540__

1045 not limited to, a fine; probation; community control; parole;
1046 mandatory supervision ~~conditional release~~; control release; or
1047 incarceration in a state prison, federal prison, private
1048 correctional facility, or local detention facility.

1049 (6) The information provided to the Department of Law
1050 Enforcement must include:

1051 (a) The information obtained from the sexual offender under
1052 subsection (4);

1053 (b) The sexual offender's most current address, place of
1054 permanent, temporary, or transient residence within the state or
1055 out of state, and address, location or description, and dates of
1056 any current or known future temporary residence within the state
1057 or out of state, while the sexual offender is under supervision
1058 in this state, including the name of the county or municipality
1059 in which the offender permanently or temporarily resides, or has
1060 a transient residence, and address, location or description, and
1061 dates of any current or known future temporary residence within
1062 the state or out of state, and, if known, the intended place of
1063 permanent, temporary, or transient residence, and address,
1064 location or description, and dates of any current or known
1065 future temporary residence within the state or out of state upon
1066 satisfaction of all sanctions;

1067 (c) The legal status of the sexual offender and the
1068 scheduled termination date of that legal status;

1069 (d) The location of, and local telephone number for, any
1070 Department of Corrections' office that is responsible for
1071 supervising the sexual offender;

1072 (e) An indication of whether the victim of the offense that
1073 resulted in the offender's status as a sexual offender was a

5-00116-13

2013540__

1074 minor;

1075 (f) The offense or offenses at conviction which resulted in
1076 the determination of the offender's status as a sex offender;
1077 and

1078 (g) A digitized photograph of the sexual offender which
1079 must have been taken within 60 days before the offender is
1080 released from the custody of the department or a private
1081 correctional facility by expiration of sentence under s. 944.275
1082 or must have been taken by January 1, 1998, or within 60 days
1083 after the onset of the department's supervision of any sexual
1084 offender who is on probation, community control, mandatory
1085 supervision ~~conditional release~~, parole, provisional release, or
1086 control release or who is supervised by the department under the
1087 Interstate Compact Agreement for Probationers and Parolees. If
1088 the sexual offender is in the custody of a private correctional
1089 facility, the facility shall take a digitized photograph of the
1090 sexual offender within the time period provided in this
1091 paragraph and shall provide the photograph to the department.

1092
1093 If any information provided by the department changes during the
1094 time the sexual offender is under the department's control,
1095 custody, or supervision, including any change in the offender's
1096 name by reason of marriage or other legal process, the
1097 department shall, in a timely manner, update the information and
1098 provide it to the Department of Law Enforcement in the manner
1099 prescribed in subsection (2).

1100 Section 19. Subsection (5) of section 944.608, Florida
1101 Statutes, is amended to read:

1102 944.608 Notification to Department of Law Enforcement of

5-00116-13

2013540__

1103 information on career offenders.—

1104 (5) The information provided to the Department of Law
1105 Enforcement must include:

1106 (a) The information obtained from the career offender under
1107 subsection (3);

1108 (b) The career offender's most current address and place of
1109 permanent and temporary residence within the state or out of
1110 state while the career offender is under supervision in this
1111 state, including the name of the county or municipality in which
1112 the career offender permanently or temporarily resides and, if
1113 known, the intended place of permanent or temporary residence
1114 upon satisfaction of all sanctions;

1115 (c) The legal status of the career offender and the
1116 scheduled termination date of that legal status;

1117 (d) The location of, and local telephone number for, any
1118 Department of Corrections' office that is responsible for
1119 supervising the career offender; and

1120 (e) A digitized photograph of the career offender, which
1121 must have been taken within 60 days before the career offender
1122 is released from the custody of the department or a private
1123 correctional facility or within 60 days after the onset of the
1124 department's supervision of any career offender who is on
1125 probation, community control, mandatory supervision ~~conditional~~
1126 ~~release~~, parole, provisional release, or control release. If the
1127 career offender is in the custody or control of, or under the
1128 supervision of, a private correctional facility, the facility
1129 shall take a digitized photograph of the career offender within
1130 the time period provided in this paragraph and shall provide the
1131 photograph to the department.

