

FOR CONSIDERATION By the Committee on Criminal Justice

591-01887-14

20147048\_\_

1 A bill to be entitled  
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. The commission retains its powers, duties, and  
28 functions currently in place.

29 Section 2. The Division of Law Revision and Information is

591-01887-14

20147048\_\_

30 directed to rename chapter 947, Florida Statutes, as "Florida  
31 Commission on Offender Review."

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

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

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

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

591-01887-14

20147048\_\_

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

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

65 20.32 Florida Parole Commission on Offender Review.—

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

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

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

591-01887-14

20147048\_\_

88 funds of the commission.

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

91 23.21 Definitions.—For purposes of this part:

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

102 Section 6. Paragraph (e) of subsection (2) of section  
103 98.093, Florida Statutes, is amended to read:

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

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

114 (e) The Florida ~~Parole~~ Commission on Offender Review shall  
115 furnish at least bimonthly to the department data, including the  
116 identity of those persons granted clemency in the preceding

591-01887-14

20147048\_\_

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

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

129 186.005 Designation of departmental planning officer.—

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

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

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

144 (3) "Agency" means any department created by chapter 20,  
145 the Executive Office of the Governor, the Fish and Wildlife

591-01887-14

20147048\_\_

146 Conservation Commission, the Florida Parole Commission on  
147 Offender Review, the State Board of Administration, the  
148 Department of Military Affairs, or the Legislative Branch or the  
149 Judicial Branch of state government.

150 Section 9. Paragraph (c) of subsection (1) of section  
151 322.16, Florida Statutes, is amended to read:

152 322.16 License restrictions.-

153 (1)

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

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

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

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

591-01887-14

20147048\_\_

175 acting within the scope of the employee's employment as a result  
176 of the failure to notify pursuant to this part.

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

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

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

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

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

591-01887-14

20147048\_\_

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

215 Section 12. Paragraph (d) of subsection (4) of section  
216 633.304, Florida Statutes, is amended to read:

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

219 (4)

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

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

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



591-01887-14

20147048\_\_

233 a. Provide a notarized statement from a professional  
234 engineer licensed by the applicant's state of domicile  
235 certifying that the applicant possesses the equipment required  
236 for the class of license sought and that all such equipment is  
237 operable; or

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

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

591-01887-14

20147048\_\_

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

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

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

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

591-01887-14

20147048\_\_

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

- 300 a. Must be at least 18 years of age.
- 301 b. Must have 4 years of proven experience as a fire  
302 equipment permittee at a level equal to or greater than the  
303 level of license applied for or have a combination of education  
304 and experience determined to be equivalent thereto by the State  
305 Fire Marshal. Having held a permit at the appropriate level for  
306 the required period constitutes the required experience.
- 307 c. Must not have been convicted of a felony or a crime  
308 punishable by imprisonment of 1 year or more under the law of  
309 the United States or of any state thereof or under the law of  
310 any other country. "Convicted" means a finding of guilt or the  
311 acceptance of a plea of guilty or nolo contendere in any federal  
312 or state court or a court in any other country, without regard  
313 to whether a judgment of conviction has been entered by the  
314 court having jurisdiction of the case. If an applicant has been  
315 convicted of any such felony, the applicant shall be excluded  
316 from licensure for a period of 4 years after expiration of  
317 sentence or final release by the Florida Parole Commission on  
318 Offender Review unless the applicant, before the expiration of  
319 the 4-year period, has received a full pardon or has had her or

591-01887-14

20147048\_\_

320 his civil rights restored.

321

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

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

331 775.089 Restitution.—

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

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

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

591-01887-14

20147048\_\_

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

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

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

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

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

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

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

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

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

591-01887-14

20147048\_\_

378 profession, or business, unless:

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

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

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

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

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

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

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

591-01887-14

20147048\_\_

407 person is indigent, the costs shall be paid by the Department of  
408 Corrections; or

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

411

412 The provisions of this section do not apply to any of the taxes,  
413 fees, or permits regulated, controlled, or administered by the  
414 Department of Revenue in accordance with the provisions of s.  
415 213.05.

416 Section 15. Paragraph (d) of subsection (1) of section  
417 784.07, Florida Statutes, is amended to read:

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

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

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

435 Section 16. Paragraph (b) of subsection (2) of section

591-01887-14

20147048\_\_

436 784.078, Florida Statutes, is amended to read:

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

439 (2)

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

442 Section 17. Paragraph (a) of subsection (1) of section  
443 800.09, Florida Statutes, is amended to read:

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

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

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

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

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



591-01887-14

20147048\_\_

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

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

472 843.02 Resisting officer without violence to his or her  
473 person.—Whoever shall resist, obstruct, or oppose any officer as  
474 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member  
475 of the Florida Parole Commission on Offender Review or any  
476 administrative aide or supervisor employed by the commission;  
477 county probation officer; parole and probation supervisor;  
478 personnel or representative of the Department of Law  
479 Enforcement; or other person legally authorized to execute  
480 process in the execution of legal process or in the lawful  
481 execution of any legal duty, without offering or doing violence  
482 to the person of the officer, shall be guilty of a misdemeanor  
483 of the first degree, punishable as provided in s. 775.082 or s.  
484 775.083.

