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1  
2 An act relating to renaming the Parole Commission;  
3 providing legislative findings; renaming the Parole  
4 Commission as the Florida Commission on Offender  
5 Review; providing a directive to the Division of Law  
6 Revision and Information; amending ss. 20.315, 20.32,  
7 23.21, 98.093, 186.005, 255.502, 322.16, 394.926,  
8 394.927, 633.304, 775.089, 775.16, 784.07, 784.078,  
9 800.09, 843.01, 843.02, 843.08, 893.11, 921.16,  
10 921.20, 921.21, 921.22, 940.03, 940.05, 940.061,  
11 941.23, 943.0311, 943.06, 944.012, 944.02, 944.171,  
12 944.4731, 945.091, 945.10, 945.47, 945.73, 947.005,  
13 947.01, 947.02, 947.021, 947.045, 947.141, 947.146,  
14 947.181, 947.185, 947.22, 948.09, 948.10, 949.05,  
15 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, and  
16 985.045, F.S.; conforming provisions to changes made  
17 by the act; making technical changes; providing an  
18 effective date.

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

21  
22 Section 1. The Legislature finds and recognizes the  
23 importance of the state's role in the transition of inmates from  
24 prison to the community in reducing recidivism rates. Therefore,  
25 the Parole Commission, authorized by s. 8(c), Article IV of the  
26 State Constitution, is renamed as the Florida Commission on  
27 Offender Review.

28 Section 2. The Division of Law Revision and Information is  
29 directed to rename chapter 947, Florida Statutes, as "Florida

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30 Commission on Offender Review."

31 Section 3. Subsections (9) and (10) of section 20.315,  
32 Florida Statutes, are amended to read:

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

35 (9) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.—All  
36 commitments shall state the statutory authority therefor. The  
37 Secretary of Corrections shall have the authority to prescribe  
38 the form to be used for commitments. ~~Nothing in~~ This act does  
39 not shall be construed to abridge the authority and  
40 responsibility of the Florida Parole Commission on Offender  
41 Review with respect to the granting and revocation of parole.  
42 The Department of Corrections shall notify the Florida Parole  
43 Commission on Offender Review of all violations of parole  
44 conditions and provide reports connected thereto as may be  
45 requested by the commission. The commission shall have the  
46 authority to issue orders dealing with supervision of specific  
47 parolees, and such orders shall be binding on all parties.

48 (10) SINGLE INFORMATION AND RECORDS SYSTEM.—Only one  
49 offender-based information and records computer system shall be  
50 maintained by the Department of Corrections for the joint use of  
51 the department and the Florida Parole Commission on Offender  
52 Review. The data system shall be managed through the  
53 department's office of information technology. The department  
54 shall develop and maintain, in consultation with the Criminal  
55 and Juvenile Justice Information Systems Council under s.  
56 943.08, such offender-based information, including clemency  
57 administration information and other computer services to serve  
58 the needs of both the department and the Florida Parole

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59 Commission on Offender Review. The department shall notify the  
60 commission of all violations of parole and the circumstances  
61 thereof.

62 Section 4. Section 20.32, Florida Statutes, is amended to  
63 read:

64 20.32 Florida Parole Commission on Offender Review.—

65 (1) The Parole and Probation Commission, authorized by s.  
66 8(c), Art. IV, State Constitution of 1968, is continued and  
67 renamed the Florida Parole Commission on Offender Review. The  
68 commission retains its powers, duties, and functions with  
69 respect to the granting and revoking of parole and shall  
70 exercise powers, duties, and functions relating to  
71 investigations of applications for clemency as directed by the  
72 Governor and ~~the~~ Cabinet.

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

80 (3) The commission may require any employee of the  
81 commission to give a bond for the faithful performance of his or  
82 her duties. The commission may determine the amount of the bond  
83 and must approve the bond. In determining the amount of the  
84 bond, the commission may consider the amount of money or  
85 property likely to be in custody of the officer or employee at  
86 any one time. The premiums for the bonds must be paid out of the  
87 funds of the commission.

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88 Section 5. Subsection (1) of section 23.21, Florida  
89 Statutes, is amended to read:

90 23.21 Definitions.—For purposes of this part:

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

101 Section 6. Paragraph (e) of subsection (2) of section  
102 98.093, Florida Statutes, is amended to read:

103 98.093 Duty of officials to furnish information relating to  
104 deceased persons, persons adjudicated mentally incapacitated,  
105 and persons convicted of a felony.—

106 (2) To the maximum extent feasible, state and local  
107 government agencies shall facilitate provision of information  
108 and access to data to the department, including, but not limited  
109 to, databases that contain reliable criminal records and records  
110 of deceased persons. State and local government agencies that  
111 provide such data shall do so without charge if the direct cost  
112 incurred by those agencies is not significant.

113 (e) The Florida ~~Parole~~ Commission on Offender Review shall  
114 furnish at least bimonthly to the department data, including the  
115 identity of those persons granted clemency in the preceding  
116 month or any updates to prior records which have occurred in the

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117 preceding month. The data shall contain the commission's case  
118 number and the person's name, address, date of birth, race,  
119 gender, Florida driver ~~driver's~~ license number, Florida  
120 identification card number, or the last four digits of the  
121 social security number, if available, and references to record  
122 identifiers assigned by the Department of Corrections and the  
123 Department of Law Enforcement, a unique identifier of each  
124 clemency case, and the effective date of clemency of each  
125 person.

126 Section 7. Subsection (1) of section 186.005, Florida  
127 Statutes, is amended to read:

128 186.005 Designation of departmental planning officer.—

129 (1) The head of each executive department and the Public  
130 Service Commission, the Fish and Wildlife Conservation  
131 Commission, the Florida ~~Parole~~ Commission on Offender Review,  
132 and the Department of Military Affairs shall select from within  
133 such agency a person to be designated as the planning officer  
134 for such agency. The planning officer shall be responsible for  
135 coordinating with the Executive Office of the Governor and with  
136 the planning officers of other agencies all activities and  
137 responsibilities of such agency relating to planning.

138 Section 8. Subsection (3) of section 255.502, Florida  
139 Statutes, is amended to read:

140 255.502 Definitions; ss. 255.501-255.525.—As used in this  
141 act, the following words and terms shall have the following  
142 meanings unless the context otherwise requires:

143 (3) "Agency" means any department created by chapter 20,  
144 the Executive Office of the Governor, the Fish and Wildlife  
145 Conservation Commission, the Florida ~~Parole~~ Commission on

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146 Offender Review, the State Board of Administration, the  
147 Department of Military Affairs, or the Legislative Branch or the  
148 Judicial Branch of state government.

149 Section 9. Paragraph (c) of subsection (1) of section  
150 322.16, Florida Statutes, is amended to read:

151 322.16 License restrictions.—

152 (1)

153 (c) The department may further, at any time, impose other  
154 restrictions on the use of the license with respect to time and  
155 purpose of use or may impose any other condition or restriction  
156 upon recommendation of any court, of the Florida Parole  
157 Commission on Offender Review, or of the Department of  
158 Corrections with respect to any individual who is under the  
159 jurisdiction, supervision, or control of the entity that made  
160 the recommendation.

161 Section 10. Section 394.926, Florida Statutes, is amended  
162 to read:

163 394.926 Notice to victims of release of persons committed  
164 as sexually violent predators; notice to Department of  
165 Corrections and Florida Parole Commission on Offender Review.—

166 (1) As soon as is practicable, the department shall give  
167 written notice of the release of a person committed as a  
168 sexually violent predator to any victim of the committed person  
169 who is alive and whose address is known to the department or, if  
170 the victim is deceased, to the victim's family, if the family's  
171 address is known to the department. Failure to notify is not a  
172 reason for postponement of release. This section does not create  
173 a cause of action against the state or an employee of the state  
174 acting within the scope of the employee's employment as a result

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175 of the failure to notify pursuant to this part.

176 (2) If a sexually violent predator who has an active or  
177 pending term of probation, community control, parole,  
178 conditional release, or other court-ordered or postprison  
179 release supervision is released from custody, the department  
180 must immediately notify the Department of Corrections' Office of  
181 Community Corrections in Tallahassee. The Florida Parole  
182 Commission on Offender Review must also be immediately notified  
183 of any releases of a sexually violent predator who has an active  
184 or pending term of parole, conditional release, or other  
185 postprison release supervision that is administered by the  
186 Florida Parole Commission on Offender Review.

187 Section 11. Section 394.927, Florida Statutes, is amended  
188 to read:

189 394.927 Escape while in lawful custody; notice to victim;  
190 notice to the Department of Corrections and Florida Parole  
191 Commission on Offender Review.—

192 (1) A person who is held in lawful custody pursuant to a  
193 judicial finding of probable cause under s. 394.915 or pursuant  
194 to a commitment as a sexually violent predator under s. 394.916  
195 and who escapes or attempts to escape while in such custody  
196 commits a felony of the second degree, punishable as provided in  
197 s. 775.082, s. 775.083, or s. 775.084.

198 (2) If a person who is held in custody pursuant to a  
199 finding of probable cause or commitment as a sexually violent  
200 predator escapes while in custody, the department shall  
201 immediately notify the victim in accordance with s. 394.926. The  
202 state attorney that filed the petition for civil commitment of  
203 the escapee must also be immediately notified by the department.

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204 If the escapee has an active or pending term of probation,  
205 community control, parole, conditional release, or other court-  
206 ordered or postprison release supervision, the department shall  
207 also immediately notify the Department of Corrections' Office of  
208 Community Corrections in Tallahassee. The Florida Parole  
209 Commission on Offender Review shall also be immediately notified  
210 of an escape if the escapee has an active or pending term of  
211 parole, conditional release, or other postprison release  
212 supervision that is administered by the Florida Parole  
213 Commission on Offender Review.

214 Section 12. Paragraph (d) of subsection (4) of section  
215 633.304, Florida Statutes, is amended to read:

216 633.304 Fire suppression equipment; license to install or  
217 maintain.—

218 (4)

219 (d) A license of any class may not be issued or renewed by  
220 the division and a license of any class does not remain  
221 operative unless:

222 1. The applicant has submitted to the State Fire Marshal  
223 evidence of registration as a Florida corporation or evidence of  
224 compliance with s. 865.09.

