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1 A bill to be entitled
2 An act relating to mandatory supervision for released
3 violent offenders; providing legislative intent;
4 amending s. 947.1405, F.S.; revising a short title;
5 renaming the conditional release program as the
6 mandatory supervision program; conforming provisions
7 to changes made by the act; replacing the term
8 "conditional release" with the term "mandatory
9 supervision"; amending s. 947.141, F.S.; conforming
10 provisions; amending s. 944.291, F.S.; revising which
11 prisoners may only be released under mandatory
12 supervision; conforming provisions; amending ss.
13 216.136, 394.926, 394.927, 775.084, 775.16, 775.21,
14 775.261, 893.11, 943.0435, 943.325, 944.171, 944.28,
15 944.606, 944.607, 944.608, 944.70, 945.36, 947.071,
16 947.13, 947.22, 947.24, 948.09, 948.32, and 957.06,
17 F.S.; conforming provisions; providing applicability;
18 specifying that the Mandatory Supervision Program Act
19 continues the prior Conditional Release Program Act;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. The Legislature finds that those convicted of
25 violent offenses and sentenced to incarceration are at a higher
26 risk of continuing to perpetrate crimes after release. The

27 Legislature further finds that intensive, postprison supervision
 28 may help such persons in making the transition from prison to a
 29 postrelease community setting by offering participation in
 30 appropriate programs and by following specified terms and
 31 conditions. Such intensive, postprison supervision is also
 32 intended to help reduce recidivism.

33 Section 2. Section 947.1405, Florida Statutes, is amended
 34 to read:

35 947.1405 Mandatory supervision ~~Conditional release~~
 36 program.—

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

39 (2) Any inmate who:

40 (a) Is convicted of a crime committed on or after October
 41 1, 1988, and before January 1, 1994, and any inmate who is
 42 convicted of a crime committed on or after January 1, 1994,
 43 which crime is or was contained in category 1, category 2,
 44 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
 45 Rules of Criminal Procedure (1993), and who has served at least
 46 one prior felony commitment at a state or federal correctional
 47 institution;

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

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

52 (d) Is convicted of a crime committed on or after October

53 1, 2015, which crime is or was contained in category 1, category
54 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,
55 Florida Rules of Criminal Procedure (1993),
56
57 shall, upon reaching the tentative release date or provisional
58 release date, whichever is earlier, as established by the
59 Department of Corrections, be released under supervision subject
60 to specified terms and conditions, including payment of the cost
61 of supervision pursuant to s. 948.09. Such supervision shall be
62 applicable to all sentences within the overall term of sentences
63 if an inmate's overall term of sentences includes one or more
64 sentences that are eligible for mandatory ~~conditional release~~
65 supervision as provided herein. Effective July 1, 1994, and
66 applicable for offenses committed on or after that date, the
67 commission may require, as a condition of mandatory supervision
68 ~~conditional release~~, that the releasee make payment of the debt
69 due and owing to a county or municipal detention facility under
70 s. 951.032 for medical care, treatment, hospitalization, or
71 transportation received by the releasee while in that detention
72 facility. The commission, in determining whether to order such
73 repayment and the amount of such repayment, shall consider the
74 amount of the debt, whether there was any fault of the
75 institution for the medical expenses incurred, the financial
76 resources of the releasee, the present and potential future
77 financial needs and earning ability of the releasee, and
78 dependents, and other appropriate factors. If any inmate placed

79 on mandatory ~~conditional release~~ supervision is also subject to
80 probation or community control, resulting from a probationary or
81 community control split sentence within the overall term of
82 sentences, the Department of Corrections shall supervise such
83 person according to the conditions imposed by the court and the
84 commission shall defer to such supervision. If the court revokes
85 probation or community control and resentences the offender to a
86 term of incarceration, such revocation also constitutes a
87 sufficient basis for the revocation of the mandatory ~~conditional~~
88 ~~release~~ supervision on any nonprobationary or noncommunity
89 control sentence without further hearing by the commission. If
90 any such supervision on any nonprobationary or noncommunity
91 control sentence is revoked, such revocation may result in a
92 forfeiture of all gain-time, and the commission may revoke the
93 resulting deferred mandatory ~~conditional release~~ supervision or
94 take other action it considers appropriate. If the term of
95 mandatory ~~conditional release~~ supervision exceeds that of the
96 probation or community control, then, upon expiration of the
97 probation or community control, authority for the supervision
98 shall revert to the commission and the supervision shall be
99 subject to the conditions imposed by the commission. A panel of
100 no fewer than two commissioners shall establish the terms and
101 conditions of any such release. If the offense was a controlled
102 substance violation, the conditions shall include a requirement
103 that the offender submit to random substance abuse testing
104 intermittently throughout the term of mandatory ~~conditional~~

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105 ~~release~~ supervision, upon the direction of the correctional
106 probation officer as defined in s. 943.10(3). The commission
107 shall also determine whether the terms and conditions of such
108 release have been violated and whether such violation warrants
109 revocation of the mandatory supervision ~~conditional release~~.

110 (3) As part of the mandatory supervision ~~conditional~~
111 ~~release~~ process, the commission, through review and
112 consideration of information provided by the department, shall
113 determine:

114 (a) The amount of reparation or restitution.

115 (b) The consequences of the offense as reported by the
116 aggrieved party.

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

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

123 (5) Within 180 days prior to the tentative release date or
124 provisional release date, whichever is earlier, a representative
125 of the department shall review the inmate's program
126 participation, disciplinary record, psychological and medical
127 records, criminal records, and any other information pertinent
128 to the impending release. The department shall gather and
129 compile information necessary for the commission to make the
130 determinations set forth in subsection (3). A department

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131 representative shall conduct a personal interview with the
132 inmate for the purpose of determining the details of the
133 inmate's release plan, including the inmate's planned residence
134 and employment. The department representative shall forward the
135 inmate's release plan to the commission and recommend to the
136 commission the terms and conditions of the mandatory supervision
137 ~~conditional release~~.

138 (6) The commission shall review the recommendations of the
139 department, and such other information as it deems relevant, and
140 may conduct a review of the inmate's record for the purpose of
141 establishing the terms and conditions of the mandatory
142 supervision ~~conditional release~~. The commission may impose any
143 special conditions it considers warranted from its review of the
144 release plan and recommendation. If the commission determines
145 that the inmate is eligible for release under this section, the
146 commission shall enter an order establishing the length of
147 supervision and the conditions attendant thereto. However, an
148 inmate who has been convicted of a violation of chapter 794 or
149 found by the court to be a sexual predator is subject to the
150 maximum level of supervision provided, with the mandatory
151 conditions as required in subsection (7), and that supervision
152 shall continue through the end of the releasee's original court-
153 imposed sentence. The length of supervision must not exceed the
154 maximum penalty imposed by the court.

155 (7) (a) Any inmate who is convicted of a crime committed on
156 or after October 1, 1995, or who has been previously convicted

157 of a crime committed on or after October 1, 1995, in violation
158 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
159 847.0145, and is subject to mandatory ~~conditional release~~
160 supervision, shall have, in addition to any other conditions
161 imposed, the following special conditions imposed by the
162 commission:

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

169 2. If the victim was under the age of 18, a prohibition on
170 living within 1,000 feet of a school, child care facility, park,
171 playground, designated public school bus stop, or other place
172 where children regularly congregate. A releasee who is subject
173 to this subparagraph may not relocate to a residence that is
174 within 1,000 feet of a public school bus stop. Beginning October
175 1, 2004, the commission or the department may not approve a
176 residence that is located within 1,000 feet of a school, child
177 care facility, park, playground, designated school bus stop, or
178 other place where children regularly congregate for any releasee
179 who is subject to this subparagraph. On October 1, 2004, the
180 department shall notify each affected school district of the
181 location of the residence of a releasee 30 days prior to release
182 and thereafter, if the releasee relocates to a new residence,

183 shall notify any affected school district of the residence of
184 the releasee within 30 days after relocation. If, on October 1,
185 2004, any public school bus stop is located within 1,000 feet of
186 the existing residence of such releasee, the district school
187 board shall relocate that school bus stop. Beginning October 1,
188 2004, a district school board may not establish or relocate a
189 public school bus stop within 1,000 feet of the residence of a
190 releasee who is subject to this subparagraph. The failure of the
191 district school board to comply with this subparagraph shall not
192 result in a violation of mandatory ~~conditional release~~
193 supervision. A releasee who is subject to this subparagraph may
194 not be forced to relocate and does not violate his or her
195 mandatory ~~conditional release~~ supervision if he or she is living
196 in a residence that meets the requirements of this subparagraph
197 and a school, child care facility, park, playground, designated
198 public school bus stop, or other place where children regularly
199 congregate is subsequently established within 1,000 feet of his
200 or her residence.

