

By the Committee on Criminal Justice; and Senator Dean

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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 intent; 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 creating a reporting requirement; amending ss.
11 216.136, 394.926, 394.927, 775.084, 775.16, 775.21,
12 775.261, 893.11, 943.0435, 943.325, 944.171, 944.28,
13 944.606, 944.607, 944.608, 944.70, 945.36, 947.071,
14 947.13, 947.141, 947.16, 947.22, 947.24, 948.09,
15 948.32, and 957.06, F.S.; revising provisions to
16 conform to changes made by the act; providing an
17 effective date.

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

20
21 Section 1. Legislative intent.--It is the intent of the
22 Legislature to require intensive postrelease supervision of
23 offenders who have been convicted of violent offenses, thereby
24 assisting them in successfully transitioning from prison back to
25 the community and reducing their rate of reoffending. It is also
26 the intent of the Legislature that the renaming of conditional
27 release supervision to mandatory supervision does not create a
28 new program, but it is merely a name change to accurately
29 reflect the nature of this non-discretionary release.

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30 Section 2. Section 944.291, Florida Statutes, is amended to
31 read:

32 944.291 Prisoner released by reason of gain-time allowances
33 or attainment of provisional release date.-

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

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

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59 name and inmate identification number for each eligible inmate.

60 Section 3. Section 947.1405, Florida Statutes, is amended
61 to read:

62 947.1405 Mandatory supervision ~~Conditional release~~
63 program.—

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

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

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

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

77 (c) Is found to be a sexual predator under s. 775.21 or
78 former s. 775.23; or

79 (d) Is convicted of a crime committed on or after October
80 1, 2013, which crime is or was contained in category 1, category
81 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,
82 Florida Rules of Criminal Procedure (1993),

83
84 shall, upon reaching the tentative release date or provisional
85 release date, whichever is earlier, as established by the
86 Department of Corrections, be released under supervision subject
87 to specified terms and conditions, including payment of the cost

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88 of supervision pursuant to s. 948.09. Such supervision is shall
89 ~~be~~ applicable to all sentences within the overall term of
90 sentences if an inmate's overall term of sentences includes one
91 or more sentences that are eligible for mandatory ~~conditional~~
92 ~~release~~ supervision as provided herein. Effective July 1, 1994,
93 and applicable for offenses committed on or after that date, the
94 commission may require, as a condition of mandatory supervision
95 ~~conditional release~~, that the releasee make payment of the debt
96 due and owing to a county or municipal detention facility under
97 s. 951.032 for medical care, treatment, hospitalization, or
98 transportation received by the releasee while in that detention
99 facility. The commission, in determining whether to order such
100 repayment and the amount of such repayment, shall consider the
101 amount of the debt, whether there was any fault of the
102 institution for the medical expenses incurred, the financial
103 resources of the releasee, the present and potential future
104 financial needs and earning ability of the releasee, and
105 dependents, and other appropriate factors. If an ~~any~~ inmate
106 placed on mandatory ~~conditional release~~ supervision is also
107 subject to probation or community control, resulting from a
108 probationary or community control split sentence within the
109 overall term of sentences, the Department of Corrections shall
110 supervise such person according to the conditions imposed by the
111 court and the commission shall defer to such supervision. If the
112 court revokes probation or community control and resentsences the
113 offender to a term of incarceration, such revocation also
114 constitutes a sufficient basis for the revocation of the
115 mandatory ~~conditional release~~ supervision on any nonprobationary
116 or noncommunity control sentence without further hearing by the

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

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

142 (a) The amount of reparation or restitution.

143 (b) The consequences of the offense as reported by the
144 aggrieved party.

145 (c) The aggrieved party's fear of the inmate or concerns

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146 about the release of the inmate.

147 (4) The commission shall provide to the aggrieved party
148 information regarding the manner in which notice of any
149 developments concerning the status of the inmate during the term
150 of mandatory supervision ~~conditional release~~ may be requested.

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

166 (6) The commission shall review the recommendations of the
167 department, and such other information as it deems relevant, and
168 may conduct a review of the inmate's record for the purpose of
169 establishing the terms and conditions of the mandatory
170 supervision ~~conditional release~~. The commission may impose any
171 special conditions it considers warranted from its review of the
172 release plan and recommendation. If the commission determines
173 that the inmate is eligible for release under this section, the
174 commission shall enter an order establishing the length of

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175 supervision and the conditions attendant thereto. However, an
176 inmate who has been convicted of a violation of chapter 794 or
177 found by the court to be a sexual predator is subject to the
178 maximum level of supervision provided, with the mandatory
179 conditions as required in subsection (7), and that supervision
180 shall continue through the end of the releasee's original court-
181 imposed sentence. The length of supervision must not exceed the
182 maximum penalty imposed by the court.

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

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

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

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

230 3. Active participation in and successful completion of a
231 sex offender treatment program with qualified practitioners
232 specifically trained to treat sex offenders, at the releasee's

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233 own expense. If a qualified practitioner is not available within
234 a 50-mile radius of the releasee's residence, the offender shall
235 participate in other appropriate therapy.

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

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

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

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

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

261 (III) The sex offender's history of adult charges without

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262 apparent sexual motivation;

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

265 (V) The sex offender's offender treatment history,
266 including a consultation from the sex offender's treating, or
267 most recent treating, therapist;

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

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

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

273 (IX) The results of current psychological testing of the
274 sex offender if determined necessary by the qualified
275 practitioner;

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

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

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

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

286

287 The written report of the assessment must be given to the
288 commission.

289 b. A recommendation made as a part of the risk-assessment
290 report as to whether supervised contact with the child should be

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291 approved.†

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

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

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

313

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

319 6. If the victim was under age 18, a prohibition on working

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320 for pay or as a volunteer at any school, child care facility,
321 park, playground, or other place where children regularly
322 congregate, as prescribed by the commission.

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

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

337 9. A requirement that the releasee ~~must~~ submit two
338 specimens of blood to the Department of Law Enforcement to be
339 registered with the DNA database.

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

344 11. Submission to a warrantless search by the community
345 control or probation officer of the probationer's or community
346 controllee's person, residence, or vehicle.

347 (b) For a releasee whose crime was committed on or after
348 October 1, 1997, in violation of chapter 794, s. 800.04, s.

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349 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
350 mandatory conditional~~release~~ supervision, in addition to any
351 other provision of this subsection, the commission shall impose
352 the following additional conditions of mandatory conditional
353 ~~release~~ supervision:

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

366 2. Maintenance of a driving log and a prohibition against
367 driving a motor vehicle alone without the prior approval of the
368 supervising officer.

