

1 A bill to be entitled
 2 An act relating to reorganization of the Parole
 3 Commission; changing the name to the Parole Board;
 4 transferring the commission to the Department of
 5 Corrections; amending ss. 11.905, 20.315, 20.32, 23.21,
 6 112.011, 186.005, 255.502, 311.12, 322.16, F.S.; 394.926,
 7 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02,
 8 843.08, 893.11, 921.16, 921.21, 921.22, 940.03, 940.05,
 9 941.23, 943.0311, 943.06, 943.325, 944.012, 944.02,
 10 944.024, 944.091, 944.23, 944.291, 944.4731, 945.091,
 11 945.10, 945.25, 945.47, 945.73, 947.002, 947.005, 947.01,
 12 947.02, 947.03, 947.04, 947.05, 947.06, 947.07, 947.071,
 13 947.10, 947.11, 947.12, 947.13, 947.1405, 947.141,
 14 947.146, 947.149, 947.15, 947.16, 947.165, 947.168,
 15 947.172, 947.173, 947.174, 947.1745, 947.1746, 947.1747,
 16 947.18, 947.181, 947.185, 947.19, 947.20, 947.21, 947.22,
 17 947.23, 947.24, 947.26, 948.06, 948.09, 948.10, 949.05,
 18 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, 985.045,
 19 F.S.; to conform; repealing ss. 921.20, 947.001, 947.021,
 20 947.045, and 947.135, F.S.; giving a direction to the
 21 Office of Statutory Revision; providing for transition;
 22 stating legislative intent; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Paragraph (f) of subsection (7) of section
 27 11.905, Florida Statutes, is amended to read:

28 11.905 Schedule for reviewing state agencies and advisory
 29 committees.--The following state agencies, including their

30 advisory committees, or the following advisory committees of
 31 agencies shall be reviewed according to the following schedule:

32 (7) Reviewed by July 1, 2020:

33 (f) Parole Board ~~Commission~~.

34
 35 Upon completion of this cycle, each agency shall again be subject
 36 to sunset review 10 years after its initial review.

37 Section 2. Subsections (9) and (10) of section 20.315,
 38 Florida Statutes are amended, and subsection (11) of section
 39 20.315, Florida Statutes is added, to read:

40 20.315 Department of Corrections.--There is created a
 41 Department of Corrections.

42 (9) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.--All
 43 commitments shall state the statutory authority therefor. The
 44 Secretary of Corrections shall have the authority to prescribe
 45 the form to be used for commitments. Nothing in this section ~~act~~
 46 shall be construed to abridge the authority and responsibility of
 47 the Parole Board ~~Commission~~ with respect to the granting and
 48 revocation of parole. The Department of Corrections shall notify
 49 the Parole Board ~~Commission~~ of all violations of parole
 50 conditions and provide reports connected thereto as may be
 51 requested by the board ~~commission~~. The board ~~commission~~ shall
 52 have the authority to issue orders dealing with supervision of
 53 specific parolees, and such orders shall be binding on all
 54 parties.

55 (10) PAROLE BOARD SINGLE INFORMATION AND RECORDS SYSTEM.--
 56 The Parole Board shall be administratively housed within the
 57 department. The secretary shall provide appropriate staff
 58 support for the board, office space, and other administrative

59 support. The secretary may assign parole examiners to assist the
 60 board. The department ~~There shall create and maintain an~~ be only
 61 ~~one~~ offender-based information and records system ~~maintained by~~
 62 ~~the Department of Corrections~~ for the joint use of the department
 63 and the board ~~Parole Commission. This data system is managed~~
 64 ~~through the Justice Data Center, which is hereby transferred to~~
 65 ~~the department under this act pursuant to a type two transfer~~
 66 ~~authorized under s. 20.06(2). The department shall develop and~~
 67 ~~maintain,~~ in consultation with the Criminal and Juvenile Justice
 68 Information Systems Council under s. 943.08, ~~such offender-based~~
 69 ~~information system designed to serve the needs of both the~~
 70 ~~department and the Parole Commission.~~ The department shall notify
 71 the board ~~commission~~ of all violations of parole and the
 72 circumstances thereof.

73 (11) CLEMENCY.--The department shall exercise powers,
 74 duties, and functions relating to investigations of applications
 75 for executive clemency as directed by the Governor and the
 76 Cabinet.

77 Section 3. Section 20.32, Florida Statutes, is amended to
 78 read:

79 20.32 Parole Board ~~Commission~~.--

80 (1) The Parole and Probation Commission, authorized by s.
 81 8(c), Art. IV, State Constitution of 1968, is continued and
 82 renamed the Parole Board ~~Commission~~. The board ~~commission~~ retains
 83 its powers, duties, and functions with respect to the granting
 84 and revoking of parole ~~and shall exercise powers, duties, and~~
 85 ~~functions relating to investigations of applications for clemency~~
 86 ~~as directed by the Governor and the Cabinet.~~

87 (2) All powers, duties, and functions relating to the
 88 appointment of the Parole Board ~~Commission~~ as provided in s.
 89 947.02 ~~or s. 947.021~~ shall be exercised and performed by the
 90 Governor and the Cabinet. ~~Except as provided in s. 947.021, each~~
 91 ~~appointment shall be made from among the first three eligible~~
 92 ~~persons on the list of the persons eligible for said position.~~

93 (3) The board is not a department of the executive branch.
 94 The board shall be administratively housed within the Department
 95 of Corrections, which shall provide administrative support and
 96 services to the board. The members of the board are selected
 97 pursuant to s. 947.02 and may be removed from the board pursuant
 98 to s. 947.03. The members of the board are not subject to the
 99 control, supervision, or direction of the department related to
 100 the constitutional or statutory duties of the board. The members
 101 of the board shall give their full-time attention to their
 102 duties, and shall be compensated as provided in the General
 103 Appropriations Act. ~~commission may require any employee of the~~
 104 ~~commission to give a bond for the faithful performance of his or~~
 105 ~~her duties. The commission may determine the amount of the bond~~
 106 ~~and must approve the bond. In determining the amount of the bond,~~
 107 ~~the commission may consider the amount of money or property~~
 108 ~~likely to be in custody of the officer or employee at any one~~
 109 ~~time. The premiums for the bonds must be paid out of the funds of~~
 110 ~~the commission.~~

111 Section 4. Subsection (1) of section 23.21, Florida
 112 Statutes, is amended to read:

113 23.21 Definitions.--For purposes of this part:

114 (1) "Department" means a principal administrative unit
 115 within the executive branch of state government, as defined in

116 chapter 20, and includes the State Board of Administration, the
 117 Executive Office of the Governor, the Fish and Wildlife
 118 Conservation Commission, ~~the Parole Commission,~~ the Agency for
 119 Health Care Administration, the State Board of Education, the
 120 Board of Governors of the State University System, the Justice
 121 Administrative Commission, the capital collateral regional
 122 counsel, and separate budget entities placed for administrative
 123 purposes within a department.

124 Section 5. Paragraph (b) of subsection (2) of section
 125 112.011, Florida Statutes, is amended to read:

126 112.011 Felons; removal of disqualifications for
 127 employment, exceptions.--

128 (2)

129 (b) This section shall not be applicable to the employment
 130 practices of any fire department relating to the hiring of
 131 firefighters. An applicant for employment with any fire
 132 department with a prior felony conviction shall be excluded from
 133 employment for a period of 4 years after expiration of sentence
 134 or final release by the Parole Board ~~Commission~~ unless the
 135 applicant, prior to the expiration of the 4-year period, has
 136 received a full pardon or has had his or her civil rights
 137 restored.

138 Section 6. Subsection (1) of section 186.005, Florida
 139 Statutes, is amended to read:

140 186.005 Designation of departmental planning officer.--

141 (1) The head of each executive department and the Public
 142 Service Commission, the Fish and Wildlife Conservation
 143 Commission, ~~the Parole Commission,~~ and the Department of Military
 144 Affairs shall select from within such agency a person to be

145 designated as the planning officer for such agency. The planning
 146 officer shall be responsible for coordinating with the Executive
 147 Office of the Governor and with the planning officers of other
 148 agencies all activities and responsibilities of such agency
 149 relating to planning.

150 Section 7. Subsection (3) of section 255.502, Florida
 151 Statutes, is amended to read:

152 255.502 Definitions; ss. 255.501-255.525.--As used in this
 153 act, the following words and terms shall have the following
 154 meanings unless the context otherwise requires:

155 (3) "Agency" means any department created by chapter 20,
 156 the Executive Office of the Governor, the Fish and Wildlife
 157 Conservation Commission, ~~the Parole Commission,~~ the State Board
 158 of Administration, the Department of Military Affairs, or the
 159 Legislative Branch or the Judicial Branch of state government.

160 Section 8. Paragraph (e) of subsection (3) of section
 161 311.12, Florida Statutes, is amended to read:

162 311.12 Seaport security standards; inspections; compliance;
 163 appeals.--

164 (3)

165 (e) The Department of Law Enforcement shall establish a
 166 waiver process to allow unescorted access to an individual who is
 167 found to be unqualified under paragraph (c) and denied employment
 168 by a seaport. The waiver consideration shall be based on the
 169 circumstances of any disqualifying act or offense, restitution
 170 made by the individual, and other factors from which it may be
 171 determined that the individual does not pose a risk of engaging
 172 in theft, drug trafficking, or terrorism within the public
 173 seaports regulated under this chapter or of harming any person.

174 The waiver process shall begin when an individual who has been
 175 denied initial employment within or regular unescorted access to
 176 restricted areas of a public seaport as described in paragraph
 177 (c) submits an application for a waiver and notarized letter or
 178 affidavit from the individual's employer or union representative
 179 which states the mitigating reasons for initiating the waiver
 180 process. No later than 90 days after receipt of the application,
 181 the administrative staff of the Parole Board ~~Commission~~ shall
 182 conduct a factual review of the waiver application. Findings of
 183 fact shall be transmitted to the Department of Law Enforcement
 184 for review. The department shall make a copy of those findings
 185 available to the applicant before final disposition of the waiver
 186 request. The department shall make a final disposition of the
 187 waiver request based on the factual findings of the investigation
 188 by the Parole Board ~~Commission~~. The department shall notify the
 189 waiver applicant and the port authority that originally denied
 190 employment to the applicant of the final disposition of the
 191 waiver. The review process under this paragraph is exempt from
 192 chapter 120.

193 Section 9. Paragraph (c) of subsection (1) of section
 194 322.16, Florida Statutes, is amended to read:

195 322.16 License restrictions.--

196 (1)

197 (c) The department may further, at any time, impose other
 198 restrictions on the use of the license with respect to time and
 199 purpose of use or may impose any other condition or restriction
 200 upon recommendation of any court, of the Parole Board ~~Commission~~,
 201 or of the Department of Corrections with respect to any

202 individual who is under the jurisdiction, supervision, or control
 203 of the entity that made the recommendation.

204 Section 10. Subsection (2) of section 394.926, Florida
 205 Statutes, is amended to read:

206 394.926 Notice to victims of release of persons committed
 207 as sexually violent predators; notice to Department of
 208 Corrections and Parole Board ~~Commission~~.--

209 (2) If a sexually violent predator who has an active or
 210 pending term of probation, community control, parole, conditional
 211 release, or other court-ordered or postprison release supervision
 212 is released from custody, the department must immediately notify
 213 the Department of Corrections' Office of Community Corrections in
 214 Tallahassee. The Parole Board ~~Commission~~ must also be immediately
 215 notified of any releases of a sexually violent predator who has
 216 an active or pending term of parole, conditional release, or
 217 other postprison release supervision that is administered by the
 218 Parole Board ~~Commission~~.

219 Section 11. Subsection (2) of section 394.927, Florida
 220 Statutes, is amended to read:

221 394.927 Escape while in lawful custody; notice to victim;
 222 notice to the Department of Corrections and Parole Board
 223 ~~Commission~~.--

224 (2) If a person who is held in custody pursuant to a
 225 finding of probable cause or commitment as a sexually violent
 226 predator escapes while in custody, the department shall
 227 immediately notify the victim in accordance with s. 394.926. The
 228 state attorney that filed the petition for civil commitment of
 229 the escapee must also be immediately notified by the department.
 230 If the escapee has an active or pending term of probation,

231 community control, parole, conditional release, or other court-
 232 ordered or postprison release supervision, the department shall
 233 also immediately notify the Department of Corrections' Office of
 234 Community Corrections in Tallahassee. The Parole Board ~~Commission~~
 235 shall also be immediately notified of an escape if the escapee
 236 has an active or pending term of parole, conditional release, or
 237 other postprison release supervision that is administered by the
 238 Parole Board ~~Commission~~.

239 Section 12. Subsection (4) of section 775.089, Florida
 240 Statutes, is amended to read:

241 775.089 Restitution.--

242 (4) If a defendant is placed on probation or paroled,
 243 complete satisfaction of any restitution ordered under this
 244 section shall be a condition of such probation or parole. The
 245 court may revoke probation, and the Parole Board ~~Commission~~ may
 246 revoke parole, if the defendant fails to comply with such order.

247 Section 13. Section 775.16, Florida Statutes, is amended to
 248 read:

249 775.16 Drug offenses; additional penalties.--In addition to
 250 any other penalty provided by law, a person who has been
 251 convicted of sale of or trafficking in, or conspiracy to sell or
 252 traffic in, a controlled substance under chapter 893, if such
 253 offense is a felony, or who has been convicted of an offense
 254 under the laws of any state or country which, if committed in
 255 this state, would constitute the felony of selling or trafficking
 256 in, or conspiracy to sell or traffic in, a controlled substance
 257 under chapter 893, is:

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

260 (a) The person has completed all sentences of imprisonment
 261 or supervisory sanctions imposed by the court, by the Parole
 262 Board ~~Commission~~, or by law; or

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

267 1. Seek evaluation and enrollment in, and once enrolled
 268 maintain enrollment in until completion, a drug treatment and
 269 rehabilitation program which is approved by the Department of
 270 Children and Family Services, unless it is deemed by the program
 271 that the person does not have a substance abuse problem. The
 272 treatment and rehabilitation program may be specified by:

273 a. The court, in the case of court-ordered supervisory
 274 sanctions;

275 b. The Parole Board ~~Commission~~, in the case of parole,
 276 control release, or conditional release; or

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

279 2. Submit to periodic urine drug testing pursuant to
 280 procedures prescribed by the Department of Corrections. If the
 281 person is indigent, the costs shall be paid by the Department of
 282 Corrections.