201 3. Active participation in and successful completion of a
202 sex offender treatment program with qualified practitioners
203 specifically trained to treat sex offenders, at the releasee's
204 own expense. If a qualified practitioner is not available within
205 a 50-mile radius of the releasee's residence, the offender shall
206 participate in other appropriate therapy.

207 4. A prohibition on any contact with the victim, directly
208 or indirectly, including through a third person, unless approved

209 by the victim, a qualified practitioner in the sexual offender
210 treatment program, and the sentencing court.

211 5. If the victim was under the age of 18, a prohibition
212 against contact with children under the age of 18 without review
213 and approval by the commission. The commission may approve
214 supervised contact with a child under the age of 18 if the
215 approval is based upon a recommendation for contact issued by a
216 qualified practitioner who is basing the recommendation on a
217 risk assessment. Further, the sex offender must be currently
218 enrolled in or have successfully completed a sex offender
219 therapy program. The commission may not grant supervised contact
220 with a child if the contact is not recommended by a qualified
221 practitioner and may deny supervised contact with a child at any
222 time. When considering whether to approve supervised contact
223 with a child, the commission must review and consider the
224 following:

225 a. A risk assessment completed by a qualified
226 practitioner. The qualified practitioner must prepare a written
227 report that must include the findings of the assessment and
228 address each of the following components:

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

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

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

234 (IV) The sex offender's history of juvenile charges,

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235 whenever available;

236 (V) The sex offender's offender treatment history,
237 including a consultation from the sex offender's treating, or
238 most recent treating, therapist;

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

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

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

244 (IX) The results of current psychological testing of the
245 sex offender if determined necessary by the qualified
246 practitioner;

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

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

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

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

257

258 The written report of the assessment must be given to the
259 commission.

260 b. A recommendation made as a part of the risk-assessment

261 report as to whether supervised contact with the child should be
 262 approved;

263 c. A written consent signed by the child's parent or legal
 264 guardian, if the parent or legal guardian is not the sex
 265 offender, agreeing to the sex offender having supervised contact
 266 with the child after receiving full disclosure of the sex
 267 offender's present legal status, past criminal history, and the
 268 results of the risk assessment. The commission may not approve
 269 contact with the child if the parent or legal guardian refuses
 270 to give written consent for supervised contact;

271 d. A safety plan prepared by the qualified practitioner,
 272 who provides treatment to the offender, in collaboration with
 273 the sex offender, the child's parent or legal guardian, and the
 274 child, when age appropriate, which details the acceptable
 275 conditions of contact between the sex offender and the child.
 276 The safety plan must be reviewed and approved by the Department
 277 of Corrections before being submitted to the commission; and

278 e. Evidence that the child's parent or legal guardian, if
 279 the parent or legal guardian is not the sex offender,
 280 understands the need for and agrees to the safety plan and has
 281 agreed to provide, or to designate another adult to provide,
 282 constant supervision any time the child is in contact with the
 283 offender.

284
 285 The commission may not appoint a person to conduct a risk
 286 assessment and may not accept a risk assessment from a person

287 | who has not demonstrated to the commission that he or she has
288 | met the requirements of a qualified practitioner as defined in
289 | this section.

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

294 | 7. Unless otherwise indicated in the treatment plan
295 | provided by a qualified practitioner in the sexual offender
296 | treatment program, a prohibition on viewing, owning, or
297 | possessing any obscene, pornographic, or sexually stimulating
298 | visual or auditory material, including telephone, electronic
299 | media, computer programs, or computer services that are relevant
300 | to the offender's deviant behavior pattern.

301 | 8. Effective for a releasee whose crime is committed on or
302 | after July 1, 2005, a prohibition on accessing the Internet or
303 | other computer services until a qualified practitioner in the
304 | offender's sex offender treatment program, after a risk
305 | assessment is completed, approves and implements a safety plan
306 | for the offender's accessing or using the Internet or other
307 | computer services.

308 | 9. A requirement that the releasee must submit two
309 | specimens of blood to the Department of Law Enforcement to be
310 | registered with the DNA database.

311 | 10. A requirement that the releasee make restitution to
312 | the victim, as determined by the sentencing court or the

313 commission, for all necessary medical and related professional
314 services relating to physical, psychiatric, and psychological
315 care.

316 11. Submission to a warrantless search by the community
317 control or probation officer of the probationer's or community
318 controllee's person, residence, or vehicle.

319 (b) For a releasee whose crime was committed on or after
320 October 1, 1997, in violation of chapter 794, s. 800.04, s.
321 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
322 mandatory ~~conditional release~~ supervision, in addition to any
323 other provision of this subsection, the commission shall impose
324 the following additional conditions of mandatory ~~conditional~~
325 ~~release~~ supervision:

326 1. As part of a treatment program, participation in a
327 minimum of one annual polygraph examination to obtain
328 information necessary for risk management and treatment and to
329 reduce the sex offender's denial mechanisms. The polygraph
330 examination must be conducted by a polygrapher who is a member
331 of a national or state polygraph association and who is
332 certified as a postconviction sex offender polygrapher, where
333 available, and at the expense of the releasee. The results of
334 the examination shall be provided to the releasee's probation
335 officer and qualified practitioner and may not be used as
336 evidence in a hearing to prove that a violation of supervision
337 has occurred.

338 2. Maintenance of a driving log and a prohibition against

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339 driving a motor vehicle alone without the prior approval of the
340 supervising officer.

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

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

346 5. Electronic monitoring of any form when ordered by the
347 commission. Any person who has been placed under supervision and
348 is electronically monitored by the department must pay the
349 department for the cost of the electronic monitoring service at
350 a rate that may not exceed the full cost of the monitoring
351 service. Funds collected under this subparagraph shall be
352 deposited into the General Revenue Fund. The department may
353 exempt a person from the payment of all or any part of the
354 electronic monitoring service cost if the department finds that
355 any of the factors listed in s. 948.09(3) exist.

356 (8) It is the finding of the Legislature that the
357 population of offenders released from state prison into the
358 community who meet the mandatory supervision ~~conditional release~~
359 criteria poses the greatest threat to the public safety of the
360 groups of offenders under community supervision. Therefore, the
361 Department of Corrections is to provide intensive supervision by
362 experienced correctional probation officers to mandatory
363 supervision ~~conditional release~~ offenders. Subject to specific
364 appropriation by the Legislature, caseloads may be restricted to

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365 a maximum of 40 mandatory supervision ~~conditional release~~
366 offenders per officer to provide for enhanced public safety and
367 to effectively monitor conditions of electronic monitoring or
368 curfews, if so ordered by the commission.

369 (9) The commission shall adopt rules pursuant to ss.
370 120.536(1) and 120.54 necessary to implement ~~the provisions of~~
371 the Mandatory Supervision Conditional Release Program Act.

372 (10) Effective for a releasee whose crime was committed on
373 or after September 1, 2005, in violation of chapter 794, s.
374 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
375 unlawful activity involved a victim who was 15 years of age or
376 younger and the offender is 18 years of age or older or for a
377 releasee who is designated as a sexual predator pursuant to s.
378 775.21, in addition to any other provision of this section, the
379 commission must order electronic monitoring for the duration of
380 the releasee's supervision.

381 (11) Effective for a releasee whose crime was committed on
382 or after October 1, 2008, and who has been found to have
383 committed the crime for the purpose of benefiting, promoting, or
384 furthering the interests of a criminal gang, the commission
385 shall, in addition to any other conditions imposed, impose a
386 condition prohibiting the releasee from knowingly associating
387 with other criminal gang members or associates, except as
388 authorized by law enforcement officials, prosecutorial
389 authorities, or the court, for the purpose of aiding in the
390 investigation of criminal activity.