225 2. The State Fire Marshal or his or her designee has by  
226 inspection determined that the applicant possesses the equipment  
227 required for the class of license sought. The State Fire Marshal  
228 shall give an applicant a reasonable opportunity to correct any  
229 deficiencies discovered by inspection. To obtain such  
230 inspection, an applicant with facilities located outside this  
231 state must:

232 a. Provide a notarized statement from a professional

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233 engineer licensed by the applicant's state of domicile  
234 certifying that the applicant possesses the equipment required  
235 for the class of license sought and that all such equipment is  
236 operable; or

237       b. Allow the State Fire Marshal or her or his designee to  
238 inspect the facility. All costs associated with the State Fire  
239 Marshal's inspection shall be paid by the applicant. The State  
240 Fire Marshal, in accordance with s. 120.54, may adopt rules to  
241 establish standards for the calculation and establishment of the  
242 amount of costs associated with any inspection conducted by the  
243 State Fire Marshal under this section. Such rules shall include  
244 procedures for invoicing and receiving funds in advance of the  
245 inspection.

246       3. The applicant has submitted to the State Fire Marshal  
247 proof of insurance providing coverage for comprehensive general  
248 liability for bodily injury and property damage, products  
249 liability, completed operations, and contractual liability. The  
250 State Fire Marshal shall adopt rules providing for the amounts  
251 of such coverage, but such amounts may ~~shall~~ not be less than  
252 \$300,000 for Class A or Class D licenses, \$200,000 for Class B  
253 licenses, and \$100,000 for Class C licenses; and the total  
254 coverage for any class of license held in conjunction with a  
255 Class D license may not be less than \$300,000. The State Fire  
256 Marshal may, at any time after the issuance of a license or its  
257 renewal, require upon demand, and in no event more than 30 days  
258 after notice of such demand, the licensee to provide proof of  
259 insurance, on a form provided by the State Fire Marshal,  
260 containing confirmation of insurance coverage as required by  
261 this chapter. Failure, for any length of time, to provide proof

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262 of insurance coverage as required shall result in the immediate  
263 suspension of the license until proof of proper insurance is  
264 provided to the State Fire Marshal. An insurer which provides  
265 such coverage shall notify the State Fire Marshal of any change  
266 in coverage or of any termination, cancellation, or nonrenewal  
267 of any coverage.

268 4. The applicant applies to the State Fire Marshal,  
269 provides proof of experience, and successfully completes a  
270 prescribed training course offered by the State Fire College or  
271 an equivalent course approved by the State Fire Marshal. This  
272 subparagraph does not apply to any holder of or applicant for a  
273 permit under paragraph (g) or to a business organization or a  
274 governmental entity seeking initial licensure or renewal of an  
275 existing license solely for the purpose of inspecting,  
276 servicing, repairing, marking, recharging, and maintaining fire  
277 extinguishers used and located on the premises of and owned by  
278 such organization or entity.

279 5. The applicant has a current retestor identification  
280 number that is appropriate for the license for which the  
281 applicant is applying and that is listed with the United States  
282 Department of Transportation.

283 6. The applicant has passed, with a grade of at least 70  
284 percent, a written examination testing his or her knowledge of  
285 the rules and statutes governing the activities authorized by  
286 the license and demonstrating his or her knowledge and ability  
287 to perform those tasks in a competent, lawful, and safe manner.  
288 Such examination shall be developed and administered by the  
289 State Fire Marshal, or his or her designee in accordance with  
290 policies and procedures of the State Fire Marshal. An applicant

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291 shall pay a nonrefundable examination fee of \$50 for each  
292 examination or reexamination scheduled. A reexamination may not  
293 be scheduled sooner than 30 days after any administration of an  
294 examination to an applicant. An applicant may not be permitted  
295 to take an examination for any level of license more than a  
296 total of four times during 1 year, regardless of the number of  
297 applications submitted. As a prerequisite to licensure of the  
298 applicant, he or she:

299 a. Must be at least 18 years of age.

300 b. Must have 4 years of proven experience as a fire  
301 equipment permittee at a level equal to or greater than the  
302 level of license applied for or have a combination of education  
303 and experience determined to be equivalent thereto by the State  
304 Fire Marshal. Having held a permit at the appropriate level for  
305 the required period constitutes the required experience.

306 c. Must not have been convicted of a felony or a crime  
307 punishable by imprisonment of 1 year or more under the law of  
308 the United States or of any state thereof or under the law of  
309 any other country. "Convicted" means a finding of guilt or the  
310 acceptance of a plea of guilty or nolo contendere in any federal  
311 or state court or a court in any other country, without regard  
312 to whether a judgment of conviction has been entered by the  
313 court having jurisdiction of the case. If an applicant has been  
314 convicted of any such felony, the applicant shall be excluded  
315 from licensure for a period of 4 years after expiration of  
316 sentence or final release by the Florida Parole Commission on  
317 Offender Review unless the applicant, before the expiration of  
318 the 4-year period, has received a full pardon or has had her or  
319 his civil rights restored.

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320  
321 This subparagraph does not apply to any holder of or applicant  
322 for a permit under paragraph (g) or to a business organization  
323 or a governmental entity seeking initial licensure or renewal of  
324 an existing license solely for the purpose of inspecting,  
325 servicing, repairing, marking, recharging, hydrotesting, and  
326 maintaining fire extinguishers used and located on the premises  
327 of and owned by such organization or entity.

328 Section 13. Subsection (4) of section 775.089, Florida  
329 Statutes, is amended to read:

330 775.089 Restitution.—

331 (4) If a defendant is placed on probation or paroled,  
332 complete satisfaction of any restitution ordered under this  
333 section shall be a condition of such probation or parole. The  
334 court may revoke probation, and the Florida Parole Commission on  
335 Offender Review may revoke parole, if the defendant fails to  
336 comply with such order.

337 Section 14. Section 775.16, Florida Statutes, is amended to  
338 read:

339 775.16 Drug offenses; additional penalties.—In addition to  
340 any other penalty provided by law, a person who has been  
341 convicted of sale of or trafficking in, or conspiracy to sell or  
342 traffic in, a controlled substance under chapter 893, if such  
343 offense is a felony, or who has been convicted of an offense  
344 under the laws of any state or country which, if committed in  
345 this state, would constitute the felony of selling or  
346 trafficking in, or conspiracy to sell or traffic in, a  
347 controlled substance under chapter 893, is:

348 (1) Disqualified from applying for employment by any agency

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349 of the state, unless:

350 (a) The person has completed all sentences of imprisonment  
351 or supervisory sanctions imposed by the court, by the Florida  
352 ~~Parole~~ Commission on Offender Review, or by law; or

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

357 1. Seek evaluation and enrollment in, and once enrolled  
358 maintain enrollment in until completion, a drug treatment and  
359 rehabilitation program which is approved by the Department of  
360 Children and Families ~~Family Services~~, unless it is deemed by  
361 the program that the person does not have a substance abuse  
362 problem. The treatment and rehabilitation program may be  
363 specified by:

364 a. The court, in the case of court-ordered supervisory  
365 sanctions;

366 b. The Florida ~~Parole~~ Commission on Offender Review, in the  
367 case of parole, control release, or conditional release; or

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

370 2. Submit to periodic urine drug testing pursuant to  
371 procedures prescribed by the Department of Corrections. If the  
372 person is indigent, the costs shall be paid by the Department of  
373 Corrections.

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

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378 (a) The person has completed all sentences of imprisonment  
379 or supervisory sanctions imposed by the court, by the Florida  
380 ~~Parole~~ Commission on Offender Review, or by law;

381 (b) The person has complied with the conditions of  
382 subparagraphs 1. and 2. which shall be monitored by the  
383 Department of Corrections while the person is under any  
384 supervisory sanction. If the person fails to comply with  
385 provisions of these subparagraphs by either failing to maintain  
386 treatment or by testing positive for drug use, the department  
387 shall notify the licensing, permitting, or certifying agency,  
388 which may refuse to reissue or reinstate such license, permit,  
389 or certification. The licensee, permittee, or certificateholder  
390 under supervision may:

391 1. Seek evaluation and enrollment in, and once enrolled  
392 maintain enrollment in until completion, a drug treatment and  
393 rehabilitation program which is approved or regulated by the  
394 Department of Children and Families ~~Family Services~~, unless it  
395 is deemed by the program that the person does not have a  
396 substance abuse problem. The treatment and rehabilitation  
397 program may be specified by:

398 a. The court, in the case of court-ordered supervisory  
399 sanctions;

400 b. The Florida ~~Parole~~ Commission on Offender Review, in the  
401 case of parole, control release, or conditional release; or

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

404 2. Submit to periodic urine drug testing pursuant to  
405 procedures prescribed by the Department of Corrections. If the  
406 person is indigent, the costs shall be paid by the Department of

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407 Corrections; or

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

410  
411 The provisions of this section do not apply to any of the taxes,  
412 fees, or permits regulated, controlled, or administered by the  
413 Department of Revenue in accordance with the provisions of s.  
414 213.05.

415 Section 15. Paragraph (d) of subsection (1) of section  
416 784.07, Florida Statutes, is amended to read:

417 784.07 Assault or battery of law enforcement officers,  
418 firefighters, emergency medical care providers, public transit  
419 employees or agents, or other specified officers;  
420 reclassification of offenses; minimum sentences.—

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

422 (d) "Law enforcement officer" includes a law enforcement  
423 officer, a correctional officer, a correctional probation  
424 officer, a part-time law enforcement officer, a part-time  
425 correctional officer, an auxiliary law enforcement officer, and  
426 an auxiliary correctional officer, as those terms are  
427 respectively defined in s. 943.10, and any county probation  
428 officer; an employee or agent of the Department of Corrections  
429 who supervises or provides services to inmates; an officer of  
430 the Florida Parole Commission on Offender Review; a federal law  
431 enforcement officer as defined in s. 901.1505; and law  
432 enforcement personnel of the Fish and Wildlife Conservation  
433 Commission or the Department of Law Enforcement.

434 Section 16. Paragraph (b) of subsection (2) of section  
435 784.078, Florida Statutes, is amended to read:

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436 784.078 Battery of facility employee by throwing, tossing,  
437 or expelling certain fluids or materials.—

438 (2)

439 (b) "Employee" includes any person who is a parole examiner  
440 with the Florida ~~Parole~~ Commission on Offender Review.

441 Section 17. Paragraph (a) of subsection (1) of section  
442 800.09, Florida Statutes, is amended to read:

443 800.09 Lewd or lascivious exhibition in the presence of an  
444 employee.—

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

446 (a) "Employee" means any person employed by or performing  
447 contractual services for a public or private entity operating a  
448 facility or any person employed by or performing contractual  
449 services for the corporation operating the prison industry  
450 enhancement programs or the correctional work programs under  
451 part II of chapter 946. The term also includes any person who is  
452 a parole examiner with the Florida ~~Parole~~ Commission on Offender  
453 Review.