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

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

374 5. Electronic monitoring of any form when ordered by the
375 commission. Any person who has been placed under supervision and
376 is electronically monitored by the department must pay the
377 department for the cost of the electronic monitoring service at

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378 a rate that may not exceed the full cost of the monitoring
379 service. Funds collected under this subparagraph shall be
380 deposited into the General Revenue Fund. The department may
381 exempt a person from the payment of all or any part of the
382 electronic monitoring service cost if the department finds that
383 any of the factors listed in s. 948.09(3) exist.

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

397 (9) The commission shall adopt rules pursuant to ss.
398 120.536(1) and 120.54 necessary to administer ~~implement the~~
399 ~~provisions of the~~ Mandatory Supervision Conditional Release
400 Program Act.

401 (10) Effective for a releasee whose crime was committed on
402 or after September 1, 2005, in violation of chapter 794, s.
403 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
404 unlawful activity involved a victim who was 15 years of age or
405 younger and the offender is 18 years of age or older or for a
406 releasee who is designated as a sexual predator pursuant to s.

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407 775.21, in addition to any other provision of this section, the
408 commission must order electronic monitoring for the duration of
409 the releasee's supervision.

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

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

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436 following conditions:

437 (a) A prohibition on visiting schools, child care
438 facilities, parks, and playgrounds without prior approval from
439 the releasee's supervising officer. The commission may also
440 designate additional prohibited locations to protect a victim.
441 The prohibition ordered under this paragraph does not prohibit
442 the releasee from visiting a school, child care facility, park,
443 or playground for the sole purpose of attending a religious
444 service as defined in s. 775.0861 or picking up or dropping off
445 the releasee's child or grandchild at a child care facility or
446 school.

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

454 (13) The commission, in conjunction with the Department of
455 Corrections, shall develop a report to track offenders placed on
456 mandatory supervision to determine their rate of return to
457 prison, indicating whether the offender returned to prison for a
458 new crime or for a technical violation of probation. A report
459 providing such information shall be submitted to the Speaker of
460 the House of Representatives and the President of the Senate on
461 or before July 1, 2017, and on or before July 1 every year
462 thereafter.

463 Section 4. Paragraph (c) of subsection (5) of section
464 216.136, Florida Statutes, is amended to read:

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465 216.136 Consensus estimating conferences; duties and
466 principals.—

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

469 (c) Develop official information relating to the number of
470 sexual offenders and sexual predators who are required by law to
471 be placed on community control, probation, or mandatory
472 supervision ~~conditional release~~ who are subject to electronic
473 monitoring.

474 Section 5. Subsection (2) of section 394.926, Florida
475 Statutes, is amended to read:

476 394.926 Notice to victims of release of persons committed
477 as sexually violent predators; notice to Department of
478 Corrections and Parole Commission.—

479 (2) If a sexually violent predator who has an active or
480 pending term of probation, community control, parole, mandatory
481 supervision ~~conditional release~~, or other court-ordered or
482 postprison release supervision is released from custody, the
483 department must immediately notify the Department of
484 Corrections' Office of Community Corrections in Tallahassee. The
485 Parole Commission must also be immediately notified of any
486 releases of a sexually violent predator who has an active or
487 pending term of parole, mandatory supervision ~~conditional~~
488 ~~release~~, or other postprison release supervision that is
489 administered by the Parole Commission.

490 Section 6. Subsection (2) of section 394.927, Florida
491 Statutes, is amended to read:

492 394.927 Escape while in lawful custody; notice to victim;
493 notice to the Department of Corrections and Parole Commission.—

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494 (2) If a person who is held in custody pursuant to a
495 finding of probable cause or commitment as a sexually violent
496 predator escapes while in custody, the department shall
497 immediately notify the victim in accordance with s. 394.926. The
498 state attorney that filed the petition for civil commitment of
499 the escapee must also be immediately notified by the department.
500 If the escapee has an active or pending term of probation,
501 community control, parole, mandatory supervision ~~conditional~~
502 ~~release~~, or other court-ordered or postprison release
503 supervision, the department shall also immediately notify the
504 Department of Corrections' Office of Community Corrections in
505 Tallahassee. The Parole Commission shall also be immediately
506 notified of an escape if the escapee has an active or pending
507 term of parole, mandatory supervision ~~conditional release~~, or
508 other postprison release supervision that is administered by the
509 Parole Commission.

510 Section 7. Paragraphs (a), (b), and (d) of subsection (1)
511 of section 775.084, Florida Statutes, are amended to read:

512 775.084 Violent career criminals; habitual felony offenders
513 and habitual violent felony offenders; three-time violent felony
514 offenders; definitions; procedure; enhanced penalties or
515 mandatory minimum prison terms.-

516 (1) As used in this act:

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

520 1. The defendant has previously been convicted of any
521 combination of two or more felonies in this state or other
522 qualified offenses.

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523 2. The felony for which the defendant is to be sentenced
524 was committed:

525 a. While the defendant was serving a prison sentence or
526 other sentence, or court-ordered or lawfully imposed supervision
527 that is imposed as a result of a prior conviction for a felony
528 or other qualified offense; or

529 b. Within 5 years of the date of the conviction of the
530 defendant's last prior felony or other qualified offense, or
531 within 5 years of the defendant's release from a prison
532 sentence, probation, community control, control release,
533 mandatory supervision, conditional release, parole or court-
534 ordered or lawfully imposed supervision or other sentence that
535 is imposed as a result of a prior conviction for a felony or
536 other qualified offense, whichever is later.

537 3. The felony for which the defendant is to be sentenced,
538 and one of the two prior felony convictions, is not a violation
539 of s. 893.13 relating to the purchase or the possession of a
540 controlled substance.

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

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

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

550 1. The defendant has previously been convicted of a felony
551 or an attempt or conspiracy to commit a felony and one or more

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552 of such convictions was for:

553 a. Arson;

554 b. Sexual battery;

555 c. Robbery;

556 d. Kidnapping;

557 e. Aggravated child abuse;

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

559 g. Aggravated assault with a deadly weapon;

560 h. Murder;

561 i. Manslaughter;

562 j. Aggravated manslaughter of an elderly person or disabled
563 adult;

564 k. Aggravated manslaughter of a child;

565 l. Unlawful throwing, placing, or discharging of a
566 destructive device or bomb;

567 m. Armed burglary;

568 n. Aggravated battery; or

569 o. Aggravated stalking.

570 2. The felony for which the defendant is to be sentenced
571 was committed:

572 a. While the defendant was serving a prison sentence or
573 other sentence, or court-ordered or lawfully imposed supervision
574 that is imposed as a result of a prior conviction for an
575 enumerated felony; or

576 b. Within 5 years of the date of the conviction of the last
577 prior enumerated felony, or within 5 years of the defendant's
578 release from a prison sentence, probation, community control,
579 control release, mandatory supervision, conditional release,
580 parole, or court-ordered or lawfully imposed supervision or

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581 other sentence that is imposed as a result of a prior conviction
582 for an enumerated felony, whichever is later.

583 3. The defendant has not received a pardon on the ground of
584 innocence for any crime that is necessary for the operation of
585 this paragraph.