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391 (12) In addition to all other conditions imposed, for a
392 releasee who is subject to mandatory supervision ~~conditional~~
393 ~~release~~ for a crime that was committed on or after May 26, 2010,
394 and who has been convicted at any time of committing, or
395 attempting, soliciting, or conspiring to commit, any of the
396 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
397 similar offense in another jurisdiction against a victim who was
398 under 18 years of age at the time of the offense, if the
399 releasee has not received a pardon for any felony or similar law
400 of another jurisdiction necessary for the operation of this
401 subsection, if a conviction of a felony or similar law of
402 another jurisdiction necessary for the operation of this
403 subsection has not been set aside in any postconviction
404 proceeding, or if the releasee has not been removed from the
405 requirement to register as a sexual offender or sexual predator
406 pursuant to s. 943.04354, the commission must impose the
407 following conditions:

408 (a) A prohibition on visiting schools, child care
409 facilities, parks, and playgrounds without prior approval from
410 the releasee's supervising officer. The commission may also
411 designate additional prohibited locations to protect a victim.
412 The prohibition ordered under this paragraph does not prohibit
413 the releasee from visiting a school, child care facility, park,
414 or playground for the sole purpose of attending a religious
415 service as defined in s. 775.0861 or picking up or dropping off
416 the releasee's child or grandchild at a child care facility or

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417 school.

418 (b) A prohibition on distributing candy or other items to
419 children on Halloween; wearing a Santa Claus costume, or other
420 costume to appeal to children, on or preceding Christmas;
421 wearing an Easter Bunny costume, or other costume to appeal to
422 children, on or preceding Easter; entertaining at children's
423 parties; or wearing a clown costume without prior approval from
424 the commission.

425 (13) If a person who is transferred to the custody of the
426 Department of Children and Families pursuant to part V of
427 chapter 394 is subject to mandatory ~~conditional release~~
428 supervision, the period of mandatory ~~conditional release~~
429 supervision is tolled until such person is no longer in the
430 custody of the Department of Children and Families. This
431 subsection applies to all periods of mandatory ~~conditional~~
432 ~~release~~ supervision which begin on or after October 1, 2014,
433 regardless of the date of the underlying offense.

434 (14) Effective for a releasee whose crime was committed on
435 or after October 1, 2014, in violation of chapter 794, s.
436 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition
437 to any other provision of this section, the commission must
438 impose a condition prohibiting the releasee from viewing,
439 accessing, owning, or possessing any obscene, pornographic, or
440 sexually stimulating visual or auditory material unless
441 otherwise indicated in the treatment plan provided by a
442 qualified practitioner in the sexual offender treatment program.

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443 Visual or auditory material includes, but is not limited to,
444 telephone, electronic media, computer programs, and computer
445 services.

446 Section 3. Section 947.141, Florida Statutes, is amended
447 to read:

448 947.141 Violations of mandatory supervision ~~conditional~~
449 ~~release~~, control release, ~~or~~ conditional medical release, or
450 addiction-recovery supervision.—

451 (1) If a member of the commission or a duly authorized
452 representative of the commission has reasonable grounds to
453 believe that an offender who is on release supervision under s.
454 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
455 the terms and conditions of the release in a material respect,
456 such member or representative may cause a warrant to be issued
457 for the arrest of the releasee; if the offender was found to be
458 a sexual predator, the warrant must be issued.

459 (2) Upon the arrest on a felony charge of an offender who
460 is on release supervision under s. 947.1405, s. 947.146, s.
461 947.149, or s. 944.4731, the offender must be detained without
462 bond until the initial appearance of the offender at which a
463 judicial determination of probable cause is made. If the trial
464 court judge determines that there was no probable cause for the
465 arrest, the offender may be released. If the trial court judge
466 determines that there was probable cause for the arrest, such
467 determination also constitutes reasonable grounds to believe
468 that the offender violated the conditions of the release. Within

469 24 hours after the trial court judge's finding of probable
470 cause, the detention facility administrator or designee shall
471 notify the commission and the department of the finding and
472 transmit to each a facsimile copy of the probable cause
473 affidavit or the sworn offense report upon which the trial court
474 judge's probable cause determination is based. The offender must
475 continue to be detained without bond for a period not exceeding
476 72 hours excluding weekends and holidays after the date of the
477 probable cause determination, pending a decision by the
478 commission whether to issue a warrant charging the offender with
479 violation of the conditions of release. Upon the issuance of the
480 commission's warrant, the offender must continue to be held in
481 custody pending a revocation hearing held in accordance with
482 this section.

483 (3) Within 45 days after notice to the Florida Commission
484 on Offender Review of the arrest of a releasee charged with a
485 violation of the terms and conditions of mandatory supervision
486 ~~conditional release~~, control release, conditional medical
487 release, or addiction-recovery supervision, the releasee must be
488 afforded a hearing conducted by a commissioner or a duly
489 authorized representative thereof. If the releasee elects to
490 proceed with a hearing, the releasee must be informed orally and
491 in writing of the following:

492 (a) The alleged violation with which the releasee is
493 charged.

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

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

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

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

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

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

504 (4) Within a reasonable time following the hearing, the
505 commissioner or the commissioner's duly authorized
506 representative who conducted the hearing shall make findings of
507 fact in regard to the alleged violation. A panel of no fewer
508 than two commissioners shall enter an order determining whether
509 the charge of violation of mandatory supervision ~~conditional~~
510 ~~release~~, control release, conditional medical release, or
511 addiction-recovery supervision has been sustained based upon the
512 findings of fact presented by the hearing commissioner or
513 authorized representative. By such order, the panel may revoke
514 mandatory supervision ~~conditional release~~, control release,
515 conditional medical release, or addiction-recovery supervision
516 and thereby return the releasee to prison to serve the sentence
517 imposed, reinstate the original order granting the release, or
518 enter such other order as it considers proper. Effective for
519 inmates whose offenses were committed on or after July 1, 1995,
520 the panel may order the placement of a releasee, upon a finding

521 of violation pursuant to this subsection, into a local detention
522 facility as a condition of supervision.

523 (5) Effective for inmates whose offenses were committed on
524 or after July 1, 1995, notwithstanding the provisions of ss.
525 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
526 951.23, or any other law to the contrary, by such order as
527 provided in subsection (4), the panel, upon a finding of guilt,
528 may, as a condition of continued supervision, place the releasee
529 in a local detention facility for a period of incarceration not
530 to exceed 22 months. Prior to the expiration of the term of
531 incarceration, or upon recommendation of the chief correctional
532 officer of that county, the commission shall cause inquiry into
533 the inmate's release plan and custody status in the detention
534 facility and consider whether to restore the inmate to
535 supervision, modify the conditions of supervision, or enter an
536 order of revocation, thereby causing the return of the inmate to
537 prison to serve the sentence imposed. ~~The provisions of~~ This
538 section does ~~do~~ not prohibit the panel from entering such other
539 order or conducting any investigation that it deems proper. The
540 commission may ~~only~~ place a person in a local detention facility
541 pursuant to this section only if there is a contractual
542 agreement between the chief correctional officer of that county
543 and the Department of Corrections. The agreement must provide
544 for a per diem reimbursement for each person placed under this
545 section, which is payable by the Department of Corrections for
546 the duration of the offender's placement in the facility. This

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

549 (6) Whenever a mandatory supervision ~~conditional~~ release,
550 control release, conditional medical release, or addiction-
551 recovery supervision is revoked by a panel of no fewer than two
552 commissioners and the releasee is ordered to be returned to
553 prison, the releasee, by reason of the misconduct, shall be
554 deemed to have forfeited all gain-time or commutation of time
555 for good conduct, as provided for by law, earned up to the date
556 of release. However, if a conditional medical release is revoked
557 due to the improved medical or physical condition of the
558 releasee, the releasee does ~~shall~~ not forfeit gain-time accrued
559 before the date of conditional medical release. This subsection
560 does not deprive the prisoner of the right to gain-time or
561 commutation of time for good conduct, as provided by law, from
562 the date of return to prison.