454 Section 18. Section 843.01, Florida Statutes, is amended to  
455 read:

456 843.01 Resisting officer with violence to his or her  
457 person.—Whoever knowingly and willfully resists, obstructs, or  
458 opposes any officer as defined in s. 943.10(1), (2), (3), (6),  
459 (7), (8), or (9); member of the Florida ~~Parole~~ Commission on  
460 Offender Review or any administrative aide or supervisor  
461 employed by the commission; parole and probation supervisor;  
462 county probation officer; personnel or representative of the  
463 Department of Law Enforcement; or other person legally  
464 authorized to execute process in the execution of legal process

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465 or in the lawful execution of any legal duty, by offering or  
466 doing violence to the person of such officer or legally  
467 authorized person, is guilty of a felony of the third degree,  
468 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

469 Section 19. Section 843.02, Florida Statutes, is amended to  
470 read:

471 843.02 Resisting officer without violence to his or her  
472 person.—Whoever shall resist, obstruct, or oppose any officer as  
473 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member  
474 of the Florida Parole Commission on Offender Review or any  
475 administrative aide or supervisor employed by the commission;  
476 county probation officer; parole and probation supervisor;  
477 personnel or representative of the Department of Law  
478 Enforcement; or other person legally authorized to execute  
479 process in the execution of legal process or in the lawful  
480 execution of any legal duty, without offering or doing violence  
481 to the person of the officer, shall be guilty of a misdemeanor  
482 of the first degree, punishable as provided in s. 775.082 or s.  
483 775.083.

484 Section 20. Section 843.08, Florida Statutes, is amended to  
485 read:

486 843.08 Falsely personating officer, etc.—A person who  
487 falsely assumes or pretends to be a sheriff, officer of the  
488 Florida Highway Patrol, officer of the Fish and Wildlife  
489 Conservation Commission, officer of the Department of  
490 Transportation, officer of the Department of Financial Services,  
491 officer of the Department of Corrections, correctional probation  
492 officer, deputy sheriff, state attorney or assistant state  
493 attorney, statewide prosecutor or assistant statewide

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494 prosecutor, state attorney investigator, coroner, police  
495 officer, lottery special agent or lottery investigator, beverage  
496 enforcement agent, or watchman, or any member of the Florida  
497 ~~Parole~~ Commission on Offender Review and any administrative aide  
498 or supervisor employed by the commission, or any personnel or  
499 representative of the Department of Law Enforcement, or a  
500 federal law enforcement officer as defined in s. 901.1505, and  
501 takes upon himself or herself to act as such, or to require any  
502 other person to aid or assist him or her in a matter pertaining  
503 to the duty of any such officer, commits a felony of the third  
504 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
505 775.084. However, a person who falsely personates any such  
506 officer during the course of the commission of a felony commits  
507 a felony of the second degree, punishable as provided in s.  
508 775.082, s. 775.083, or s. 775.084. If the commission of the  
509 felony results in the death or personal injury of another human  
510 being, the person commits a felony of the first degree,  
511 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

512 Section 21. Paragraph (a) of subsection (1) of section  
513 893.11, Florida Statutes, is amended to read:

514 893.11 Suspension, revocation, and reinstatement of  
515 business and professional licenses.—For the purposes of s.  
516 120.60(6), any conviction in any court reported to the  
517 Comprehensive Case Information System of the Florida Association  
518 of Court Clerks and Comptrollers, Inc., for the sale of, or  
519 trafficking in, a controlled substance or for conspiracy to  
520 sell, or traffic in, a controlled substance constitutes an  
521 immediate serious danger to the public health, safety, or  
522 welfare, and is grounds for disciplinary action by the licensing

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523 state agency. A state agency shall initiate an immediate  
524 emergency suspension of an individual professional license  
525 issued by the agency, in compliance with the procedures for  
526 summary suspensions in s. 120.60(6), upon the agency's findings  
527 of the licensee's conviction in any court reported to the  
528 Comprehensive Case Information System of the Florida Association  
529 of Court Clerks and Comptrollers, Inc., for the sale of, or  
530 trafficking in, a controlled substance, or for conspiracy to  
531 sell, or traffic in, a controlled substance. Before renewing any  
532 professional license, a state agency that issues a professional  
533 license must use the Comprehensive Case Information System of  
534 the Florida Association of Court Clerks and Comptrollers, Inc.,  
535 to obtain information relating to any conviction for the sale  
536 of, or trafficking in, a controlled substance or for conspiracy  
537 to sell, or traffic in, a controlled substance. The clerk of  
538 court shall provide electronic access to each state agency at no  
539 cost and also provide certified copies of the judgment upon  
540 request to the agency. Upon a showing by any such convicted  
541 defendant whose professional license has been suspended or  
542 revoked pursuant to this section that his or her civil rights  
543 have been restored or upon a showing that the convicted  
544 defendant meets the following criteria, the agency head may  
545 reinstate or reactivate such license when:

546 (1) The person has complied with the conditions of  
547 paragraphs (a) and (b) which shall be monitored by the  
548 Department of Corrections while the person is under any  
549 supervisory sanction. If the person fails to comply with  
550 provisions of these paragraphs by either failing to maintain  
551 treatment or by testing positive for drug use, the department

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552 shall notify the licensing agency, which shall revoke the  
553 license. The person under supervision may:

554 (a) Seek evaluation and enrollment in, and once enrolled  
555 maintain enrollment in until completion, a drug treatment and  
556 rehabilitation program which is approved or regulated by the  
557 Department of Children and Families ~~Family Services~~. The  
558 treatment and rehabilitation program shall be specified by:

559 1. The court, in the case of court-ordered supervisory  
560 sanctions;

561 2. The Florida ~~Parole~~ Commission on Offender Review, in the  
562 case of parole, control release, or conditional release; or

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

565 Section 22. Subsection (2) of section 921.16, Florida  
566 Statutes, is amended to read:

567 921.16 When sentences to be concurrent and when  
568 consecutive.—

569 (2) A county court or circuit court of this state may  
570 direct that the sentence imposed by such court be served  
571 concurrently with a sentence imposed by a court of another state  
572 or of the United States or, for purposes of this section,  
573 concurrently with a sentence to be imposed in another  
574 jurisdiction. In such case, the Department of Corrections may  
575 designate the correctional institution of the other jurisdiction  
576 as the place for reception and confinement of such person and  
577 may also designate the place in Florida for reception and  
578 confinement of such person in the event that confinement in the  
579 other jurisdiction terminates before the expiration of the  
580 Florida sentence. The sheriff shall forward commitment papers

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581 and other documents specified in s. 944.17 to the department.  
582 Upon imposing such a sentence, the court shall notify the  
583 Florida Parole Commission on Offender Review as to the  
584 jurisdiction in which the sentence is to be served. Any prisoner  
585 so released to another jurisdiction shall be eligible for  
586 consideration for parole by the Florida Parole Commission on  
587 Offender Review pursuant to ~~the provisions of~~ chapter 947,  
588 except that the commission shall determine the presumptive  
589 parole release date and the effective parole release date by  
590 requesting such person's file from the receiving jurisdiction.  
591 Upon receiving such records, the commission shall determine  
592 these release dates based on the relevant information in that  
593 file and shall give credit toward reduction of the Florida  
594 sentence for gain-time granted by the jurisdiction where the  
595 inmate is serving the sentence. The Florida Parole Commission on  
596 Offender Review may concur with the parole release decision of  
597 the jurisdiction granting parole and accepting supervision.

598 Section 23. Section 921.20, Florida Statutes, is amended to  
599 read:

600 921.20 Classification summary; Florida Parole Commission on  
601 Offender Review.—As soon as possible after a prisoner has been  
602 placed in the custody of the Department of Corrections, the  
603 classification board shall furnish a classification summary to  
604 the Florida Parole Commission on Offender Review for use as  
605 provided in s. 945.25. The summary shall include the criminal,  
606 personal, social, and environmental background and other  
607 relevant factors considered in classifying the prisoner for a  
608 penal environment best suited for the prisoner's rapid  
609 rehabilitation.

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610 Section 24. Section 921.21, Florida Statutes, is amended to  
611 read:

612 921.21 Progress reports to Florida ~~Parole~~ Commission on  
613 Offender Review.—From time to time the Department of Corrections  
614 shall submit to the Florida ~~Parole~~ Commission on Offender Review  
615 progress reports and recommendations regarding prisoners  
616 sentenced under s. 921.18. If ~~When~~ the classification board of  
617 the Department of Corrections determines that justice and the  
618 public welfare will best be served by paroling or discharging a  
619 prisoner, it shall transmit its finding to the Florida ~~Parole~~  
620 Commission on Offender Review. The commission shall have the  
621 authority to place the prisoner on parole as provided by law or  
622 give the prisoner a full discharge from custody. The period of a  
623 parole granted by the Florida ~~Parole~~ Commission on Offender  
624 Review shall be in its discretion, but the parole period may  
625 ~~shall~~ not exceed the maximum term for which the prisoner was  
626 sentenced.

627 Section 25. Section 921.22, Florida Statutes, is amended to  
628 read:

629 921.22 Determination of exact period of imprisonment by  
630 Florida ~~Parole~~ Commission on Offender Review.—Upon the  
631 recommendation of the Department of Corrections, the Florida  
632 ~~Parole~~ Commission on Offender Review shall have the authority to  
633 determine the exact period of imprisonment to be served by  
634 defendants sentenced under ~~the provisions of~~ s. 921.18, but a  
635 prisoner may ~~shall~~ not be held in custody longer than the  
636 maximum sentence provided for the offense.

637 Section 26. Section 940.03, Florida Statutes, is amended to  
638 read:

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639           940.03 Application for executive clemency.—If a ~~When any~~  
640 person intends to apply for remission of any fine or forfeiture  
641 or the commutation of any punishment, or for pardon or  
642 restoration of civil rights, he or she shall request an  
643 application form from the Florida ~~Parele~~ Commission on Offender  
644 Review in compliance with such rules regarding application for  
645 executive clemency as are adopted by the Governor with the  
646 approval of two members of the Cabinet. Such application may  
647 require the submission of a certified copy of the applicant's  
648 indictment or information, the judgment adjudicating the  
649 applicant to be guilty, and the sentence, if sentence has been  
650 imposed, and may also require the applicant to send a copy of  
651 the application to the judge and prosecuting attorney of the  
652 court in which the applicant was convicted, notifying them of  
653 the applicant's intent to apply for executive clemency. An  
654 application for executive clemency for a person who is sentenced  
655 to death must be filed within 1 year after the date the Supreme  
656 Court issues a mandate on a direct appeal or the United States  
657 Supreme Court denies a petition for certiorari, whichever is  
658 later.