586 4. A conviction of a crime necessary to the operation of
587 this paragraph has not been set aside in any postconviction
588 proceeding.

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

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

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

596 b. Aggravated stalking, as described in s. 784.048(3) and
597 (4);

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

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

601 e. Lewd or lascivious battery, lewd or lascivious
602 molestation, lewd or lascivious conduct, or lewd or lascivious
603 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

605 g. A felony violation of chapter 790 involving the use or
606 possession of a firearm.

607 2. The defendant has been incarcerated in a state prison or
608 a federal prison.

609 3. The primary felony offense for which the defendant is to

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610 be sentenced is a felony enumerated in subparagraph 1. and was
611 committed on or after October 1, 1995, and:

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 after the conviction of the last prior
617 enumerated felony, or within 5 years after 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 4. The defendant has not received a pardon for any felony
624 or other qualified offense that is necessary for the operation
625 of this paragraph.

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

629 Section 8. Section 775.16, Florida Statutes, is amended to
630 read:

631 775.16 Drug offenses; additional penalties.—In addition to
632 any other penalty provided by law, a person who has been
633 convicted of sale of or trafficking in, or conspiracy to sell or
634 traffic in, a controlled substance under chapter 893, if such
635 offense is a felony, or who has been convicted of an offense
636 under the laws of any state or country which, if committed in
637 this state, would constitute the felony of selling or
638 trafficking in, or conspiracy to sell or traffic in, a

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639 controlled substance under chapter 893, is:

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

642 (a) The person has completed all sentences of imprisonment
643 or supervisory sanctions imposed by the court, by the Parole
644 Commission, or by law; or

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

649 1. Seek evaluation and enrollment in, and once enrolled
650 maintain enrollment in until completion, a drug treatment and
651 rehabilitation program that ~~which~~ is approved by the Department
652 of Children and Family Services, unless it is deemed by the
653 program that the person does not have a substance abuse problem.
654 The treatment and rehabilitation program may be specified by:

655 a. The court, in the case of court-ordered supervisory
656 sanctions;

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

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

661 2. Submit to periodic urine drug testing pursuant to
662 procedures prescribed by the Department of Corrections. If the
663 person is indigent, the costs shall be paid by the Department of
664 Corrections.

665 (2) Disqualified from applying for a license, permit, or
666 certificate required by any agency of the state to practice,
667 pursue, or engage in any occupation, trade, vocation,

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668 profession, or business, unless:

669 (a) The person has completed all sentences of imprisonment
670 or supervisory sanctions imposed by the court, by the Parole
671 Commission, or by law;

672 (b) The person has complied with the conditions of
673 subparagraphs 1. and 2. which shall be monitored by the
674 Department of Corrections while the person is under any
675 supervisory sanction. If the person fails to comply with
676 provisions of these subparagraphs by either failing to maintain
677 treatment or by testing positive for drug use, the department
678 shall notify the licensing, permitting, or certifying agency,
679 which may refuse to reissue or reinstate such license, permit,
680 or certification. The licensee, permittee, or certificateholder
681 under supervision may:

682 1. Seek evaluation and enrollment in, and once enrolled
683 maintain enrollment in until completion, a drug treatment and
684 rehabilitation program which is approved or regulated by the
685 Department of Children and Family Services, unless it is deemed
686 by the program that the person does not have a substance abuse
687 problem. The treatment and rehabilitation program may be
688 specified by:

689 a. The court, in the case of court-ordered supervisory
690 sanctions;

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

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

695 2. Submit to periodic urine drug testing pursuant to
696 procedures prescribed by the Department of Corrections. If the

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697 person is indigent, the costs shall be paid by the Department of
698 Corrections; or

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

701

702 The provisions of this section do not apply to any of the taxes,
703 fees, or permits regulated, controlled, or administered by the
704 Department of Revenue in accordance with the provisions of s.
705 213.05.

706 Section 9. Paragraph (e) of subsection (2) of section
707 775.21, Florida Statutes, is amended to read:

708 775.21 The Florida Sexual Predators Act.—

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

710 (e) "Conviction" means a determination of guilt which is
711 the result of a trial or the entry of a plea of guilty or nolo
712 contendere, regardless of whether adjudication is withheld. A
713 conviction for a similar offense includes, but is not limited
714 to, a conviction by a federal or military tribunal, including
715 courts-martial conducted by the Armed Forces of the United
716 States, and includes a conviction or entry of a plea of guilty
717 or nolo contendere resulting in a sanction in any state of the
718 United States or other jurisdiction. A sanction includes, but is
719 not limited to, a fine, probation, community control, parole,
720 mandatory supervision ~~conditional release~~, control release, or
721 incarceration in a state prison, federal prison, private
722 correctional facility, or local detention facility.

723 Section 10. Paragraph (a) of subsection (3) of section
724 775.261, Florida Statutes, is amended to read:

725 775.261 The Florida Career Offender Registration Act.—

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

727 (a) A career offender released on or after July 1, 2002,
728 from a sanction imposed in this state must register as required
729 under subsection (4) and is subject to community and public
730 notification as provided under subsection (5). For purposes of
731 this section, a sanction imposed in this state includes, but is
732 not limited to, a fine, probation, community control, parole,
733 mandatory supervision ~~conditional release~~, control release, or
734 incarceration in a state prison, private correctional facility,
735 or local detention facility, and:

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

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

742 Section 11. Section 893.11, Florida Statutes, is amended to
743 read:

744 893.11 Suspension, revocation, and reinstatement of
745 business and professional licenses.—For the purposes of s.
746 120.60(6), any conviction in any court reported to the
747 Comprehensive Case Information System of the Florida Association
748 of Court Clerks and Comptrollers, Inc., for the sale of, or
749 trafficking in, a controlled substance or for conspiracy to
750 sell, or traffic in, a controlled substance constitutes an
751 immediate serious danger to the public health, safety, or
752 welfare, and is grounds for disciplinary action by the licensing
753 state agency. A state agency shall initiate an immediate
754 emergency suspension of an individual professional license

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755 issued by the agency, in compliance with the procedures for
756 summary suspensions in s. 120.60(6), upon the agency's findings
757 of the licensee's conviction in any court reported to the
758 Comprehensive Case Information System of the Florida Association
759 of Court Clerks and Comptrollers, Inc., for the sale of, or
760 trafficking in, a controlled substance, or for conspiracy to
761 sell, or traffic in, a controlled substance. Before renewing any
762 professional license, a state agency that issues a professional
763 license must use the Comprehensive Case Information System of
764 the Florida Association of Court Clerks and Comptrollers, Inc.,
765 to obtain information relating to any conviction for the sale
766 of, or trafficking in, a controlled substance or for conspiracy
767 to sell, or traffic in, a controlled substance. The clerk of
768 court shall provide electronic access to each state agency at no
769 cost and also provide certified copies of the judgment upon
770 request to the agency. Upon a showing by any such convicted
771 defendant whose professional license has been suspended or
772 revoked pursuant to this section that his or her civil rights
773 have been restored or upon a showing that the convicted
774 defendant meets the following criteria, the agency head may
775 reinstate or reactivate such license when:

776 (1) The person has complied with the conditions of
777 paragraphs (a) and (b) which shall be monitored by the
778 Department of Corrections while the person is under any
779 supervisory sanction. If the person fails to comply with
780 provisions of these paragraphs by either failing to maintain
781 treatment or by testing positive for drug use, the department
782 shall notify the licensing agency, which shall revoke the
783 license. The person under supervision may:

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784 (a) Seek evaluation and enrollment in, and once enrolled
785 maintain enrollment in until completion, a drug treatment and
786 rehabilitation program that ~~which~~ is approved or regulated by
787 the Department of Children and Family Services. The treatment
788 and rehabilitation program shall be specified by:

789 1. The court, in the case of court-ordered supervisory
790 sanctions;

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

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

795 (b) Submit to periodic urine drug testing pursuant to
796 procedures prescribed by the Department of Corrections. If the
797 person is indigent, the costs shall be paid by the Department of
798 Corrections; or

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

801 (3) As used in this section, the term "professional
802 license" includes any license, permit, or certificate that
803 authorizes a person to practice his or her profession. However,
804 the term does not include any of the taxes, fees, or permits
805 regulated, controlled, or administered by the Department of
806 Revenue in accordance with s. 213.05.

807 Section 12. Paragraphs (a) and (b) of subsection (1) of
808 section 943.0435, Florida Statutes, are amended to read:

809 943.0435 Sexual offenders required to register with the
810 department; penalty.—

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

812 (a)1. "Sexual offender" means a person who meets the

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813 criteria in sub-subparagraph a., sub-subparagraph b., sub-
814 subparagraph c., or sub-subparagraph d., as follows:

815 a.(I) Has been convicted of committing, or attempting,
816 soliciting, or conspiring to commit, any of the criminal
817 offenses proscribed in the following statutes in this state or
818 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
819 or s. 787.025(2)(c), where the victim is a minor and the
820 defendant is not the victim's parent or guardian; s.
821 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
822 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
823 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
824 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
825 or s. 985.701(1); or any similar offense committed in this state
826 which has been redesignated from a former statute number to one
827 of those listed in this sub-sub-subparagraph; and

828 (II) Has been released on or after October 1, 1997, from
829 the sanction imposed for any conviction of an offense described
830 in sub-sub-subparagraph (I). For purposes of sub-sub-
831 subparagraph (I), a sanction imposed in this state or in any
832 other jurisdiction includes, but is not limited to, a fine,
833 probation, community control, parole, mandatory supervision
834 ~~conditional release~~, control release, or incarceration in a
835 state prison, federal prison, private correctional facility, or
836 local detention facility;

837 b. Establishes or maintains a residence in this state and
838 who has not been designated as a sexual predator by a court of
839 this state but who has been designated as a sexual predator, as
840 a sexually violent predator, or by another sexual offender
841 designation in another state or jurisdiction and was, as a

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842 result of such designation, subjected to registration or
843 community or public notification, or both, or would be if the
844 person were a resident of that state or jurisdiction, without
845 regard to whether the person otherwise meets the criteria for
846 registration as a sexual offender;

847 c. Establishes or maintains a residence in this state who
848 is in the custody or control of, or under the supervision of,
849 any other state or jurisdiction as a result of a conviction for
850 committing, or attempting, soliciting, or conspiring to commit,
851 any of the criminal offenses proscribed in the following
852 statutes or similar offense in another jurisdiction: s. 787.01,
853 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
854 the defendant is not the victim's parent or guardian; s.
855 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
856 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
857 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
858 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
859 or s. 985.701(1); or any similar offense committed in this state
860 which has been redesignated from a former statute number to one
861 of those listed in this sub-subparagraph; or

862 d. On or after July 1, 2007, has been adjudicated
863 delinquent for committing, or attempting, soliciting, or
864 conspiring to commit, any of the criminal offenses proscribed in
865 the following statutes in this state or similar offenses in
866 another jurisdiction when the juvenile was 14 years of age or
867 older at the time of the offense:

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

869 (II) Section 800.04(4)(b) where the victim is under 12
870 years of age or where the court finds sexual activity by the use

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871 of force or coercion;

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

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

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

879

880 For each violation of a qualifying offense listed in this
881 subsection, the court shall make a written finding of the age of
882 the victim at the time of the offense. For a violation of s.
883 800.04(4), the court shall additionally make a written finding
884 indicating that the offense did or did not involve sexual
885 activity and indicating that the offense did or did not involve
886 force or coercion. For a violation of s. 800.04(5), the court
887 shall additionally make a written finding that the offense did
888 or did not involve unclothed genitals or genital area and that
889 the offense did or did not involve the use of force or coercion.

890 (b) "Convicted" means that there has been a determination
891 of guilt as a result of a trial or the entry of a plea of guilty
892 or nolo contendere, regardless of whether adjudication is
893 withheld, and includes an adjudication of delinquency of a
894 juvenile as specified in this section. Conviction of a similar
895 offense includes, but is not limited to, a conviction by a
896 federal or military tribunal, including courts-martial conducted
897 by the Armed Forces of the United States, and includes a
898 conviction or entry of a plea of guilty or nolo contendere
899 resulting in a sanction in any state of the United States or

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900 other jurisdiction. A sanction includes, but is not limited to,
901 a fine, probation, community control, parole, mandatory
902 supervision ~~conditional release~~, control release, or
903 incarceration in a state prison, federal prison, private
904 correctional facility, or local detention facility.

905 Section 13. Paragraph (a) of subsection (7) of section
906 943.325, Florida Statutes, is amended to read:

907 943.325 DNA database.—

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

909 (a) Any qualifying offender, who is:

910 1. Arrested in this state;

911 2. Incarcerated in this state; or

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

915

916 shall be required to submit a DNA sample to a department-
917 designated facility.

918 Section 14. Paragraph (a) of subsection (2) of section
919 944.171, Florida Statutes, is amended to read:

920 944.171 Housing of inmates.—

921 (2) Notwithstanding s. 944.17, the department may enter
922 into contracts with another state, a political subdivision of
923 another state, or a correctional management services vendor in
924 another state for the transfer and confinement in that state of
925 inmates who have been committed to the custody of the
926 department.

927 (a) Any such contract must include:

928 1. A termination date.

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929 2. Provisions concerning the costs of inmate maintenance,
930 extraordinary medical and dental expenses, and any participation
931 in or receipt by inmates of rehabilitative or correctional
932 services, facilities, programs, or treatment, including those
933 costs not reasonably included as part of normal maintenance.