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

287 (a) The person has completed all sentences of imprisonment
 288 or supervisory sanctions imposed by the court, by the Parole
 289 Board ~~Commission~~, or by law;

290 (b) The person has complied with the conditions of
 291 subparagraphs 1. and 2. which shall be monitored by the
 292 Department of Corrections while the person is under any
 293 supervisory sanction. If the person fails to comply with
 294 provisions of these subparagraphs by either failing to maintain
 295 treatment or by testing positive for drug use, the department
 296 shall notify the licensing, permitting, or certifying agency,
 297 which may refuse to reissue or reinstate such license, permit, or
 298 certification. The licensee, permittee, or certificateholder
 299 under supervision may:

300 1. Seek evaluation and enrollment in, and once enrolled
 301 maintain enrollment in until completion, a drug treatment and
 302 rehabilitation program which is approved or regulated by the
 303 Department of Children and Family Services, unless it is deemed
 304 by the program that the person does not have a substance abuse
 305 problem. The treatment and rehabilitation program may be
 306 specified by:

307 a. The court, in the case of court-ordered supervisory
 308 sanctions;

309 b. The Parole Board ~~Commission~~, in the case of parole,
 310 control release, or conditional release; or

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

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

315 person is indigent, the costs shall be paid by the Department of
 316 Corrections; or

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

319
 320 The provisions of this section do not apply to any of the taxes,
 321 fees, or permits regulated, controlled, or administered by the
 322 Department of Revenue in accordance with the provisions of s.
 323 213.05.

324 Section 14. Paragraph (a) of subsection (1) of section
 325 784.07, Florida Statutes, is amended to read:

326 784.07 Assault or battery of law enforcement officers,
 327 firefighters, emergency medical care providers, public transit
 328 employees or agents, or other specified officers;
 329 reclassification of offenses; minimum sentences.--

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

331 (a) "Law enforcement officer" includes a law enforcement
 332 officer, a correctional officer, a correctional probation
 333 officer, a part-time law enforcement officer, a part-time
 334 correctional officer, an auxiliary law enforcement officer, and
 335 an auxiliary correctional officer, as those terms are
 336 respectively defined in s. 943.10, and any county probation
 337 officer; an employee or agent of the Department of Corrections
 338 who supervises or provides services to inmates or parolees; a
 339 member ~~an officer~~ of the Parole Board ~~Commission~~; a federal law
 340 enforcement officer as defined in s. 901.1505; and law
 341 enforcement personnel of the Fish and Wildlife Conservation
 342 Commission, the Department of Environmental Protection, or the
 343 Department of Law Enforcement.

344 Section 15. Paragraph (b) of subsection (2) of section
 345 784.078, Florida Statutes, is amended to read:

346 784.078 Battery of facility employee by throwing, tossing,
 347 or expelling certain fluids or materials.--

348 (2)

349 (b) "Employee" includes any person who is a parole examiner
 350 assigned to ~~with the Florida Parole Board Commission.~~

351 Section 16. Section 843.01, Florida Statutes, is amended to
 352 read:

353 843.01 Resisting officer with violence to his or her
 354 person.--Whoever knowingly and willfully resists, obstructs, or
 355 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
 356 (7), (8), or (9); member of the Parole Board ~~Commission~~ or any
 357 administrative aide or supervisor assigned to ~~employed by the~~
 358 board ~~commission~~; parole and probation supervisor; county
 359 probation officer; personnel or representative of the Department
 360 of Law Enforcement; or other person legally authorized to execute
 361 process in the execution of legal process or in the lawful
 362 execution of any legal duty, by offering or doing violence to the
 363 person of such officer or legally authorized person, is guilty of
 364 a felony of the third degree, punishable as provided in s.
 365 775.082, s. 775.083, or s. 775.084.

366 Section 17. Section 843.02, Florida Statutes, is amended to
 367 read:

368 843.02 Resisting officer without violence to his or her
 369 person.--Whoever shall resist, obstruct, or oppose any officer as
 370 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member
 371 of the Parole Board ~~Commission~~ or any administrative aide or
 372 supervisor assigned to ~~employed by the~~ board ~~commission~~; county

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373 | probation officer; parole and probation supervisor; personnel or
 374 | representative of the Department of Law Enforcement; or other
 375 | person legally authorized to execute process in the execution of
 376 | legal process or in the lawful execution of any legal duty,
 377 | without offering or doing violence to the person of the officer,
 378 | shall be guilty of a misdemeanor of the first degree, punishable
 379 | as provided in s. 775.082 or s. 775.083.

380 | Section 18. Section 843.08, Florida Statutes, is amended to
 381 | read:

382 | 843.08 Falsely personating officer, etc.--A person who
 383 | falsely assumes or pretends to be a sheriff, officer of the
 384 | Florida Highway Patrol, officer of the Fish and Wildlife
 385 | Conservation Commission, officer of the Department of
 386 | Environmental Protection, officer of the Department of
 387 | Transportation, officer of the Department of Financial Services,
 388 | officer of the Department of Corrections, correctional probation
 389 | officer, deputy sheriff, state attorney or assistant state
 390 | attorney, statewide prosecutor or assistant statewide prosecutor,
 391 | state attorney investigator, coroner, police officer, lottery
 392 | special agent or lottery investigator, beverage enforcement
 393 | agent, or watchman, or any member of the Parole Board ~~Commission~~
 394 | and any administrative aide or supervisor assigned to ~~employed by~~
 395 | the board ~~commission~~, or any personnel or representative of the
 396 | Department of Law Enforcement, or a federal law enforcement
 397 | officer as defined in s. 901.1505, and takes upon himself or
 398 | herself to act as such, or to require any other person to aid or
 399 | assist him or her in a matter pertaining to the duty of any such
 400 | officer, commits a felony of the third degree, punishable as
 401 | provided in s. 775.082, s. 775.083, or s. 775.084; however, a

402 person who falsely personates any such officer during the course
 403 of the commission of a felony commits a felony of the second
 404 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 405 775.084; except that if the commission of the felony results in
 406 the death or personal injury of another human being, the person
 407 commits a felony of the first degree, punishable as provided in
 408 s. 775.082, s. 775.083, or s. 775.084.

409 Section 19. Paragraph (a) of subsection (1) of section
 410 893.11, Florida Statutes, is amended to read:

411 893.11 Suspension, revocation, and reinstatement of
 412 business and professional licenses.--Upon the conviction in any
 413 court of competent jurisdiction of any person holding a license,
 414 permit, or certificate issued by a state agency, for sale of, or
 415 trafficking in, a controlled substance or for conspiracy to sell,
 416 or traffic in, a controlled substance, if such offense is a
 417 felony, the clerk of said court shall send a certified copy of
 418 the judgment of conviction with the person's license number,
 419 permit number, or certificate number on the face of such
 420 certified copy to the agency head by whom the convicted defendant
 421 has received a license, permit, or certificate to practice his or
 422 her profession or to carry on his or her business. Such agency
 423 head shall suspend or revoke the license, permit, or certificate
 424 of the convicted defendant to practice his or her profession or
 425 to carry on his or her business. Upon a showing by any such
 426 convicted defendant whose license, permit, or certificate has
 427 been suspended or revoked pursuant to this section that his or
 428 her civil rights have been restored or upon a showing that the
 429 convicted defendant meets the following criteria, the agency head

430 may reinstate or reactivate such license, permit, or certificate
 431 when:

432 (1) The person has complied with the conditions of
 433 paragraphs (a) and (b) which shall be monitored by the Department
 434 of Corrections while the person is under any supervisory
 435 sanction. If the person fails to comply with provisions of these
 436 paragraphs by either failing to maintain treatment or by testing
 437 positive for drug use, the department shall notify the licensing,
 438 permitting, or certifying agency, which shall revoke the license,
 439 permit, or certification. The person under supervision may:

440 (a) Seek evaluation and enrollment in, and once enrolled
 441 maintain enrollment in until completion, a drug treatment and
 442 rehabilitation program which is approved or regulated by the
 443 Department of Children and Family Services. The treatment and
 444 rehabilitation program shall be specified by:

445 1. The court, in the case of court-ordered supervisory
 446 sanctions;

447 2. The Parole Board ~~Commission~~, in the case of parole,
 448 control release, or conditional release; or

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

451
 452 This section does not apply to any of the taxes, fees, or permits
 453 regulated, controlled, or administered by the Department of
 454 Revenue in accordance with s. 213.05.

455 Section 20. Subsection (2) of section 921.16, Florida
 456 Statutes, is amended to read:

457 921.16 When sentences to be concurrent and when
 458 consecutive.--

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459 (2) A county court or circuit court of this state may
460 direct that the sentence imposed by such court be served
461 concurrently with a sentence imposed by a court of another state
462 or of the United States or, for purposes of this section,
463 concurrently with a sentence to be imposed in another
464 jurisdiction. In such case, the Department of Corrections may
465 designate the correctional institution of the other jurisdiction
466 as the place for reception and confinement of such person and may
467 also designate the place in Florida for reception and confinement
468 of such person in the event that confinement in the other
469 jurisdiction terminates before the expiration of the Florida
470 sentence. The sheriff shall forward commitment papers and other
471 documents specified in s. 944.17 to the department. Upon imposing
472 such a sentence, the court shall notify the Parole Board
473 ~~Commission~~ as to the jurisdiction in which the sentence is to be
474 served. Any prisoner so released to another jurisdiction shall be
475 eligible for consideration for parole by the Parole Board
476 ~~Commission~~ pursuant to the provisions of chapter 947, except that
477 the board ~~commission~~ shall determine the presumptive parole
478 release date and the effective parole release date by requesting
479 such person's file from the receiving jurisdiction. Upon
480 receiving such records, the board ~~commission~~ shall determine
481 these release dates based on the relevant information in that
482 file and shall give credit toward reduction of the Florida
483 sentence for gain-time granted by the jurisdiction where the
484 inmate is serving the sentence. The Parole Board ~~Commission~~ may
485 concur with the parole release decision of the jurisdiction
486 granting parole and accepting supervision.

487 Section 21. Section 921.20, Florida Statutes, is repealed.

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488 Section 22. Section 921.21, Florida Statutes, is amended to
 489 read:

490 921.21 Progress reports to Parole Board ~~Commission~~.--From
 491 time to time the Department of Corrections shall submit to the
 492 Parole Board ~~Commission~~ progress reports and recommendations
 493 regarding prisoners sentenced under s. 921.18. When the
 494 classification board of the Department of Corrections determines
 495 that justice and the public welfare will best be served by
 496 paroling or discharging a prisoner, it shall transmit its finding
 497 to the Parole Board ~~Commission~~. The board ~~commission~~ shall have
 498 the authority to place the prisoner on parole as provided by law
 499 or give the prisoner a full discharge from custody. The period of
 500 a parole granted by the Parole Board ~~Commission~~ shall be in its
 501 discretion, but the parole period shall not exceed the maximum
 502 term for which the prisoner was sentenced.

503 Section 23. Section 921.22, Florida Statutes, is amended to
 504 read:

505 921.22 Determination of exact period of imprisonment by
 506 Parole Board ~~Commission~~.--Upon the recommendation of the
 507 Department of Corrections, the Parole Board ~~Commission~~ shall have
 508 the authority to determine the exact period of imprisonment to be
 509 served by defendants sentenced under the provisions of s. 921.18,
 510 but a prisoner shall not be held in custody longer than the
 511 maximum sentence provided for the offense.

512 Section 24. Section 940.03, Florida Statutes, is amended to
 513 read:

514 940.03 Application for executive clemency.--When any person
 515 intends to apply for remission of any fine or forfeiture or the
 516 commutation of any punishment, or for pardon or restoration of

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517 civil rights, he or she shall request an application form from
518 the Department of Corrections ~~Parole Commission~~ in compliance
519 with such rules regarding application for executive clemency as
520 are adopted by the Governor with the approval of two members of
521 the Cabinet. Such application may require the submission of a
522 certified copy of the applicant's indictment or information, the
523 judgment adjudicating the applicant to be guilty, and the
524 sentence, if sentence has been imposed, and may also require the
525 applicant to send a copy of the application to the judge and
526 prosecuting attorney of the court in which the applicant was
527 convicted, notifying them of the applicant's intent to apply for
528 executive clemency. An application for executive clemency for a
529 person who is sentenced to death must be filed within 1 year
530 after the date the Supreme Court issues a mandate on a direct
531 appeal or the United States Supreme Court denies a petition for
532 certiorari, whichever is later.

533 Section 25. Subsection (3) of section 940.05, Florida
534 Statutes, is amended to read:

535 940.05 Restoration of civil rights.--Any person who has
536 been convicted of a felony may be entitled to the restoration of
537 all the rights of citizenship enjoyed by him or her prior to
538 conviction if the person has:

539 (3) Been granted his or her final release by the Parole
540 Board ~~Commission~~.

541 Section 26. Subsections (2) and (3) of section 941.23,
542 Florida Statutes, are amended to read:

543 941.23 Application for issuance of requisition; by whom
544 made; contents.--

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545 (2) When the return to this state is required of a person
546 who has been convicted of a crime in this state and has escaped
547 from confinement or broken the terms of his or her bail,
548 probation, or parole, the state attorney of the county in which
549 the offense was committed, the Parole Board ~~Commission~~, the
550 Department of Corrections, or the warden of the institution or
551 sheriff of the county, from which escape was made, shall present
552 to the Governor a written application for a requisition for the
553 return of such person, in which application shall be stated the
554 name of the person, the crime of which the person was convicted,
555 the circumstances of his or her escape from confinement or of the
556 breach of the terms of his or her bail, probation, or parole, and
557 the state in which the person is believed to be, including the
558 location of the person therein at the time application is made.

559 (3) The application shall be verified by affidavit, shall
560 be executed in duplicate, and shall be accompanied by two
561 certified copies of the indictment returned or information and
562 affidavit filed or of the complaint made to the judge, stating
563 the offense with which the accused is charged, or of the judgment
564 of conviction or of the sentence. The prosecuting officer, Parole
565 Board ~~Commission~~, Department of Corrections, warden, or sheriff
566 may also attach such further affidavits and other documents in
567 duplicate as he or she shall deem proper to be submitted with
568 such application. One copy of the application, with the action of
569 the Governor indicated by endorsement thereon, and one of the
570 certified copies of the indictment, complaint, information, and
571 affidavits or of the judgment of conviction or of the sentence
572 shall be filed in the office of the Department of State to remain

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573 of record in that office. The other copies of all papers shall be
574 forwarded with the Governor's requisition.