563 (7) If a law enforcement officer has probable cause to
564 believe that an offender who is on release supervision under s.
565 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
566 the terms and conditions of his or her release by committing a
567 felony offense, the officer shall arrest the offender without a
568 warrant, and a warrant need not be issued in the case.

569 Section 4. Subsection (2) of section 944.291, Florida
570 Statutes, is amended to read:

571 944.291 Prisoner released by reason of gain-time
572 allowances or attainment of provisional release date.—

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573 (2) Any prisoner who meets the criteria specified in ~~is~~
574 ~~convicted of a crime committed on or after October 1, 1988,~~
575 ~~which crime is contained in category 1, category 2, category 3,~~
576 ~~or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of~~
577 ~~Criminal Procedure, and who has served at least one prior felony~~
578 ~~commitment at a state or federal correctional institution, or is~~
579 ~~sentenced as a habitual or violent habitual offender pursuant to~~
580 ~~s. 947.1405(2) 775.084,~~ may only be released under mandatory
581 ~~conditional release~~ supervision as described in chapter 947. Not
582 fewer than 90 days prior to the tentative release date or
583 provisional release date, whichever is earlier, the department
584 shall provide the commission with the name and inmate
585 identification number for each eligible inmate.

586 Section 5. Paragraph (c) of subsection (5) of section
587 216.136, Florida Statutes, is amended to read:

588 216.136 Consensus estimating conferences; duties and
589 principals.—

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

592 (c) Develop official information relating to the number of
593 sexual offenders and sexual predators who are required by law to
594 be placed on community control, probation, or mandatory
595 supervision ~~conditional release~~ who are subject to electronic
596 monitoring.

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

599 394.926 Notice to victims and others of release of persons
600 in the custody of the department.—

601 (2) If a person in the custody of the department who has
602 an active or pending term of probation, community control,
603 parole, mandatory supervision ~~conditional release~~, or other
604 court-ordered or postprison release supervision is released, the
605 department must immediately notify the Department of
606 Corrections' Office of Community Corrections in Tallahassee. The
607 Florida Commission on Offender Review must also be immediately
608 notified of any releases of a person who has an active or
609 pending term of parole, mandatory supervision ~~conditional~~
610 ~~release~~, or other postprison release supervision that is
611 administered by the Florida Commission on Offender Review.

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

614 394.927 Escape while in lawful custody; notice to victim;
615 notice to the Department of Corrections and Florida Commission
616 on Offender Review.—

617 (2) If a person who is held in custody pursuant to a
618 finding of probable cause or commitment as a sexually violent
619 predator escapes while in custody, the department shall
620 immediately notify the victim in accordance with s. 394.926. The
621 state attorney that filed the petition for civil commitment of
622 the escapee must also be immediately notified by the department.
623 If the escapee has an active or pending term of probation,
624 community control, parole, mandatory supervision ~~conditional~~

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625 ~~release~~, or other court-ordered or postprison release
626 supervision, the department shall also immediately notify the
627 Department of Corrections' Office of Community Corrections in
628 Tallahassee. The Florida Commission on Offender Review shall
629 also be immediately notified of an escape if the escapee has an
630 active or pending term of parole, mandatory supervision
631 ~~conditional release~~, or other postprison release supervision
632 that is administered by the Florida Commission on Offender
633 Review.

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

636 775.084 Violent career criminals; habitual felony
637 offenders and habitual violent felony offenders; three-time
638 violent felony offenders; definitions; procedure; enhanced
639 penalties or mandatory minimum prison terms.—

640 (1) As used in this act:

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

644 1. The defendant has previously been convicted of any
645 combination of two or more felonies in this state or other
646 qualified offenses.

647 2. The felony for which the defendant is to be sentenced
648 was committed:

649 a. While the defendant was serving a prison sentence or
650 other sentence, or court-ordered or lawfully imposed supervision

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651 that is imposed as a result of a prior conviction for a felony
652 or other qualified offense; or

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

661 3. The felony for which the defendant is to be sentenced,
662 and one of the two prior felony convictions, is not a violation
663 of s. 893.13 relating to the purchase or the possession of a
664 controlled substance.

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

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

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

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

- 677 a. Arson;
- 678 b. Sexual battery;
- 679 c. Robbery;
- 680 d. Kidnapping;
- 681 e. Aggravated child abuse;
- 682 f. Aggravated abuse of an elderly person or disabled
- 683 adult;
- 684 g. Aggravated assault with a deadly weapon;
- 685 h. Murder;
- 686 i. Manslaughter;
- 687 j. Aggravated manslaughter of an elderly person or
- 688 disabled adult;
- 689 k. Aggravated manslaughter of a child;
- 690 l. Unlawful throwing, placing, or discharging of a
- 691 destructive device or bomb;
- 692 m. Armed burglary;
- 693 n. Aggravated battery; or
- 694 o. Aggravated stalking.
- 695 2. The felony for which the defendant is to be sentenced
- 696 was committed:
 - 697 a. While the defendant was serving a prison sentence or
 - 698 other sentence, or court-ordered or lawfully imposed supervision
 - 699 that is imposed as a result of a prior conviction for an
 - 700 enumerated felony; or
 - 701 b. Within 5 years of the date of the conviction of the
 - 702 last prior enumerated felony, or within 5 years of the

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703 defendant's release from a prison sentence, probation, community
704 control, control release, mandatory supervision ~~conditional~~
705 ~~release~~, parole, or court-ordered or lawfully imposed
706 supervision or other sentence that is imposed as a result of a
707 prior conviction for an enumerated felony, whichever is later.

708 3. The defendant has not received a pardon on the ground
709 of innocence for any crime that is necessary for the operation
710 of this paragraph.

711 4. A conviction of a crime necessary to the operation of
712 this paragraph has not been set aside in any postconviction
713 proceeding.

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

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

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

721 b. Aggravated stalking, as described in s. 784.048(3) and
722 (4);

723 c. Aggravated child abuse, as described in s.
724 827.03(2) (a);

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

727 e. Lewd or lascivious battery, lewd or lascivious
728 molestation, lewd or lascivious conduct, or lewd or lascivious

729 | exhibition, as described in s. 800.04 or s. 847.0135(5);

730 | f. Escape, as described in s. 944.40; or

731 | g. A felony violation of chapter 790 involving the use or
732 | possession of a firearm.

733 | 2. The defendant has been incarcerated in a state prison
734 | or a federal prison.

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

738 | a. While the defendant was serving a prison sentence or
739 | other sentence, or court-ordered or lawfully imposed supervision
740 | that is imposed as a result of a prior conviction for an
741 | enumerated felony; or

742 | b. Within 5 years after the conviction of the last prior
743 | enumerated felony, or within 5 years after the defendant's
744 | release from a prison sentence, probation, community control,
745 | control release, mandatory supervision ~~conditional release~~,
746 | parole, or court-ordered or lawfully imposed supervision or
747 | other sentence that is imposed as a result of a prior conviction
748 | for an enumerated felony, whichever is later.

749 | 4. The defendant has not received a pardon for any felony
750 | or other qualified offense that is necessary for the operation
751 | of this paragraph.

752 | 5. A conviction of a felony or other qualified offense
753 | necessary to the operation of this paragraph has not been set
754 | aside in any postconviction proceeding.

755 Section 9. Section 775.16, Florida Statutes, is amended to
756 read:

757 775.16 Drug offenses; additional penalties.—In addition to
758 any other penalty provided by law, a person who has been
759 convicted of sale of or trafficking in, or conspiracy to sell or
760 traffic in, a controlled substance under chapter 893, if such
761 offense is a felony, or who has been convicted of an offense
762 under the laws of any state or country which, if committed in
763 this state, would constitute the felony of selling or
764 trafficking in, or conspiracy to sell or traffic in, a
765 controlled substance under chapter 893, is:

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

768 (a) The person has completed all sentences of imprisonment
769 or supervisory sanctions imposed by the court, by the Florida
770 Commission on Offender Review, or by law; or

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

775 1. Seek evaluation and enrollment in, and once enrolled
776 maintain enrollment in until completion, a drug treatment and
777 rehabilitation program which is approved by the Department of
778 Children and Families, unless it is deemed by the program that
779 the person does not have a substance abuse problem. The
780 treatment and rehabilitation program may be specified by:

781 a. The court, in the case of court-ordered supervisory
 782 sanctions;

783 b. The Florida Commission on Offender Review, in the case
 784 of parole, control release, or mandatory supervision ~~conditional~~
 785 ~~release~~; or

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

788 2. Submit to periodic urine drug testing pursuant to
 789 procedures prescribed by the Department of Corrections. If the
 790 person is indigent, the costs shall be paid by the Department of
 791 Corrections.