934 3. Provisions concerning participation in programs of
935 inmate employment, if any, the disposition or crediting of any
936 payments received by inmates on account of employment, and the
937 crediting of proceeds or disposal of any products resulting from
938 employment.

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

940 5. A provision for a waiver of extradition by the parties
941 to the contract.

942 6. Retention of jurisdiction of the inmates transferred by
943 Florida.

944 7. Regular reporting procedures concerning Florida inmates
945 by officials of the state, political subdivision, or
946 correctional management services vendor with which the
947 department is contracting.

948 8. Provisions concerning procedures for community
949 supervision, including probation, parole, mandatory supervision
950 ~~conditional release~~, and discharge.

951 9. The same standards of reasonable and humane care as the
952 inmates would receive in an appropriate institution in this
953 state.

954 10. Any other matters that are necessary and appropriate to
955 establish the obligations, responsibilities, and rights of
956 Florida and the state, political subdivision, or correctional
957 management services vendor with which the department is

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958 contracting.

959 Section 15. Subsection (1) of section 944.28, Florida
960 Statutes, is amended to read:

961 944.28 Forfeiture of gain-time and the right to earn gain-
962 time in the future.—

963 (1) If a prisoner is convicted of escape, or if the
964 clemency, mandatory supervision as described in chapter 947,
965 conditional release as described in chapter 947 prior to July 1,
966 2013, probation or community control as described in chapter
967 948, provisional release as described in s. 944.277, parole, or
968 control release as described in s. 947.146 granted to the
969 prisoner is revoked, the department may, without notice or
970 hearing, declare a forfeiture of all gain-time earned according
971 to the provisions of law by such prisoner prior to such escape
972 or his or her release under such clemency, mandatory supervision
973 ~~conditional release,~~ probation, community control, provisional
974 release, control release, or parole.

975 Section 16. Paragraph (a) of subsection (1) of section
976 944.606, Florida Statutes, is amended to read:

977 944.606 Sexual offenders; notification upon release.—

978 (1) As used in this section:

979 (a) "Convicted" means there has been a determination of
980 guilt as a result of a trial or the entry of a plea of guilty or
981 nolo contendere, regardless of whether adjudication is withheld.
982 A conviction for a similar offense includes, but is not limited
983 to, a conviction by a federal or military tribunal, including
984 courts-martial conducted by the Armed Forces of the United
985 States, and includes a conviction or entry of a plea of guilty
986 or nolo contendere resulting in a sanction in any state of the

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987 United States or other jurisdiction. A sanction includes, but is
988 not limited to, a fine; probation; community control; parole;
989 mandatory supervision ~~conditional release~~; control release; or
990 incarceration in a state prison, federal prison, private
991 correctional facility, or local detention facility.

992 Section 17. Paragraph (b) of subsection (1) and subsection
993 (6) of section 944.607, Florida Statutes, are amended to read:

994 944.607 Notification to Department of Law Enforcement of
995 information on sexual offenders.—

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

997 (b) "Conviction" means a determination of guilt which is
998 the result of a trial or the entry of a plea of guilty or nolo
999 contendere, regardless of whether adjudication is withheld.

1000 Conviction of a similar offense includes, but is not limited to,
1001 a conviction by a federal or military tribunal, including
1002 courts-martial conducted by the Armed Forces of the United
1003 States, and includes a conviction or entry of a plea of guilty
1004 or nolo contendere resulting in a sanction in any state of the
1005 United States or other jurisdiction. A sanction includes, but is
1006 not limited to, a fine; probation; community control; parole;
1007 mandatory supervision ~~conditional release~~; control release; or
1008 incarceration in a state prison, federal prison, private
1009 correctional facility, or local detention facility.

1010 (6) The information provided to the Department of Law
1011 Enforcement must include:

1012 (a) The information obtained from the sexual offender under
1013 subsection (4);

1014 (b) The sexual offender's most current address, place of
1015 permanent, temporary, or transient residence within the state or

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1016 out of state, and address, location or description, and dates of
1017 any current or known future temporary residence within the state
1018 or out of state, while the sexual offender is under supervision
1019 in this state, including the name of the county or municipality
1020 in which the offender permanently or temporarily resides, or has
1021 a transient residence, and address, location or description, and
1022 dates of any current or known future temporary residence within
1023 the state or out of state, and, if known, the intended place of
1024 permanent, temporary, or transient residence, and address,
1025 location or description, and dates of any current or known
1026 future temporary residence within the state or out of state upon
1027 satisfaction of all sanctions;

1028 (c) The legal status of the sexual offender and the
1029 scheduled termination date of that legal status;

1030 (d) The location of, and local telephone number for, any
1031 Department of Corrections' office that is responsible for
1032 supervising the sexual offender;

1033 (e) An indication of whether the victim of the offense that
1034 resulted in the offender's status as a sexual offender was a
1035 minor;

1036 (f) The offense or offenses at conviction which resulted in
1037 the determination of the offender's status as a sex offender;
1038 and

1039 (g) A digitized photograph of the sexual offender which
1040 must have been taken within 60 days before the offender is
1041 released from the custody of the department or a private
1042 correctional facility by expiration of sentence under s. 944.275
1043 or must have been taken by January 1, 1998, or within 60 days
1044 after the onset of the department's supervision of any sexual

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1045 offender who is on probation, community control, mandatory
1046 supervision ~~conditional release~~, parole, provisional release, or
1047 control release or who is supervised by the department under the
1048 Interstate Compact Agreement for Probationers and Parolees. If
1049 the sexual offender is in the custody of a private correctional
1050 facility, the facility shall take a digitized photograph of the
1051 sexual offender within the time period provided in this
1052 paragraph and shall provide the photograph to the department.

1053
1054 If any information provided by the department changes during the
1055 time the sexual offender is under the department's control,
1056 custody, or supervision, including any change in the offender's
1057 name by reason of marriage or other legal process, the
1058 department shall, in a timely manner, update the information and
1059 provide it to the Department of Law Enforcement in the manner
1060 prescribed in subsection (2).

1061 Section 18. Subsection (5) of section 944.608, Florida
1062 Statutes, is amended to read:

1063 944.608 Notification to Department of Law Enforcement of
1064 information on career offenders.—

1065 (5) The information provided to the Department of Law
1066 Enforcement must include:

1067 (a) The information obtained from the career offender under
1068 subsection (3);

1069 (b) The career offender's most current address and place of
1070 permanent and temporary residence within the state or out of
1071 state while the career offender is under supervision in this
1072 state, including the name of the county or municipality in which
1073 the career offender permanently or temporarily resides and, if

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1074 known, the intended place of permanent or temporary residence
1075 upon satisfaction of all sanctions;

1076 (c) The legal status of the career offender and the
1077 scheduled termination date of that legal status;

1078 (d) The location of, and local telephone number for, any
1079 Department of Corrections' office that is responsible for
1080 supervising the career offender; and

1081 (e) A digitized photograph of the career offender, which
1082 must have been taken within 60 days before the career offender
1083 is released from the custody of the department or a private
1084 correctional facility or within 60 days after the onset of the
1085 department's supervision of any career offender who is on
1086 probation, community control, mandatory supervision ~~conditional~~
1087 ~~release~~, parole, provisional release, or control release. If the
1088 career offender is in the custody or control of, or under the
1089 supervision of, a private correctional facility, the facility
1090 shall take a digitized photograph of the career offender within
1091 the time period provided in this paragraph and shall provide the
1092 photograph to the department.