575 Section 27. Subsection (7) of section 943.0311, Florida
576 Statutes, is amended to read:

577 943.0311 Chief of Domestic Security; duties of the
578 department with respect to domestic security.--

579 (7) As used in this section, the term "state agency"
580 includes the Agency for Health Care Administration, the Agency
581 for Workforce Innovation, the Department of Agriculture and
582 Consumer Services, the Department of Business and Professional
583 Regulation, the Department of Children and Family Services, the
584 Department of Citrus, the Department of Community Affairs, the
585 Department of Corrections, the Department of Education, the
586 Department of Elderly Affairs, the Department of Environmental
587 Protection, the Department of Financial Services, the Department
588 of Health, the Department of Highway Safety and Motor Vehicles,
589 the Department of Juvenile Justice, the Department of Law
590 Enforcement, the Department of Legal Affairs, the Department of
591 Management Services, the Department of Military Affairs, the
592 Department of Revenue, the Department of State, the Department of
593 the Lottery, the Department of Transportation, the Department of
594 Veterans' Affairs, the Fish and Wildlife Conservation Commission,
595 ~~the Parole Commission,~~ the State Board of Administration, and the
596 Executive Office of the Governor.

597 Section 28. Subsection (1) of section 943.06, Florida
598 Statutes, is amended to read:

599 943.06 Criminal and Juvenile Justice Information Systems
600 Council.--There is created a Criminal and Juvenile Justice
601 Information Systems Council within the department.

602 (1) The council shall be composed of 14 members, consisting
 603 of the Attorney General or a designated assistant; the executive
 604 director of the Department of Law Enforcement or a designated
 605 assistant; the secretary of the Department of Corrections or a
 606 designated assistant; the chair of the Parole Board ~~Commission~~ or
 607 a designated assistant; the Secretary of Juvenile Justice or a
 608 designated assistant; the executive director of the Department of
 609 Highway Safety and Motor Vehicles or a designated assistant; the
 610 State Courts Administrator or a designated assistant; 1 public
 611 defender appointed by the Florida Public Defender Association,
 612 Inc.; 1 state attorney appointed by the Florida Prosecuting
 613 Attorneys Association, Inc.; and 5 members, to be appointed by
 614 the Governor, consisting of 2 sheriffs, 2 police chiefs, and 1
 615 clerk of the circuit court.

616 Section 29. Paragraph (a) of subsection (9) of section
 617 943.325, Florida Statutes, is amended to read:

618 943.325 Blood or other biological specimen testing for DNA
 619 analysis.--

620 (9) The Department of Law Enforcement shall:

621 (a) Receive, process, and store blood specimen samples or
 622 other approved biological specimen samples and the data derived
 623 therefrom furnished pursuant to subsection (1), pursuant to a
 624 requirement of supervision imposed by the court or the Parole
 625 Board ~~Commission~~ with respect to a person convicted of any
 626 offense specified in subsection (1), or as specified in
 627 subsection (6).

628 Section 30. Subsection (5) of section 944.012, Florida
 629 Statutes, is amended to read:

630 944.012 Legislative intent.--The Legislature hereby finds
 631 and declares that:

632 (5) In order to make the correctional system an efficient
 633 and effective mechanism, the various agencies involved in the
 634 correctional process must coordinate their efforts. Where
 635 possible, interagency offices should be physically located within
 636 major institutions and should include representatives of the
 637 Florida State Employment Service, and the vocational
 638 rehabilitation programs of the Department of Education, ~~and the~~
 639 ~~Parole Commission~~. Duplicative and unnecessary methods of
 640 evaluating offenders must be eliminated and areas of
 641 responsibility consolidated in order to more economically utilize
 642 present scarce resources.

643 Section 31. Subsection (1) of section 944.02, Florida
 644 Statutes, is amended to read:

645 944.02 Definitions.--The following words and phrases used
 646 in this chapter shall, unless the context clearly indicates
 647 otherwise, have the following meanings:

648 (1) "Board" ~~"Commission"~~ means the Parole Board ~~Commission~~.

649 Section 32. Subsection (5) of section 944.024, Florida
 650 Statutes, is amended to read:

651 944.024 Adult intake and evaluation.--The state system of
 652 adult intake and evaluation shall include:

653 (5) The performance of postsentence intake by the
 654 department. Any physical facility established by the department
 655 for the intake and evaluation process prior to the offender's
 656 entry into the correctional system shall provide for specific
 657 office and work areas for the staff of the board ~~commission~~. The
 658 purpose of such a physical center shall be to combine in one

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659 place as many of the rehabilitation-related functions as
 660 possible, including pretrial and posttrial evaluation, parole and
 661 probation services, vocational rehabilitation services, family
 662 assistance services of the Department of Children and Family
 663 Services, and all other rehabilitative and correctional services
 664 dealing with the offender.

665 Section 33. Section 944.091, Florida Statutes, is amended
 666 to read:

667 944.091 United States prisoners, housing board authorized.-
 668 -The department is authorized upon request to house board
 669 prisoners of the United States committed to the ~~their~~ custody of
 670 the department by any agency of the United States if such
 671 prisoners have less than 6 months remaining of their federal
 672 sentence, and if such prisoners have family relationships or job
 673 opportunities in this state, on a space-available basis only.
 674 Daily compensation for the housing board of such prisoners shall
 675 be paid at a rate to be mutually agreed upon by the department
 676 and the appropriate United States agency. Such compensation is to
 677 recover the total maintenance cost of such prisoners which shall
 678 be not less than the average cost per inmate per day for all
 679 inmates confined by the department.

680 Section 34. Section 944.23, Florida Statutes, is amended to
 681 read:

682 944.23 Persons authorized to visit state prisons.--The
 683 following persons shall be authorized to visit at their pleasure
 684 all state correctional institutions: The Governor, all Cabinet
 685 members, members of the Legislature, judges of state courts,
 686 state attorneys, public defenders, and authorized representatives
 687 of the board ~~commission~~. No other person not otherwise authorized

688 by law shall be permitted to enter a state correctional
 689 institution except under such regulations as the department may
 690 prescribe. Permission shall not be unreasonably withheld from
 691 those who give sufficient evidence to the department that they
 692 are bona fide reporters or writers.

693 Section 35. Subsection (2) of section 944.291, Florida
 694 Statutes, is amended to read:

695 944.291 Prisoner released by reason of gain-time allowances
 696 or attainment of provisional release date.--

697 (2) Any prisoner who is convicted of a crime committed on
 698 or after October 1, 1988, which crime is contained in category 1,
 699 category 2, category 3, or category 4 of Rule 3.701 and Rule
 700 3.988, Florida Rules of Criminal Procedure, and who has served at
 701 least one prior felony commitment at a state or federal
 702 correctional institution, or is sentenced as a habitual or
 703 violent habitual offender pursuant to s. 775.084, may only be
 704 released under conditional release supervision as described in
 705 chapter 947. Not fewer than 90 days prior to the tentative
 706 release date or provisional release date, whichever is earlier,
 707 the department shall provide the board ~~commission~~ with the name
 708 and inmate identification number for each eligible inmate.

709 Section 36. Paragraph (b) of subsection (2), paragraph (a)
 710 of subsection (7), and subsection (8), of section 944.4731,
 711 Florida Statutes, are amended to read:

712 944.4731 Addiction-Recovery Supervision Program.--

713 (2)

714 (b) An offender released under addiction-recovery
 715 supervision shall be subject to specified terms and conditions,
 716 including payment of the costs of supervision under s. 948.09 and

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717 any other court-ordered payments, such as child support and
718 restitution. If an offender has received a term of probation or
719 community control to be served after release from incarceration,
720 the period of probation or community control may not be
721 substituted for addiction-recovery supervision and shall follow
722 the term of addiction-recovery supervision. The Parole Board ~~A~~
723 ~~panel of not fewer than two parole commissioners~~ shall establish
724 the terms and conditions of supervision, and the terms and
725 conditions must be included in the supervision order. In setting
726 the terms and conditions of supervision, the board ~~parole~~
727 ~~commission~~ shall weigh heavily the program requirements,
728 including, but not limited to, work at paid employment while
729 participating in treatment and traveling restrictions. The board
730 ~~commission~~ shall also determine whether an offender violates the
731 terms and conditions of supervision and whether a violation
732 warrants revocation of addiction-recovery supervision pursuant to
733 s. 947.141. The board ~~parole commission~~ shall review the
734 offender's record for the purpose of establishing the terms and
735 conditions of supervision. The board ~~parole commission~~ may impose
736 any special conditions it considers warranted from its review of
737 the record. The length of supervision may not exceed the maximum
738 penalty imposed by the court.

739 (7) While participating in a substance abuse transition
740 housing program, an offender shall:

741 (a) Adhere to all conditions of supervision required
742 ~~enforced~~ by the board ~~commission~~ and the program provider.
743 Failure to comply with such rules or conditions may result in
744 revocation of supervision pursuant to s. 947.141.

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745 (8) The board ~~commission~~ may adopt rules pursuant to ss.
746 120.536(1) and 120.54 as necessary for administering this
747 section.

748 Section 37. Paragraph (b) of subsection (1) and paragraph
749 (b) of subsection (6) of section 945.091, Florida Statutes, are
750 amended to read:

751 945.091 Extension of the limits of confinement; restitution
752 by employed inmates.--

753 (1) The department may adopt rules permitting the extension
754 of the limits of the place of confinement of an inmate as to whom
755 there is reasonable cause to believe that the inmate will honor
756 his or her trust by authorizing the inmate, under prescribed
757 conditions and following investigation and approval by the
758 secretary, or the secretary's designee, who shall maintain a
759 written record of such action, to leave the confines of that
760 place unaccompanied by a custodial agent for a prescribed period
761 of time to:

762 (b) Work at paid employment, participate in an education or
763 a training program, or voluntarily serve a public or nonprofit
764 agency or faith-based service group in the community, while
765 continuing as an inmate of the institution or facility in which
766 the inmate is confined, except during the hours of his or her
767 employment, education, training, or service and traveling thereto
768 and therefrom. An inmate may travel to and from his or her place
769 of employment, education, or training only by means of walking,
770 bicycling, or using public transportation or transportation that
771 is provided by a family member or employer. Contingent upon
772 specific appropriations, the department may transport an inmate
773 in a state-owned vehicle if the inmate is unable to obtain other

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774 means of travel to his or her place of employment, education, or
775 training.

776 1. An inmate may participate in paid employment only during
777 the last 36 months of his or her confinement, unless sooner
778 requested by the Parole Board ~~Commission~~ or the Control Release
779 Authority.

780 2. While working at paid employment and residing in the
781 facility, an inmate may apply for placement at a contracted
782 substance abuse transition housing program. The transition
783 assistance specialist shall inform the inmate of program
784 availability and assess the inmate's need and suitability for
785 transition housing assistance. If an inmate is approved for
786 placement, the specialist shall assist the inmate. If an inmate
787 requests and is approved for placement in a contracted faith-
788 based substance abuse transition housing program, the specialist
789 must consult with the chaplain prior to such placement. The
790 department shall ensure that an inmate's faith orientation, or
791 lack thereof, will not be considered in determining admission to
792 a faith-based program and that the program does not attempt to
793 convert an inmate toward a particular faith or religious
794 preference.

795 (6)

796 (b) An offender who is required to provide restitution or
797 reparation may petition the circuit court to amend the amount of
798 restitution or reparation required or to revise the schedule of
799 repayment established by the department or the Parole Board
800 ~~Commission~~.

801 Section 38. Paragraph (d) of subsection (1), paragraphs (a)
 802 and (b) of subsection (2), and subsection (5), of section 945.10,
 803 Florida Statutes, are amended to read:

804 945.10 Confidential information.--

805 (1) Except as otherwise provided by law or in this section,
 806 the following records and information held by the Department of
 807 Corrections are confidential and exempt from the provisions of s.
 808 119.07(1) and s. 24(a), Art. I of the State Constitution:

809 (d) Parole Board ~~Commission~~ records which are confidential
 810 or exempt from public disclosure by law.

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

814 (a) Information specified in paragraphs (1)(b), (d), and
 815 (f) to the Office of the Governor, the Legislature, the Parole
 816 Board ~~Commission~~, the Department of Children and Family Services,
 817 a private correctional facility or program that operates under a
 818 contract, the Department of Legal Affairs, a state attorney, the
 819 court, or a law enforcement agency. A request for records or
 820 information pursuant to this paragraph need not be in writing.

821 (b) Information specified in paragraphs (1)(c), (e), and
 822 (h) to the Office of the Governor, the Legislature, the Parole
 823 Board ~~Commission~~, the Department of Children and Family Services,
 824 a private correctional facility or program that operates under
 825 contract, the Department of Legal Affairs, a state attorney, the
 826 court, or a law enforcement agency. A request for records or
 827 information pursuant to this paragraph must be in writing and a
 828 statement provided demonstrating a need for the records or
 829 information.

830
 831 Records and information released under this subsection remain
 832 confidential and exempt from the provisions of s. 119.07(1) and
 833 s. 24(a), Art. I of the State Constitution when held by the
 834 receiving person or entity.

835 (5) The Department of Corrections and the Parole Board
 836 ~~Commission~~ shall mutually cooperate with respect to maintaining
 837 the confidentiality of records that are exempt from the
 838 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 839 Constitution.

840 Section 39. Subsection (3) of section 945.25, Florida
 841 Statutes, is amended to read:

842 945.25 Records.--

843 (3) Following the initial hearing provided for in s.
 844 947.172(1), the Parole Board ~~commission~~ shall prepare and the
 845 department shall include in the department ~~official~~ record a copy
 846 of the seriousness-of-offense and favorable-parole-outcome scores
 847 and shall include a listing of the specific factors and
 848 information used in establishing a presumptive parole release
 849 date for the inmate.

850 Section 40. Subsection (3) of section 945.47, Florida
 851 Statutes, is amended to read:

852 945.47 Discharge of inmate from mental health treatment.--

853 (3) At any time that an inmate who has received mental
 854 health treatment while in the custody of the department becomes
 855 eligible for release on parole, a complete record of the inmate's
 856 treatment shall be provided to the Parole Board ~~Commission~~ and to
 857 the Department of Children and Family Services. The record shall
 858 include, at least, the inmate's diagnosis, length of stay in

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859 treatment, clinical history, prognosis, prescribed medication,
 860 and treatment plan and recommendations for aftercare services. In
 861 the event that the inmate is released on parole, the record shall
 862 be provided to the parole officer who shall assist the inmate in
 863 applying for services from a professional or an agency in the
 864 community. The application for treatment and continuation of
 865 treatment by the inmate may be made a condition of parole, as
 866 provided in s. 947.19(1); and a failure to participate in
 867 prescribed treatment may be a basis for initiation of parole
 868 violation hearings.

869 Section 41. Subsection (6) of section 945.73, Florida
 870 Statutes, is amended to read:

871 945.73 Inmate training program operation.--

872 (6) The department shall work cooperatively with the
 873 Control Release Authority, the Florida Parole Board Commission,
 874 or such other authority as may exist or be established in the
 875 future which is empowered by law to effect the release of an
 876 inmate who has successfully completed the requirements
 877 established by ss. 945.71-945.74.