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

796 (a) The person has completed all sentences of imprisonment
 797 or supervisory sanctions imposed by the court, by the Florida
 798 Commission on Offender Review, or by law;

799 (b) The person has complied with the conditions of
 800 subparagraphs 1. and 2. which shall be monitored by the
 801 Department of Corrections while the person is under any
 802 supervisory sanction. If the person fails to comply with
 803 provisions of these subparagraphs by either failing to maintain
 804 treatment or by testing positive for drug use, the department
 805 shall notify the licensing, permitting, or certifying agency,
 806 which may refuse to reissue or reinstate such license, permit,

807 or certification. The licensee, permittee, or certificateholder
 808 under supervision may:

809 1. Seek evaluation and enrollment in, and once enrolled
 810 maintain enrollment in until completion, a drug treatment and
 811 rehabilitation program which is approved or regulated by the
 812 Department of Children and Families, unless it is deemed by the
 813 program that the person does not have a substance abuse problem.

814 The treatment and rehabilitation program may be specified by:

815 a. The court, in the case of court-ordered supervisory
 816 sanctions;

817 b. The Florida Commission on Offender Review, in the case
 818 of parole, control release, or mandatory supervision ~~conditional~~
 819 ~~release~~; or

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

822 2. Submit to periodic urine drug testing pursuant to
 823 procedures prescribed by the Department of Corrections. If the
 824 person is indigent, the costs shall be paid by the Department of
 825 Corrections; or

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

828
 829 The provisions of this section do not apply to any of the taxes,
 830 fees, or permits regulated, controlled, or administered by the
 831 Department of Revenue in accordance with the provisions of s.
 832 213.05.

833 Section 10. Paragraph (e) of subsection (2) of section
 834 775.21, Florida Statutes, is amended to read:

835 775.21 The Florida Sexual Predators Act.—

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

837 (e) "Conviction" means a determination of guilt which is
 838 the result of a trial or the entry of a plea of guilty or nolo
 839 contendere, regardless of whether adjudication is withheld. A
 840 conviction for a similar offense includes, but is not limited
 841 to, a conviction by a federal or military tribunal, including
 842 courts-martial conducted by the Armed Forces of the United
 843 States, and includes a conviction or entry of a plea of guilty
 844 or nolo contendere resulting in a sanction in any state of the
 845 United States or other jurisdiction. A sanction includes, but is
 846 not limited to, a fine, probation, community control, parole,
 847 mandatory supervision ~~conditional release~~, control release, or
 848 incarceration in a state prison, federal prison, private
 849 correctional facility, or local detention facility.

850 Section 11. Paragraph (a) of subsection (3) of section
 851 775.261, Florida Statutes, is amended to read:

852 775.261 The Florida Career Offender Registration Act.—

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

854 (a) A career offender released on or after July 1, 2002,
 855 from a sanction imposed in this state must register as required
 856 under subsection (4) and is subject to community and public
 857 notification as provided under subsection (5). For purposes of
 858 this section, a sanction imposed in this state includes, but is

859 not limited to, a fine, probation, community control, parole,
860 mandatory supervision ~~conditional release~~, control release, or
861 incarceration in a state prison, private correctional facility,
862 or local detention facility, and:

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

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

869 Section 12. Section 893.11, Florida Statutes, is amended
870 to read:

871 893.11 Suspension, revocation, and reinstatement of
872 business and professional licenses.—For the purposes of s.
873 120.60(6), any conviction in any court reported to the
874 Comprehensive Case Information System of the Florida Association
875 of Court Clerks and Comptrollers, Inc., for the sale of, or
876 trafficking in, a controlled substance or for conspiracy to
877 sell, or traffic in, a controlled substance constitutes an
878 immediate serious danger to the public health, safety, or
879 welfare, and is grounds for disciplinary action by the licensing
880 state agency. A state agency shall initiate an immediate
881 emergency suspension of an individual professional license
882 issued by the agency, in compliance with the procedures for
883 summary suspensions in s. 120.60(6), upon the agency's findings
884 of the licensee's conviction in any court reported to the

885 Comprehensive Case Information System of the Florida Association
886 of Court Clerks and Comptrollers, Inc., for the sale of, or
887 trafficking in, a controlled substance, or for conspiracy to
888 sell, or traffic in, a controlled substance. Before renewing any
889 professional license, a state agency that issues a professional
890 license must use the Comprehensive Case Information System of
891 the Florida Association of Court Clerks and Comptrollers, Inc.,
892 to obtain information relating to any conviction for the sale
893 of, or trafficking in, a controlled substance or for conspiracy
894 to sell, or traffic in, a controlled substance. The clerk of
895 court shall provide electronic access to each state agency at no
896 cost and also provide certified copies of the judgment upon
897 request to the agency. Upon a showing by any such convicted
898 defendant whose professional license has been suspended or
899 revoked pursuant to this section that his or her civil rights
900 have been restored or upon a showing that the convicted
901 defendant meets the following criteria, the agency head may
902 reinstate or reactivate such license when:

903 (1) The person has complied with the conditions of
904 paragraphs (a) and (b) which shall be monitored by the
905 Department of Corrections while the person is under any
906 supervisory sanction. If the person fails to comply with
907 provisions of these paragraphs by either failing to maintain
908 treatment or by testing positive for drug use, the department
909 shall notify the licensing agency, which shall revoke the
910 license. The person under supervision may:

911 (a) Seek evaluation and enrollment in, and once enrolled
 912 maintain enrollment in until completion, a drug treatment and
 913 rehabilitation program which is approved or regulated by the
 914 Department of Children and Families. The treatment and
 915 rehabilitation program shall be specified by:

916 1. The court, in the case of court-ordered supervisory
 917 sanctions;

918 2. The Florida Commission on Offender Review, in the case
 919 of parole, control release, or mandatory supervision ~~conditional~~
 920 ~~release~~; or

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

923 (b) Submit to periodic urine drug testing pursuant to
 924 procedures prescribed by the Department of Corrections. If the
 925 person is indigent, the costs shall be paid by the Department of
 926 Corrections; or

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

929 (3) As used in this section, the term "professional
 930 license" includes any license, permit, or certificate that
 931 authorizes a person to practice his or her profession. However,
 932 the term does not include any of the taxes, fees, or permits
 933 regulated, controlled, or administered by the Department of
 934 Revenue in accordance with s. 213.05.

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

937 943.0435 Sexual offenders required to register with the
 938 department; penalty.—

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

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

943 a.(I) Has been convicted of committing, or attempting,
 944 soliciting, or conspiring to commit, any of the criminal
 945 offenses proscribed in the following statutes in this state or
 946 similar offenses in another jurisdiction: s. 393.135(2); s.
 947 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 948 the victim is a minor and the defendant is not the victim's
 949 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
 950 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
 951 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
 952 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 953 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 954 916.1075(2); or s. 985.701(1); or any similar offense committed
 955 in this state which has been redesignated from a former statute
 956 number to one of those listed in this sub-sub-subparagraph; and

957 (II) Has been released on or after October 1, 1997, from
 958 the sanction imposed for any conviction of an offense described
 959 in sub-sub-subparagraph (I). For purposes of sub-sub-
 960 subparagraph (I), a sanction imposed in this state or in any
 961 other jurisdiction includes, but is not limited to, a fine,
 962 probation, community control, parole, mandatory supervision

963 ~~conditional release~~, control release, or incarceration in a
964 state prison, federal prison, private correctional facility, or
965 local detention facility;

966 b. Establishes or maintains a residence in this state and
967 who has not been designated as a sexual predator by a court of
968 this state but who has been designated as a sexual predator, as
969 a sexually violent predator, or by another sexual offender
970 designation in another state or jurisdiction and was, as a
971 result of such designation, subjected to registration or
972 community or public notification, or both, or would be if the
973 person were a resident of that state or jurisdiction, without
974 regard to whether the person otherwise meets the criteria for
975 registration as a sexual offender;

976 c. Establishes or maintains a residence in this state who
977 is in the custody or control of, or under the supervision of,
978 any other state or jurisdiction as a result of a conviction for
979 committing, or attempting, soliciting, or conspiring to commit,
980 any of the criminal offenses proscribed in the following
981 statutes or similar offense in another jurisdiction: s.
982 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
983 787.025(2)(c), where the victim is a minor and the defendant is
984 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
985 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
986 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
987 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
988 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.