1093 Section 19. Section 944.70, Florida Statutes, is amended to
1094 read:

1095 944.70 Conditions for release from incarceration.—

1096 (1) (a) A person who is convicted of a crime committed on or
1097 after October 1, 1983, but before January 1, 1994, may be
1098 released from incarceration only:

- 1099 1. Upon expiration of the person's sentence;
- 1100 2. Upon expiration of the person's sentence as reduced by
1101 accumulated gain-time;
- 1102 3. As directed by an executive order granting clemency;

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- 1103 4. Upon attaining the provisional release date;
- 1104 5. Upon placement in a mandatory supervision ~~conditional~~
- 1105 ~~release~~ program pursuant to s. 947.1405; or
- 1106 6. Upon the granting of control release pursuant to s.
- 1107 947.146.
- 1108 (b) A person who is convicted of a crime committed on or
- 1109 after January 1, 1994, may be released from incarceration only:
- 1110 1. Upon expiration of the person's sentence;
- 1111 2. Upon expiration of the person's sentence as reduced by
- 1112 accumulated meritorious or incentive gain-time;
- 1113 3. As directed by an executive order granting clemency;
- 1114 4. Upon placement in a mandatory supervision ~~conditional~~
- 1115 ~~release~~ program pursuant to s. 947.1405 or a conditional medical
- 1116 release program pursuant to s. 947.149; or
- 1117 5. Upon the granting of control release, including
- 1118 emergency control release, pursuant to s. 947.146.
- 1119 (2) A person who is convicted of a crime committed on or
- 1120 after December 1, 1990, and who receives a control release date
- 1121 may not refuse to accept the terms or conditions of control
- 1122 release.
- 1123 Section 20. Section 945.36, Florida Statutes, is amended to
- 1124 read:
- 1125 945.36 Exemption from health testing regulations for law
- 1126 enforcement personnel conducting drug tests on inmates and
- 1127 releasees.—
- 1128 (1) Any law enforcement officer, state or county probation
- 1129 officer, or employee of the Department of Corrections, who is
- 1130 certified by the Department of Corrections pursuant to
- 1131 subsection (2), is exempt from part I of chapter 483, for the

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- 1132 limited purpose of administering a urine screen drug test to:
- 1133 (a) Persons during incarceration;
- 1134 (b) Persons released as a condition of probation for either
- 1135 a felony or misdemeanor;
- 1136 (c) Persons released as a condition of community control;
- 1137 (d) Persons released as a condition of mandatory
- 1138 supervision ~~conditional release~~;
- 1139 (e) Persons released as a condition of parole;
- 1140 (f) Persons released as a condition of provisional release;
- 1141 (g) Persons released as a condition of pretrial release; or
- 1142 (h) Persons released as a condition of control release.
- 1143 (2) The Department of Corrections shall develop a procedure
- 1144 for certification of any law enforcement officer, state or
- 1145 county probation officer, or employee of the Department of
- 1146 Corrections to perform a urine screen drug test on the persons
- 1147 specified in subsection (1).
- 1148 Section 21. Section 947.071, Florida Statutes, is amended
- 1149 to read:
- 1150 947.071 Rulemaking procedures; indexing of orders.—
- 1151 (1) It is the intent of the Legislature that all rulemaking
- 1152 procedures by the commission be conducted pursuant to the
- 1153 Administrative Procedure Act, chapter 120.
- 1154 (2) The only final orders of the commission which must
- 1155 ~~shall~~ be indexed pursuant to chapter 120 are:
- 1156 (a) Orders granting parole.
- 1157 (b) Orders revoking parole.
- 1158 (c) Orders restoring to supervision.
- 1159 (d) Orders releasing from custody and further supervision.
- 1160 (e) Early parole termination orders.

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1161 (f) Orders granting mandatory supervision ~~conditional~~
1162 ~~release~~.

1163 (g) Orders revoking mandatory supervision ~~conditional~~
1164 ~~release~~.

1165 Section 22. Paragraph (f) of subsection (1) of section
1166 947.13, Florida Statutes, is amended to read:

1167 947.13 Powers and duties of commission.—

1168 (1) The commission shall have the powers and perform the
1169 duties of:

1170 (f) Establishing the terms and conditions of persons
1171 released on mandatory supervision ~~conditional release~~ under s.
1172 947.1405, and determining subsequent ineligibility for mandatory
1173 supervision ~~conditional release~~ due to a violation of the terms
1174 or conditions of mandatory supervision ~~conditional release~~ and
1175 taking action with respect to such a violation.

1176 Section 23. Section 947.141, Florida Statutes, is amended
1177 to read:

1178 947.141 Violations of mandatory supervision ~~conditional~~
1179 ~~release~~, control release, ~~or~~ conditional medical release, or
1180 addiction-recovery supervision.—

1181 (1) If a member of the commission or a duly authorized
1182 representative of the commission has reasonable grounds to
1183 believe that an offender who is on release supervision under s.
1184 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
1185 the terms and conditions of the release in a material respect,
1186 such member or representative may cause a warrant to be issued
1187 for the arrest of the releasee; if the offender was found to be
1188 a sexual predator, the warrant must be issued.

1189 (2) Upon the arrest on a felony charge of an offender who

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1190 is on release supervision under s. 947.1405, s. 947.146, s.
1191 947.149, or s. 944.4731, the offender must be detained without
1192 bond until the initial appearance of the offender at which a
1193 judicial determination of probable cause is made. If the trial
1194 court judge determines that there was no probable cause for the
1195 arrest, the offender may be released. If the trial court judge
1196 determines that there was probable cause for the arrest, such
1197 determination also constitutes reasonable grounds to believe
1198 that the offender violated the conditions of the release. Within
1199 24 hours after the trial court judge's finding of probable
1200 cause, the detention facility administrator or designee shall
1201 notify the commission and the department of the finding and
1202 transmit to each a facsimile copy of the probable cause
1203 affidavit or the sworn offense report upon which the trial court
1204 judge's probable cause determination is based. The offender must
1205 continue to be detained without bond for a period not exceeding
1206 72 hours excluding weekends and holidays after the date of the
1207 probable cause determination, pending a decision by the
1208 commission whether to issue a warrant charging the offender with
1209 violation of the conditions of release. Upon the issuance of the
1210 commission's warrant, the offender must continue to be held in
1211 custody pending a revocation hearing held in accordance with
1212 this section.