878 Section 42. Section 947.001, Florida Statutes, is repealed.

879 Section 43. Subsection (3) of section 947.002, Florida
 880 Statutes, is amended to read:

881 947.002 Intent.--

882 ~~(3) The chair shall be the agency head. While the~~
 883 ~~commission is responsible for making decisions on the granting~~
 884 ~~and revoking of parole, the chair shall establish, execute, and~~
 885 ~~be held accountable for all administrative policy decisions. The~~
 886 ~~routine administrative decisions are the full responsibility of~~
 887 ~~the chair.~~

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888 Section 44. Subsection (1) of section 947.005, Florida
 889 Statutes, is amended to read:

890 947.005 Definitions.--As used in this chapter, unless the
 891 context clearly indicates otherwise:

892 (1) "Board" ~~"Commission"~~ means the Parole Board ~~Commission~~.

893 Section 45. Section 947.01, Florida Statutes, is amended to
 894 read:

895 947.01 Parole Board ~~Commission~~; creation; number of
 896 members.--A Parole Board ~~Commission~~ is created to consist of
 897 three ~~six~~ members who are residents of the state. ~~Effective July~~
 898 ~~1, 1996, the membership of the commission shall be three members.~~
 899 The board shall be administratively housed within the Department
 900 of Corrections, which shall provide administrative support and
 901 services to the board. The members of the board are not subject
 902 to the control, supervision, or direction of the department
 903 related to the constitutional or statutory duties of the board.

904 Section 46. Subsections (1), (2), and (3), of section
 905 947.02, Florida Statutes, are amended to read:

906 947.02 Parole Board ~~Commission~~; members, appointment.--

907 (1) ~~Except as provided in s. 947.021,~~ The members of the
 908 Parole Board ~~Commission~~ shall be appointed by the Governor and
 909 Cabinet from a list of eligible applicants submitted by a parole
 910 qualifications committee. The appointments of members of the
 911 board ~~commission~~ shall be certified to the Senate by the Governor
 912 and Cabinet for confirmation, and the membership of the board
 913 ~~commission~~ shall include representation from minority persons as
 914 defined in s. 288.703.

915 (2) A parole qualifications committee shall consist of five
 916 persons who are appointed by the Governor and Cabinet. One member

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917 shall be designated as chair by the Governor and Cabinet. The
918 committee shall provide for statewide advertisement and the
919 receiving of applications for any position or positions on the
920 board ~~commission~~ and shall devise a plan for the determination of
921 the qualifications of the applicants by investigations and
922 comprehensive evaluations, including, but not limited to,
923 investigation and evaluation of the character, habits, and
924 philosophy of each applicant. Each parole qualifications
925 committee shall exist for 2 years. If additional vacancies on the
926 board ~~commission~~ occur during this 2-year period, the committee
927 may advertise and accept additional applications; however, all
928 previously submitted applications shall be considered along with
929 the new applications according to the previously established plan
930 for the evaluation of the qualifications of applicants.

931 (3) Within 90 days before an anticipated vacancy by
932 expiration of term pursuant to s. 947.03 or upon any other
933 vacancy, the Governor and Cabinet shall appoint a parole
934 qualifications committee if one has not been appointed during the
935 previous 2 years. The committee shall consider applications for
936 the board ~~commission~~ seat, including the application of an
937 incumbent board member ~~commissioner~~ if he or she applies,
938 according to the provisions of subsection (2). The committee
939 shall submit a list of three eligible applicants, which may
940 include the incumbent if the committee so decides, without
941 recommendation, to the Governor and Cabinet for appointment to
942 the board ~~commission~~. In the case of an unexpired term, the
943 appointment must be for the remainder of the unexpired term and
944 until a successor is appointed and qualified. If more than one
945 seat is vacant, the committee shall submit a list of eligible

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946 applicants, without recommendation, containing a number of names
 947 equal to three times the number of vacant seats; however, the
 948 names submitted shall not be distinguished by seat, and each
 949 submitted applicant shall be considered eligible for each
 950 vacancy.

951 Section 47. Sections 947.021, Florida Statutes, is
 952 repealed.

953 Section 48. Subsections (1) and (2) of section 947.03,
 954 Florida Statutes, are amended to read:

955 947.03 Parole Board members ~~Commissioners~~; tenure and
 956 removal.--

957 (1) Upon the expiration of the term of any member of the
 958 board ~~commission~~, a successor shall be appointed by the Governor
 959 and Cabinet for a term of 6 years, unless otherwise provided by
 960 law. No person is eligible to be appointed for more than two
 961 consecutive 6-year terms.

962 (2) Vacancies in the membership of the board ~~commission~~
 963 shall be filled by the Governor and Cabinet for the unexpired
 964 term in the manner provided for in s. 947.02.

965 Section 49. Section 947.04, Florida Statutes, is amended to
 966 read:

967 947.04 Organization of board ~~commission~~; officers;
 968 offices.--

969 (1) Before July 1 of each even-numbered year, the Governor
 970 and Cabinet shall select a chair who shall serve for a period of
 971 2 years and until a successor is selected and qualified. ~~The~~
 972 ~~Governor and Cabinet shall, at the same time that a chair is~~
 973 ~~selected, select a vice chair to serve during the same 2 year~~
 974 ~~period as the chair, in the absence of the chair.~~ The chair may

975 | succeed himself or herself. The chair, as chief administrative
 976 | officer of the board ~~commission~~, has the authority and
 977 | responsibility to plan, direct, coordinate, and execute the
 978 | powers, duties, and responsibilities assigned to the board
 979 | ~~commission~~, except those of granting and revoking parole as
 980 | provided for in this chapter. Subject to approval by the Governor
 981 | and the Cabinet, the chair may assign consenting retired
 982 | commissioners or former commissioners to temporary duty when
 983 | there is a workload need. Any such commissioner shall be paid
 984 | \$100 for each day or portion of a day spent on the work of the
 985 | commission and shall be reimbursed for travel expenses as
 986 | provided in s. 112.061. ~~The chair is authorized to provide or~~
 987 | ~~disseminate information relative to parole by means of documents,~~
 988 | ~~seminars, programs, or otherwise as he or she determines~~
 989 | ~~necessary. The chair shall establish, execute, and be held~~
 990 | ~~accountable for all administrative policy decisions. However,~~
 991 | Decisions to grant or revoke parole shall be made in accordance
 992 | with the provisions of ss. 947.172, 947.174, and 947.23. The
 993 | board members ~~commissioners~~ shall be directly accountable to the
 994 | chair in the execution of their duties as members ~~commissioners~~,
 995 | and the chair has authority to recommend to the Governor
 996 | suspension of a member ~~commissioner~~ who fails to perform the
 997 | duties provided for by statute.

998 | ~~(2) Notwithstanding the provisions of s. 20.05(1)(g), the~~
 999 | ~~chair shall appoint administrators with responsibility for the~~
 1000 | ~~management of commission activities in the following functional~~
 1001 | ~~areas:~~

1002 | ~~(a) Administration.~~

1003 | ~~(b) Operations.~~

1004 ~~(c) Clemency.~~
 1005 (2)(3) The members ~~commissioners~~ shall select from their
 1006 number a secretary who shall serve for a period of 1 year or
 1007 until a successor is elected and qualified.

1008 ~~(3)(4) The commission may establish and maintain field~~
 1009 ~~offices within existing administration buildings at facilities~~
 1010 ~~and institutions operated by the department.~~ Headquarters shall
 1011 be located in Tallahassee. The business of the board ~~commission~~
 1012 ~~may shall~~ be transacted anywhere in the state as provided in s.
 1013 947.06. The board ~~commission~~ shall keep its official records and
 1014 papers at the headquarters, ~~which it shall furnish and equip.~~

1015 ~~(5) Acts and decisions of the chair may be modified as~~
 1016 ~~provided in s. 947.06.~~

1017 Section 50. Section 947.045, Florida Statutes, is repealed.

1018 Section 51. Section 947.05, Florida Statutes, is amended to
 1019 read:

1020 947.05 Seal.--The board ~~commission~~ shall adopt an official
 1021 seal of which the courts shall take judicial notice.

1022 Section 52. Section 947.06, Florida Statutes, is amended to
 1023 read:

1024 947.06 Meeting; quorum; when board ~~commission~~ may act.--The
 1025 board ~~commission~~ shall meet at regularly scheduled intervals and
 1026 from time to time as may otherwise be determined by the chair.

1027 Action by the board ~~The making of recommendations to the Governor~~
 1028 ~~and Cabinet in matters relating to modifications of acts and~~
 1029 ~~decisions of the chair as provided in s. 947.04(1) shall be by a~~
 1030 majority vote of the board ~~commission~~. ~~No prisoner shall be~~
 1031 ~~placed on parole except as provided in ss. 947.172 and 947.174 by~~
 1032 ~~a panel of no fewer than two commissioners appointed by the~~

1033 ~~chair.~~ Two members of the board shall constitute a quorum. All
 1034 matters relating to the granting, denying, or revoking of parole
 1035 shall be decided in a meeting at which the public shall have the
 1036 right to be present. Victims of the crime committed by the inmate
 1037 shall be permitted to make an oral statement or submit a written
 1038 statement regarding their views as to the granting, denying, or
 1039 revoking of parole; ~~other persons not members or employees of~~
 1040 ~~the commission or victims of the crime committed by the inmate~~
 1041 may be permitted to participate in deliberations concerning the
 1042 granting and revoking of paroles only upon the prior written
 1043 approval of the chair ~~of the commission.~~ To facilitate the
 1044 ability of victims and other persons to attend ~~commission~~
 1045 meetings, the board may ~~commission shall~~ meet in various counties
 1046 including, but not limited to, Broward, Dade, Duval, Escambia,
 1047 Hillsborough, Leon, Orange, and Palm Beach, with the location
 1048 ~~chosen being as close as possible to the location where the~~
 1049 ~~parole eligible inmate committed the offense for which the~~
 1050 ~~parole eligible inmate was sentenced.~~ To facilitate cost savings,
 1051 the board may take testimony by electronic video conferencing.
 1052 The board ~~commission~~ shall adopt rules governing the oral
 1053 participation of victims and the submission of written statements
 1054 by victims.

1055 Section 53. Section 947.07, Florida Statutes, is amended to
 1056 read:

1057 947.07 Rules.--The board ~~commission~~ has authority to adopt
 1058 rules pursuant to ss. 120.536(1) and 120.54 governing matters
 1059 relating to parole, conditional release, control release,
 1060 conditional medical release, or addiction-recovery supervision,
 1061 and for its governance, including among other things rules of

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1062 practice and procedure before the board and ~~rules prescribing~~
 1063 ~~qualifications to be possessed by its employees.~~

1064 Section 54. Section 947.071, Florida Statutes, is amended
 1065 to read:

1066 947.071 Rulemaking procedures; indexing of orders.--

1067 ~~(1) It is the intent of the Legislature that all rulemaking~~
 1068 ~~procedures by the commission be conducted pursuant to the~~
 1069 ~~Administrative Procedure Act, chapter 120.~~

1070 ~~(2)~~ The only final orders of the board ~~commission~~ which
 1071 shall be indexed pursuant to chapter 120 are:

1072 (1)~~(a)~~ Orders granting parole.

1073 (2)~~(b)~~ Orders revoking parole.

1074 (3)~~(c)~~ Orders restoring to supervision.

1075 (4)~~(d)~~ Orders releasing from custody and further
 1076 supervision.

1077 (5)~~(e)~~ Early parole termination orders.

1078 (6)~~(f)~~ Orders granting conditional release.

1079 (7)~~(g)~~ Orders revoking conditional release.

1080 Section 55. Section 947.10, Florida Statutes, is amended to
 1081 read:

1082 947.10 Business and political activity ~~upon part~~ of members
 1083 ~~and full-time employees~~ of Parole Board ~~commission~~.--No member of
 1084 the board ~~commission~~ and ~~no full-time employee thereof~~ shall,
 1085 during her or his service upon ~~or under~~ the board ~~commission~~,
 1086 engage in any other business or profession or hold any other
 1087 public office, nor shall she or he serve as the representative of
 1088 any political party, or any executive committee or other
 1089 governing body thereof, or as an executive officer or employee of
 1090 any political committee, organization, or association or be

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1091 engaged on the behalf of any candidate for public office in the
 1092 solicitation of votes or otherwise. ~~However, this shall not be~~
 1093 ~~deemed to exclude the appointment of the Secretary of Corrections~~
 1094 ~~to the commission under the terms and conditions set forth in~~
 1095 ~~this chapter.~~

1096 Section 56. Section 947.11, Florida Statutes, is amended to
 1097 read:

1098 947.11 Legal adviser.--The Department of Legal Affairs
 1099 shall be the legal adviser of the board ~~commission~~.

1100 Section 57. Subsection (1) of section 947.12, Florida
 1101 Statutes, is amended to read:

1102 947.12 Members, employees, expenses.--

1103 (1) The members of the board ~~commission~~ and its employees
 1104 shall be reimbursed for travel expenses as provided in s.

1105 112.061. ~~All bills for expenses shall be properly receipted,~~
 1106 ~~audited, and approved and forwarded to the Chief Financial~~
 1107 ~~Officer and shall be paid in a manner and form as the bills for~~
 1108 ~~the expenses of the several departments of the state government~~
 1109 ~~are paid. All expenses, including salaries and other~~
 1110 ~~compensation, shall be paid from the General Revenue Fund and~~
 1111 ~~within the appropriation as fixed therefor by the Legislature.~~
 1112 ~~Such expenses shall be paid by the Chief Financial Officer upon~~
 1113 ~~proper warrants drawn upon vouchers and requisitions approved by~~
 1114 ~~the commission.~~

1115 Section 58. Section 947.13, Florida Statutes, is amended to
 1116 read:

1117 947.13 Powers and duties of the board ~~commission~~.--

1118 (1) The board ~~commission~~ shall have the powers and perform
 1119 the duties of:

1120 (a) Determining what persons shall be placed on parole,
 1121 subject to the provisions of ss. 947.172 and 947.174.

1122 (b) Fixing the time and conditions of parole, as provided
 1123 in this chapter.

1124 (c) Determining whether a person has violated parole and
 1125 taking action with respect to such a violation.

1126 (d) Making such investigations as may be necessary.

1127 ~~(e) Reporting to the Board of Executive Clemency the~~
 1128 ~~circumstances, the criminal records, and the social, physical,~~
 1129 ~~mental, and psychiatric conditions and histories of persons under~~
 1130 ~~consideration by the board for pardon, commutation of sentence,~~
 1131 ~~or remission of fine, penalty, or forfeiture.~~

1132 (e)~~(f)~~ Establishing the terms and conditions of persons
 1133 released on conditional release under s. 947.1405, and
 1134 determining subsequent ineligibility for conditional release due
 1135 to a violation of the terms or conditions of conditional release
 1136 and taking action with respect to such a violation.