659           Section 27. Section 940.05, Florida Statutes, is amended to  
660 read:

661           940.05 Restoration of civil rights.—Any person who has been  
662 convicted of a felony may be entitled to the restoration of all  
663 the rights of citizenship enjoyed by him or her before ~~prior to~~  
664 conviction if the person has:

665           (1) Received a full pardon from the Board of Executive  
666 Clemency;

667           (2) Served the maximum term of the sentence imposed upon

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668 him or her; or

669 (3) Been granted his or her final release by the Florida  
670 ~~Parole~~ Commission on Offender Review.

671 Section 28. Section 940.061, Florida Statutes, is amended  
672 to read:

673 940.061 Informing persons about executive clemency and  
674 restoration of civil rights.—The Department of Corrections shall  
675 inform and educate inmates and offenders on community  
676 supervision about the restoration of civil rights. Each month  
677 the Department of Corrections shall send to the Florida ~~Parole~~  
678 Commission on Offender Review by electronic means a list of the  
679 names of inmates who have been released from incarceration and  
680 offenders who have been terminated from supervision who may be  
681 eligible for restoration of civil rights.

682 Section 29. Subsections (2) and (3) of section 941.23,  
683 Florida Statutes, are amended to read:

684 941.23 Application for issuance of requisition; by whom  
685 made; contents.—

686 (2) When the return to this state is required of a person  
687 who has been convicted of a crime in this state and has escaped  
688 from confinement or broken the terms of his or her bail,  
689 probation, or parole, the state attorney of the county in which  
690 the offense was committed, the Florida ~~Parole~~ Commission on  
691 Offender Review, the Department of Corrections, or the warden of  
692 the institution or sheriff of the county, from which escape was  
693 made, shall present to the Governor a written application for a  
694 requisition for the return of such person, in which application  
695 shall be stated the name of the person, the crime of which the  
696 person was convicted, the circumstances of his or her escape

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697 from confinement or of the breach of the terms of his or her  
698 bail, probation, or parole, and the state in which the person is  
699 believed to be, including the location of the person therein at  
700 the time application is made.

701 (3) The application shall be verified by affidavit, shall  
702 be executed in duplicate, and shall be accompanied by two  
703 certified copies of the indictment returned or information and  
704 affidavit filed or of the complaint made to the judge, stating  
705 the offense with which the accused is charged, or of the  
706 judgment of conviction or of the sentence. The prosecuting  
707 officer, Florida Parole Commission on Offender Review,  
708 Department of Corrections, warden, or sheriff may also attach  
709 such further affidavits and other documents in duplicate as he  
710 or she shall deem proper to be submitted with such application.  
711 One copy of the application, with the action of the Governor  
712 indicated by endorsement thereon, and one of the certified  
713 copies of the indictment, complaint, information, and affidavits  
714 or of the judgment of conviction or of the sentence shall be  
715 filed in the office of the Department of State to remain of  
716 record in that office. The other copies of all papers shall be  
717 forwarded with the Governor's requisition.

718 Section 30. Subsection (7) of section 943.0311, Florida  
719 Statutes, is amended to read:

720 943.0311 Chief of Domestic Security; duties of the  
721 department with respect to domestic security.—

722 (7) As used in this section, the term "state agency"  
723 includes the Agency for Health Care Administration, the  
724 Department of Agriculture and Consumer Services, the Department  
725 of Business and Professional Regulation, the Department of

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726 Children and Families ~~Family Services~~, the Department of Citrus,  
727 the Department of Economic Opportunity, the Department of  
728 Corrections, the Department of Education, the Department of  
729 Elderly Affairs, the Division of Emergency Management, the  
730 Department of Environmental Protection, the Department of  
731 Financial Services, the Department of Health, the Department of  
732 Highway Safety and Motor Vehicles, the Department of Juvenile  
733 Justice, the Department of Law Enforcement, the Department of  
734 Legal Affairs, the Department of Management Services, the  
735 Department of Military Affairs, the Department of Revenue, the  
736 Department of State, the Department of the Lottery, the  
737 Department of Transportation, the Department of Veterans'  
738 Affairs, the Fish and Wildlife Conservation Commission, the  
739 Florida Parole Commission on Offender Review, the State Board of  
740 Administration, and the Executive Office of the Governor.

741 Section 31. Subsection (1) of section 943.06, Florida  
742 Statutes, is amended to read:

743 943.06 Criminal and Juvenile Justice Information Systems  
744 Council.—There is created a Criminal and Juvenile Justice  
745 Information Systems Council within the department.

746 (1) The council shall be composed of 15 members, consisting  
747 of the Attorney General or a designated assistant; the executive  
748 director of the Department of Law Enforcement or a designated  
749 assistant; the secretary of the Department of Corrections or a  
750 designated assistant; the chair of the Florida Parole Commission  
751 on Offender Review or a designated assistant; the Secretary of  
752 Juvenile Justice or a designated assistant; the executive  
753 director of the Department of Highway Safety and Motor Vehicles  
754 or a designated assistant; the Secretary of Children and

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755 ~~Families Family Services~~ or a designated assistant; the State  
756 Courts Administrator or a designated assistant; 1 public  
757 defender appointed by the Florida Public Defender Association,  
758 Inc.; 1 state attorney appointed by the Florida Prosecuting  
759 Attorneys Association, Inc.; and 5 members, to be appointed by  
760 the Governor, consisting of 2 sheriffs, 2 police chiefs, and 1  
761 clerk of the circuit court.

762 Section 32. Subsection (5) of section 944.012, Florida  
763 Statutes, is amended to read:

764 944.012 Legislative intent.—The Legislature hereby finds  
765 and declares that:

766 (5) In order to make the correctional system an efficient  
767 and effective mechanism, the various agencies involved in the  
768 correctional process must coordinate their efforts. Where  
769 possible, interagency offices should be physically located  
770 within major institutions and should include representatives of  
771 the public employment service, the vocational rehabilitation  
772 programs of the Department of Education, and the Florida Parole  
773 Commission on Offender Review. Duplicative and unnecessary  
774 methods of evaluating offenders must be eliminated and areas of  
775 responsibility consolidated in order to more economically use  
776 ~~utilize~~ present scarce resources.

777 Section 33. Subsection (1) of section 944.02, Florida  
778 Statutes, is amended to read:

779 944.02 Definitions.—The following words and phrases used in  
780 this chapter shall, unless the context clearly indicates  
781 otherwise, have the following meanings:

782 (1) "Commission" means the Florida Parole Commission on  
783 Offender Review.

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784 Section 34. Paragraph (c) of subsection (2) of section  
785 944.171, Florida Statutes, is amended to read:

786 944.171 Housing of inmates.—

787 (2) Notwithstanding s. 944.17, the department may enter  
788 into contracts with another state, a political subdivision of  
789 another state, or a correctional management services vendor in  
790 another state for the transfer and confinement in that state of  
791 inmates who have been committed to the custody of the  
792 department.

793 (c) The Florida ~~Parole~~ Commission on Offender Review shall  
794 conduct any parole hearing for an inmate confined under a  
795 contract pursuant to this section according to the rules of the  
796 commission.

797 Section 35. Paragraph (b) of subsection (2) of section  
798 944.4731, Florida Statutes, is amended to read:

799 944.4731 Addiction-Recovery Supervision Program.—

800 (2)

801 (b) An offender released under addiction-recovery  
802 supervision shall be subject to specified terms and conditions,  
803 including payment of the costs of supervision under s. 948.09  
804 and any other court-ordered payments, such as child support and  
805 restitution. If an offender has received a term of probation or  
806 community control to be served after release from incarceration,  
807 the period of probation or community control may not be  
808 substituted for addiction-recovery supervision and shall follow  
809 the term of addiction-recovery supervision. A panel of not fewer  
810 than two parole commissioners shall establish the terms and  
811 conditions of supervision, and the terms and conditions must be  
812 included in the supervision order. In setting the terms and

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813 conditions of supervision, the ~~parole~~ commission shall weigh  
814 heavily the program requirements, including, but not limited to,  
815 work at paid employment while participating in treatment and  
816 traveling restrictions. The commission shall also determine  
817 whether an offender violates the terms and conditions of  
818 supervision and whether a violation warrants revocation of  
819 addiction-recovery supervision pursuant to s. 947.141. The  
820 ~~parole~~ commission shall review the offender's record for the  
821 purpose of establishing the terms and conditions of supervision.  
822 The ~~parole~~ commission may impose any special conditions it  
823 considers warranted from its review of the record. The length of  
824 supervision may not exceed the maximum penalty imposed by the  
825 court.

826 Section 36. Paragraph (b) of subsection (1) and paragraph  
827 (b) of subsection (6) of section 945.091, Florida Statutes, are  
828 amended to read:

829 945.091 Extension of the limits of confinement; restitution  
830 by employed inmates.—

831 (1) The department may adopt rules permitting the extension  
832 of the limits of the place of confinement of an inmate as to  
833 whom there is reasonable cause to believe that the inmate will  
834 honor his or her trust by authorizing the inmate, under  
835 prescribed conditions and following investigation and approval  
836 by the secretary, or the secretary's designee, who shall  
837 maintain a written record of such action, to leave the confines  
838 of that place unaccompanied by a custodial agent for a  
839 prescribed period of time to:

840 (b) Work at paid employment, participate in an education or  
841 a training program, or voluntarily serve a public or nonprofit

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842 agency or faith-based service group in the community, while  
843 continuing as an inmate of the institution or facility in which  
844 the inmate is confined, except during the hours of his or her  
845 employment, education, training, or service and traveling  
846 thereto and therefrom. An inmate may travel to and from his or  
847 her place of employment, education, or training only by means of  
848 walking, bicycling, or using public transportation or  
849 transportation that is provided by a family member or employer.  
850 Contingent upon specific appropriations, the department may  
851 transport an inmate in a state-owned vehicle if the inmate is  
852 unable to obtain other means of travel to his or her place of  
853 employment, education, or training.

854 1. An inmate may participate in paid employment only during  
855 the last 36 months of his or her confinement, unless sooner  
856 requested by the Florida ~~Parole~~ Commission on Offender Review or  
857 the Control Release Authority.