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

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

591-01887-14

20147048\_\_

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

513 Section 21. Paragraph (a) of subsection (1) of section  
514 893.11, Florida Statutes, is amended to read:

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

591-01887-14

20147048\_\_

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

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

591-01887-14

20147048\_\_

552 treatment or by testing positive for drug use, the department  
553 shall notify the licensing agency, which shall revoke the  
554 license. The person under supervision may:

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

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

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

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

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

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

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

591-01887-14

20147048\_\_

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

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

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

591-01887-14

20147048\_\_

610 rehabilitation.

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

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

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

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

638 Section 26. Section 940.03, Florida Statutes, is amended to

591-01887-14

20147048\_\_

639 read:

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

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

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

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

591-01887-14

20147048\_\_

668 (2) Served the maximum term of the sentence imposed upon  
669 him or her; or

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

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

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

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

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

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



591-01887-14

20147048\_\_

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

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

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

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

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

591-01887-14

20147048\_\_

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

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

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

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

591-01887-14

20147048\_\_

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

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

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

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

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

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

783 (1) "Commission" means the Florida ~~Parole~~ Commission on

591-01887-14

20147048\_\_

784 Offender Review.

785 Section 34. Paragraph (c) of subsection (2) of section  
786 944.171, Florida Statutes, is amended to read:

787 944.171 Housing of inmates.—

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

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

798 Section 35. Paragraph (b) of subsection (2) of section  
799 944.4731, Florida Statutes, is amended to read:

800 944.4731 Addiction-Recovery Supervision Program.—

801 (2)

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

591-01887-14

20147048\_\_

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

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

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

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

841 (b) Work at paid employment, participate in an education or

591-01887-14

20147048\_\_

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

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

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

591-01887-14

20147048\_\_

871 to a faith-based program and that the program does not attempt  
872 to convert an inmate toward a particular faith or religious  
873 preference.

874 (6)

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

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

883 945.10 Confidential information.—

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

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

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

893 (a) Information specified in paragraphs (1) (b), (d), and  
894 (f) to the Office of the Governor, the Legislature, the Florida  
895 Parole Commission on Offender Review, the Department of Children  
896 and Families ~~Family Services~~, a private correctional facility or  
897 program that operates under a contract, the Department of Legal  
898 Affairs, a state attorney, the court, or a law enforcement  
899 agency. A request for records or information pursuant to this

591-01887-14

20147048\_\_

900 paragraph need not be in writing.

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

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

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

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

922 945.47 Discharge of inmate from mental health treatment.—

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



591-01887-14

20147048\_\_

929 request. The record shall include, at a minimum, a summary of  
930 the inmate's diagnosis, length of stay in treatment, clinical  
931 history, prognosis, prescribed medication, treatment plan, and  
932 recommendations for aftercare services.

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

935 945.73 Inmate training program operation.—

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

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

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

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

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

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

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

957 947.02 Florida ~~Parole~~ Commission on Offender Review;

591-01887-14

20147048\_\_

958 members, appointment.-

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

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

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

591-01887-14

20147048\_\_

987 the previous 2 years. The committee shall consider applications  
988 for the commission seat, including the application of an  
989 incumbent commissioner if he or she applies, according to ~~the~~  
990 ~~provisions of~~ subsection (2). The committee shall submit a list  
991 of three eligible applicants, which may include the incumbent if  
992 the committee so decides, without recommendation, to the  
993 Governor and Cabinet for appointment to the commission. In the  
994 case of an unexpired term, the appointment must be for the  
995 remainder of the unexpired term and until a successor is  
996 appointed and qualified. If more than one seat is vacant, the  
997 committee shall submit a list of eligible applicants, without  
998 recommendation, containing a number of names equal to three  
999 times the number of vacant seats; however, the names submitted  
1000 may ~~shall~~ not be distinguished by seat, and each submitted  
1001 applicant shall be considered eligible for each vacancy.

1002 (4) Upon receiving a list of eligible persons from the  
1003 parole qualifications committee, the Governor and Cabinet may  
1004 reject the list. If the list is rejected, the committee shall  
1005 reinstitute the application and examination procedure according  
1006 to ~~the provisions of~~ subsection (2).

1007 (5) Section ~~The provisions of s.~~ 120.525 and chapters 119  
1008 and 286 apply to all activities and proceedings of a parole  
1009 qualifications committee.

1010 Section 43. Section 947.021, Florida Statutes, is amended  
1011 to read:

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

591-01887-14

20147048\_\_

1016 circumstances, the Governor and Cabinet shall expedite the  
1017 appointment of commissioners. Notwithstanding the parole  
1018 qualifications committee procedure in s. 947.02, members shall  
1019 be directly appointed by the Governor and Cabinet. Members  
1020 appointed to the commission may be selected from incumbents.  
1021 Members shall be certified to the Senate by the Governor and  
1022 Cabinet for confirmation, and the membership of the commission  
1023 shall include representation from minority persons as defined in  
1024 s. 288.703.

1025 Section 44. Section 947.045, Florida Statutes, is amended  
1026 to read:

1027 947.045 Federal Grants Trust Fund.—The Federal Grants Trust  
1028 Fund is hereby created, to be administered by the Florida ~~Parole~~  
1029 Commission on Offender Review.