989 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
 990 offense committed in this state which has been redesignated from
 991 a former statute number to one of those listed in this sub-
 992 subparagraph; or

993 d. On or after July 1, 2007, has been adjudicated
 994 delinquent for committing, or attempting, soliciting, or
 995 conspiring to commit, any of the criminal offenses proscribed in
 996 the following statutes in this state or similar offenses in
 997 another jurisdiction when the juvenile was 14 years of age or
 998 older at the time of the offense:

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

1000 (II) Section 800.04(4)(a)2. where the victim is under 12
 1001 years of age or where the court finds sexual activity by the use
 1002 of force or coercion;

1003 (III) Section 800.04(5)(c)1. where the court finds
 1004 molestation involving unclothed genitals; or

1005 (IV) Section 800.04(5)(d) where the court finds the use of
 1006 force or coercion and unclothed genitals.

1007 2. For all qualifying offenses listed in sub-subparagraph
 1008 (1)(a)1.d., the court shall make a written finding of the age of
 1009 the offender at the time of the offense.

1010
 1011 For each violation of a qualifying offense listed in this
 1012 subsection, except for a violation of s. 794.011, the court
 1013 shall make a written finding of the age of the victim at the
 1014 time of the offense. For a violation of s. 800.04(4), the court

1015 shall also make a written finding indicating whether the offense
 1016 involved sexual activity and indicating whether the offense
 1017 involved force or coercion. For a violation of s. 800.04(5), the
 1018 court shall also make a written finding that the offense did or
 1019 did not involve unclothed genitals or genital area and that the
 1020 offense did or did not involve the use of force or coercion.

1021 (b) "Convicted" means that there has been a determination
 1022 of guilt as a result of a trial or the entry of a plea of guilty
 1023 or nolo contendere, regardless of whether adjudication is
 1024 withheld, and includes an adjudication of delinquency of a
 1025 juvenile as specified in this section. Conviction of a similar
 1026 offense includes, but is not limited to, a conviction by a
 1027 federal or military tribunal, including courts-martial conducted
 1028 by the Armed Forces of the United States, and includes a
 1029 conviction or entry of a plea of guilty or nolo contendere
 1030 resulting in a sanction in any state of the United States or
 1031 other jurisdiction. A sanction includes, but is not limited to,
 1032 a fine, probation, community control, parole, mandatory
 1033 supervision ~~conditional release~~, control release, or
 1034 incarceration in a state prison, federal prison, private
 1035 correctional facility, or local detention facility.

1036 Section 14. Paragraph (a) of subsection (7) of section
 1037 943.325, Florida Statutes, is amended to read:

1038 943.325 DNA database.—

1039 (7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

1040 (a) Any qualifying offender, who is:

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- 1041 1. Arrested in this state;
 1042 2. Incarcerated in this state; or
 1043 3. On probation, community control, parole, mandatory
 1044 supervision ~~conditional release~~, control release, or any other
 1045 type of court-ordered supervision in this state,

1046
 1047 shall be required to submit a DNA sample to a department-
 1048 designated facility.

1049 Section 15. Paragraph (a) of subsection (2) of section
 1050 944.171, Florida Statutes, is amended to read:

1051 944.171 Housing of inmates.—

1052 (2) Notwithstanding s. 944.17, the department may enter
 1053 into contracts with another state, a political subdivision of
 1054 another state, or a correctional management services vendor in
 1055 another state for the transfer and confinement in that state of
 1056 inmates who have been committed to the custody of the
 1057 department.

1058 (a) Any such contract must include:

- 1059 1. A termination date.
 1060 2. Provisions concerning the costs of inmate maintenance,
 1061 extraordinary medical and dental expenses, and any participation
 1062 in or receipt by inmates of rehabilitative or correctional
 1063 services, facilities, programs, or treatment, including those
 1064 costs not reasonably included as part of normal maintenance.
 1065 3. Provisions concerning participation in programs of
 1066 inmate employment, if any, the disposition or crediting of any

1067 payments received by inmates on account of employment, and the
 1068 crediting of proceeds or disposal of any products resulting from
 1069 employment.

1070 4. Provisions for the delivery and retaking of inmates.

1071 5. A provision for a waiver of extradition by the parties
 1072 to the contract.

1073 6. Retention of jurisdiction of the inmates transferred by
 1074 Florida.

1075 7. Regular reporting procedures concerning Florida inmates
 1076 by officials of the state, political subdivision, or
 1077 correctional management services vendor with which the
 1078 department is contracting.

1079 8. Provisions concerning procedures for community
 1080 supervision, including probation, parole, mandatory supervision
 1081 ~~conditional release~~, and discharge.

1082 9. The same standards of reasonable and humane care as the
 1083 inmates would receive in an appropriate institution in this
 1084 state.

1085 10. Any other matters that are necessary and appropriate
 1086 to establish the obligations, responsibilities, and rights of
 1087 Florida and the state, political subdivision, or correctional
 1088 management services vendor with which the department is
 1089 contracting.

1090 Section 16. Subsection (1) of section 944.28, Florida
 1091 Statutes, is amended to read:

1092 944.28 Forfeiture of gain-time and the right to earn gain-

1093 time in the future.—

1094 (1) If a prisoner is convicted of escape, or if the
 1095 clemency, mandatory supervision ~~conditional release~~ as described
 1096 in chapter 947, probation or community control as described in
 1097 chapter 948, provisional release as described in former s.
 1098 944.277, parole, or control release as described in s. 947.146
 1099 granted to the prisoner is revoked, the department may, without
 1100 notice or hearing, declare a forfeiture of all gain-time earned
 1101 according to the provisions of law by such prisoner prior to
 1102 such escape or his or her release under such clemency, mandatory
 1103 supervision ~~conditional release~~, probation, community control,
 1104 provisional release, control release, or parole.

1105 Section 17. Paragraph (a) of subsection (1) of section
 1106 944.606, Florida Statutes, is amended to read:

1107 944.606 Sexual offenders; notification upon release.—

1108 (1) As used in this section:

1109 (a) "Convicted" means there has been a determination of
 1110 guilt as a result of a trial or the entry of a plea of guilty or
 1111 nolo contendere, regardless of whether adjudication is withheld.
 1112 A conviction for a similar offense includes, but is not limited
 1113 to, a conviction by a federal or military tribunal, including
 1114 courts-martial conducted by the Armed Forces of the United
 1115 States, and includes a conviction or entry of a plea of guilty
 1116 or nolo contendere resulting in a sanction in any state of the
 1117 United States or other jurisdiction. A sanction includes, but is
 1118 not limited to, a fine; probation; community control; parole;

1119 mandatory supervision ~~conditional release~~; control release; or
 1120 incarceration in a state prison, federal prison, private
 1121 correctional facility, or local detention facility.

1122 Section 18. Paragraph (c) of subsection (1) and subsection
 1123 (6) of section 944.607, Florida Statutes, are amended to read:

1124 944.607 Notification to Department of Law Enforcement of
 1125 information on sexual offenders.—

1126 (1) As used in this section, the term:

1127 (c) "Conviction" means a determination of guilt which is
 1128 the result of a trial or the entry of a plea of guilty or nolo
 1129 contendere, regardless of whether adjudication is withheld.
 1130 Conviction of a similar offense includes, but is not limited to,
 1131 a conviction by a federal or military tribunal, including
 1132 courts-martial conducted by the Armed Forces of the United
 1133 States, and includes a conviction or entry of a plea of guilty
 1134 or nolo contendere resulting in a sanction in any state of the
 1135 United States or other jurisdiction. A sanction includes, but is
 1136 not limited to, a fine; probation; community control; parole;
 1137 mandatory supervision ~~conditional release~~; control release; or
 1138 incarceration in a state prison, federal prison, private
 1139 correctional facility, or local detention facility.