858 2. While working at paid employment and residing in the  
859 facility, an inmate may apply for placement at a contracted  
860 substance abuse transition housing program. The transition  
861 assistance specialist shall inform the inmate of program  
862 availability and assess the inmate's need and suitability for  
863 transition housing assistance. If an inmate is approved for  
864 placement, the specialist shall assist the inmate. If an inmate  
865 requests and is approved for placement in a contracted faith-  
866 based substance abuse transition housing program, the specialist  
867 must consult with the chaplain before ~~prior to~~ such placement.  
868 The department shall ensure that an inmate's faith orientation,  
869 or lack thereof, will not be considered in determining admission  
870 to a faith-based program and that the program does not attempt

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871 to convert an inmate toward a particular faith or religious  
872 preference.

873 (6)

874 (b) An offender who is required to provide restitution or  
875 reparation may petition the circuit court to amend the amount of  
876 restitution or reparation required or to revise the schedule of  
877 repayment established by the department or the Florida Parole  
878 Commission on Offender Review.

879 Section 37. Paragraph (d) of subsection (1), paragraphs (a)  
880 and (b) of subsection (2), and subsection (5) of section 945.10,  
881 Florida Statutes, are amended to read:

882 945.10 Confidential information.—

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

887 (d) Florida Parole Commission on Offender Review records  
888 which are confidential or exempt from public disclosure by law.

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

892 (a) Information specified in paragraphs (1)(b), (d), and  
893 (f) to the Office of the Governor, the Legislature, the Florida  
894 Parole Commission on Offender Review, the Department of Children  
895 and Families ~~Family Services~~, a private correctional facility or  
896 program that operates under a contract, the Department of Legal  
897 Affairs, a state attorney, the court, or a law enforcement  
898 agency. A request for records or information pursuant to this  
899 paragraph need not be in writing.

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900 (b) Information specified in paragraphs (1)(c), (e), and  
901 (h) to the Office of the Governor, the Legislature, the Florida  
902 ~~Parole~~ Commission on Offender Review, the Department of Children  
903 and Families ~~Family Services~~, a private correctional facility or  
904 program that operates under contract, the Department of Legal  
905 Affairs, a state attorney, the court, or a law enforcement  
906 agency. A request for records or information pursuant to this  
907 paragraph must be in writing and a statement provided  
908 demonstrating a need for the records or information.

909  
910 Records and information released under this subsection remain  
911 confidential and exempt from the provisions of s. 119.07(1) and  
912 s. 24(a), Art. I of the State Constitution when held by the  
913 receiving person or entity.

914 (5) The Department of Corrections and the Florida ~~Parole~~  
915 Commission on Offender Review shall mutually cooperate with  
916 respect to maintaining the confidentiality of records that are  
917 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I  
918 of the State Constitution.

919 Section 38. Subsection (2) of section 945.47, Florida  
920 Statutes, is amended to read:

921 945.47 Discharge of inmate from mental health treatment.—

922 (2) At any time that an inmate who has received mental  
923 health treatment while in the custody of the department becomes  
924 eligible for release under supervision or upon end of sentence,  
925 a record of the inmate's mental health treatment may be provided  
926 to the Florida ~~Parole~~ Commission on Offender Review and to the  
927 Department of Children and Families ~~Family Services~~ upon  
928 request. The record shall include, at a minimum, a summary of

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929 the inmate's diagnosis, length of stay in treatment, clinical  
930 history, prognosis, prescribed medication, treatment plan, and  
931 recommendations for aftercare services.

932 Section 39. Subsection (6) of section 945.73, Florida  
933 Statutes, is amended to read:

934 945.73 Inmate training program operation.—

935 (6) The department shall work cooperatively with the  
936 Control Release Authority, the Florida ~~Parole~~ Commission on  
937 Offender Review, or such other authority as may exist or be  
938 established in the future which is empowered by law to effect  
939 the release of an inmate who has successfully completed the  
940 requirements established by ss. 945.71-945.74.

941 Section 40. Subsection (3) of section 947.005, Florida  
942 Statutes, is amended to read:

943 947.005 Definitions.—As used in this chapter, unless the  
944 context clearly indicates otherwise:

945 (3) "Commission" means the Florida ~~Parole~~ Commission on  
946 Offender Review.

947 Section 41. Section 947.01, Florida Statutes, is amended to  
948 read:

949 947.01 Florida ~~Parole~~ Commission on Offender Review;  
950 creation; number of members.—A Florida ~~Parole~~ Commission on  
951 Offender Review is created to consist of six members who are  
952 residents of the state. Effective July 1, 1996, the membership  
953 of the commission shall be three members.

954 Section 42. Section 947.02, Florida Statutes, is amended to  
955 read:

956 947.02 Florida ~~Parole~~ Commission on Offender Review;  
957 members, appointment.—

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

966 (2) A parole qualifications committee shall consist of five  
967 persons who are appointed by the Governor and Cabinet. One  
968 member shall be designated as chair by the Governor and Cabinet.  
969 The committee shall provide for statewide advertisement and the  
970 receiving of applications for any position or positions on the  
971 commission and shall devise a plan for the determination of the  
972 qualifications of the applicants by investigations and  
973 comprehensive evaluations, including, but not limited to,  
974 investigation and evaluation of the character, habits, and  
975 philosophy of each applicant. Each parole qualifications  
976 committee shall exist for 2 years. If additional vacancies on  
977 the commission occur during this 2-year period, the committee  
978 may advertise and accept additional applications; however, all  
979 previously submitted applications shall be considered along with  
980 the new applications according to the previously established  
981 plan for the evaluation of the qualifications of applicants.

982 (3) Within 90 days before an anticipated vacancy by  
983 expiration of term pursuant to s. 947.03 or upon any other  
984 vacancy, the Governor and Cabinet shall appoint a parole  
985 qualifications committee if one has not been appointed during  
986 the previous 2 years. The committee shall consider applications

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987 for the commission seat, including the application of an  
988 incumbent commissioner if he or she applies, according to ~~the~~  
989 ~~provisions of~~ subsection (2). The committee shall submit a list  
990 of three eligible applicants, which may include the incumbent if  
991 the committee so decides, without recommendation, to the  
992 Governor and Cabinet for appointment to the commission. In the  
993 case of an unexpired term, the appointment must be for the  
994 remainder of the unexpired term and until a successor is  
995 appointed and qualified. If more than one seat is vacant, the  
996 committee shall submit a list of eligible applicants, without  
997 recommendation, containing a number of names equal to three  
998 times the number of vacant seats; however, the names submitted  
999 may shall not be distinguished by seat, and each submitted  
1000 applicant shall be considered eligible for each vacancy.

1001 (4) Upon receiving a list of eligible persons from the  
1002 parole qualifications committee, the Governor and Cabinet may  
1003 reject the list. If the list is rejected, the committee shall  
1004 reinstitute the application and examination procedure according  
1005 to ~~the provisions of~~ subsection (2).

1006 (5) Section ~~The provisions of s.~~ 120.525 and chapters 119  
1007 and 286 apply to all activities and proceedings of a parole  
1008 qualifications committee.

1009 Section 43. Section 947.021, Florida Statutes, is amended  
1010 to read:

1011 947.021 Florida Parole Commission on Offender Review;  
1012 expedited appointments.—Whenever the Legislature decreases the  
1013 membership of the commission, all terms of office shall expire,  
1014 notwithstanding any law to the contrary. Under such  
1015 circumstances, the Governor and Cabinet shall expedite the

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1016 appointment of commissioners. Notwithstanding the parole  
1017 qualifications committee procedure in s. 947.02, members shall  
1018 be directly appointed by the Governor and Cabinet. Members  
1019 appointed to the commission may be selected from incumbents.  
1020 Members shall be certified to the Senate by the Governor and  
1021 Cabinet for confirmation, and the membership of the commission  
1022 shall include representation from minority persons as defined in  
1023 s. 288.703.

1024 Section 44. Section 947.045, Florida Statutes, is amended  
1025 to read:

1026 947.045 Federal Grants Trust Fund.—The Federal Grants Trust  
1027 Fund is hereby created, to be administered by the Florida ~~Parole~~  
1028 Commission on Offender Review.

1029 (1) Funds to be credited to the trust fund shall consist of  
1030 receipts from federal grants and shall be used for the various  
1031 purposes for which the federal funds were intended.

1032 (2) Notwithstanding ~~the provisions of~~ s. 216.301 and  
1033 pursuant to s. 216.351, any balance in the trust fund at the end  
1034 of any fiscal year shall remain in the trust fund at the end of  
1035 the year and shall be available for carrying out the purposes of  
1036 the trust fund.

1037 Section 45. Subsection (3) of section 947.141, Florida  
1038 Statutes, is amended to read:

1039 947.141 Violations of conditional release, control release,  
1040 or conditional medical release or addiction-recovery  
1041 supervision.—

1042 (3) Within 45 days after notice to the Florida ~~Parole~~  
1043 Commission on Offender Review of the arrest of a releasee  
1044 charged with a violation of the terms and conditions of

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1045 conditional release, control release, conditional medical  
1046 release, or addiction-recovery supervision, the releasee must be  
1047 afforded a hearing conducted by a commissioner or a duly  
1048 authorized representative thereof. If the releasee elects to  
1049 proceed with a hearing, the releasee must be informed orally and  
1050 in writing of the following:

1051 (a) The alleged violation with which the releasee is  
1052 charged.

1053 (b) The releasee's right to be represented by counsel.

1054 (c) The releasee's right to be heard in person.

1055 (d) The releasee's right to secure, present, and compel the  
1056 attendance of witnesses relevant to the proceeding.

1057 (e) The releasee's right to produce documents on the  
1058 releasee's own behalf.

1059 (f) The releasee's right of access to all evidence used  
1060 against the releasee and to confront and cross-examine adverse  
1061 witnesses.

1062 (g) The releasee's right to waive the hearing.

1063 Section 46. Subsection (1) of section 947.146, Florida  
1064 Statutes, is amended to read:

1065 947.146 Control Release Authority.—

1066 (1) There is created a Control Release Authority which  
1067 shall be composed of the members of the Florida ~~Parole~~  
1068 Commission on Offender Review and which shall have the same  
1069 chair as the commission. The authority shall use ~~utilize~~ such  
1070 commission staff as it determines is necessary to carry out its  
1071 purposes.

1072 Section 47. Subsection (3) of section 947.181, Florida  
1073 Statutes, is amended to read:

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1074 947.181 Fines, fees, restitution, or other costs ordered to  
1075 be paid as conditions of parole.—

1076 (3) If a defendant is paroled, any restitution ordered  
1077 under s. 775.089 shall be a condition of such parole. The  
1078 Florida Parole Commission on Offender Review may revoke parole  
1079 if the defendant fails to comply with such order.