1030 (1) Funds to be credited to the trust fund shall consist of  
1031 receipts from federal grants and shall be used for the various  
1032 purposes for which the federal funds were intended.

1033 (2) Notwithstanding ~~the provisions of~~ s. 216.301 and  
1034 pursuant to s. 216.351, any balance in the trust fund at the end  
1035 of any fiscal year shall remain in the trust fund at the end of  
1036 the year and shall be available for carrying out the purposes of  
1037 the trust fund.

1038 Section 45. Subsection (3) of section 947.141, Florida  
1039 Statutes, is amended to read:

1040 947.141 Violations of conditional release, control release,  
1041 or conditional medical release or addiction-recovery  
1042 supervision.—

1043 (3) Within 45 days after notice to the Florida Parole  
1044 Commission on Offender Review of the arrest of a releasee

591-01887-14

20147048\_\_

1045 charged with a violation of the terms and conditions of  
1046 conditional release, control release, conditional medical  
1047 release, or addiction-recovery supervision, the releasee must be  
1048 afforded a hearing conducted by a commissioner or a duly  
1049 authorized representative thereof. If the releasee elects to  
1050 proceed with a hearing, the releasee must be informed orally and  
1051 in writing of the following:

1052 (a) The alleged violation with which the releasee is  
1053 charged.

1054 (b) The releasee's right to be represented by counsel.

1055 (c) The releasee's right to be heard in person.

1056 (d) The releasee's right to secure, present, and compel the  
1057 attendance of witnesses relevant to the proceeding.

1058 (e) The releasee's right to produce documents on the  
1059 releasee's own behalf.

1060 (f) The releasee's right of access to all evidence used  
1061 against the releasee and to confront and cross-examine adverse  
1062 witnesses.

1063 (g) The releasee's right to waive the hearing.

1064 Section 46. Subsection (1) of section 947.146, Florida  
1065 Statutes, is amended to read:

1066 947.146 Control Release Authority.—

1067 (1) There is created a Control Release Authority which  
1068 shall be composed of the members of the Florida ~~Parele~~  
1069 Commission on Offender Review and which shall have the same  
1070 chair as the commission. The authority shall use ~~utilize~~ such  
1071 commission staff as it determines is necessary to carry out its  
1072 purposes.

1073 Section 47. Subsection (3) of section 947.181, Florida

591-01887-14

20147048\_\_

1074 Statutes, is amended to read:

1075 947.181 Fines, fees, restitution, or other costs ordered to  
1076 be paid as conditions of parole.—

1077 (3) If a defendant is paroled, any restitution ordered  
1078 under s. 775.089 shall be a condition of such parole. The  
1079 Florida Parole Commission on Offender Review may revoke parole  
1080 if the defendant fails to comply with such order.

1081 Section 48. Section 947.185, Florida Statutes, is amended  
1082 to read:

1083 947.185 Application for intellectual disability services as  
1084 condition of parole.—The Florida Parole Commission on Offender  
1085 Review may require as a condition of parole that any inmate who  
1086 has been diagnosed as having an intellectual disability as  
1087 defined in s. 393.063 shall, upon release, apply for services  
1088 from the Agency for Persons with Disabilities.

1089 Section 49. Subsection (2) of section 947.22, Florida  
1090 Statutes, is amended to read:

1091 947.22 Authority to arrest parole violators with or without  
1092 warrant.—

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

591-01887-14

20147048\_\_

1103 the commission or authority or a duly authorized representative  
1104 of the commission or authority.

1105 Section 50. Paragraph (a) of subsection (1) and subsections  
1106 (3) and (6) of section 948.09, Florida Statutes, are amended to  
1107 read:

1108 948.09 Payment for cost of supervision and rehabilitation.—

1109 (1) (a) 1. Any person ordered by the court, the Department of  
1110 Corrections, or the Florida parole Commission on Offender Review  
1111 to be placed on probation, drug offender probation, community  
1112 control, parole, control release, provisional release  
1113 supervision, addiction-recovery supervision, or conditional  
1114 release supervision under chapter 944, chapter 945, chapter 947,  
1115 this chapter ~~948~~, or chapter 958, or in a pretrial intervention  
1116 program, must, as a condition of any placement, pay the  
1117 department a total sum of money equal to the total month or  
1118 portion of a month of supervision times the court-ordered  
1119 amount, but not to exceed the actual per diem cost of the  
1120 supervision. The department shall adopt rules by which an  
1121 offender who pays in full and in advance of regular termination  
1122 of supervision may receive a reduction in the amount due. The  
1123 rules shall incorporate provisions by which the offender's  
1124 ability to pay is linked to an established written payment plan.  
1125 Funds collected from felony offenders may be used to offset  
1126 costs of the Department of Corrections associated with community  
1127 supervision programs, subject to appropriation by the  
1128 Legislature.