5-00116-13

2013540__

1132 Section 20. Section 944.70, Florida Statutes, is amended to
1133 read:

1134 944.70 Conditions for release from incarceration.—

1135 (1) (a) A person who is convicted of a crime committed on or
1136 after October 1, 1983, but before January 1, 1994, may be
1137 released from incarceration only:

- 1138 1. Upon expiration of the person's sentence;
- 1139 2. Upon expiration of the person's sentence as reduced by
1140 accumulated gain-time;
- 1141 3. As directed by an executive order granting clemency;
- 1142 4. Upon attaining the provisional release date;
- 1143 5. Upon placement in a mandatory supervision ~~conditional~~
1144 ~~release~~ program pursuant to s. 947.1405; or
- 1145 6. Upon the granting of control release pursuant to s.
1146 947.146.

1147 (b) A person who is convicted of a crime committed on or
1148 after January 1, 1994, may be released from incarceration only:

- 1149 1. Upon expiration of the person's sentence;
- 1150 2. Upon expiration of the person's sentence as reduced by
1151 accumulated meritorious or incentive gain-time;
- 1152 3. As directed by an executive order granting clemency;
- 1153 4. Upon placement in a mandatory supervision ~~conditional~~
1154 ~~release~~ program pursuant to s. 947.1405 or a conditional medical
1155 release program pursuant to s. 947.149; or
- 1156 5. Upon the granting of control release, including
1157 emergency control release, pursuant to s. 947.146.

1158 (2) A person who is convicted of a crime committed on or
1159 after December 1, 1990, and who receives a control release date
1160 may not refuse to accept the terms or conditions of control

5-00116-13

2013540__

1161 release.

1162 Section 21. Section 945.36, Florida Statutes, is amended to
1163 read:

1164 945.36 Exemption from health testing regulations for law
1165 enforcement personnel conducting drug tests on inmates and
1166 releasees.—

1167 (1) Any law enforcement officer, state or county probation
1168 officer, or employee of the Department of Corrections, who is
1169 certified by the Department of Corrections pursuant to
1170 subsection (2), is exempt from part I of chapter 483, for the
1171 limited purpose of administering a urine screen drug test to:

1172 (a) Persons during incarceration;

1173 (b) Persons released as a condition of probation for either
1174 a felony or misdemeanor;

1175 (c) Persons released as a condition of community control;

1176 (d) Persons released as a condition of mandatory
1177 supervision ~~conditional release~~;

1178 (e) Persons released as a condition of parole;

1179 (f) Persons released as a condition of provisional release;

1180 (g) Persons released as a condition of pretrial release; or

1181 (h) Persons released as a condition of control release.

1182 (2) The Department of Corrections shall develop a procedure
1183 for certification of any law enforcement officer, state or
1184 county probation officer, or employee of the Department of
1185 Corrections to perform a urine screen drug test on the persons
1186 specified in subsection (1).

1187 Section 22. Section 947.071, Florida Statutes, is amended
1188 to read:

1189 947.071 Rulemaking procedures; indexing of orders.—

5-00116-13

2013540__

1190 (1) It is the intent of the Legislature that all rulemaking
 1191 procedures by the commission be conducted pursuant to the
 1192 Administrative Procedure Act, chapter 120.

1193 (2) The only final orders of the commission which must
 1194 ~~shall~~ be indexed pursuant to chapter 120 are:

1195 (a) Orders granting parole.

1196 (b) Orders revoking parole.

1197 (c) Orders restoring to supervision.

1198 (d) Orders releasing from custody and further supervision.

1199 (e) Early parole termination orders.

1200 (f) Orders granting mandatory supervision ~~conditional~~
 1201 ~~release~~.

1202 (g) Orders revoking mandatory supervision ~~conditional~~
 1203 ~~release~~.