1080 Section 48. Section 947.185, Florida Statutes, is amended  
1081 to read:

1082 947.185 Application for intellectual disability services as  
1083 condition of parole.—The Florida Parole Commission on Offender  
1084 Review may require as a condition of parole that any inmate who  
1085 has been diagnosed as having an intellectual disability as  
1086 defined in s. 393.063 shall, upon release, apply for services  
1087 from the Agency for Persons with Disabilities.

1088 Section 49. Subsection (2) of section 947.22, Florida  
1089 Statutes, is amended to read:

1090 947.22 Authority to arrest parole violators with or without  
1091 warrant.—

1092 (2) Any parole and probation officer, if ~~when~~ she or he has  
1093 reasonable ground to believe that a parolee, control releasee,  
1094 or conditional releasee has violated the terms and conditions of  
1095 her or his parole, control release, or conditional release in a  
1096 material respect, has the right to arrest the releasee or  
1097 parolee without warrant and bring her or him forthwith before  
1098 one or more commissioners or a duly authorized representative of  
1099 the Florida Parole Commission on Offender Review or Control  
1100 Release Authority; and proceedings shall thereupon be had as  
1101 provided herein when a warrant has been issued by a member of  
1102 the commission or authority or a duly authorized representative

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1103 of the commission or authority.

1104 Section 50. Paragraph (a) of subsection (1) and subsections  
1105 (3) and (6) of section 948.09, Florida Statutes, are amended to  
1106 read:

1107 948.09 Payment for cost of supervision and rehabilitation.—

1108 (1) (a) 1. Any person ordered by the court, the Department of  
1109 Corrections, or the Florida parole Commission on Offender Review  
1110 to be placed on probation, drug offender probation, community  
1111 control, parole, control release, provisional release  
1112 supervision, addiction-recovery supervision, or conditional  
1113 release supervision under chapter 944, chapter 945, chapter 947,  
1114 this chapter ~~948~~, or chapter 958, or in a pretrial intervention  
1115 program, must, as a condition of any placement, pay the  
1116 department a total sum of money equal to the total month or  
1117 portion of a month of supervision times the court-ordered  
1118 amount, but not to exceed the actual per diem cost of the  
1119 supervision. The department shall adopt rules by which an  
1120 offender who pays in full and in advance of regular termination  
1121 of supervision may receive a reduction in the amount due. The  
1122 rules shall incorporate provisions by which the offender's  
1123 ability to pay is linked to an established written payment plan.  
1124 Funds collected from felony offenders may be used to offset  
1125 costs of the Department of Corrections associated with community  
1126 supervision programs, subject to appropriation by the  
1127 Legislature.

1128 2. In addition to any other contribution or surcharge  
1129 imposed by this section, each felony offender assessed under  
1130 this paragraph shall pay a \$2-per-month surcharge to the  
1131 department. The surcharge shall be deemed to be paid only after

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1132 the full amount of any monthly payment required by the  
1133 established written payment plan has been collected by the  
1134 department. These funds shall be used by the department to pay  
1135 for correctional probation officers' training and equipment,  
1136 including radios, and firearms training, firearms, and attendant  
1137 equipment necessary to train and equip officers who choose to  
1138 carry a concealed firearm while on duty. ~~Nothing in This~~  
1139 subparagraph does not ~~shall be construed to~~ limit the  
1140 department's authority to determine who shall be authorized to  
1141 carry a concealed firearm while on duty, or ~~to~~ limit the right  
1142 of a correctional probation officer to carry a personal firearm  
1143 approved by the department.

1144 (3) Any failure to pay contribution as required under this  
1145 section may constitute a ground for the revocation of probation  
1146 by the court, the revocation of parole or conditional release by  
1147 the Florida Parole Commission on Offender Review, the revocation  
1148 of control release by the Control Release Authority, or removal  
1149 from the pretrial intervention program by the state attorney.  
1150 The Department of Corrections may exempt a person from the  
1151 payment of all or any part of the contribution if it finds any  
1152 of the following factors to exist:

1153 (a) The offender has diligently attempted, but has been  
1154 unable, to obtain employment which provides him or her  
1155 sufficient income to make such payments.

1156 (b) The offender is a student in a school, college,  
1157 university, or course of career training designed to fit the  
1158 student for gainful employment. Certification of such student  
1159 status shall be supplied to the Secretary of Corrections by the  
1160 educational institution in which the offender is enrolled.

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1161 (c) The offender has an employment handicap, as determined  
1162 by a physical, psychological, or psychiatric examination  
1163 acceptable to, or ordered by, the secretary.

1164 (d) The offender's age prevents him or her from obtaining  
1165 employment.

1166 (e) The offender is responsible for the support of  
1167 dependents, and the payment of such contribution constitutes an  
1168 undue hardship on the offender.

1169 (f) The offender has been transferred outside the state  
1170 under an interstate compact adopted pursuant to chapter 949.

1171 (g) There are other extenuating circumstances, as  
1172 determined by the secretary.

1173 (6) In addition to any other required contributions, the  
1174 department, at its discretion, may require offenders under any  
1175 form of supervision to submit to and pay for urinalysis testing  
1176 to identify drug usage as part of the rehabilitation program.  
1177 Any failure to make such payment, or participate, may be  
1178 considered a ground for revocation by the court, the Florida  
1179 ~~Parole~~ Commission on Offender Review, or the Control Release  
1180 Authority, or for removal from the pretrial intervention program  
1181 by the state attorney. The department may exempt a person from  
1182 such payment if it determines that any of the factors specified  
1183 in subsection (3) exist.

1184 Section 51. Subsection (1) of section 948.10, Florida  
1185 Statutes, is amended to read:

1186 948.10 Community control programs.—

1187 (1) The Department of Corrections shall develop and  
1188 administer a community control program. This complementary  
1189 program shall be rigidly structured and designed to accommodate

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1190 offenders who, in the absence of such a program, would have been  
1191 incarcerated. The program shall focus on the provision of  
1192 sanctions and consequences which are commensurate with the  
1193 seriousness of the crime. The program shall offer the courts and  
1194 the Florida Parole Commission on Offender Review an alternative,  
1195 community-based method to punish an offender in lieu of  
1196 incarceration if ~~when~~ the offender is a member of one of the  
1197 following target groups:

1198 (a) Probation violators charged with technical violations  
1199 or misdemeanor violations.

1200 (b) Parole violators charged with technical violations or  
1201 misdemeanor violations.

1202 (c) Individuals found guilty of felonies, who, due to their  
1203 criminal backgrounds or the seriousness of the offenses, would  
1204 not be placed on regular probation.

1205 Section 52. Subsection (2) of section 949.05, Florida  
1206 Statutes, is amended to read:

1207 949.05 Constitutionality.—

1208 (2) If the method of selecting the commission members as  
1209 herein provided is found to be invalid by reason of the vesting  
1210 of the appointing power in the Governor and ~~the~~ Cabinet, the  
1211 members of the Florida Parole Commission on Offender Review  
1212 herein provided for shall be appointed by the Governor.

1213 Section 53. Subsection (1) of section 951.29, Florida  
1214 Statutes, is amended to read:

1215 951.29 Procedure for requesting restoration of civil rights  
1216 of county prisoners convicted of felonies.—

1217 (1) With respect to a person who has been convicted of a  
1218 felony and is serving a sentence in a county detention facility,

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1219 the administrator of the county detention facility shall provide  
1220 to the prisoner, at least 2 weeks before discharge, if possible,  
1221 an application form obtained from the Florida ~~Parole~~ Commission  
1222 on Offender Review which the prisoner must complete in order to  
1223 begin the process of having his or her civil rights restored.

1224 Section 54. Subsection (6) of section 957.06, Florida  
1225 Statutes, is amended to read:

1226 957.06 Powers and duties not delegable to contractor.—A  
1227 contract entered into under this chapter does not authorize,  
1228 allow, or imply a delegation of authority to the contractor to:

1229 (6) Make recommendations to the Florida ~~Parole~~ Commission  
1230 on Offender Review with respect to the denial or granting of  
1231 parole, control release, conditional release, or conditional  
1232 medical release. However, the contractor may submit written  
1233 reports to the Florida ~~Parole~~ Commission on Offender Review and  
1234 must respond to a written request by the Florida ~~Parole~~  
1235 Commission on Offender Review for information.

1236 Section 55. Paragraph (c) of subsection (8) of section  
1237 958.045, Florida Statutes, is amended to read:

1238 958.045 Youthful offender basic training program.—

1239 (8)

1240 (c) The department shall work cooperatively with the  
1241 Control Release Authority or the Florida ~~Parole~~ Commission on  
1242 Offender Review to effect the release of an offender who has  
1243 successfully completed the requirements of the basic training  
1244 program.

1245 Section 56. Subsection (1) of section 960.001, Florida  
1246 Statutes, is amended to read:

1247 960.001 Guidelines for fair treatment of victims and

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witnesses in the criminal justice and juvenile justice systems.—

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

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

1. The availability of crime victim compensation, if ~~when~~ applicable;

2. Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-

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1277 based victim treatment programs;

1278 3. The role of the victim in the criminal or juvenile  
1279 justice process, including what the victim may expect from the  
1280 system as well as what the system expects from the victim;

1281 4. The stages in the criminal or juvenile justice process  
1282 which are of significance to the victim and the manner in which  
1283 information about such stages can be obtained;

1284 5. The right of a victim, who is not incarcerated,  
1285 including the victim's parent or guardian if the victim is a  
1286 minor, the lawful representative of the victim or of the  
1287 victim's parent or guardian if the victim is a minor, and the  
1288 next of kin of a homicide victim, to be informed, to be present,  
1289 and to be heard when relevant, at all crucial stages of a  
1290 criminal or juvenile proceeding, to the extent that this right  
1291 does not interfere with constitutional rights of the accused, as  
1292 provided by s. 16(b), Art. I of the State Constitution;

1293 6. In the case of incarcerated victims, the right to be  
1294 informed and to submit written statements at all crucial stages  
1295 of the criminal proceedings, parole proceedings, or juvenile  
1296 proceedings; and

1297 7. The right of a victim to a prompt and timely disposition  
1298 of the case in order to minimize the period during which the  
1299 victim must endure the responsibilities and stress involved to  
1300 the extent that this right does not interfere with the  
1301 constitutional rights of the accused.

1302 (b) *Information for purposes of notifying victim or*  
1303 *appropriate next of kin of victim or other designated contact of*  
1304 *victim.*—In the case of a homicide, pursuant to chapter 782; or a  
1305 sexual offense, pursuant to chapter 794; or an attempted murder

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1306 or sexual offense, pursuant to chapter 777; or stalking,  
1307 pursuant to s. 784.048; or domestic violence, pursuant to s.  
1308 25.385:

1309       1. The arresting law enforcement officer or personnel of an  
1310 organization that provides assistance to a victim or to the  
1311 appropriate next of kin of the victim or other designated  
1312 contact must request that the victim or appropriate next of kin  
1313 of the victim or other designated contact complete a victim  
1314 notification card. However, the victim or appropriate next of  
1315 kin of the victim or other designated contact may choose not to  
1316 complete the victim notification card.