1137 (f)~~(g)~~ As the Control Release Authority, determining what
 1138 persons will be released on control release under s. 947.146,
 1139 establishing the time and conditions of control release, if any,
 1140 and determining whether a person has violated the conditions of
 1141 control release and taking action with respect to such a
 1142 violation.

1143 (g)~~(h)~~ Determining what persons will be released on
 1144 conditional medical release under s. 947.149, establishing the
 1145 conditions of conditional medical release, and determining
 1146 whether a person has violated the conditions of conditional
 1147 medical release and taking action with respect to such a
 1148 violation.

1149 (2) (a) The board ~~commission~~ shall immediately examine
 1150 records of the department under s. 945.25, and any other records
 1151 which it obtains, and may make such other investigations as may
 1152 be necessary.

1153 (b) The Department of Children and Family Services and all
 1154 other state, county, and city agencies, sheriffs and their
 1155 deputies, and all peace officers shall cooperate with the board
 1156 ~~commission~~ and the department and shall aid and assist them in
 1157 the performance of their duties.

1158 Section 59. Section 947.135, Florida Statutes, is repealed.

1159 Section 60. Section 947.1405, Florida Statutes, is amended
 1160 to read:

1161 947.1405 Conditional release program.--

1162 (1) This section and s. 947.141 may be cited as the
 1163 "Conditional Release Program Act."

1164 (2) Any inmate who:

1165 (a) Is convicted of a crime committed on or after October
 1166 1, 1988, and before January 1, 1994, and any inmate who is
 1167 convicted of a crime committed on or after January 1, 1994, which
 1168 crime is or was contained in category 1, category 2, category 3,
 1169 or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of
 1170 Criminal Procedure (1993), and who has served at least one prior
 1171 felony commitment at a state or federal correctional institution;

1172 (b) Is sentenced as a habitual or violent habitual offender
 1173 or a violent career criminal pursuant to s. 775.084; or

1174 (c) Is found to be a sexual predator under s. 775.21 or
 1175 former s. 775.23,
 1176

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1177 shall, upon reaching the tentative release date or provisional
 1178 release date, whichever is earlier, as established by the
 1179 Department of Corrections, be released under supervision subject
 1180 to specified terms and conditions, including payment of the cost
 1181 of supervision pursuant to s. 948.09. Such supervision shall be
 1182 applicable to all sentences within the overall term of sentences
 1183 if an inmate's overall term of sentences includes one or more
 1184 sentences that are eligible for conditional release supervision
 1185 as provided herein. Effective July 1, 1994, and applicable for
 1186 offenses committed on or after that date, the board ~~commission~~
 1187 may require, as a condition of conditional release, that the
 1188 releasee make payment of the debt due and owing to a county or
 1189 municipal detention facility under s. 951.032 for medical care,
 1190 treatment, hospitalization, or transportation received by the
 1191 releasee while in that detention facility. The board ~~commission~~,
 1192 in determining whether to order such repayment and the amount of
 1193 such repayment, shall consider the amount of the debt, whether
 1194 there was any fault of the institution for the medical expenses
 1195 incurred, the financial resources of the releasee, the present
 1196 and potential future financial needs and earning ability of the
 1197 releasee, and dependents, and other appropriate factors. If any
 1198 inmate placed on conditional release supervision is also subject
 1199 to probation or community control, resulting from a probationary
 1200 or community control split sentence within the overall term of
 1201 sentences, the Department of Corrections shall supervise such
 1202 person according to the conditions imposed by the court and the
 1203 board ~~commission~~ shall defer to such supervision. If the court
 1204 revokes probation or community control and resentsences the
 1205 offender to a term of incarceration, such revocation also

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1206 constitutes a sufficient basis for the revocation of the
1207 conditional release supervision on any nonprobationary or
1208 noncommunity control sentence without further hearing by the
1209 board ~~commission~~. If any such supervision on any nonprobationary
1210 or noncommunity control sentence is revoked, such revocation may
1211 result in a forfeiture of all gain-time, and the board ~~commission~~
1212 may revoke the resulting deferred conditional release supervision
1213 or take other action it considers appropriate. If the term of
1214 conditional release supervision exceeds that of the probation or
1215 community control, then, upon expiration of the probation or
1216 community control, authority for the supervision shall revert to
1217 the board ~~commission~~ and the supervision shall be subject to the
1218 conditions imposed by the board ~~commission~~. ~~The board~~ ~~A panel of~~
1219 ~~no fewer than two commissioners~~ shall establish the terms and
1220 conditions of any such release. If the offense was a controlled
1221 substance violation, the conditions shall include a requirement
1222 that the offender submit to random substance abuse testing
1223 intermittently throughout the term of conditional release
1224 supervision, upon the direction of the correctional probation
1225 officer as defined in s. 943.10(3). The board ~~commission~~ shall
1226 also determine whether the terms and conditions of such release
1227 have been violated and whether such violation warrants revocation
1228 of the conditional release.

1229 (3) As part of the conditional release process, the board
1230 ~~commission~~, through review and consideration of information
1231 provided by the department, shall determine:

1232 (a) The amount of reparation or restitution.

1233 (b) The consequences of the offense as reported by the
1234 victim ~~aggrieved party~~.

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1235 (c) The victim's ~~aggrieved party's~~ fear of the inmate or
1236 concerns about the release of the inmate.

1237 (4) The board ~~commission~~ shall provide to the victim
1238 ~~aggrieved party~~ information regarding the manner in which notice
1239 of any developments concerning the status of the inmate during
1240 the term of conditional release may be requested.

1241 (5) Within 180 days prior to the tentative release date or
1242 provisional release date, whichever is earlier, a representative
1243 of the department shall review the inmate's program
1244 participation, disciplinary record, psychological and medical
1245 records, criminal records, and any other information pertinent to
1246 the impending release. The department shall gather and compile
1247 information necessary for the board ~~commission~~ to make the
1248 determinations set forth in subsection (3). A department
1249 representative shall conduct a personal interview with the inmate
1250 for the purpose of determining the details of the inmate's
1251 release plan, including the inmate's planned residence and
1252 employment. The department representative shall forward the
1253 inmate's release plan to the board ~~commission~~ and recommend to
1254 the board ~~commission~~ the terms and conditions of the conditional
1255 release.

1256 (6) The board ~~commission~~ shall review the recommendations
1257 of the department, and such other information as it deems
1258 relevant, and may conduct a review of the inmate's record for the
1259 purpose of establishing the terms and conditions of the
1260 conditional release. The board ~~commission~~ may impose any special
1261 conditions it considers warranted from its review of the release
1262 plan and recommendation. If the board ~~commission~~ determines that
1263 the inmate is eligible for release under this section, the board

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1264 ~~commission~~ shall enter an order establishing the length of
1265 supervision and the conditions attendant thereto. However, an
1266 inmate who has been convicted of a violation of chapter 794 or
1267 found by the court to be a sexual predator is subject to the
1268 maximum level of supervision provided, with the mandatory
1269 conditions as required in subsection (7), and that supervision
1270 shall continue through the end of the releasee's original court-
1271 imposed sentence. The length of supervision must not exceed the
1272 maximum penalty imposed by the court.

1273 (7) (a) Any inmate who is convicted of a crime committed on
1274 or after October 1, 1995, or who has been previously convicted of
1275 a crime committed on or after October 1, 1995, in violation of
1276 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
1277 subject to conditional release supervision, shall have, in
1278 addition to any other conditions imposed, the following special
1279 conditions imposed by the board ~~commission~~:

1280 1. A mandatory curfew from 10 p.m. to 6 a.m. The board
1281 ~~commission~~ may designate another 8-hour period if the offender's
1282 employment precludes the above specified time, and such
1283 alternative is recommended by the Department of Corrections. If
1284 the board ~~commission~~ determines that imposing a curfew would
1285 endanger the victim, the board ~~commission~~ may consider
1286 alternative sanctions.

1287 2. If the victim was under the age of 18, a prohibition on
1288 living within 1,000 feet of a school, day care center, park,
1289 playground, designated public school bus stop, or other place
1290 where children regularly congregate. A releasee who is subject to
1291 this subparagraph may not relocate to a residence that is within
1292 1,000 feet of a public school bus stop. Beginning October 1,

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1293 2004, the board ~~commission~~ or the department may not approve a
1294 residence that is located within 1,000 feet of a school, day care
1295 center, park, playground, designated school bus stop, or other
1296 place where children regularly congregate for any releasee who is
1297 subject to this subparagraph. On October 1, 2004, the department
1298 shall notify each affected school district of the location of the
1299 residence of a releasee 30 days prior to release and thereafter,
1300 if the releasee relocates to a new residence, shall notify any
1301 affected school district of the residence of the releasee within
1302 30 days after relocation. If, on October 1, 2004, any public
1303 school bus stop is located within 1,000 feet of the existing
1304 residence of such releasee, the district school board shall
1305 relocate that school bus stop. Beginning October 1, 2004, a
1306 district school board may not establish or relocate a public
1307 school bus stop within 1,000 feet of the residence of a releasee
1308 who is subject to this subparagraph. The failure of the district
1309 school board to comply with this subparagraph shall not result in
1310 a violation of conditional release supervision.

1311 3. Active participation in and successful completion of a
1312 sex offender treatment program with qualified practitioners
1313 specifically trained to treat sex offenders, at the releasee's
1314 own expense. If a qualified practitioner is not available within
1315 a 50-mile radius of the releasee's residence, the offender shall
1316 participate in other appropriate therapy.

1317 4. A prohibition on any contact with the victim, directly
1318 or indirectly, including through a third person, unless approved
1319 by the victim, the offender's therapist, and the sentencing
1320 court.

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1321 5. If the victim was under the age of 18, a prohibition
1322 against contact with children under the age of 18 without review
1323 and approval by the board ~~commission~~. The board ~~commission~~ may
1324 approve supervised contact with a child under the age of 18 if
1325 the approval is based upon a recommendation for contact issued by
1326 a qualified practitioner who is basing the recommendation on a
1327 risk assessment. Further, the sex offender must be currently
1328 enrolled in or have successfully completed a sex offender therapy
1329 program. The board ~~commission~~ may not grant supervised contact
1330 with a child if the contact is not recommended by a qualified
1331 practitioner and may deny supervised contact with a child at any
1332 time. When considering whether to approve supervised contact with
1333 a child, the board ~~commission~~ must review and consider the
1334 following:

1335 a. A risk assessment completed by a qualified practitioner.
1336 The qualified practitioner must prepare a written report that
1337 must include the findings of the assessment and address each of
1338 the following components:

1339 (I) The sex offender's current legal status;

1340 (II) The sex offender's history of adult charges with
1341 apparent sexual motivation;

1342 (III) The sex offender's history of adult charges without
1343 apparent sexual motivation;

1344 (IV) The sex offender's history of juvenile charges,
1345 whenever available;

1346 (V) The sex offender's offender treatment history,
1347 including a consultation from the sex offender's treating, or
1348 most recent treating, therapist;

1349 (VI) The sex offender's current mental status;

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1350 (VII) The sex offender's mental health and substance abuse
 1351 history as provided by the Department of Corrections;

1352 (VIII) The sex offender's personal, social, educational,
 1353 and work history;

1354 (IX) The results of current psychological testing of the
 1355 sex offender if determined necessary by the qualified
 1356 practitioner;

1357 (X) A description of the proposed contact, including the
 1358 location, frequency, duration, and supervisory arrangement;

1359 (XI) The child's preference and relative comfort level with
 1360 the proposed contact, when age-appropriate;

1361 (XII) The parent's or legal guardian's preference regarding
 1362 the proposed contact; and

1363 (XIII) The qualified practitioner's opinion, along with the
 1364 basis for that opinion, as to whether the proposed contact would
 1365 likely pose significant risk of emotional or physical harm to the
 1366 child.

1367
 1368 The written report of the assessment must be given to the board
 1369 ~~commission~~.

1370 b. A recommendation made as a part of the risk-assessment
 1371 report as to whether supervised contact with the child should be
 1372 approved;

1373 c. A written consent signed by the child's parent or legal
 1374 guardian, if the parent or legal guardian is not the sex
 1375 offender, agreeing to the sex offender having supervised contact
 1376 with the child after receiving full disclosure of the sex
 1377 offender's present legal status, past criminal history, and the
 1378 results of the risk assessment. The board ~~commission~~ may not

1379 | approve contact with the child if the parent or legal guardian
 1380 | refuses to give written consent for supervised contact;

1381 | d. A safety plan prepared by the qualified practitioner,
 1382 | who provides treatment to the offender, in collaboration with the
 1383 | sex offender, the child's parent or legal guardian, and the
 1384 | child, when age appropriate, which details the acceptable
 1385 | conditions of contact between the sex offender and the child. The
 1386 | safety plan must be reviewed and approved by the Department of
 1387 | Corrections before being submitted to the board ~~commission~~; and

1388 | e. Evidence that the child's parent or legal guardian, if
 1389 | the parent or legal guardian is not the sex offender, understands
 1390 | the need for and agrees to the safety plan and has agreed to
 1391 | provide, or to designate another adult to provide, constant
 1392 | supervision any time the child is in contact with the offender.

1393 |
 1394 | The board ~~commission~~ may not appoint a person to conduct a risk
 1395 | assessment and may not accept a risk assessment from a person who
 1396 | has not demonstrated to the board ~~commission~~ that he or she has
 1397 | met the requirements of a qualified practitioner as defined in
 1398 | this section.

1399 | 6. If the victim was under age 18, a prohibition on working
 1400 | for pay or as a volunteer at any school, day care center, park,
 1401 | playground, or other place where children regularly congregate,
 1402 | as prescribed by the board ~~commission~~.

1403 | 7. Unless otherwise indicated in the treatment plan
 1404 | provided by the sexual offender treatment program, a prohibition
 1405 | on viewing, owning, or possessing any obscene, pornographic, or
 1406 | sexually stimulating visual or auditory material, including
 1407 | telephone, electronic media, computer programs, or computer

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1408 services that are relevant to the offender's deviant behavior
1409 pattern.

1410 8. Effective for a releasee whose crime is committed on or
1411 after July 1, 2005, a prohibition on accessing the Internet or
1412 other computer services until the offender's sex offender
1413 treatment program, after a risk assessment is completed, approves
1414 and implements a safety plan for the offender's accessing or
1415 using the Internet or other computer services.

1416 9. A requirement that the releasee must submit two
1417 specimens of blood to the Florida Department of Law Enforcement
1418 to be registered with the DNA database.

1419 10. A requirement that the releasee make restitution to the
1420 victim, as determined by the sentencing court or the board
1421 ~~commission~~, for all necessary medical and related professional
1422 services relating to physical, psychiatric, and psychological
1423 care.