1140 (6) The information provided to the Department of Law
 1141 Enforcement must include:

1142 (a) The information obtained from the sexual offender
 1143 under subsection (4);

1144 (b) The sexual offender's most current address, place of

1145 permanent, temporary, or transient residence within the state or
1146 out of state, and address, location or description, and dates of
1147 any current or known future temporary residence within the state
1148 or out of state, while the sexual offender is under supervision
1149 in this state, including the name of the county or municipality
1150 in which the offender permanently or temporarily resides, or has
1151 a transient residence, and address, location or description, and
1152 dates of any current or known future temporary residence within
1153 the state or out of state, and, if known, the intended place of
1154 permanent, temporary, or transient residence, and address,
1155 location or description, and dates of any current or known
1156 future temporary residence within the state or out of state upon
1157 satisfaction of all sanctions;

1158 (c) The legal status of the sexual offender and the
1159 scheduled termination date of that legal status;

1160 (d) The location of, and local telephone number for, any
1161 Department of Corrections' office that is responsible for
1162 supervising the sexual offender;

1163 (e) An indication of whether the victim of the offense
1164 that resulted in the offender's status as a sexual offender was
1165 a minor;

1166 (f) The offense or offenses at conviction which resulted
1167 in the determination of the offender's status as a sex offender;
1168 and

1169 (g) A digitized photograph of the sexual offender which
1170 must have been taken within 60 days before the offender is

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1171 released from the custody of the department or a private
1172 correctional facility by expiration of sentence under s. 944.275
1173 or must have been taken by January 1, 1998, or within 60 days
1174 after the onset of the department's supervision of any sexual
1175 offender who is on probation, community control, mandatory
1176 supervision ~~conditional release~~, parole, provisional release, or
1177 control release or who is supervised by the department under the
1178 Interstate Compact Agreement for Probationers and Parolees. If
1179 the sexual offender is in the custody of a private correctional
1180 facility, the facility shall take a digitized photograph of the
1181 sexual offender within the time period provided in this
1182 paragraph and shall provide the photograph to the department.

1183
1184 If any information provided by the department changes during the
1185 time the sexual offender is under the department's control,
1186 custody, or supervision, including any change in the offender's
1187 name by reason of marriage or other legal process, the
1188 department shall, in a timely manner, update the information and
1189 provide it to the Department of Law Enforcement in the manner
1190 prescribed in subsection (2).

1191 Section 19. Subsection (5) of section 944.608, Florida
1192 Statutes, is amended to read:

1193 944.608 Notification to Department of Law Enforcement of
1194 information on career offenders.—

1195 (5) The information provided to the Department of Law
1196 Enforcement must include:

1197 (a) The information obtained from the career offender
1198 under subsection (3);

1199 (b) The career offender's most current address and place
1200 of permanent and temporary residence within the state or out of
1201 state while the career offender is under supervision in this
1202 state, including the name of the county or municipality in which
1203 the career offender permanently or temporarily resides and, if
1204 known, the intended place of permanent or temporary residence
1205 upon satisfaction of all sanctions;

1206 (c) The legal status of the career offender and the
1207 scheduled termination date of that legal status;

1208 (d) The location of, and local telephone number for, any
1209 Department of Corrections' office that is responsible for
1210 supervising the career offender; and

1211 (e) A digitized photograph of the career offender, which
1212 must have been taken within 60 days before the career offender
1213 is released from the custody of the department or a private
1214 correctional facility or within 60 days after the onset of the
1215 department's supervision of any career offender who is on
1216 probation, community control, mandatory supervision ~~conditional~~
1217 ~~release~~, parole, provisional release, or control release. If the
1218 career offender is in the custody or control of, or under the
1219 supervision of, a private correctional facility, the facility
1220 shall take a digitized photograph of the career offender within
1221 the time period provided in this paragraph and shall provide the
1222 photograph to the department.

1223 Section 20. Subsection (1) of section 944.70, Florida
 1224 Statutes, is amended to read:

1225 944.70 Conditions for release from incarceration.—

1226 (1) (a) A person who is convicted of a crime committed on
 1227 or after October 1, 1983, but before January 1, 1994, may be
 1228 released from incarceration only:

- 1229 1. Upon expiration of the person's sentence;
- 1230 2. Upon expiration of the person's sentence as reduced by
 1231 accumulated gain-time;
- 1232 3. As directed by an executive order granting clemency;
- 1233 4. Upon attaining the provisional release date;
- 1234 5. Upon placement in a mandatory supervision ~~conditional~~
 1235 ~~release~~ program pursuant to s. 947.1405; or
- 1236 6. Upon the granting of control release pursuant to s.
 1237 947.146.

1238 (b) A person who is convicted of a crime committed on or
 1239 after January 1, 1994, may be released from incarceration only:

- 1240 1. Upon expiration of the person's sentence;
- 1241 2. Upon expiration of the person's sentence as reduced by
 1242 accumulated meritorious or incentive gain-time;
- 1243 3. As directed by an executive order granting clemency;
- 1244 4. Upon placement in a mandatory supervision ~~conditional~~
 1245 ~~release~~ program pursuant to s. 947.1405 or a conditional medical
 1246 release program pursuant to s. 947.149; or
- 1247 5. Upon the granting of control release, including
 1248 emergency control release, pursuant to s. 947.146.

1249 Section 21. Section 945.36, Florida Statutes, is amended
 1250 to read:

1251 945.36 Exemption from health testing regulations for law
 1252 enforcement personnel conducting drug tests on inmates and
 1253 releasees.—

1254 (1) Any law enforcement officer, state or county probation
 1255 officer, or employee of the Department of Corrections, who is
 1256 certified by the Department of Corrections pursuant to
 1257 subsection (2), is exempt from part I of chapter 483, for the
 1258 limited purpose of administering a urine screen drug test to:

- 1259 (a) Persons during incarceration;
- 1260 (b) Persons released as a condition of probation for
 1261 either a felony or misdemeanor;
- 1262 (c) Persons released as a condition of community control;
- 1263 (d) Persons released as a condition of mandatory
 1264 supervision ~~conditional release~~;
- 1265 (e) Persons released as a condition of parole;
- 1266 (f) Persons released as a condition of provisional
 1267 release;
- 1268 (g) Persons released as a condition of pretrial release;
- 1269 or
- 1270 (h) Persons released as a condition of control release.

1271 (2) The Department of Corrections shall develop a
 1272 procedure for certification of any law enforcement officer,
 1273 state or county probation officer, or employee of the Department
 1274 of Corrections to perform a urine screen drug test on the

1275 persons specified in subsection (1).

1276 Section 22. Subsection (2) of section 947.071, Florida
 1277 Statutes, is amended to read:

1278 947.071 Rulemaking procedures; indexing of orders.—

1279 (2) The only final orders of the commission which must
 1280 ~~shall~~ be indexed pursuant to chapter 120 are:

1281 (a) Orders granting parole.

1282 (b) Orders revoking parole.

1283 (c) Orders restoring to supervision.

1284 (d) Orders releasing from custody and further supervision.

1285 (e) Early parole termination orders.

1286 (f) Orders granting mandatory supervision ~~conditional~~
 1287 ~~release~~.

1288 (g) Orders revoking mandatory supervision ~~conditional~~
 1289 ~~release~~.

1290 Section 23. Paragraph (f) of subsection (1) of section
 1291 947.13, Florida Statutes, is amended to read:

1292 947.13 Powers and duties of commission.—

1293 (1) The commission shall have the powers and perform the
 1294 duties of:

1295 (f) Establishing the terms and conditions of persons
 1296 released on mandatory supervision ~~conditional release~~ under s.
 1297 947.1405, and determining subsequent ineligibility for mandatory
 1298 supervision ~~conditional release~~ due to a violation of the terms
 1299 or conditions of mandatory supervision ~~conditional release~~ and
 1300 taking action with respect to such a violation.