1213 (3) Within 45 days after notice to the Parole Commission of
1214 the arrest of a releasee charged with a violation of the terms
1215 and conditions of mandatory supervision ~~conditional release~~,
1216 control release, conditional medical release, or addiction-
1217 recovery supervision, the releasee must be afforded a hearing
1218 conducted by a commissioner or a duly authorized representative

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1219 thereof. If the releasee elects to proceed with a hearing, the
1220 releasee must be informed orally and in writing of the
1221 following:

1222 (a) The alleged violation with which the releasee is
1223 charged.

1224 (b) The releasee's right to be represented by counsel.

1225 (c) The releasee's right to be heard in person.

1226 (d) The releasee's right to secure, present, and compel the
1227 attendance of witnesses relevant to the proceeding.

1228 (e) The releasee's right to produce documents on the
1229 releasee's own behalf.

1230 (f) The releasee's right of access to all evidence used
1231 against the releasee and to confront and cross-examine adverse
1232 witnesses.

1233 (g) The releasee's right to waive the hearing.

1234 (4) Within a reasonable time following the hearing, the
1235 commissioner or the commissioner's duly authorized
1236 representative who conducted the hearing shall make findings of
1237 fact in regard to the alleged violation. A panel of no fewer
1238 than two commissioners shall enter an order determining whether
1239 the charge of violation of mandatory supervision ~~conditional~~
1240 ~~release~~, control release, conditional medical release, or
1241 addiction-recovery supervision has been sustained based upon the
1242 findings of fact presented by the hearing commissioner or
1243 authorized representative. By such order, the panel may revoke
1244 mandatory supervision ~~conditional release~~, control release,
1245 conditional medical release, or addiction-recovery supervision
1246 and thereby return the releasee to prison to serve the sentence
1247 imposed, reinstate the original order granting the release, or

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1248 enter such other order as it considers proper. Effective for
1249 inmates whose offenses were committed on or after July 1, 1995,
1250 the panel may order the placement of a releasee, upon a finding
1251 of violation pursuant to this subsection, into a local detention
1252 facility as a condition of supervision.

1253 (5) Effective for inmates whose offenses were committed on
1254 or after July 1, 1995, notwithstanding the provisions of ss.
1255 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
1256 951.23, or any other law to the contrary, by such order as
1257 provided in subsection (4), the panel, upon a finding of guilt,
1258 may, as a condition of continued supervision, place the releasee
1259 in a local detention facility for a period of incarceration not
1260 to exceed 22 months. Prior to the expiration of the term of
1261 incarceration, or upon recommendation of the chief correctional
1262 officer of that county, the commission shall cause inquiry into
1263 the inmate's release plan and custody status in the detention
1264 facility and consider whether to restore the inmate to
1265 supervision, modify the conditions of supervision, or enter an
1266 order of revocation, thereby causing the return of the inmate to
1267 prison to serve the sentence imposed. ~~The provisions of~~ This
1268 section does ~~do~~ not prohibit the panel from entering such other
1269 order or conducting any investigation that it deems proper. The
1270 commission may ~~only~~ place a person in a local detention facility
1271 pursuant to this section only if there is a contractual
1272 agreement between the chief correctional officer of that county
1273 and the Department of Corrections. The agreement must provide
1274 for a per diem reimbursement for each person placed under this
1275 section, which is payable by the Department of Corrections for
1276 the duration of the offender's placement in the facility. This

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1277 section does not limit the commission's ability to place a
1278 person in a local detention facility for less than 1 year.

1279 (6) Whenever a mandatory supervision, conditional release,
1280 control release, conditional medical release, or addiction-
1281 recovery supervision is revoked by a panel of no fewer than two
1282 commissioners and the releasee is ordered to be returned to
1283 prison, the releasee, by reason of the misconduct, shall be
1284 deemed to have forfeited all gain-time or commutation of time
1285 for good conduct, as provided for by law, earned up to the date
1286 of release. However, if a conditional medical release is revoked
1287 due to the improved medical or physical condition of the
1288 releasee, the releasee does ~~shall~~ not forfeit gain-time accrued
1289 before the date of conditional medical release. This subsection
1290 does not deprive the prisoner of the right to gain-time or
1291 commutation of time for good conduct, as provided by law, from
1292 the date of return to prison.

1293 (7) If a law enforcement officer has probable cause to
1294 believe that an offender who is on release supervision under s.
1295 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
1296 the terms and conditions of his or her release by committing a
1297 felony offense, the officer shall arrest the offender without a
1298 warrant, and a warrant need not be issued in the case.

1299 Section 24. Paragraphs (a) and (f) of subsection (2) of
1300 section 947.16, Florida Statutes, are amended to read:

1301 947.16 Eligibility for parole; initial parole interviews;
1302 powers and duties of commission.-

1303 (2) The following special types of cases shall have their
1304 initial parole interview as follows:

1305 (a) An initial interview may be postponed for a period not

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1306 to exceed 90 days. Such postponement shall be for good cause,
1307 which includes ~~shall include~~, but need not be limited to, the
1308 need for the department to obtain a presentence or postsentence
1309 investigation report or a probation or parole or mandatory
1310 supervision ~~conditional release~~ violation report. The reason for
1311 postponement shall be noted in writing and included in the
1312 official record. No postponement for good cause shall result in
1313 an initial interview being conducted later than 90 days after
1314 the inmate's initially scheduled initial interview.

1315 (f) An initial interview may be held at the discretion of
1316 the commission after the entry of a commission order to revoke
1317 parole or mandatory supervision ~~conditional release~~.

1318 Section 25. Subsection (2) of section 947.22, Florida
1319 Statutes, is amended to read:

1320 947.22 Authority to arrest parole violators with or without
1321 warrant.—

1322 (2) Any parole and probation officer, when she or he has
1323 reasonable ground to believe that a parolee, control releasee,
1324 or mandatory supervision participant ~~conditional releasee~~ has
1325 violated the terms and conditions of her or his parole, control
1326 release, or mandatory supervision ~~conditional release~~ in a
1327 material respect, has the right to arrest the releasee or
1328 parolee without warrant and bring her or him forthwith before
1329 one or more commissioners or a duly authorized representative of
1330 the Parole Commission or Control Release Authority; and
1331 proceedings shall thereupon be had as provided herein when a
1332 warrant has been issued by a member of the commission or
1333 authority or a duly authorized representative of the commission
1334 or authority.