1317       2. Unless the victim or the appropriate next of kin of the  
1318 victim or other designated contact waives the option to complete  
1319 the victim notification card, a copy of the victim notification  
1320 card must be filed with the incident report or warrant in the  
1321 sheriff's office of the jurisdiction in which the incident  
1322 report or warrant originated. The notification card shall, at a  
1323 minimum, consist of:

1324           a. The name, address, and phone number of the victim; or

1325           b. The name, address, and phone number of the appropriate  
1326 next of kin of the victim; or

1327           c. The name, address, and telephone ~~phone~~ number of a  
1328 designated contact other than the victim or appropriate next of  
1329 kin of the victim; and

1330           d. Any relevant identification or case numbers assigned to  
1331 the case.

1332       3. The chief administrator, or a person designated by the  
1333 chief administrator, of a county jail, municipal jail, juvenile  
1334 detention facility, or residential commitment facility shall

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1335 make a reasonable attempt to notify the alleged victim or  
1336 appropriate next of kin of the alleged victim or other  
1337 designated contact within 4 hours following the release of the  
1338 defendant on bail or, in the case of a juvenile offender, upon  
1339 the release from residential detention or commitment. If the  
1340 chief administrator, or designee, is unable to contact the  
1341 alleged victim or appropriate next of kin of the alleged victim  
1342 or other designated contact by telephone, the chief  
1343 administrator, or designee, must send to the alleged victim or  
1344 appropriate next of kin of the alleged victim or other  
1345 designated contact a written notification of the defendant's  
1346 release.

1347 4. Unless otherwise requested by the victim or the  
1348 appropriate next of kin of the victim or other designated  
1349 contact, the information contained on the victim notification  
1350 card must be sent by the chief administrator, or designee, of  
1351 the appropriate facility to the subsequent correctional or  
1352 residential commitment facility following the sentencing and  
1353 incarceration of the defendant, and unless otherwise requested  
1354 by the victim or the appropriate next of kin of the victim or  
1355 other designated contact, he or she must be notified of the  
1356 release of the defendant from incarceration as provided by law.

1357 5. If the defendant was arrested pursuant to a warrant  
1358 issued or taken into custody pursuant to s. 985.101 in a  
1359 jurisdiction other than the jurisdiction in which the defendant  
1360 is being released, and the alleged victim or appropriate next of  
1361 kin of the alleged victim or other designated contact does not  
1362 waive the option for notification of release, the chief  
1363 correctional officer or chief administrator of the facility

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1364 releasing the defendant shall make a reasonable attempt to  
1365 immediately notify the chief correctional officer of the  
1366 jurisdiction in which the warrant was issued or the juvenile was  
1367 taken into custody pursuant to s. 985.101, and the chief  
1368 correctional officer of that jurisdiction shall make a  
1369 reasonable attempt to notify the alleged victim or appropriate  
1370 next of kin of the alleged victim or other designated contact,  
1371 as provided in this paragraph, that the defendant has been or  
1372 will be released.

1373       (c) *Information concerning protection available to victim*  
1374 *or witness.*—A victim or witness shall be furnished, as a matter  
1375 of course, with information on steps that are available to law  
1376 enforcement officers and state attorneys to protect victims and  
1377 witnesses from intimidation. Victims of domestic violence shall  
1378 also be given information about the address confidentiality  
1379 program provided under s. 741.403.

1380       (d) *Notification of scheduling changes.*—Each victim or  
1381 witness who has been scheduled to attend a criminal or juvenile  
1382 justice proceeding shall be notified as soon as possible by the  
1383 agency scheduling his or her appearance of any change in  
1384 scheduling which will affect his or her appearance.

1385       (e) *Advance notification to victim or relative of victim*  
1386 *concerning judicial proceedings; right to be present.*—Any  
1387 victim, parent, guardian, or lawful representative of a minor  
1388 who is a victim, or relative of a homicide victim shall receive  
1389 from the appropriate agency, at the address found in the police  
1390 report or the victim notification card if such has been provided  
1391 to the agency, prompt advance notification, unless the agency  
1392 itself does not have advance notification, of judicial and

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1393 postjudicial proceedings relating to his or her case, including  
1394 all proceedings or hearings relating to:  
1395       1. The arrest of an accused;  
1396       2. The release of the accused pending judicial proceedings  
1397 or any modification of release conditions; and  
1398       3. Proceedings in the prosecution or petition for  
1399 delinquency of the accused, including the filing of the  
1400 accusatory instrument, the arraignment, disposition of the  
1401 accusatory instrument, trial or adjudicatory hearing, sentencing  
1402 or disposition hearing, appellate review, subsequent  
1403 modification of sentence, collateral attack of a judgment, and,  
1404 when a term of imprisonment, detention, or residential  
1405 commitment is imposed, the release of the defendant or juvenile  
1406 offender from such imprisonment, detention, or residential  
1407 commitment by expiration of sentence or parole and any meeting  
1408 held to consider such release.

1409  
1410 A victim, a victim's parent or guardian if the victim is a  
1411 minor, a lawful representative of the victim or of the victim's  
1412 parent or guardian if the victim is a minor, or a victim's next  
1413 of kin may not be excluded from any portion of any hearing,  
1414 trial, or proceeding pertaining to the offense based solely on  
1415 the fact that such person is subpoenaed to testify, unless, upon  
1416 motion, the court determines such person's presence to be  
1417 prejudicial. The appropriate agency with respect to notification  
1418 under subparagraph 1. is the arresting law enforcement agency,  
1419 and the appropriate agency with respect to notification under  
1420 subparagraphs 2. and 3. is the Attorney General or state  
1421 attorney, unless the notification relates to a hearing

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1422 concerning parole, in which case the appropriate agency is the  
1423 Florida Parole Commission on Offender Review. The Department of  
1424 Corrections, the Department of Juvenile Justice, or the sheriff  
1425 is the appropriate agency with respect to release by expiration  
1426 of sentence or any other release program provided by law. A ~~Any~~  
1427 victim may waive notification at any time, and such waiver shall  
1428 be noted in the agency's files.

1429       (f) *Information concerning release from incarceration from*  
1430 *a county jail, municipal jail, juvenile detention facility, or*  
1431 *residential commitment facility.*—The chief administrator, or a  
1432 person designated by the chief administrator, of a county jail,  
1433 municipal jail, juvenile detention facility, or residential  
1434 commitment facility shall, upon the request of the victim or the  
1435 appropriate next of kin of a victim or other designated contact  
1436 of the victim of any of the crimes specified in paragraph (b),  
1437 make a reasonable attempt to notify the victim or appropriate  
1438 next of kin of the victim or other designated contact before  
1439 ~~prior to~~ the defendant's or offender's release from  
1440 incarceration, detention, or residential commitment if the  
1441 victim notification card has been provided pursuant to paragraph  
1442 (b). If prior notification is not successful, a reasonable  
1443 attempt must be made to notify the victim or appropriate next of  
1444 kin of the victim or other designated contact within 4 hours  
1445 following the release of the defendant or offender from  
1446 incarceration, detention, or residential commitment. If the  
1447 defendant is released following sentencing, disposition, or  
1448 furlough, the chief administrator or designee shall make a  
1449 reasonable attempt to notify the victim or the appropriate next  
1450 of kin of the victim or other designated contact within 4 hours

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1451 following the release of the defendant. If the chief  
1452 administrator or designee is unable to contact the victim or  
1453 appropriate next of kin of the victim or other designated  
1454 contact by telephone, the chief administrator or designee must  
1455 send to the victim or appropriate next of kin of the victim or  
1456 other designated contact a written notification of the  
1457 defendant's or offender's release.

1458 (g) *Consultation with victim or guardian or family of*  
1459 *victim.*—

1460 1. In addition to being notified of ~~the provisions of s.~~  
1461 921.143, the victim of a felony involving physical or emotional  
1462 injury or trauma or, in a case in which the victim is a minor  
1463 child or in a homicide, the guardian or family of the victim  
1464 shall be consulted by the state attorney in order to obtain the  
1465 views of the victim or family about the disposition of any  
1466 criminal or juvenile case brought as a result of such crime,  
1467 including the views of the victim or family about:

- 1468 a. The release of the accused pending judicial proceedings;  
1469 b. Plea agreements;  
1470 c. Participation in pretrial diversion programs; and  
1471 d. Sentencing of the accused.

1472 2. Upon request, the state attorney shall permit the  
1473 victim, the victim's parent or guardian if the victim is a  
1474 minor, the lawful representative of the victim or of the  
1475 victim's parent or guardian if the victim is a minor, or the  
1476 victim's next of kin in the case of a homicide to review a copy  
1477 of the presentence investigation report before ~~prior to~~ the  
1478 sentencing hearing if one was completed. Any confidential  
1479 information that pertains to medical history, mental health, or

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1480 substance abuse and any information that pertains to any other  
1481 victim shall be redacted from the copy of the report. Any person  
1482 who reviews the report pursuant to this paragraph must maintain  
1483 the confidentiality of the report and may ~~shall~~ not disclose its  
1484 contents to any person except statements made to the state  
1485 attorney or the court.

1486 3. If ~~When~~ an inmate has been approved for community work  
1487 release, the Department of Corrections shall, upon request and  
1488 as provided in s. 944.605, notify the victim, the victim's  
1489 parent or guardian if the victim is a minor, the lawful  
1490 representative of the victim or of the victim's parent or  
1491 guardian if the victim is a minor, or the victim's next of kin  
1492 if the victim is a homicide victim.

1493 (h) *Return of property to victim.*—Law enforcement agencies  
1494 and the state attorney shall promptly return a victim's property  
1495 held for evidentiary purposes unless there is a compelling law  
1496 enforcement reason for retaining it. The trial or juvenile court  
1497 exercising jurisdiction over the criminal or juvenile proceeding  
1498 may enter appropriate orders to implement ~~the provisions of this~~  
1499 subsection, including allowing photographs of the victim's  
1500 property to be used as evidence at the criminal trial or the  
1501 juvenile proceeding in place of the victim's property if ~~when~~ no  
1502 substantial evidentiary issue related thereto is in dispute.