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

591-01887-14

20147048\_\_

1132 department. The surcharge shall be deemed to be paid only after  
1133 the full amount of any monthly payment required by the  
1134 established written payment plan has been collected by the  
1135 department. These funds shall be used by the department to pay  
1136 for correctional probation officers' training and equipment,  
1137 including radios, and firearms training, firearms, and attendant  
1138 equipment necessary to train and equip officers who choose to  
1139 carry a concealed firearm while on duty. ~~Nothing in This~~  
1140 subparagraph does not ~~shall be construed to~~ limit the  
1141 department's authority to determine who shall be authorized to  
1142 carry a concealed firearm while on duty, or ~~to~~ limit the right  
1143 of a correctional probation officer to carry a personal firearm  
1144 approved by the department.

1145 (3) Any failure to pay contribution as required under this  
1146 section may constitute a ground for the revocation of probation  
1147 by the court, the revocation of parole or conditional release by  
1148 the Florida Parole Commission on Offender Review, the revocation  
1149 of control release by the Control Release Authority, or removal  
1150 from the pretrial intervention program by the state attorney.  
1151 The Department of Corrections may exempt a person from the  
1152 payment of all or any part of the contribution if it finds any  
1153 of the following factors to exist:

1154 (a) The offender has diligently attempted, but has been  
1155 unable, to obtain employment which provides him or her  
1156 sufficient income to make such payments.

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



591-01887-14

20147048\_\_

1161 educational institution in which the offender is enrolled.

1162 (c) The offender has an employment handicap, as determined  
1163 by a physical, psychological, or psychiatric examination  
1164 acceptable to, or ordered by, the secretary.

1165 (d) The offender's age prevents him or her from obtaining  
1166 employment.

1167 (e) The offender is responsible for the support of  
1168 dependents, and the payment of such contribution constitutes an  
1169 undue hardship on the offender.

1170 (f) The offender has been transferred outside the state  
1171 under an interstate compact adopted pursuant to chapter 949.

1172 (g) There are other extenuating circumstances, as  
1173 determined by the secretary.

1174 (6) In addition to any other required contributions, the  
1175 department, at its discretion, may require offenders under any  
1176 form of supervision to submit to and pay for urinalysis testing  
1177 to identify drug usage as part of the rehabilitation program.  
1178 Any failure to make such payment, or participate, may be  
1179 considered a ground for revocation by the court, the Florida  
1180 Parole Commission on Offender Review, or the Control Release  
1181 Authority, or for removal from the pretrial intervention program  
1182 by the state attorney. The department may exempt a person from  
1183 such payment if it determines that any of the factors specified  
1184 in subsection (3) exist.

1185 Section 51. Subsection (1) of section 948.10, Florida  
1186 Statutes, is amended to read:

1187 948.10 Community control programs.—

1188 (1) The Department of Corrections shall develop and  
1189 administer a community control program. This complementary

591-01887-14

20147048\_\_

1190 program shall be rigidly structured and designed to accommodate  
1191 offenders who, in the absence of such a program, would have been  
1192 incarcerated. The program shall focus on the provision of  
1193 sanctions and consequences which are commensurate with the  
1194 seriousness of the crime. The program shall offer the courts and  
1195 the Florida Parole Commission on Offender Review an alternative,  
1196 community-based method to punish an offender in lieu of  
1197 incarceration if ~~when~~ the offender is a member of one of the  
1198 following target groups:

1199 (a) Probation violators charged with technical violations  
1200 or misdemeanor violations.

1201 (b) Parole violators charged with technical violations or  
1202 misdemeanor violations.

1203 (c) Individuals found guilty of felonies, who, due to their  
1204 criminal backgrounds or the seriousness of the offenses, would  
1205 not be placed on regular probation.

1206 Section 52. Subsection (2) of section 949.05, Florida  
1207 Statutes, is amended to read:

1208 949.05 Constitutionality.—

1209 (2) If the method of selecting the commission members as  
1210 herein provided is found to be invalid by reason of the vesting  
1211 of the appointing power in the Governor and ~~the~~ Cabinet, the  
1212 members of the Florida Parole Commission on Offender Review  
1213 herein provided for shall be appointed by the Governor.

1214 Section 53. Subsection (1) of section 951.29, Florida  
1215 Statutes, is amended to read:

1216 951.29 Procedure for requesting restoration of civil rights  
1217 of county prisoners convicted of felonies.—

1218 (1) With respect to a person who has been convicted of a

591-01887-14

20147048\_\_

1219 felony and is serving a sentence in a county detention facility,  
1220 the administrator of the county detention facility shall provide  
1221 to the prisoner, at least 2 weeks before discharge, if possible,  
1222 an application form obtained from the Florida ~~Parole~~ Commission  
1223 on Offender Review which the prisoner must complete in order to  
1224 begin the process of having his or her civil rights restored.

1225 Section 54. Subsection (6) of section 957.06, Florida  
1226 Statutes, is amended to read:

1227 957.06 Powers and duties not delegable to contractor.—A  
1228 contract entered into under this chapter does not authorize,  
1229 allow, or imply a delegation of authority to the contractor to:

1230 (6) Make recommendations to the Florida ~~Parole~~ Commission  
1231 on Offender Review with respect to the denial or granting of  
1232 parole, control release, conditional release, or conditional  
1233 medical release. However, the contractor may submit written  
1234 reports to the Florida ~~Parole~~ Commission on Offender Review and  
1235 must respond to a written request by the Florida ~~Parole~~  
1236 Commission on Offender Review for information.