1204 Section 23. Paragraph (f) of subsection (1) of section
 1205 947.13, Florida Statutes, is amended to read:

1206 947.13 Powers and duties of commission.—

1207 (1) The commission shall have the powers and perform the
 1208 duties of:

1209 (f) Establishing the terms and conditions of persons
 1210 released on mandatory supervision ~~conditional release~~ under s.
 1211 947.1405, and determining subsequent ineligibility for mandatory
 1212 supervision ~~conditional release~~ due to a violation of the terms
 1213 or conditions of mandatory supervision ~~conditional release~~ and
 1214 taking action with respect to such a violation.

1215 Section 24. Section 947.141, Florida Statutes, is amended
 1216 to read:

1217 947.141 Violations of mandatory supervision ~~conditional~~
 1218 ~~release~~, control release, ~~or~~ conditional medical release, or

5-00116-13

2013540

1219 addiction-recovery supervision.—

1220 (1) If a member of the commission or a duly authorized
1221 representative of the commission has reasonable grounds to
1222 believe that an offender who is on release supervision under s.
1223 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
1224 the terms and conditions of the release in a material respect,
1225 such member or representative may cause a warrant to be issued
1226 for the arrest of the releasee; if the offender was found to be
1227 a sexual predator, the warrant must be issued.

1228 (2) Upon the arrest on a felony charge of an offender who
1229 is on release supervision under s. 947.1405, s. 947.146, s.
1230 947.149, or s. 944.4731, the offender must be detained without
1231 bond until the initial appearance of the offender at which a
1232 judicial determination of probable cause is made. If the trial
1233 court judge determines that there was no probable cause for the
1234 arrest, the offender may be released. If the trial court judge
1235 determines that there was probable cause for the arrest, such
1236 determination also constitutes reasonable grounds to believe
1237 that the offender violated the conditions of the release. Within
1238 24 hours after the trial court judge's finding of probable
1239 cause, the detention facility administrator or designee shall
1240 notify the commission and the department of the finding and
1241 transmit to each a facsimile copy of the probable cause
1242 affidavit or the sworn offense report upon which the trial court
1243 judge's probable cause determination is based. The offender must
1244 continue to be detained without bond for a period not exceeding
1245 72 hours excluding weekends and holidays after the date of the
1246 probable cause determination, pending a decision by the
1247 commission whether to issue a warrant charging the offender with

5-00116-13

2013540__

1248 violation of the conditions of release. Upon the issuance of the
1249 commission's warrant, the offender must continue to be held in
1250 custody pending a revocation hearing held in accordance with
1251 this section.

1252 (3) Within 45 days after notice to the Parole Commission of
1253 the arrest of a releasee charged with a violation of the terms
1254 and conditions of mandatory supervision ~~conditional release,~~
1255 control release, conditional medical release, or addiction-
1256 recovery supervision, the releasee must be afforded a hearing
1257 conducted by a commissioner or a duly authorized representative
1258 thereof. If the releasee elects to proceed with a hearing, the
1259 releasee must be informed orally and in writing of the
1260 following:

1261 (a) The alleged violation with which the releasee is
1262 charged.

1263 (b) The releasee's right to be represented by counsel.

1264 (c) The releasee's right to be heard in person.

1265 (d) The releasee's right to secure, present, and compel the
1266 attendance of witnesses relevant to the proceeding.

1267 (e) The releasee's right to produce documents on the
1268 releasee's own behalf.

1269 (f) The releasee's right of access to all evidence used
1270 against the releasee and to confront and cross-examine adverse
1271 witnesses.

1272 (g) The releasee's right to waive the hearing.

1273 (4) Within a reasonable time following the hearing, the
1274 commissioner or the commissioner's duly authorized
1275 representative who conducted the hearing shall make findings of
1276 fact in regard to the alleged violation. A panel of no fewer

5-00116-13

2013540

1277 than two commissioners shall enter an order determining whether
1278 the charge of violation of mandatory supervision ~~conditional~~
1279 ~~release~~, control release, conditional medical release, or
1280 addiction-recovery supervision has been sustained based upon the
1281 findings of fact presented by the hearing commissioner or
1282 authorized representative. By such order, the panel may revoke
1283 mandatory supervision ~~conditional release~~, control release,
1284 conditional medical release, or addiction-recovery supervision
1285 and thereby return the releasee to prison to serve the sentence
1286 imposed, reinstate the original order granting the release, or
1287 enter such other order as it considers proper. Effective for
1288 inmates whose offenses were committed on or after July 1, 1995,
1289 the panel may order the placement of a releasee, upon a finding
1290 of violation pursuant to this subsection, into a local detention
1291 facility as a condition of supervision.