1424 11. Submission to a warrantless search by the community
1425 control or probation officer of the probationer's or community
1426 controllee's person, residence, or vehicle.

1427 (b) For a releasee whose crime was committed on or after
1428 October 1, 1997, in violation of chapter 794, s. 800.04, s.
1429 827.071, or s. 847.0145, and who is subject to conditional
1430 release supervision, in addition to any other provision of this
1431 subsection, the board ~~commission~~ shall impose the following
1432 additional conditions of conditional release supervision:

1433 1. As part of a treatment program, participation in a
1434 minimum of one annual polygraph examination to obtain information
1435 necessary for risk management and treatment and to reduce the sex
1436 offender's denial mechanisms. The polygraph examination must be

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1437 | conducted by a polygrapher trained specifically in the use of the
1438 | polygraph for the monitoring of sex offenders, where available,
1439 | and at the expense of the sex offender. The results of the
1440 | polygraph examination shall not be used as evidence in a hearing
1441 | to prove that a violation of supervision has occurred.

1442 | 2. Maintenance of a driving log and a prohibition against
1443 | driving a motor vehicle alone without the prior approval of the
1444 | supervising officer.

1445 | 3. A prohibition against obtaining or using a post office
1446 | box without the prior approval of the supervising officer.

1447 | 4. If there was sexual contact, a submission to, at the
1448 | probationer's or community controllee's expense, an HIV test with
1449 | the results to be released to the victim or the victim's parent
1450 | or guardian.

1451 | 5. Electronic monitoring of any form when ordered by the
1452 | board ~~commission~~.

1453 | (8) It is the finding of the Legislature that the
1454 | population of offenders released from state prison into the
1455 | community who meet the conditional release criteria poses the
1456 | greatest threat to the public safety of the groups of offenders
1457 | under community supervision. Therefore, the Department of
1458 | Corrections is to provide intensive supervision by experienced
1459 | correctional probation officers to conditional release offenders.
1460 | Subject to specific appropriation by the Legislature, caseloads
1461 | may be restricted to a maximum of 40 conditional release
1462 | offenders per officer to provide for enhanced public safety and
1463 | to effectively monitor conditions of electronic monitoring or
1464 | curfews, if so ordered by the board ~~commission~~.

1465 (9) The board ~~commission~~ shall adopt rules pursuant to ss.
 1466 120.536(1) and 120.54 necessary to implement the provisions of
 1467 the Conditional Release Program Act.

1468 (10) Effective for a releasee whose crime was committed on
 1469 or after September 1, 2005, in violation of chapter 794, s.
 1470 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
 1471 unlawful activity involved a victim who was 15 years of age or
 1472 younger and the offender is 18 years of age or older or for a
 1473 releasee who is designated as a sexual predator pursuant to s.
 1474 775.21, in addition to any other provision of this section, the
 1475 board ~~commission~~ must order electronic monitoring for the
 1476 duration of the releasee's supervision.

1477 Section 61. Section 947.141, Florida Statutes, is amended
 1478 to read:

1479 947.141 Violations of conditional release, control release,
 1480 or conditional medical release or addiction-recovery
 1481 supervision.--

1482 (1) If a member of the board ~~commission~~ or a duly
 1483 authorized representative of the board ~~commission~~ has reasonable
 1484 grounds to believe that an offender who is on release supervision
 1485 under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has
 1486 violated the terms and conditions of the release in a material
 1487 respect, such member or representative may cause a warrant to be
 1488 issued for the arrest of the releasee; if the offender was found
 1489 to be a sexual predator, the warrant must be issued.

1490 (2) Upon the arrest on a felony charge of an offender who
 1491 is on release supervision under s. 947.1405, s. 947.146, s.
 1492 947.149, or s. 944.4731, the offender must be detained without
 1493 bond until the initial appearance of the offender at which a

1494 judicial determination of probable cause is made. If the trial
 1495 court judge determines that there was no probable cause for the
 1496 arrest, the offender may be released. If the trial court judge
 1497 determines that there was probable cause for the arrest, such
 1498 determination also constitutes reasonable grounds to believe that
 1499 the offender violated the conditions of the release. Within 24
 1500 hours after the trial court judge's finding of probable cause,
 1501 the detention facility administrator or designee shall notify the
 1502 board ~~commission~~ and the department of the finding and transmit
 1503 to each a facsimile copy of the probable cause affidavit or the
 1504 sworn offense report upon which the trial court judge's probable
 1505 cause determination is based. The offender must continue to be
 1506 detained without bond for a period not exceeding 72 hours
 1507 excluding weekends and holidays after the date of the probable
 1508 cause determination, pending a decision by the board ~~commission~~
 1509 whether to issue a warrant charging the offender with violation
 1510 of the conditions of release. Upon the issuance of the board's
 1511 ~~commission's~~ warrant, the offender must continue to be held in
 1512 custody pending a revocation hearing held in accordance with this
 1513 section.

1514 (3) Within 45 days after notice to the board ~~Parole~~
 1515 ~~Commission~~ of the arrest of a releasee charged with a violation
 1516 of the terms and conditions of conditional release, control
 1517 release, conditional medical release, or addiction-recovery
 1518 supervision, the releasee must be afforded a hearing conducted by
 1519 a board member ~~commissioner~~ or a duly authorized representative
 1520 thereof. If the releasee elects to proceed with a hearing, the
 1521 releasee must be informed orally and in writing of the following:

- 1522 (a) The alleged violation with which the releasee is
- 1523 charged.
- 1524 (b) The releasee's right to be represented by counsel.
- 1525 (c) The releasee's right to be heard in person.
- 1526 (d) The releasee's right to secure, present, and compel the
- 1527 attendance of witnesses relevant to the proceeding.
- 1528 (e) The releasee's right to produce documents on the
- 1529 releasee's own behalf.
- 1530 (f) The releasee's right of access to all evidence used
- 1531 against the releasee and to confront and cross-examine adverse
- 1532 witnesses.
- 1533 (g) The releasee's right to waive the hearing.
- 1534 (4) Within a reasonable time following the hearing, the
- 1535 board member ~~commissioner~~ or the board's ~~commissioner's~~ duly
- 1536 authorized representative who conducted the hearing shall make
- 1537 findings of fact in regard to the alleged violation. The board ~~A~~
- 1538 ~~panel of no fewer than two commissioners~~ shall enter an order
- 1539 determining whether the charge of violation of conditional
- 1540 release, control release, conditional medical release, or
- 1541 addiction-recovery supervision has been sustained based upon the
- 1542 findings of fact presented by the member ~~hearing commissioner~~ or
- 1543 authorized representative. By such order, the board ~~panel~~ may
- 1544 revoke conditional release, control release, conditional medical
- 1545 release, or addiction-recovery supervision and thereby return the
- 1546 releasee to prison to serve the sentence imposed, reinstate the
- 1547 original order granting the release, or enter such other order as
- 1548 it considers proper. Effective for inmates whose offenses were
- 1549 committed on or after July 1, 1995, the board ~~panel~~ may order the
- 1550 placement of a releasee, upon a finding of violation pursuant to

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1551 | this subsection, into a local detention facility as a condition
1552 | of supervision.

1553 | (5) Effective for inmates whose offenses were committed on
1554 | or after July 1, 1995, notwithstanding the provisions of ss.
1555 | 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
1556 | 951.23, or any other law to the contrary, by such order as
1557 | provided in subsection (4), the board panel, upon a finding of
1558 | guilt, may, as a condition of continued supervision, place the
1559 | releasee in a local detention facility for a period of
1560 | incarceration not to exceed 22 months. Prior to the expiration of
1561 | the term of incarceration, or upon recommendation of the chief
1562 | correctional officer of that county, the board ~~commission~~ shall
1563 | cause inquiry into the inmate's release plan and custody status
1564 | in the detention facility and consider whether to restore the
1565 | inmate to supervision, modify the conditions of supervision, or
1566 | enter an order of revocation, thereby causing the return of the
1567 | inmate to prison to serve the sentence imposed. The provisions of
1568 | this section do not prohibit the board panel from entering such
1569 | other order or conducting any investigation that it deems proper.
1570 | The board ~~commission~~ may only place a person in a local detention
1571 | facility pursuant to this section if there is a contractual
1572 | agreement between the chief correctional officer of that county
1573 | and the Department of Corrections. The agreement must provide for
1574 | a per diem reimbursement for each person placed under this
1575 | section, which is payable by the Department of Corrections for
1576 | the duration of the offender's placement in the facility. This
1577 | section does not limit the board's ~~commission's~~ ability to place
1578 | a person in a local detention facility for less than 1 year.

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1579 | (6) Whenever a conditional release, control release,
 1580 | conditional medical release, or addiction-recovery supervision is
 1581 | revoked by the board ~~a panel of no fewer than two commissioners~~
 1582 | and the releasee is ordered to be returned to prison, the
 1583 | releasee, by reason of the misconduct, shall be deemed to have
 1584 | forfeited all gain-time or commutation of time for good conduct,
 1585 | as provided for by law, earned up to the date of release.
 1586 | However, if a conditional medical release is revoked due to the
 1587 | improved medical or physical condition of the releasee, the
 1588 | releasee shall not forfeit gain-time accrued before the date of
 1589 | conditional medical release. This subsection does not deprive the
 1590 | prisoner of the right to gain-time or commutation of time for
 1591 | good conduct, as provided by law, from the date of return to
 1592 | prison.

1593 | (7) If a law enforcement officer has probable cause to
 1594 | believe that an offender who is on release supervision under s.
 1595 | 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the
 1596 | terms and conditions of his or her release by committing a felony
 1597 | offense, the officer shall arrest the offender without a warrant,
 1598 | and a warrant need not be issued in the case.

1599 | Section 62. Subsection (1) of section 947.146, Florida
 1600 | Statutes, is amended to read:

1601 | 947.146 Control Release Authority.--

1602 | (1) There is created a Control Release Authority which
 1603 | shall be composed of the members of the Parole Board ~~Commission~~
 1604 | and which shall have the same chair as the board ~~commission~~. ~~The~~
 1605 | ~~authority shall utilize such commission staff as it determines is~~
 1606 | ~~necessary to carry out its purposes.~~

1607 Section 63. Section 947.149, Florida Statutes, is amended
 1608 to read:

1609 947.149 Conditional medical release.--

1610 (1) The board ~~commission~~ shall, in conjunction with the
 1611 department, establish the conditional medical release program. An
 1612 inmate is eligible for consideration for release under the
 1613 conditional medical release program when the inmate, because of
 1614 an existing medical or physical condition, is determined by the
 1615 department to be within one of the following designations:

1616 (a) "Permanently incapacitated inmate," which means an
 1617 inmate who has a condition caused by injury, disease, or illness
 1618 which, to a reasonable degree of medical certainty, renders the
 1619 inmate permanently and irreversibly physically incapacitated to
 1620 the extent that the inmate does not constitute a danger to
 1621 herself or himself or others.

1622 (b) "Terminally ill inmate," which means an inmate who has
 1623 a condition caused by injury, disease, or illness which, to a
 1624 reasonable degree of medical certainty, renders the inmate
 1625 terminally ill to the extent that there can be no recovery and
 1626 death is imminent, so that the inmate does not constitute a
 1627 danger to herself or himself or others.

1628 (2) Notwithstanding any provision to the contrary, any
 1629 person determined eligible under this section and sentenced to
 1630 the custody of the department may, upon referral by the
 1631 department, be considered for conditional medical release by the
 1632 board ~~commission~~, in addition to any parole consideration for
 1633 which the inmate may be considered, except that conditional
 1634 medical release is not authorized for an inmate who is under
 1635 sentence of death. No inmate has a right to conditional medical

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1636 | release or to a medical evaluation to determine eligibility for
1637 | such release.

1638 | (3) The authority and whether or not to grant conditional
1639 | medical release and establish additional conditions of
1640 | conditional medical release rests solely within the discretion of
1641 | the board ~~commission~~, in accordance with the provisions of this
1642 | section, together with the authority to approve the release plan
1643 | to include necessary medical care and attention. The department
1644 | shall identify inmates who may be eligible for conditional
1645 | medical release based upon available medical information and
1646 | shall refer them to the board ~~commission~~ for consideration. In
1647 | considering an inmate for conditional medical release, the board
1648 | ~~commission~~ may require that additional medical evidence be
1649 | produced or that additional medical examinations be conducted,
1650 | and may require such other investigations to be made as may be
1651 | warranted.

1652 | (4) The conditional medical release term of an inmate
1653 | released on conditional medical release is for the remainder of
1654 | the inmate's sentence, without diminution of sentence for good
1655 | behavior. Supervision of the medical releasee must include
1656 | periodic medical evaluations at intervals determined by the board
1657 | ~~commission~~ at the time of release.

1658 | (5) (a) If it is discovered during the conditional medical
1659 | release that the medical or physical condition of the medical
1660 | releasee has improved to the extent that she or he would no
1661 | longer be eligible for conditional medical release under this
1662 | section, the board ~~commission~~ may order that the releasee be
1663 | returned to the custody of the department for a conditional
1664 | medical release revocation hearing, in accordance with s.

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1665 947.141. If conditional medical release is revoked due to
 1666 improvement in the medical or physical condition of the releasee,
 1667 she or he shall serve the balance of her or his sentence with
 1668 credit for the time served on conditional medical release and
 1669 without forfeiture of any gain-time accrued prior to conditional
 1670 medical release. If the person whose conditional medical release
 1671 is revoked due to an improvement in medical or physical condition
 1672 would otherwise be eligible for parole or any other release
 1673 program, the person may be considered for such release program
 1674 pursuant to law.

1675 (b) In addition to revocation of conditional medical
 1676 release pursuant to paragraph (a), conditional medical release
 1677 may also be revoked for violation of any condition of the release
 1678 established by the board ~~commission~~, in accordance with s.
 1679 947.141, and the releasee's gain-time may be forfeited pursuant
 1680 to s. 944.28(1).

1681 (6) The department and the board ~~commission~~ shall adopt
 1682 rules as necessary to implement the conditional medical release
 1683 program.