1237 Section 55. Paragraph (c) of subsection (8) of section  
1238 958.045, Florida Statutes, is amended to read:

1239 958.045 Youthful offender basic training program.—

1240 (8)

1241 (c) The department shall work cooperatively with the  
1242 Control Release Authority or the Florida ~~Parole~~ Commission on  
1243 Offender Review to effect the release of an offender who has  
1244 successfully completed the requirements of the basic training  
1245 program.

1246 Section 56. Subsection (1) of section 960.001, Florida  
1247 Statutes, is amended to read:

591-01887-14

20147048\_\_

1248 960.001 Guidelines for fair treatment of victims and  
1249 witnesses in the criminal justice and juvenile justice systems.-

1250 (1) The Department of Legal Affairs, the state attorneys,  
1251 the Department of Corrections, the Department of Juvenile  
1252 Justice, the Florida Parole Commission on Offender Review, the  
1253 State Courts Administrator and circuit court administrators, the  
1254 Department of Law Enforcement, and every sheriff's department,  
1255 police department, or other law enforcement agency as defined in  
1256 s. 943.10(4) shall develop and implement guidelines for the use  
1257 of their respective agencies, which guidelines are consistent  
1258 with the purposes of this act and s. 16(b), Art. I of the State  
1259 Constitution and are designed to implement ~~the provisions of~~ s.  
1260 16(b), Art. I of the State Constitution and to achieve the  
1261 following objectives:

1262 (a) *Information concerning services available to victims of*  
1263 *adult and juvenile crime.*-As provided in s. 27.0065, state  
1264 attorneys and public defenders shall gather information  
1265 regarding the following services in the geographic boundaries of  
1266 their respective circuits and shall provide such information to  
1267 each law enforcement agency with jurisdiction within such  
1268 geographic boundaries. Law enforcement personnel shall ensure,  
1269 through distribution of a victim's rights information card or  
1270 brochure at the crime scene, during the criminal investigation,  
1271 and in any other appropriate manner, that victims are given, as  
1272 a matter of course at the earliest possible time, information  
1273 about:

1274 1. The availability of crime victim compensation, if ~~when~~  
1275 applicable;

1276 2. Crisis intervention services, supportive or bereavement

591-01887-14

20147048\_\_

1277 counseling, social service support referrals, and community-  
1278 based victim treatment programs;

1279 3. The role of the victim in the criminal or juvenile  
1280 justice process, including what the victim may expect from the  
1281 system as well as what the system expects from the victim;

1282 4. The stages in the criminal or juvenile justice process  
1283 which are of significance to the victim and the manner in which  
1284 information about such stages can be obtained;

1285 5. The right of a victim, who is not incarcerated,  
1286 including the victim's parent or guardian if the victim is a  
1287 minor, the lawful representative of the victim or of the  
1288 victim's parent or guardian if the victim is a minor, and the  
1289 next of kin of a homicide victim, to be informed, to be present,  
1290 and to be heard when relevant, at all crucial stages of a  
1291 criminal or juvenile proceeding, to the extent that this right  
1292 does not interfere with constitutional rights of the accused, as  
1293 provided by s. 16(b), Art. I of the State Constitution;

1294 6. In the case of incarcerated victims, the right to be  
1295 informed and to submit written statements at all crucial stages  
1296 of the criminal proceedings, parole proceedings, or juvenile  
1297 proceedings; and

1298 7. The right of a victim to a prompt and timely disposition  
1299 of the case in order to minimize the period during which the  
1300 victim must endure the responsibilities and stress involved to  
1301 the extent that this right does not interfere with the  
1302 constitutional rights of the accused.

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

591-01887-14

20147048\_\_

1306 sexual offense, pursuant to chapter 794; or an attempted murder  
1307 or sexual offense, pursuant to chapter 777; or stalking,  
1308 pursuant to s. 784.048; or domestic violence, pursuant to s.  
1309 25.385:

1310 1. The arresting law enforcement officer or personnel of an  
1311 organization that provides assistance to a victim or to the  
1312 appropriate next of kin of the victim or other designated  
1313 contact must request that the victim or appropriate next of kin  
1314 of the victim or other designated contact complete a victim  
1315 notification card. However, the victim or appropriate next of  
1316 kin of the victim or other designated contact may choose not to  
1317 complete the victim notification card.

1318 2. Unless the victim or the appropriate next of kin of the  
1319 victim or other designated contact waives the option to complete  
1320 the victim notification card, a copy of the victim notification  
1321 card must be filed with the incident report or warrant in the  
1322 sheriff's office of the jurisdiction in which the incident  
1323 report or warrant originated. The notification card shall, at a  
1324 minimum, consist of:

- 1325 a. The name, address, and phone number of the victim; or  
1326 b. The name, address, and phone number of the appropriate  
1327 next of kin of the victim; or  
1328 c. The name, address, and telephone ~~phone~~ number of a  
1329 designated contact other than the victim or appropriate next of  
1330 kin of the victim; and  
1331 d. Any relevant identification or case numbers assigned to  
1332 the case.