1292 (5) Effective for inmates whose offenses were committed on
1293 or after July 1, 1995, notwithstanding the provisions of ss.
1294 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
1295 951.23, or any other law to the contrary, by such order as
1296 provided in subsection (4), the panel, upon a finding of guilt,
1297 may, as a condition of continued supervision, place the releasee
1298 in a local detention facility for a period of incarceration not
1299 to exceed 22 months. Prior to the expiration of the term of
1300 incarceration, or upon recommendation of the chief correctional
1301 officer of that county, the commission shall cause inquiry into
1302 the inmate's release plan and custody status in the detention
1303 facility and consider whether to restore the inmate to
1304 supervision, modify the conditions of supervision, or enter an
1305 order of revocation, thereby causing the return of the inmate to

5-00116-13

2013540__

1306 prison to serve the sentence imposed. ~~The provisions of~~ This
1307 section does ~~do~~ not prohibit the panel from entering such other
1308 order or conducting any investigation that it deems proper. The
1309 commission may ~~only~~ place a person in a local detention facility
1310 pursuant to this section only if there is a contractual
1311 agreement between the chief correctional officer of that county
1312 and the Department of Corrections. The agreement must provide
1313 for a per diem reimbursement for each person placed under this
1314 section, which is payable by the Department of Corrections for
1315 the duration of the offender's placement in the facility. This
1316 section does not limit the commission's ability to place a
1317 person in a local detention facility for less than 1 year.

1318 (6) Whenever a mandatory supervision ~~conditional release,~~
1319 control release, conditional medical release, or addiction-
1320 recovery supervision is revoked by a panel of no fewer than two
1321 commissioners and the releasee is ordered to be returned to
1322 prison, the releasee, by reason of the misconduct, shall be
1323 deemed to have forfeited all gain-time or commutation of time
1324 for good conduct, as provided for by law, earned up to the date
1325 of release. However, if a conditional medical release is revoked
1326 due to the improved medical or physical condition of the
1327 releasee, the releasee does ~~shall~~ not forfeit gain-time accrued
1328 before the date of conditional medical release. This subsection
1329 does not deprive the prisoner of the right to gain-time or
1330 commutation of time for good conduct, as provided by law, from
1331 the date of return to prison.

1332 (7) If a law enforcement officer has probable cause to
1333 believe that an offender who is on release supervision under s.
1334 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated

5-00116-13

2013540

1335 the terms and conditions of his or her release by committing a
1336 felony offense, the officer shall arrest the offender without a
1337 warrant, and a warrant need not be issued in the case.

1338 Section 25. Paragraphs (a) and (f) of subsection (2) of
1339 section 947.16, Florida Statutes, are amended to read:

1340 947.16 Eligibility for parole; initial parole interviews;
1341 powers and duties of commission.—

1342 (2) The following special types of cases shall have their
1343 initial parole interview as follows:

1344 (a) An initial interview may be postponed for a period not
1345 to exceed 90 days. Such postponement shall be for good cause,
1346 which includes ~~shall include~~, but need not be limited to, the
1347 need for the department to obtain a presentence or postsentence
1348 investigation report or a probation or parole or mandatory
1349 supervision ~~conditional release~~ violation report. The reason for
1350 postponement shall be noted in writing and included in the
1351 official record. No postponement for good cause shall result in
1352 an initial interview being conducted later than 90 days after
1353 the inmate's initially scheduled initial interview.

1354 (f) An initial interview may be held at the discretion of
1355 the commission after the entry of a commission order to revoke
1356 parole or mandatory supervision ~~conditional release~~.