1503 (i) *Notification to employer and explanation to creditors*  
1504 *of victim or witness.*—A victim or witness who so requests shall  
1505 be assisted by law enforcement agencies and the state attorney  
1506 in informing his or her employer that the need for victim and  
1507 witness cooperation in the prosecution of the case may  
1508 necessitate the absence of that victim or witness from work. A

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1509 victim or witness who, as a direct result of a crime or of his  
1510 or her cooperation with law enforcement agencies or a state  
1511 attorney, is subjected to serious financial strain shall be  
1512 assisted by such agencies and state attorney in explaining to  
1513 the creditors of such victim or witness the reason for such  
1514 serious financial strain.

1515       (j) *Notification of right to request restitution.*—Law  
1516 enforcement agencies and the state attorney shall inform the  
1517 victim of the victim's right to request and receive restitution  
1518 pursuant to s. 775.089 or s. 985.437, and of the victim's rights  
1519 of enforcement under ss. 775.089(6) and 985.0301 in the event an  
1520 offender does not comply with a restitution order. The state  
1521 attorney shall seek the assistance of the victim in the  
1522 documentation of the victim's losses for the purpose of  
1523 requesting and receiving restitution. In addition, the state  
1524 attorney shall inform the victim if and when restitution is  
1525 ordered. If an order of restitution is converted to a civil lien  
1526 or civil judgment against the defendant, the clerks shall make  
1527 available at their office, as well as on their website,  
1528 information provided by the Secretary of State, the court, or  
1529 The Florida Bar on enforcing the civil lien or judgment.

1530       (k) *Notification of right to submit impact statement.*—The  
1531 state attorney shall inform the victim of the victim's right to  
1532 submit an oral or written impact statement pursuant to s.  
1533 921.143 and shall assist in the preparation of such statement if  
1534 necessary.

1535       (l) *Local witness coordination services.*—The requirements  
1536 for notification provided for in paragraphs (c), (d), and (i)  
1537 may be performed by the state attorney or public defender for

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1538 their own witnesses.

1539 (m) *Victim assistance education and training.*—Victim  
1540 assistance education and training shall be offered to persons  
1541 taking courses at law enforcement training facilities and to  
1542 state attorneys and assistant state attorneys so that victims  
1543 may be promptly, properly, and completely assisted.

1544 (n) *General victim assistance.*—Victims and witnesses shall  
1545 be provided with such other assistance, such as transportation,  
1546 parking, separate pretrial waiting areas, and translator  
1547 services in attending court, as is practicable.

1548 (o) *Victim's rights information card or brochure.*—A victim  
1549 of a crime shall be provided with a victim's rights information  
1550 card or brochure containing essential information concerning the  
1551 rights of a victim and services available to a victim as  
1552 required by state law.

1553 (p) *Information concerning escape from a state correctional*  
1554 *institution, county jail, juvenile detention facility, or*  
1555 *residential commitment facility.*—In any case where an offender  
1556 escapes from a state correctional institution, private  
1557 correctional facility, county jail, juvenile detention facility,  
1558 or residential commitment facility, the institution of  
1559 confinement shall immediately notify the state attorney of the  
1560 jurisdiction where the criminal charge or petition for  
1561 delinquency arose and the judge who imposed the sentence of  
1562 incarceration. The state attorney shall thereupon make every  
1563 effort to notify the victim, material witness, parents or legal  
1564 guardian of a minor who is a victim or witness, or immediate  
1565 relatives of a homicide victim of the escapee. The state  
1566 attorney shall also notify the sheriff of the county where the

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1567 criminal charge or petition for delinquency arose. The sheriff  
1568 shall offer assistance upon request. When an escaped offender is  
1569 subsequently captured or is captured and returned to the  
1570 institution of confinement, the institution of confinement shall  
1571 again immediately notify the appropriate state attorney and  
1572 sentencing judge pursuant to this section.

1573       (q) *Presence of victim advocate during discovery*  
1574 *deposition; testimony of victim of a sexual offense.*—At the  
1575 request of the victim or the victim's parent, guardian, or  
1576 lawful representative, the victim advocate designated by state  
1577 attorney's office, sheriff's office, or municipal police  
1578 department, or one representative from a not-for-profit victim  
1579 services organization, including, but not limited to, rape  
1580 crisis centers, domestic violence advocacy groups, and alcohol  
1581 abuse or substance abuse groups shall be permitted to attend and  
1582 be present during any deposition of the victim. The victim of a  
1583 sexual offense shall be informed of the right to have the  
1584 courtroom cleared of certain persons as provided in s. 918.16  
1585 when the victim is testifying concerning that offense.

1586       (r) *Implementing crime prevention in order to protect the*  
1587 *safety of persons and property, as prescribed in the State*  
1588 *Comprehensive Plan.*—By preventing crimes that create victims or  
1589 further harm former victims, crime prevention efforts are an  
1590 essential part of providing effective service for victims and  
1591 witnesses. Therefore, the agencies identified in this subsection  
1592 may participate in and expend funds for crime prevention, public  
1593 awareness, public participation, and educational activities  
1594 directly relating to, and in furtherance of, existing public  
1595 safety statutes. Furthermore, funds may not be expended for the

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1596 purpose of influencing public opinion on public policy issues  
1597 that have not been resolved by the Legislature or the  
1598 electorate.

1599 (s) *Attendance of victim at same school as defendant.*—If  
1600 ~~When~~ the victim of an offense committed by a juvenile is a  
1601 minor, the Department of Juvenile Justice shall request  
1602 information to determine if the victim, or any sibling of the  
1603 victim, attends or is eligible to attend the same school as the  
1604 offender. However, if the offender is subject to a presentence  
1605 investigation by the Department of Corrections, the Department  
1606 of Corrections shall make such request. If the victim or any  
1607 sibling of the victim attends or is eligible to attend the same  
1608 school as that of the offender, the appropriate agency shall  
1609 notify the victim's parent or legal guardian of the right to  
1610 attend the sentencing or disposition of the offender and request  
1611 that the offender be required to attend a different school.

1612 (t) *Use of a polygraph examination or other truth-telling*  
1613 *device with victim.*—A ~~No~~ law enforcement officer, prosecuting  
1614 attorney, or other government official may not ~~shall~~ ask or  
1615 require an adult, youth, or child victim of an alleged sexual  
1616 battery as defined in chapter 794 or other sexual offense to  
1617 submit to a polygraph examination or other truth-telling device  
1618 as a condition of proceeding with the investigation of such an  
1619 offense. The refusal of a victim to submit to such an  
1620 examination does ~~shall~~ not prevent the investigation, charging,  
1621 or prosecution of the offense.

1622 (u) *Presence of victim advocates during forensic medical*  
1623 *examination.*—At the request of the victim or the victim's  
1624 parent, guardian, or lawful representative, a victim advocate

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1625 from a certified rape crisis center shall be permitted to attend  
1626 any forensic medical examination.

1627 Section 57. Subsection (3) of section 960.17, Florida  
1628 Statutes, is amended to read:

1629 960.17 Award constitutes debt owed to state.—

1630 (3) The Florida Parole Commission on Offender Review shall  
1631 make the payment of the debt to the state a condition of parole  
1632 under chapter 947, unless the commission finds reasons to the  
1633 contrary. If the commission does not order payment, or orders  
1634 only partial payment, it shall state on the record the reasons  
1635 therefor.

1636 Section 58. Subsection (1) of section 985.04, Florida  
1637 Statutes, is amended to read:

1638 985.04 Oaths; records; confidential information.—

1639 (1) Except as provided in subsections (2), (3), (6), and  
1640 (7) and s. 943.053, all information obtained under this chapter  
1641 in the discharge of official duty by any judge, any employee of  
1642 the court, any authorized agent of the department, the Florida  
1643 ~~Parole~~ Commission on Offender Review, the Department of  
1644 Corrections, the juvenile justice circuit boards, any law  
1645 enforcement agent, or any licensed professional or licensed  
1646 community agency representative participating in the assessment  
1647 or treatment of a juvenile is confidential and may be disclosed  
1648 only to the authorized personnel of the court, the department  
1649 and its designees, the Department of Corrections, the Florida  
1650 ~~Parole~~ Commission on Offender Review, law enforcement agents,  
1651 school superintendents and their designees, any licensed  
1652 professional or licensed community agency representative  
1653 participating in the assessment or treatment of a juvenile, and

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1654 others entitled under this chapter to receive that information,  
1655 or upon order of the court. Within each county, the sheriff, the  
1656 chiefs of police, the district school superintendent, and the  
1657 department shall enter into an interagency agreement for the  
1658 purpose of sharing information about juvenile offenders among  
1659 all parties. The agreement must specify the conditions under  
1660 which summary criminal history information is to be made  
1661 available to appropriate school personnel, and the conditions  
1662 under which school records are to be made available to  
1663 appropriate department personnel. Such agreement shall require  
1664 notification to any classroom teacher of assignment to the  
1665 teacher's classroom of a juvenile who has been placed in a  
1666 probation or commitment program for a felony offense. The  
1667 agencies entering into such agreement must comply with s.  
1668 943.0525, and must maintain the confidentiality of information  
1669 that is otherwise exempt from s. 119.07(1), as provided by law.

1670 Section 59. Subsection (2) of section 985.045, Florida  
1671 Statutes, is amended to read:

1672 985.045 Court records.—

1673 (2) The clerk shall keep all official records required by  
1674 this section separate from other records of the circuit court,  
1675 except those records pertaining to motor vehicle violations,  
1676 which shall be forwarded to the Department of Highway Safety and  
1677 Motor Vehicles. Except as provided in ss. 943.053 and  
1678 985.04(6)(b) and (7), official records required by this chapter  
1679 are not open to inspection by the public, but may be inspected  
1680 only upon order of the court by persons deemed by the court to  
1681 have a proper interest therein, except that a child and the  
1682 parents, guardians, or legal custodians of the child and their

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1683 attorneys, law enforcement agencies, the Department of Juvenile  
1684 Justice and its designees, the Florida ~~Parole~~ Commission on  
1685 Offender Review, the Department of Corrections, and the Justice  
1686 Administrative Commission shall always have the right to inspect  
1687 and copy any official record pertaining to the child. Public  
1688 defender offices shall have access to official records of  
1689 juveniles on whose behalf they are expected to appear in  
1690 detention or other hearings before an appointment of  
1691 representation. The court may permit authorized representatives  
1692 of recognized organizations compiling statistics for proper  
1693 purposes to inspect, and make abstracts from, official records  
1694 under whatever conditions upon the use and disposition of such  
1695 records the court may deem proper and may punish by contempt  
1696 proceedings any violation of those conditions.

1697 Section 60. This act shall take effect July 1, 2014.