1333 3. The chief administrator, or a person designated by the  
1334 chief administrator, of a county jail, municipal jail, juvenile

591-01887-14

20147048\_\_

1335 detention facility, or residential commitment facility shall  
1336 make a reasonable attempt to notify the alleged victim or  
1337 appropriate next of kin of the alleged victim or other  
1338 designated contact within 4 hours following the release of the  
1339 defendant on bail or, in the case of a juvenile offender, upon  
1340 the release from residential detention or commitment. If the  
1341 chief administrator, or designee, is unable to contact the  
1342 alleged victim or appropriate next of kin of the alleged victim  
1343 or other designated contact by telephone, the chief  
1344 administrator, or designee, must send to the alleged victim or  
1345 appropriate next of kin of the alleged victim or other  
1346 designated contact a written notification of the defendant's  
1347 release.

1348 4. Unless otherwise requested by the victim or the  
1349 appropriate next of kin of the victim or other designated  
1350 contact, the information contained on the victim notification  
1351 card must be sent by the chief administrator, or designee, of  
1352 the appropriate facility to the subsequent correctional or  
1353 residential commitment facility following the sentencing and  
1354 incarceration of the defendant, and unless otherwise requested  
1355 by the victim or the appropriate next of kin of the victim or  
1356 other designated contact, he or she must be notified of the  
1357 release of the defendant from incarceration as provided by law.

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

591-01887-14

20147048\_\_

1364 correctional officer or chief administrator of the facility  
1365 releasing the defendant shall make a reasonable attempt to  
1366 immediately notify the chief correctional officer of the  
1367 jurisdiction in which the warrant was issued or the juvenile was  
1368 taken into custody pursuant to s. 985.101, and the chief  
1369 correctional officer of that jurisdiction shall make a  
1370 reasonable attempt to notify the alleged victim or appropriate  
1371 next of kin of the alleged victim or other designated contact,  
1372 as provided in this paragraph, that the defendant has been or  
1373 will be released.

1374 (c) *Information concerning protection available to victim*  
1375 *or witness.*—A victim or witness shall be furnished, as a matter  
1376 of course, with information on steps that are available to law  
1377 enforcement officers and state attorneys to protect victims and  
1378 witnesses from intimidation. Victims of domestic violence shall  
1379 also be given information about the address confidentiality  
1380 program provided under s. 741.403.

1381 (d) *Notification of scheduling changes.*—Each victim or  
1382 witness who has been scheduled to attend a criminal or juvenile  
1383 justice proceeding shall be notified as soon as possible by the  
1384 agency scheduling his or her appearance of any change in  
1385 scheduling which will affect his or her appearance.

1386 (e) *Advance notification to victim or relative of victim*  
1387 *concerning judicial proceedings; right to be present.*—Any  
1388 victim, parent, guardian, or lawful representative of a minor  
1389 who is a victim, or relative of a homicide victim shall receive  
1390 from the appropriate agency, at the address found in the police  
1391 report or the victim notification card if such has been provided  
1392 to the agency, prompt advance notification, unless the agency



591-01887-14

20147048\_\_

1393 itself does not have advance notification, of judicial and  
1394 postjudicial proceedings relating to his or her case, including  
1395 all proceedings or hearings relating to:

- 1396 1. The arrest of an accused;
- 1397 2. The release of the accused pending judicial proceedings  
1398 or any modification of release conditions; and
- 1399 3. Proceedings in the prosecution or petition for  
1400 delinquency of the accused, including the filing of the  
1401 accusatory instrument, the arraignment, disposition of the  
1402 accusatory instrument, trial or adjudicatory hearing, sentencing  
1403 or disposition hearing, appellate review, subsequent  
1404 modification of sentence, collateral attack of a judgment, and,  
1405 when a term of imprisonment, detention, or residential  
1406 commitment is imposed, the release of the defendant or juvenile  
1407 offender from such imprisonment, detention, or residential  
1408 commitment by expiration of sentence or parole and any meeting  
1409 held to consider such release.

1410

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

591-01887-14

20147048\_\_

1422 attorney, unless the notification relates to a hearing  
1423 concerning parole, in which case the appropriate agency is the  
1424 Florida Parole Commission on Offender Review. The Department of  
1425 Corrections, the Department of Juvenile Justice, or the sheriff  
1426 is the appropriate agency with respect to release by expiration  
1427 of sentence or any other release program provided by law. A ~~Any~~  
1428 victim may waive notification at any time, and such waiver shall  
1429 be noted in the agency's files.

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

591-01887-14

20147048\_\_

1451 of kin of the victim or other designated contact within 4 hours  
1452 following the release of the defendant. If the chief  
1453 administrator or designee is unable to contact the victim or  
1454 appropriate next of kin of the victim or other designated  
1455 contact by telephone, the chief administrator or designee must  
1456 send to the victim or appropriate next of kin of the victim or  
1457 other designated contact a written notification of the  
1458 defendant's or offender's release.

1459 (g) *Consultation with victim or guardian or family of*  
1460 *victim.*—

1461 1. In addition to being notified of ~~the provisions of s.~~  
1462 921.143, the victim of a felony involving physical or emotional  
1463 injury or trauma or, in a case in which the victim is a minor  
1464 child or in a homicide, the guardian or family of the victim  
1465 shall be consulted by the state attorney in order to obtain the  
1466 views of the victim or family about the disposition of any  
1467 criminal or juvenile case brought as a result of such crime,  
1468 including the views of the victim or family about:

- 1469 a. The release of the accused pending judicial proceedings;  
1470 b. Plea agreements;  
1471 c. Participation in pretrial diversion programs; and  
1472 d. Sentencing of the accused.