1684 Section 64. Section 947.15, Florida Statutes, is amended to
 1685 read:

1686 947.15 Reports.--On or before January 1 of each year, the
 1687 board ~~commission~~ shall submit ~~make~~ a written report of ~~to~~ the
 1688 board's Governor and Cabinet of its activities, either as a
 1689 separate report or as part of another Department of Corrections
 1690 report, together with a full and detailed financial statement,
 1691 copies of which shall be sent to the Governor, Cabinet, President
 1692 of the Senate, and Speaker of the House of Representatives
 1693 ~~Department of Legal Affairs and to such other officials and~~

1694 ~~persons as the commission may deem advisable. The One copy of~~
 1695 ~~said~~ report shall become a part of the records of the board
 1696 ~~commission.~~

1697 Section 65. Section 947.16, Florida Statutes, is amended to
 1698 read:

1699 947.16 Eligibility for parole; initial parole interviews;
 1700 powers and duties of board ~~commission.~~--

1701 (1) Every person who has been convicted of a felony or who
 1702 has been convicted of one or more misdemeanors and whose sentence
 1703 or cumulative sentences total 12 months or more, who is confined
 1704 in execution of the judgment of the court, and whose record
 1705 during confinement or while under supervision is good, shall,
 1706 unless otherwise provided by law, be eligible for interview with
 1707 an examiner selected by the department for parole consideration
 1708 of her or his cumulative sentence structure as follows:

1709 (a) An inmate who has been sentenced for an indeterminate
 1710 term or a term of 3 years or less shall have an initial interview
 1711 ~~conducted by a hearing examiner~~ within 8 months after the initial
 1712 date of confinement in execution of the judgment.

1713 (b) An inmate who has been sentenced for a minimum term in
 1714 excess of 3 years but of less than 6 years shall have an initial
 1715 interview ~~conducted by a hearing examiner~~ within 14 months after
 1716 the initial date of confinement in execution of the judgment.

1717 (c) An inmate who has been sentenced for a minimum term of
 1718 6 or more years but other than for a life term shall have an
 1719 initial interview ~~conducted by a hearing examiner~~ within 24
 1720 months after the initial date of confinement in execution of the
 1721 judgment.

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1722 (d) An inmate who has been sentenced for a term of life
1723 shall have an initial interview ~~conducted by a hearing examiner~~
1724 within 5 years after the initial date of confinement in execution
1725 of the judgment.

1726 (e) An inmate who has been convicted and sentenced under
1727 ss. 958.011-958.15, or any other inmate who has been determined
1728 by the department to be a youthful offender, shall have an
1729 initial interview ~~be interviewed by a parole examiner~~ within 8
1730 months after the initial date of confinement in execution of the
1731 judgment.

1732 (2) The following special types of cases shall have their
1733 initial parole interview as follows:

1734 (a) An initial interview may be postponed for a period not
1735 to exceed 90 days. Such postponement shall be for good cause,
1736 which shall include, but need not be limited to, the need for the
1737 department to obtain a presentence or postsentence investigation
1738 report or a probation or parole or mandatory conditional release
1739 violation report. The reason for postponement shall be ~~noted~~ in
1740 writing and included in the department ~~official~~ record. No
1741 postponement for good cause shall result in an initial interview
1742 being conducted later than 90 days after the inmate's initially
1743 scheduled initial interview.

1744 (b) An initial interview may be deferred for any inmate who
1745 is out to court. Such deferral shall not result in an initial
1746 interview being conducted later than 90 days after ~~the department~~
1747 ~~provides written notice to the commission that~~ the inmate has
1748 been returned from court.

1749 (c) An initial interview may be deferred for any inmate
1750 confined in any appropriate treatment facility within the state,

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1751 public or private, by virtue of transfer from the department
1752 under any applicable law. Such deferral shall not result in an
1753 initial interview being conducted later than 90 days after ~~the~~
1754 ~~department provides written notice to the commission that the~~
1755 inmate has been returned to the department.

1756 (d) An inmate designated a mentally disordered sex offender
1757 shall have an initial interview conducted within 90 days of
1758 ~~receiving written notification by the department~~ determining to
1759 ~~the commission of~~ the need for such interview and that the
1760 inmate's file contains all investigative reports deemed necessary
1761 by the department ~~commission~~ to conduct such interview.

1762 (e) Any inmate who has been determined to be an
1763 incapacitated person pursuant to s. 744.331 shall have an initial
1764 interview conducted within 90 days after the date the board
1765 ~~commission~~ is provided with a court order finding ~~written notice~~
1766 that the inmate has been restored to capacity ~~by the court~~.

1767 (f) An initial interview may be held at the discretion of
1768 the board ~~commission~~ after the entry of a board ~~commission~~ order
1769 to revoke parole or mandatory conditional release.

1770 (g) For purposes of determining eligibility for parole
1771 interview and release, the mandatory minimum portion of a
1772 concurrent sentence will begin on the date the sentence begins to
1773 run as provided in s. 921.161. The mandatory minimum portions of
1774 consecutive sentences shall be served at the beginning of the
1775 maximum sentence as established by the department ~~of Corrections~~.
1776 Each mandatory minimum portion of consecutive sentences shall be
1777 served consecutively; provided, that in no case shall a sentence
1778 begin to run before the date of imposition. An examiner ~~The~~
1779 ~~commission~~ shall conduct an initial interview for an inmate

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1780 | serving a mandatory minimum sentence according to the following
1781 | schedule:

1782 | 1. An inmate serving a mandatory term of 7 years or less
1783 | shall have an initial interview no sooner than 6 months prior to
1784 | the expiration of the mandatory minimum portion of the sentence.

1785 | 2. An inmate serving a mandatory term in excess of 7 years
1786 | but of less than 15 years shall have an initial interview no
1787 | sooner than 12 months prior to the expiration of the mandatory
1788 | minimum portion of the sentence.

1789 | 3. An inmate serving a mandatory term of 15 years or more
1790 | shall have an initial interview no sooner than 18 months prior to
1791 | the expiration of the mandatory minimum portion of the sentence.

1792 | (h) If an inmate is serving a sentence imposed by a county
1793 | or circuit court of this state concurrently with a sentence
1794 | imposed by a court of another state or of the United States, and
1795 | if the department has designated the correctional institution of
1796 | the other jurisdiction as the place for reception and confinement
1797 | of such person, the inmate so released to another jurisdiction
1798 | shall be eligible for consideration for parole, except that the
1799 | board ~~commission~~ shall determine the presumptive parole release
1800 | date and the effective parole release date by requesting such
1801 | person's record file from the receiving jurisdiction. Upon
1802 | receiving such records, the board ~~commission panel assigned by~~
1803 | ~~the chair~~ shall determine such release dates based on the
1804 | relevant information in that file. The board ~~commission~~ may
1805 | concur with the parole release decision of the jurisdiction
1806 | granting parole and accepting supervision. The provisions of s.
1807 | 947.174 do not apply to an inmate serving a concurrent sentence
1808 | in another jurisdiction pursuant to s. 921.16(2).

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

1809 (3) Notwithstanding the provisions of ss. 775.021 and
 1810 921.16, if an inmate has received a consecutive sentence or
 1811 sentences imposed by a court or courts of this state, the inmate
 1812 shall be eligible for consideration for parole, unless otherwise
 1813 expressly prohibited by law.

1814 (4) A person who has become eligible for an initial parole
 1815 interview and who may, according to the objective parole
 1816 guidelines of the board ~~commission~~, be granted parole shall be
 1817 placed on parole in accordance with the provisions of this law;
 1818 except that, in any case of a person convicted of murder,
 1819 robbery, burglary of a dwelling or burglary of a structure or
 1820 conveyance in which a human being is present, aggravated assault,
 1821 aggravated battery, kidnapping, sexual battery or attempted
 1822 sexual battery, incest or attempted incest, an unnatural and
 1823 lascivious act or an attempted unnatural and lascivious act, lewd
 1824 and lascivious behavior, assault or aggravated assault when a
 1825 sexual act is completed or attempted, battery or aggravated
 1826 battery when a sexual act is completed or attempted, arson, or
 1827 any felony involving the use of a firearm or other deadly weapon
 1828 or the use of intentional violence, at the time of sentencing the
 1829 judge may enter an order retaining jurisdiction over the offender
 1830 for review of a board ~~commission~~ release order. This jurisdiction
 1831 of the trial court judge is limited to the first one-third of the
 1832 maximum sentence imposed. When any person is convicted of two or
 1833 more felonies and concurrent sentences are imposed, then the
 1834 jurisdiction of the trial court judge as provided herein applies
 1835 to the first one-third of the maximum sentence imposed for the
 1836 highest felony of which the person was convicted. When any person
 1837 is convicted of two or more felonies and consecutive sentences

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1838 are imposed, then the jurisdiction of the trial court judge as
1839 provided herein applies to one-third of the total consecutive
1840 sentences imposed.

1841 (a) In retaining jurisdiction for the purposes of this act,
1842 the trial court judge shall state the justification with
1843 individual particularity, and such justification shall be made a
1844 part of the court record. A copy of such justification shall be
1845 delivered to the department together with the commitment issued
1846 by the court ~~pursuant to s. 944.16.~~

1847 (b) Gain-time as provided for by law shall accrue, except
1848 that an offender over whom the trial court has retained
1849 jurisdiction as provided herein shall not be released during the
1850 first one-third of her or his sentence by reason of gain-time.

1851 (c) In such a case of retained jurisdiction, the board
1852 ~~commission~~, within 30 days after the entry of its release order,
1853 shall send notice of its release order to the original sentencing
1854 judge and to the appropriate state attorney. The release order
1855 shall be made contingent upon entry of an order by the
1856 appropriate circuit judge relinquishing jurisdiction as provided
1857 for in paragraphs (d) and (f). If the original sentencing judge
1858 is no longer in service, such notice shall be sent to the chief
1859 judge of the circuit in which the offender was sentenced. The
1860 chief judge may designate any circuit judge within the circuit to
1861 act in the place of the original sentencing judge. Such notice
1862 shall stay the time requirements of s. 947.1745.

1863 (d) Within 10 days after receipt of the notice provided for
1864 in paragraph (c), the ~~original sentencing judge or her or his~~
1865 ~~replacement~~ shall notify the board ~~commission~~ as to whether or
1866 not the court further desires to retain jurisdiction. If the

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1867 ~~original sentencing judge or her or his replacement~~ does not so
1868 notify the commission within the 10-day period or notifies the
1869 board ~~commission~~ that the court does not desire to retain
1870 jurisdiction, then the board ~~commission~~ may dispose of the matter
1871 as it sees fit.

1872 (e) Upon receipt of notice of intent to retain jurisdiction
1873 from the ~~original sentencing judge or her or his replacement~~, the
1874 board ~~commission~~ shall, within 10 days, forward to the court its
1875 release order, the findings of fact, the ~~parole hearing~~
1876 examiner's report and recommendation, and all supporting
1877 information upon which its release order was based.

1878 (f) Within 30 days of receipt of the items listed in
1879 paragraph (e), the ~~original sentencing judge or her or his~~
1880 ~~replacement~~ shall review the order, findings, and evidence; and,
1881 if the judge finds that the order of the board ~~commission~~ is not
1882 based on competent substantial evidence or that the parole is not
1883 in the best interest of the community or the inmate, the court
1884 may vacate the release order. The judge ~~or her or his replacement~~
1885 shall notify the board ~~commission~~ of the decision of the court,
1886 and, if the release order is vacated, such notification shall
1887 contain the evidence relied on and the reasons for denial. A copy
1888 of such notice shall be sent to the inmate.

1889 (g) The decision of the ~~original sentencing judge or, in~~
1890 ~~her or his absence, the chief judge of the circuit~~ to vacate any
1891 parole release order as provided in this section is not
1892 appealable. Each inmate whose parole release order has been
1893 vacated by the court shall be reinterviewed within 2 years after
1894 the date of receipt of the vacated release order and every 2
1895 years thereafter, or earlier by order of the court retaining

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1896 jurisdiction. However, each inmate whose parole release order has
 1897 been vacated by the court and who has been:

- 1898 1. Convicted of murder or attempted murder;
- 1899 2. Convicted of sexual battery or attempted sexual battery;

1900 or

- 1901 3. Sentenced to a 25-year minimum mandatory sentence
- 1902 previously provided in s. 775.082,

1903
 1904 shall be reinterviewed once within 5 years after the date of
 1905 receipt of the vacated release order and once every 5 years
 1906 thereafter, if the board ~~commission~~ finds that it is not
 1907 reasonable to expect that parole would be granted during the
 1908 following years and states the reason ~~bases~~ for the finding in
 1909 writing. For any inmate who is within 7 years of his or her
 1910 tentative release date, the board ~~commission~~ may establish a
 1911 reinterview date prior to the 5-year schedule.

1912 (h) An inmate whose parole release order has been vacated
 1913 by the court may not be given a presumptive parole release date
 1914 during the period of retention of jurisdiction by the court.
 1915 During such period, a new effective parole release date may be
 1916 authorized at the discretion of the board ~~commission~~ without
 1917 further interview unless an interview is requested by ~~no fewer~~
 1918 ~~than two~~ the board ~~commissioners~~. Any such new effective parole
 1919 release date must be reviewed in accordance with the provisions
 1920 of paragraphs (c), (d), (e), (f), and (g).

1921 (5) Within 90 days after any interview for parole, the
 1922 inmate shall be advised of the presumptive parole release date.
 1923 Subsequent to the establishment of the presumptive parole release
 1924 date, the board ~~commission~~ may, at its discretion, review the

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1925 | official record or order ~~conduct~~ additional interviews with the
 1926 | inmate. However, the presumptive parole release date may not be
 1927 | changed except for reasons of institutional conduct or the
 1928 | acquisition of new information not available at the time of the
 1929 | initial interview.

1930 | (6) This section as amended by chapter 82-171, Laws of
 1931 | Florida, shall apply only to those persons convicted on or after
 1932 | the effective date of chapter 82-171; and this section as in
 1933 | effect before being amended by chapter 82-171 shall apply to any
 1934 | person convicted before the effective date of chapter 82-171.

1935 | Section 66. Section 947.165, Florida Statutes, is amended
 1936 | to read:

1937 | 947.165 Objective parole guidelines.--

1938 | (1) The board ~~commission~~ shall develop and implement
 1939 | objective parole guidelines which shall be the criteria upon
 1940 | which parole decisions are made. The objective parole guidelines
 1941 | shall be developed according to an acceptable research method and
 1942 | shall be based on the seriousness of offense and the likelihood
 1943 | of favorable parole outcome. The guidelines shall require the
 1944 | board ~~commission~~ to aggravate or aggregate each consecutive
 1945 | sentence in establishing the presumptive parole release date.
 1946 | Factors used in arriving at the salient factor score and the
 1947 | severity of offense behavior category shall not be applied as
 1948 | aggravating circumstances. If the sentencing judge files a
 1949 | written objection to the parole release of an inmate as provided
 1950 | for in s. 947.1745(6), such objection may be used by the board
 1951 | ~~commission~~ as a basis to extend the presumptive parole release
 1952 | date.

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1953 (2) At least once a year, the board ~~commission~~ shall review
 1954 the objective parole guidelines and make any revisions considered
 1955 necessary based on a ~~by virtue of~~ statistical analysis of board
 1956 ~~commission~~ actions, using ~~which analysis uses~~ acceptable research
 1957 methodologies ~~and methodology~~.