1357 Section 26. Subsection (2) of section 947.22, Florida
1358 Statutes, is amended to read:

1359 947.22 Authority to arrest parole violators with or without
1360 warrant.—

1361 (2) Any parole and probation officer, when she or he has
1362 reasonable ground to believe that a parolee, control releasee,
1363 or mandatory supervision participant ~~conditional releasee~~ has

5-00116-13

2013540

1364 violated the terms and conditions of her or his parole, control
1365 release, or mandatory supervision ~~conditional release~~ in a
1366 material respect, has the right to arrest the releasee or
1367 parolee without warrant and bring her or him forthwith before
1368 one or more commissioners or a duly authorized representative of
1369 the Parole Commission or Control Release Authority; and
1370 proceedings shall thereupon be had as provided herein when a
1371 warrant has been issued by a member of the commission or
1372 authority or a duly authorized representative of the commission
1373 or authority.

1374 Section 27. Section 947.24, Florida Statutes, is amended to
1375 read:

1376 947.24 Discharge from parole supervision or release
1377 supervision.-

1378 (1) When a person is placed on parole, control release, or
1379 mandatory supervision ~~conditional release~~, the commission shall
1380 determine the period of time the person will be under parole
1381 supervision or release supervision in the following manner:

1382 (a) If the person is being paroled or released under
1383 supervision from a single or concurrent sentence, the period of
1384 time the person will be under parole supervision or release
1385 supervision may not exceed 2 years unless the commission
1386 designates a longer period of time, in which case it must advise
1387 the parolee or releasee in writing of the reasons for the
1388 extended period. In any event, the period of parole supervision
1389 or release supervision may not exceed the maximum period for
1390 which the person has been sentenced.

1391 (b) If the person is being paroled or released under
1392 supervision from a consecutive sentence or sentences, the period

5-00116-13

2013540__

1393 of time the person will be under parole supervision or release
1394 supervision will be for the maximum period for which the person
1395 was sentenced.

1396 (2) The commission shall review the progress of each person
1397 who has been placed on parole, control release, or mandatory
1398 supervision ~~conditional release~~ after 2 years of supervision in
1399 the community and biennially thereafter. The department shall
1400 provide to the commission the information necessary to conduct
1401 such a review. Such review must include consideration of whether
1402 to modify the reporting schedule, thereby authorizing the person
1403 under parole supervision or release supervision to submit
1404 reports quarterly, semiannually, or annually. The commission,
1405 after having retained jurisdiction of a person for a sufficient
1406 length of time to evidence satisfactory rehabilitation and
1407 cooperation, may further modify the terms and conditions of the
1408 person's parole, control release, or mandatory supervision
1409 ~~conditional release~~, may discharge the person from parole
1410 supervision or release supervision, may relieve the person from
1411 making further reports, or may permit the person to leave the
1412 state or country, upon finding that such action is in the best
1413 interests of the person and society.

1414 (3) This section does not affect the rights of a parolee to
1415 request modification of the terms and conditions of parole under
1416 s. 947.19.

1417 Section 28. Paragraph (a) of subsection (1) and subsection
1418 (3) of section 948.09, Florida Statutes, are amended to read:

1419 948.09 Payment for cost of supervision and rehabilitation.—

1420 (1) (a) 1. Any person ordered by the court, the Department of
1421 Corrections, or the parole commission to be placed on probation,

5-00116-13

2013540__

1422 drug offender probation, community control, parole, control
1423 release, provisional release supervision, addiction-recovery
1424 supervision, or mandatory supervision ~~conditional release~~
1425 supervision under chapter 944, chapter 945, chapter 947, this
1426 chapter ~~948~~, or chapter 958, or in a pretrial intervention
1427 program, must, as a condition of any placement, pay the
1428 department a total sum of money equal to the total month or
1429 portion of a month of supervision times the court-ordered
1430 amount, but not to exceed the actual per diem cost of the
1431 supervision. The department shall adopt rules by which an
1432 offender who pays in full and in advance of regular termination
1433 of supervision may receive a reduction in the amount due. The
1434 rules shall incorporate provisions by which the offender's
1435 ability to pay is linked to an established written payment plan.
1436 Funds collected from felony offenders may be used to offset
1437 costs of the Department of Corrections associated with community
1438 supervision programs, subject to appropriation by the
1439 Legislature.