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

591-01887-14

20147048\_\_

1480 information that pertains to medical history, mental health, or  
1481 substance abuse and any information that pertains to any other  
1482 victim shall be redacted from the copy of the report. Any person  
1483 who reviews the report pursuant to this paragraph must maintain  
1484 the confidentiality of the report and may ~~shall~~ not disclose its  
1485 contents to any person except statements made to the state  
1486 attorney or the court.

1487 3. If ~~When~~ an inmate has been approved for community work  
1488 release, the Department of Corrections shall, upon request and  
1489 as provided in s. 944.605, notify the victim, the victim's  
1490 parent or guardian if the victim is a minor, the lawful  
1491 representative of the victim or of the victim's parent or  
1492 guardian if the victim is a minor, or the victim's next of kin  
1493 if the victim is a homicide victim.

1494 (h) *Return of property to victim.*—Law enforcement agencies  
1495 and the state attorney shall promptly return a victim's property  
1496 held for evidentiary purposes unless there is a compelling law  
1497 enforcement reason for retaining it. The trial or juvenile court  
1498 exercising jurisdiction over the criminal or juvenile proceeding  
1499 may enter appropriate orders to implement ~~the provisions of this~~  
1500 subsection, including allowing photographs of the victim's  
1501 property to be used as evidence at the criminal trial or the  
1502 juvenile proceeding in place of the victim's property if ~~when~~ no  
1503 substantial evidentiary issue related thereto is in dispute.

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

591-01887-14

20147048\_\_

1509 necessitate the absence of that victim or witness from work. A  
1510 victim or witness who, as a direct result of a crime or of his  
1511 or her cooperation with law enforcement agencies or a state  
1512 attorney, is subjected to serious financial strain shall be  
1513 assisted by such agencies and state attorney in explaining to  
1514 the creditors of such victim or witness the reason for such  
1515 serious financial strain.

1516 (j) *Notification of right to request restitution.*—Law  
1517 enforcement agencies and the state attorney shall inform the  
1518 victim of the victim's right to request and receive restitution  
1519 pursuant to s. 775.089 or s. 985.437, and of the victim's rights  
1520 of enforcement under ss. 775.089(6) and 985.0301 in the event an  
1521 offender does not comply with a restitution order. The state  
1522 attorney shall seek the assistance of the victim in the  
1523 documentation of the victim's losses for the purpose of  
1524 requesting and receiving restitution. In addition, the state  
1525 attorney shall inform the victim if and when restitution is  
1526 ordered. If an order of restitution is converted to a civil lien  
1527 or civil judgment against the defendant, the clerks shall make  
1528 available at their office, as well as on their website,  
1529 information provided by the Secretary of State, the court, or  
1530 The Florida Bar on enforcing the civil lien or judgment.

1531 (k) *Notification of right to submit impact statement.*—The  
1532 state attorney shall inform the victim of the victim's right to  
1533 submit an oral or written impact statement pursuant to s.  
1534 921.143 and shall assist in the preparation of such statement if  
1535 necessary.

1536 (l) *Local witness coordination services.*—The requirements  
1537 for notification provided for in paragraphs (c), (d), and (i)

591-01887-14

20147048\_\_

1538 may be performed by the state attorney or public defender for  
1539 their own witnesses.

1540 (m) *Victim assistance education and training.*—Victim  
1541 assistance education and training shall be offered to persons  
1542 taking courses at law enforcement training facilities and to  
1543 state attorneys and assistant state attorneys so that victims  
1544 may be promptly, properly, and completely assisted.

1545 (n) *General victim assistance.*—Victims and witnesses shall  
1546 be provided with such other assistance, such as transportation,  
1547 parking, separate pretrial waiting areas, and translator  
1548 services in attending court, as is practicable.

1549 (o) *Victim's rights information card or brochure.*—A victim  
1550 of a crime shall be provided with a victim's rights information  
1551 card or brochure containing essential information concerning the  
1552 rights of a victim and services available to a victim as  
1553 required by state law.

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

591-01887-14

20147048\_\_

1567 attorney shall also notify the sheriff of the county where the  
1568 criminal charge or petition for delinquency arose. The sheriff  
1569 shall offer assistance upon request. When an escaped offender is  
1570 subsequently captured or is captured and returned to the  
1571 institution of confinement, the institution of confinement shall  
1572 again immediately notify the appropriate state attorney and  
1573 sentencing judge pursuant to this section.

1574 (q) *Presence of victim advocate during discovery*  
1575 *deposition; testimony of victim of a sexual offense.*—At the  
1576 request of the victim or the victim's parent, guardian, or  
1577 lawful representative, the victim advocate designated by state  
1578 attorney's office, sheriff's office, or municipal police  
1579 department, or one representative from a not-for-profit victim  
1580 services organization, including, but not limited to, rape  
1581 crisis centers, domestic violence advocacy groups, and alcohol  
1582 abuse or substance abuse groups shall be permitted to attend and  
1583 be present during any deposition of the victim. The victim of a  
1584 sexual offense shall be informed of the right to have the  
1585 courtroom cleared of certain persons as provided in s. 918.16  
1586 when the victim is testifying concerning that offense.