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1301 Section 24. Subsection (2) of section 947.22, Florida
 1302 Statutes, is amended to read:

1303 947.22 Authority to arrest parole violators with or
 1304 without warrant.—

1305 (2) Any parole and probation officer, if she or he has
 1306 reasonable ground to believe that a parolee, control releasee,
 1307 or mandatory supervision ~~conditional~~ releasee has violated the
 1308 terms and conditions of her or his parole, control release, or
 1309 mandatory supervision ~~conditional~~ release in a material respect,
 1310 has the right to arrest the releasee or parolee without warrant
 1311 and bring her or him forthwith before one or more commissioners
 1312 or a duly authorized representative of the Florida Commission on
 1313 Offender Review or Control Release Authority; and proceedings
 1314 shall thereupon be had as provided herein when a warrant has
 1315 been issued by a member of the commission or authority or a duly
 1316 authorized representative of the commission or authority.

1317 Section 25. Subsections (1) and (2) of section 947.24,
 1318 Florida Statutes, are amended to read:

1319 947.24 Discharge from parole supervision or release
 1320 supervision.—

1321 (1) When a person is placed on parole, control release, or
 1322 mandatory supervision ~~conditional~~ release, the commission shall
 1323 determine the period of time the person will be under parole
 1324 supervision or release supervision in the following manner:

1325 (a) If the person is being paroled or released under
 1326 supervision from a single or concurrent sentence, the period of

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1327 time the person will be under parole supervision or release
1328 supervision may not exceed 2 years unless the commission
1329 designates a longer period of time, in which case it must advise
1330 the parolee or releasee in writing of the reasons for the
1331 extended period. In any event, the period of parole supervision
1332 or release supervision may not exceed the maximum period for
1333 which the person has been sentenced.

1334 (b) If the person is being paroled or released under
1335 supervision from a consecutive sentence or sentences, the period
1336 of time the person will be under parole supervision or release
1337 supervision will be for the maximum period for which the person
1338 was sentenced.

1339 (2) The commission shall review the progress of each
1340 person who has been placed on parole, control release, or
1341 mandatory supervision ~~conditional release~~ after 2 years of
1342 supervision in the community and biennially thereafter. The
1343 department shall provide to the commission the information
1344 necessary to conduct such a review. Such review must include
1345 consideration of whether to modify the reporting schedule,
1346 thereby authorizing the person under parole supervision or
1347 release supervision to submit reports quarterly, semiannually,
1348 or annually. The commission, after having retained jurisdiction
1349 of a person for a sufficient length of time to evidence
1350 satisfactory rehabilitation and cooperation, may further modify
1351 the terms and conditions of the person's parole, control
1352 release, or mandatory supervision ~~conditional release~~, may

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1353 discharge the person from parole supervision or release
1354 supervision, may relieve the person from making further reports,
1355 or may permit the person to leave the state or country, upon
1356 finding that such action is in the best interests of the person
1357 and society.

1358 Section 26. Paragraph (a) of subsection (1) and subsection
1359 (3) of section 948.09, Florida Statutes, are amended to read:

1360 948.09 Payment for cost of supervision and
1361 rehabilitation.—

1362 (1) (a) 1. Any person ordered by the court, the Department
1363 of Corrections, or the Florida Commission on Offender Review to
1364 be placed on probation, drug offender probation, community
1365 control, parole, control release, provisional release
1366 supervision, addiction-recovery supervision, or mandatory
1367 ~~conditional release~~ supervision under this chapter, chapter 944,
1368 chapter 945, chapter 947, or chapter 958, or in a pretrial
1369 intervention program, must, as a condition of any placement, pay
1370 the department a total sum of money equal to the total month or
1371 portion of a month of supervision times the court-ordered
1372 amount, but not to exceed the actual per diem cost of the
1373 supervision. The department shall adopt rules by which an
1374 offender who pays in full and in advance of regular termination
1375 of supervision may receive a reduction in the amount due. The
1376 rules shall incorporate provisions by which the offender's
1377 ability to pay is linked to an established written payment plan.
1378 Funds collected from felony offenders may be used to offset

1379 costs of the Department of Corrections associated with community
 1380 supervision programs, subject to appropriation by the
 1381 Legislature.

1382 2. In addition to any other contribution or surcharge
 1383 imposed by this section, each felony offender assessed under
 1384 this paragraph shall pay a \$2-per-month surcharge to the
 1385 department. The surcharge shall be deemed to be paid only after
 1386 the full amount of any monthly payment required by the
 1387 established written payment plan has been collected by the
 1388 department. These funds shall be used by the department to pay
 1389 for correctional probation officers' training and equipment,
 1390 including radios, and firearms training, firearms, and attendant
 1391 equipment necessary to train and equip officers who choose to
 1392 carry a concealed firearm while on duty. This subparagraph does
 1393 not limit the department's authority to determine who shall be
 1394 authorized to carry a concealed firearm while on duty, or limit
 1395 the right of a correctional probation officer to carry a
 1396 personal firearm approved by the department.

1397 (3) Any failure to pay contribution as required under this
 1398 section may constitute a ground for the revocation of probation
 1399 by the court, the revocation of parole or mandatory supervision
 1400 ~~conditional release~~ by the Florida Commission on Offender
 1401 Review, the revocation of control release by the Control Release
 1402 Authority, or removal from the pretrial intervention program by
 1403 the state attorney. The Department of Corrections may exempt a
 1404 person from the payment of all or any part of the contribution

1405 if it finds any of the following factors to exist:

1406 (a) The offender has diligently attempted, but has been
 1407 unable, to obtain employment which provides him or her
 1408 sufficient income to make such payments.

1409 (b) The offender is a student in a school, college,
 1410 university, or course of career training designed to fit the
 1411 student for gainful employment. Certification of such student
 1412 status shall be supplied to the Secretary of Corrections by the
 1413 educational institution in which the offender is enrolled.

1414 (c) The offender has an employment handicap, as determined
 1415 by a physical, psychological, or psychiatric examination
 1416 acceptable to, or ordered by, the secretary.

1417 (d) The offender's age prevents him or her from obtaining
 1418 employment.

1419 (e) The offender is responsible for the support of
 1420 dependents, and the payment of such contribution constitutes an
 1421 undue hardship on the offender.

1422 (f) The offender has been transferred outside the state
 1423 under an interstate compact adopted pursuant to chapter 949.

1424 (g) There are other extenuating circumstances, as
 1425 determined by the secretary.

1426 Section 27. Section 948.32, Florida Statutes, is amended
 1427 to read:

1428 948.32 Requirements of law enforcement agency upon arrest
 1429 of persons for certain sex offenses.—

1430 (1) When any state or local law enforcement agency

1431 investigates or arrests a person for committing, or attempting,
 1432 soliciting, or conspiring to commit, a violation of s.
 1433 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 1434 s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145,
 1435 the law enforcement agency shall contact the Department of
 1436 Corrections to verify whether the person under investigation or
 1437 under arrest is on probation, community control, parole,
 1438 mandatory supervision ~~conditional release~~, or control release.

1439 (2) If the law enforcement agency finds that the person
 1440 under investigation or under arrest is on probation, community
 1441 control, parole, mandatory supervision ~~conditional release~~, or
 1442 control release, the law enforcement agency shall immediately
 1443 notify the person's probation officer or release supervisor of
 1444 the investigation or the arrest.

1445 Section 28. Subsection (6) of section 957.06, Florida
 1446 Statutes, is amended to read:

1447 957.06 Powers and duties not delegable to contractor.—A
 1448 contract entered into under this chapter does not authorize,
 1449 allow, or imply a delegation of authority to the contractor to:

1450 (6) Make recommendations to the Florida Commission on
 1451 Offender Review with respect to the denial or granting of
 1452 parole, control release, mandatory supervision ~~conditional~~
 1453 ~~release~~, or conditional medical release. However, the contractor
 1454 may submit written reports to the Florida Commission on Offender
 1455 Review and must respond to a written request by the Florida
 1456 Commission on Offender Review for information.

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1457 Section 29. The Conditional Release Program Act, ss.
1458 947.1405 and 947.141, Florida Statutes, which is renamed by the
1459 amendments made by this act to s. 947.1405(1), Florida Statutes,
1460 is continued as the Mandatory Supervision Program Act.

1461 Section 30. This act shall take effect October 1, 2015.