1440 2. In addition to any other contribution or surcharge
1441 imposed by this section, each felony offender assessed under
1442 this paragraph shall pay a \$2-per-month surcharge to the
1443 department. The surcharge shall be deemed to be paid only after
1444 the full amount of any monthly payment required by the
1445 established written payment plan has been collected by the
1446 department. These funds shall be used by the department to pay
1447 for correctional probation officers' training and equipment,
1448 including radios, and firearms training, firearms, and attendant
1449 equipment necessary to train and equip officers who choose to
1450 carry a concealed firearm while on duty. ~~Nothing in This~~

5-00116-13

2013540

1451 subparagraph does not ~~shall be construed to~~ limit the
1452 department's authority to determine who shall be authorized to
1453 carry a concealed firearm while on duty, or ~~to~~ limit the right
1454 of a correctional probation officer to carry a personal firearm
1455 approved by the department.

1456 (3) Any failure to pay contribution as required under this
1457 section may constitute a ground for the revocation of probation
1458 by the court, the revocation of parole or mandatory supervision
1459 ~~conditional release~~ by the Parole Commission, the revocation of
1460 control release by the Control Release Authority, or removal
1461 from the pretrial intervention program by the state attorney.
1462 The Department of Corrections may exempt a person from the
1463 payment of all or any part of the contribution if it finds any
1464 of the following factors to exist:

1465 (a) The offender has diligently attempted, but has been
1466 unable, to obtain employment that ~~which~~ provides him or her
1467 sufficient income to make such payments.

1468 (b) The offender is a student in a school, college,
1469 university, or course of career training designed to fit the
1470 student for gainful employment. Certification of such student
1471 status shall be supplied to the Secretary of Corrections by the
1472 educational institution in which the offender is enrolled.

1473 (c) The offender has an employment handicap, as determined
1474 by a physical, psychological, or psychiatric examination
1475 acceptable to, or ordered by, the secretary.

1476 (d) The offender's age prevents him or her from obtaining
1477 employment.

1478 (e) The offender is responsible for the support of
1479 dependents, and the payment of such contribution constitutes an

5-00116-13

2013540__

1480 undue hardship on the offender.

1481 (f) The offender has been transferred outside the state
1482 under an interstate compact adopted pursuant to chapter 949.

1483 (g) There are other extenuating circumstances, as
1484 determined by the secretary.

1485 Section 29. Section 948.32, Florida Statutes, is amended to
1486 read:

1487 948.32 Requirements of law enforcement agency upon arrest
1488 of persons for certain sex offenses.—

1489 (1) When any state or local law enforcement agency
1490 investigates or arrests a person for committing, or attempting,
1491 soliciting, or conspiring to commit, a violation of s.
1492 787.025(2)(c), chapter 794, s. 796.03, s. 800.04, s. 827.071, s.
1493 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
1494 agency shall contact the Department of Corrections to verify
1495 whether the person under investigation or under arrest is on
1496 probation, community control, parole, mandatory supervision
1497 ~~conditional release~~, or control release.

1498 (2) If the law enforcement agency finds that the person
1499 under investigation or under arrest is on probation, community
1500 control, parole, mandatory supervision ~~conditional release~~, or
1501 control release, the law enforcement agency shall immediately
1502 notify the person's probation officer or release supervisor of
1503 the investigation or the arrest.

1504 Section 30. Subsection (6) of section 957.06, Florida
1505 Statutes, is amended to read:

1506 957.06 Powers and duties not delegable to contractor.—A
1507 contract entered into under this chapter does not authorize,
1508 allow, or imply a delegation of authority to the contractor to:

5-00116-13

2013540__

1509 (6) Make recommendations to the Parole Commission with
1510 respect to the denial or granting of parole, control release,
1511 mandatory supervision ~~conditional release~~, or conditional
1512 medical release. However, the contractor may submit written
1513 reports to the Parole Commission and must respond to a written
1514 request by the Parole Commission for information.

1515 Section 31. This act shall take effect July 1, 2013.