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1335 Section 26. Section 947.24, Florida Statutes, is amended to
1336 read:

1337 947.24 Discharge from parole supervision or release
1338 supervision.-

1339 (1) When a person is placed on parole, control release, or
1340 mandatory supervision ~~conditional release~~, the commission shall
1341 determine the period of time the person will be under parole
1342 supervision or release supervision in the following manner:

1343 (a) If the person is being paroled or released under
1344 supervision from a single or concurrent sentence, the period of
1345 time the person will be under parole supervision or release
1346 supervision may not exceed 2 years unless the commission
1347 designates a longer period of time, in which case it must advise
1348 the parolee or releasee in writing of the reasons for the
1349 extended period. In any event, the period of parole supervision
1350 or release supervision may not exceed the maximum period for
1351 which the person has been sentenced.

1352 (b) If the person is being paroled or released under
1353 supervision from a consecutive sentence or sentences, the period
1354 of time the person will be under parole supervision or release
1355 supervision will be for the maximum period for which the person
1356 was sentenced.

1357 (2) The commission shall review the progress of each person
1358 who has been placed on parole, control release, or mandatory
1359 supervision ~~conditional release~~ after 2 years of supervision in
1360 the community and biennially thereafter. The department shall
1361 provide to the commission the information necessary to conduct
1362 such a review. Such review must include consideration of whether
1363 to modify the reporting schedule, thereby authorizing the person

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1364 under parole supervision or release supervision to submit
1365 reports quarterly, semiannually, or annually. The commission,
1366 after having retained jurisdiction of a person for a sufficient
1367 length of time to evidence satisfactory rehabilitation and
1368 cooperation, may further modify the terms and conditions of the
1369 person's parole, control release, or mandatory supervision
1370 ~~conditional release~~, may discharge the person from parole
1371 supervision or release supervision, may relieve the person from
1372 making further reports, or may permit the person to leave the
1373 state or country, upon finding that such action is in the best
1374 interests of the person and society.

1375 (3) This section does not affect the rights of a parolee to
1376 request modification of the terms and conditions of parole under
1377 s. 947.19.

1378 Section 27. Paragraph (a) of subsection (1) and subsection
1379 (3) of section 948.09, Florida Statutes, are amended to read:

1380 948.09 Payment for cost of supervision and rehabilitation.—

1381 (1)(a)1. Any person ordered by the court, the Department of
1382 Corrections, or the parole commission to be placed on probation,
1383 drug offender probation, community control, parole, control
1384 release, provisional release supervision, addiction-recovery
1385 supervision, or mandatory supervision ~~conditional release~~
1386 supervision under chapter 944, chapter 945, chapter 947, this
1387 chapter ~~948~~, or chapter 958, or in a pretrial intervention
1388 program, must, as a condition of any placement, pay the
1389 department a total sum of money equal to the total month or
1390 portion of a month of supervision times the court-ordered
1391 amount, but not to exceed the actual per diem cost of the
1392 supervision. The department shall adopt rules by which an

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1393 offender who pays in full and in advance of regular termination
1394 of supervision may receive a reduction in the amount due. The
1395 rules shall incorporate provisions by which the offender's
1396 ability to pay is linked to an established written payment plan.
1397 Funds collected from felony offenders may be used to offset
1398 costs of the Department of Corrections associated with community
1399 supervision programs, subject to appropriation by the
1400 Legislature.

1401 2. In addition to any other contribution or surcharge
1402 imposed by this section, each felony offender assessed under
1403 this paragraph shall pay a \$2-per-month surcharge to the
1404 department. The surcharge shall be deemed to be paid only after
1405 the full amount of any monthly payment required by the
1406 established written payment plan has been collected by the
1407 department. These funds shall be used by the department to pay
1408 for correctional probation officers' training and equipment,
1409 including radios, and firearms training, firearms, and attendant
1410 equipment necessary to train and equip officers who choose to
1411 carry a concealed firearm while on duty. ~~Nothing in This~~
1412 subparagraph does not shall be construed to limit the
1413 department's authority to determine who shall be authorized to
1414 carry a concealed firearm while on duty, or ~~to~~ limit the right
1415 of a correctional probation officer to carry a personal firearm
1416 approved by the department.

1417 (3) Any failure to pay contribution as required under this
1418 section may constitute a ground for the revocation of probation
1419 by the court, the revocation of parole or mandatory supervision
1420 ~~conditional release~~ by the Parole Commission, the revocation of
1421 control release by the Control Release Authority, or removal

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1422 from the pretrial intervention program by the state attorney.
1423 The Department of Corrections may exempt a person from the
1424 payment of all or any part of the contribution if it finds any
1425 of the following factors to exist:

1426 (a) The offender has diligently attempted, but has been
1427 unable, to obtain employment that ~~which~~ provides him or her
1428 sufficient income to make such payments.

1429 (b) The offender is a student in a school, college,
1430 university, or course of career training designed to fit the
1431 student for gainful employment. Certification of such student
1432 status shall be supplied to the Secretary of Corrections by the
1433 educational institution in which the offender is enrolled.

1434 (c) The offender has an employment handicap, as determined
1435 by a physical, psychological, or psychiatric examination
1436 acceptable to, or ordered by, the secretary.

1437 (d) The offender's age prevents him or her from obtaining
1438 employment.

1439 (e) The offender is responsible for the support of
1440 dependents, and the payment of such contribution constitutes an
1441 undue hardship on the offender.

1442 (f) The offender has been transferred outside the state
1443 under an interstate compact adopted pursuant to chapter 949.

1444 (g) There are other extenuating circumstances, as
1445 determined by the secretary.

1446 Section 28. Section 948.32, Florida Statutes, is amended to
1447 read:

1448 948.32 Requirements of law enforcement agency upon arrest
1449 of persons for certain sex offenses.—

1450 (1) When any state or local law enforcement agency

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1451 investigates or arrests a person for committing, or attempting,
1452 soliciting, or conspiring to commit, a violation of s.
1453 787.025(2)(c), chapter 794, s. 796.03, s. 800.04, s. 827.071, s.
1454 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
1455 agency shall contact the Department of Corrections to verify
1456 whether the person under investigation or under arrest is on
1457 probation, community control, parole, mandatory supervision
1458 ~~conditional release~~, or control release.

1459 (2) If the law enforcement agency finds that the person
1460 under investigation or under arrest is on probation, community
1461 control, parole, mandatory supervision ~~conditional release~~, or
1462 control release, the law enforcement agency shall immediately
1463 notify the person's probation officer or release supervisor of
1464 the investigation or the arrest.

1465 Section 29. Subsection (6) of section 957.06, Florida
1466 Statutes, is amended to read:

1467 957.06 Powers and duties not delegable to contractor.—A
1468 contract entered into under this chapter does not authorize,
1469 allow, or imply a delegation of authority to the contractor to:

1470 (6) Make recommendations to the Parole Commission with
1471 respect to the denial or granting of parole, control release,
1472 mandatory supervision ~~conditional release~~, or conditional
1473 medical release. However, the contractor may submit written
1474 reports to the Parole Commission and must respond to a written
1475 request by the Parole Commission for information.

1476 Section 30. This act shall take effect July 1, 2013.