1587 (r) *Implementing crime prevention in order to protect the*  
1588 *safety of persons and property, as prescribed in the State*  
1589 *Comprehensive Plan.*—By preventing crimes that create victims or  
1590 further harm former victims, crime prevention efforts are an  
1591 essential part of providing effective service for victims and  
1592 witnesses. Therefore, the agencies identified in this subsection  
1593 may participate in and expend funds for crime prevention, public  
1594 awareness, public participation, and educational activities  
1595 directly relating to, and in furtherance of, existing public

591-01887-14

20147048\_\_

1596 safety statutes. Furthermore, funds may not be expended for the  
1597 purpose of influencing public opinion on public policy issues  
1598 that have not been resolved by the Legislature or the  
1599 electorate.

1600 (s) *Attendance of victim at same school as defendant.*—If  
1601 ~~When~~ the victim of an offense committed by a juvenile is a  
1602 minor, the Department of Juvenile Justice shall request  
1603 information to determine if the victim, or any sibling of the  
1604 victim, attends or is eligible to attend the same school as the  
1605 offender. However, if the offender is subject to a presentence  
1606 investigation by the Department of Corrections, the Department  
1607 of Corrections shall make such request. If the victim or any  
1608 sibling of the victim attends or is eligible to attend the same  
1609 school as that of the offender, the appropriate agency shall  
1610 notify the victim's parent or legal guardian of the right to  
1611 attend the sentencing or disposition of the offender and request  
1612 that the offender be required to attend a different school.

1613 (t) *Use of a polygraph examination or other truth-telling*  
1614 *device with victim.*—A ~~No~~ law enforcement officer, prosecuting  
1615 attorney, or other government official may not ~~shall~~ ask or  
1616 require an adult, youth, or child victim of an alleged sexual  
1617 battery as defined in chapter 794 or other sexual offense to  
1618 submit to a polygraph examination or other truth-telling device  
1619 as a condition of proceeding with the investigation of such an  
1620 offense. The refusal of a victim to submit to such an  
1621 examination does ~~shall~~ not prevent the investigation, charging,  
1622 or prosecution of the offense.

1623 (u) *Presence of victim advocates during forensic medical*  
1624 *examination.*—At the request of the victim or the victim's



591-01887-14

20147048\_\_

1625 parent, guardian, or lawful representative, a victim advocate  
1626 from a certified rape crisis center shall be permitted to attend  
1627 any forensic medical examination.

1628 Section 57. Subsection (3) of section 960.17, Florida  
1629 Statutes, is amended to read:

1630 960.17 Award constitutes debt owed to state.—

1631 (3) The Florida Parole Commission on Offender Review shall  
1632 make the payment of the debt to the state a condition of parole  
1633 under chapter 947, unless the commission finds reasons to the  
1634 contrary. If the commission does not order payment, or orders  
1635 only partial payment, it shall state on the record the reasons  
1636 therefor.

1637 Section 58. Subsection (1) of section 985.04, Florida  
1638 Statutes, is amended to read:

1639 985.04 Oaths; records; confidential information.—

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

591-01887-14

20147048\_\_

1654 participating in the assessment or treatment of a juvenile, and  
1655 others entitled under this chapter to receive that information,  
1656 or upon order of the court. Within each county, the sheriff, the  
1657 chiefs of police, the district school superintendent, and the  
1658 department shall enter into an interagency agreement for the  
1659 purpose of sharing information about juvenile offenders among  
1660 all parties. The agreement must specify the conditions under  
1661 which summary criminal history information is to be made  
1662 available to appropriate school personnel, and the conditions  
1663 under which school records are to be made available to  
1664 appropriate department personnel. Such agreement shall require  
1665 notification to any classroom teacher of assignment to the  
1666 teacher's classroom of a juvenile who has been placed in a  
1667 probation or commitment program for a felony offense. The  
1668 agencies entering into such agreement must comply with s.  
1669 943.0525, and must maintain the confidentiality of information  
1670 that is otherwise exempt from s. 119.07(1), as provided by law.

1671 Section 59. Subsection (2) of section 985.045, Florida  
1672 Statutes, is amended to read:

1673 985.045 Court records.—

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

591-01887-14

20147048\_\_

1683 parents, guardians, or legal custodians of the child and their  
1684 attorneys, law enforcement agencies, the Department of Juvenile  
1685 Justice and its designees, the Florida Parole Commission on  
1686 Offender Review, the Department of Corrections, and the Justice  
1687 Administrative Commission shall always have the right to inspect  
1688 and copy any official record pertaining to the child. Public  
1689 defender offices shall have access to official records of  
1690 juveniles on whose behalf they are expected to appear in  
1691 detention or other hearings before an appointment of  
1692 representation. The court may permit authorized representatives  
1693 of recognized organizations compiling statistics for proper  
1694 purposes to inspect, and make abstracts from, official records  
1695 under whatever conditions upon the use and disposition of such  
1696 records the court may deem proper and may punish by contempt  
1697 proceedings any violation of those conditions.

1698 Section 60. This act shall take effect July 1, 2014.