1958 Section 67. Subsections (3) and (4) of section 947.168,
 1959 Florida Statutes, are amended to read:

1960 947.168 Consideration for persons serving parole-eligible
 1961 and parole-ineligible sentences.--

1962 (3) Actual terms of parole service shall not be initiated
 1963 until the satisfactory completion of the parole-ineligible
 1964 sentence and subsequent review by the board ~~commission~~ as
 1965 provided in subsection (4).

1966 (4) Following completion of the parole-ineligible sentence,
 1967 the board ~~commission~~ shall reinterview the offender and consider
 1968 any new information provided by the department ~~of Corrections~~.
 1969 Upon an affirmative vote by the board ~~commission~~, the offender
 1970 shall be released on parole and required to meet any conditions
 1971 set by the board ~~commission~~ pursuant to s. 947.19.

1972 Section 68. Section 947.172, Florida Statutes, is amended
 1973 to read:

1974 947.172 Establishment of presumptive parole release date.--

1975 (1) An ~~The hearing~~ examiner shall conduct an initial
 1976 interview in accordance with the provisions of s. 947.16. This
 1977 interview shall include introduction and explanation of the
 1978 objective parole guidelines as they relate to presumptive and
 1979 effective parole release dates and an explanation of the
 1980 institutional conduct record and satisfactory release plan for
 1981 parole supervision as each relates to parole release.

1982 (2) Based on the objective parole guidelines and any other
 1983 competent evidence relevant to aggravating and mitigating
 1984 circumstances, the ~~hearing~~ examiner shall, within 10 days after
 1985 the interview, recommend in writing to the board ~~a panel of no~~
 1986 ~~fewer than two commissioners appointed by the chair~~ a presumptive
 1987 parole release date for the inmate. ~~The chair shall assign cases~~
 1988 ~~to such panels on a random basis, without regard to the inmate or~~
 1989 ~~to the commissioners sitting on the panel.~~ If the recommended
 1990 presumptive parole release date falls outside the matrix time
 1991 ranges as determined by the objective parole guidelines, the
 1992 ~~hearing~~ examiner shall include with the recommendation a
 1993 statement ~~in writing~~ as to the reasons for the decision,
 1994 ~~specifying individual particularities. If a panel fails to reach~~
 1995 ~~a decision on a recommended presumptive parole release date, the~~
 1996 ~~chair or any other commissioner designated by the chair shall~~
 1997 ~~cast the deciding vote.~~ Within 90 days after the date of the
 1998 initial interview, the inmate shall be notified in writing of the
 1999 decision as to the inmate's presumptive parole release date.

2000 (3) A presumptive parole release date shall become binding
 2001 on the board ~~commission~~ when agreement on the presumptive parole
 2002 release date is reached. Should the presumptive parole release
 2003 date fall outside the matrix time ranges as determined by the
 2004 objective parole guidelines, the reasons for this decision shall
 2005 be stated ~~in writing with individual particularities.~~

2006 Section 69. Section 947.173, Florida Statutes, is amended
 2007 to read:

2008 947.173 Review of presumptive parole release date.--

2009 (1) An inmate may request a ~~one~~ review of his or her
 2010 initial presumptive parole release date established according to

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2011 s. 947.16(1) if the inmate shows cause in writing, ~~with~~
 2012 ~~individual particularities,~~ within 60 days after the date the
 2013 inmate is notified of the decision on the presumptive parole
 2014 release date.

2015 (2) The board ~~A panel of no fewer than two commissioners~~
 2016 ~~appointed by the chair~~ shall review the inmate's request for
 2017 review and shall notify the inmate in writing of its decision
 2018 within 60 days after the date of receipt of the request ~~by the~~
 2019 ~~commission.~~

2020 (3) The board ~~commission~~ may affirm or modify the
 2021 authorized presumptive parole release date. However, in the event
 2022 of a decision to modify the presumptive parole release date, in
 2023 no case shall this modified date be after the date established
 2024 under the procedures of s. 947.172. ~~It is the intent of this~~
 2025 ~~legislation that, once set,~~ Presumptive parole release dates may
 2026 only be modified ~~only~~ for good cause in exceptional
 2027 circumstances.

2028 Section 70. Section 947.174, Florida Statutes, is amended
 2029 to read:

2030 947.174 Subsequent interviews.--

2031 (1)(a) For any inmate, except an inmate convicted of an
 2032 offense enumerated in paragraph (b), whose presumptive parole
 2033 release date falls more than 2 years after the date of the
 2034 initial interview, an ~~a hearing~~ examiner shall schedule an
 2035 interview for review of the presumptive parole release date. Such
 2036 interview shall take place within 2 years after the initial
 2037 interview and every 2 years thereafter.

2038 (b) For any inmate convicted of murder, attempted murder,
 2039 sexual battery, attempted sexual battery, or who has been

2040 sentenced to a 25-year minimum mandatory sentence previously
 2041 provided in s. 775.082, and whose presumptive parole release date
 2042 is more than 5 years after the date of the initial interview, an
 2043 ~~a hearing~~ examiner shall schedule an interview for review of the
 2044 presumptive parole release date. Such interview shall take place
 2045 once within 5 years after the initial interview and once every 5
 2046 years thereafter if the board ~~commission~~ finds that it is not
 2047 reasonable to expect that parole will be granted at a hearing
 2048 during the following years and states the reason ~~bases~~ for the
 2049 finding in writing. For any inmate who is within 7 years of his
 2050 or her tentative release date, the board ~~commission~~ may establish
 2051 an interview date prior to the 5-year schedule.

2052 (c) Such interviews shall be limited to determining whether
 2053 or not information has been gathered which might affect the
 2054 presumptive parole release date. The provisions of this
 2055 subsection shall not apply to an inmate serving a concurrent
 2056 sentence in another jurisdiction pursuant to s. 921.16(2).

2057 (2) The board ~~commission~~, for good cause, may at any time
 2058 request that a hearing examiner conduct a subsequent hearing
 2059 according to the procedures outlined in this section. Such
 2060 request shall specify ~~in writing~~ the reasons for such review.

2061 (3) The department shall, within a reasonable amount of
 2062 time, make available and bring to the attention of the board
 2063 ~~commission~~ such information as is deemed important to the review
 2064 of the presumptive parole release date, including, but not
 2065 limited to, current progress reports, psychological reports, and
 2066 disciplinary reports.

2067 (4) The department or an ~~a hearing~~ examiner may recommend
 2068 that an inmate be placed in a work-release program prior to the

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2069 last 18 months of her or his confinement before the presumptive
 2070 parole release date. If the board ~~commission~~ does not deny the
 2071 recommendation within 30 days of the receipt of the
 2072 recommendation, the inmate may be placed in such a program, and
 2073 the department shall advise the board ~~commission~~ of the fact
 2074 prior to such placement.

2075 (5) For purposes of this section, the board ~~commission~~
 2076 shall, after consulting with the department, develop and make
 2077 available to all inmates eligible for parole guidelines which:

2078 (a) ~~define what constitutes an unsatisfactory institutional~~
 2079 ~~record, . In developing such guidelines, the commission shall~~
 2080 ~~consult with the department.~~

2081 (b) ~~Define what constitutes a satisfactory release plan,~~
 2082 and what constitutes verification of the plan prior to placement
 2083 on parole.

2084 Section 71. Section 947.1745, Florida Statutes, is amended
 2085 to read:

2086 947.1745 Establishment of effective parole release date.--
 2087 If the inmate's institutional conduct has been satisfactory, the
 2088 presumptive parole release date shall become the effective parole
 2089 release date as follows:

2090 (1) Within 90 days before the presumptive parole release
 2091 date, an ~~a hearing~~ examiner shall conduct a final interview with
 2092 the inmate in order to establish an effective parole release date
 2093 and parole release plan. If it is determined that the inmate's
 2094 institutional conduct has been unsatisfactory, a statement to
 2095 this effect shall be made in writing ~~with particularity~~ and shall
 2096 be forwarded to the board ~~a panel of no fewer than two~~
 2097 ~~commissioners appointed by the chair.~~

2098 (2) If the board ~~panel~~ finds that the inmate's parole
 2099 release plan is unsatisfactory, this finding may constitute new
 2100 information and good cause in exceptional circumstances as
 2101 described in s. 947.173, under which the board ~~panel~~ may extend
 2102 the presumptive parole release date for not more than 1 year. The
 2103 board ~~panel~~ may review any subsequently proposed parole release
 2104 plan at any time.

2105 (3) Within 30 days after receipt of the inmate's parole
 2106 release plan, the board ~~panel~~ shall determine whether to
 2107 authorize the effective parole release date. The inmate must be
 2108 notified of the decision in writing within 30 days after the
 2109 decision by the board ~~panel~~.

2110 (4) If an effective date of parole has been established,
 2111 release on that date is conditioned upon the completion of a
 2112 satisfactory plan for parole supervision. An effective date of
 2113 parole may be delayed for up to 60 days by a board member
 2114 ~~commissioner~~ without a hearing for the development and approval
 2115 of release plans.

2116 (5) An effective date of parole may be delayed by a board
 2117 member ~~commissioner~~ for up to 60 days without a hearing based on:

2118 (a) New information not available at the time of the
 2119 effective parole release date interview.

2120 (b) Unsatisfactory institutional conduct which occurred
 2121 subsequent to the effective parole release date interview.

2122 (c) The lack of a verified parole release plan.

2123 (6) Within 90 days before the effective parole release date
 2124 interview, the board ~~commission~~ shall send written notice to the
 2125 sentencing judge of any inmate who has been scheduled for an
 2126 effective parole release date interview. If the sentencing judge

2127 is no longer serving, the notice must be sent to the chief judge
 2128 of the circuit in which the offender was sentenced. The chief
 2129 judge may designate any circuit judge within the circuit to act
 2130 in the place of the sentencing judge. Within 30 days after
 2131 receipt of the board's ~~commission's~~ notice, the sentencing judge,
 2132 or the designee, shall send to the board ~~commission~~ notice of
 2133 objection to parole release, if the judge objects to such
 2134 release. If there is objection by the judge, such objection may
 2135 constitute good cause in exceptional circumstances as described
 2136 in s. 947.173, and the board ~~commission~~ may schedule a subsequent
 2137 review within 2 years, extending the presumptive parole release
 2138 date beyond that time. However, for an inmate who has been:

- 2139 (a) Convicted of murder or attempted murder;
- 2140 (b) Convicted of sexual battery or attempted sexual
 2141 battery; or
- 2142 (c) Sentenced to a 25-year minimum mandatory sentence
 2143 previously provided in s. 775.082,

2144

2145 the board ~~commission~~ may schedule a subsequent review under this
 2146 subsection once every 5 years, extending the presumptive parole
 2147 release date beyond that time if the board ~~commission~~ finds that
 2148 it is not reasonable to expect that parole would be granted at a
 2149 review during the following years and states the reason ~~bases~~ for
 2150 the finding in writing. For any inmate who is within 7 years of
 2151 his or her release date, the board ~~commission~~ may schedule a
 2152 subsequent review prior to the 5 year schedule. With any
 2153 subsequent review the same procedure outlined above will be
 2154 followed. If the judge remains silent with respect to parole
 2155 release, the board ~~commission~~ may authorize an effective parole

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2156 release date. This subsection applies if the board ~~commission~~
 2157 desires to consider the establishment of an effective release
 2158 date without delivery of the effective parole release date
 2159 interview. Notice of the effective release date must be sent to
 2160 the sentencing judge, and either the judge's response to the
 2161 notice must be received or the time period allowed for such
 2162 response must elapse before the board ~~commission~~ may authorize an
 2163 effective release date.

2164 Section 72. Section 947.1746, Florida Statutes, is amended
 2165 to read:

2166 947.1746 Establishment of effective parole release date.--
 2167 Within 30 days of the receipt of new information or upon receipt
 2168 of a written recommendation from the department that an inmate be
 2169 considered for mitigation of the authorized presumptive parole
 2170 release date, the board ~~commission~~ may, ~~at its discretion,~~
 2171 provide for a final interview to establish an effective parole
 2172 release date or may review the official record and establish an
 2173 effective parole release date without provision of a final
 2174 interview, unless an interview is requested by the board ~~no fewer~~
 2175 ~~than two commissioners.~~

2176 Section 73. Section 947.1747, Florida Statutes, is amended
 2177 to read:

2178 947.1747 Community control as a special condition of
 2179 parole.--Upon the establishment of an effective parole release
 2180 date as provided for in ss. 947.1745 and 947.1746, the board
 2181 ~~commission~~ may, as a special condition of parole, require an
 2182 inmate to be placed in the community control program ~~of the~~
 2183 ~~Department of Corrections~~ as described in s. 948.10 for a period
 2184 not exceeding 6 months. In every case in which the board

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2185 ~~commission~~ decides to place an inmate on community control as a
 2186 special condition of parole, the board ~~commission~~ shall provide a
 2187 written explanation of the reasons for its decision.

2188 Section 74. Section 947.18, Florida Statutes, is amended to
 2189 read:

2190 947.18 Conditions of parole.--No inmate ~~person~~ shall be
 2191 placed on parole merely as a reward for good conduct or efficient
 2192 performance of duties assigned in prison. No inmate ~~person~~ shall
 2193 be placed on parole until and unless the board ~~commission~~ finds
 2194 that there is a reasonable probability that, if ~~the person is~~
 2195 placed on parole, he or she will live ~~and conduct himself or~~
 2196 ~~herself as~~ a respectable and law-abiding life ~~person~~ and that the
 2197 parolee's ~~person's~~ release will be compatible with his or her own
 2198 welfare and the welfare of society. No inmate ~~person~~ shall be
 2199 placed on parole unless and until the board ~~commission~~ is
 2200 satisfied that he or she will be suitably employed in self-
 2201 sustaining employment or that he or she will not become a public
 2202 charge. The board ~~commission~~ shall determine the terms upon which
 2203 such person shall be granted parole. If the inmate's ~~person's~~
 2204 conviction was for a controlled substance violation, one of the
 2205 conditions must be that the person submit to random substance
 2206 abuse testing ~~intermittently~~ throughout the term of supervision,
 2207 upon the direction of the correctional probation officer as
 2208 defined in s. 943.10(3). In addition to any other lawful
 2209 condition of parole, the board ~~commission~~ may make the payment of
 2210 the debt due and owing to the state under s. 960.17 or the
 2211 payment of the attorney's fees and costs due and owing to the
 2212 state under s. 938.29 a condition of parole subject to
 2213 modification based on a change of circumstances.

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2214 Section 75. Section 947.181, Florida Statutes, is amended
 2215 to read:

2216 947.181 Victim restitution as condition of parole.--

2217 (1) (a) The board ~~Parole Commission~~ shall require as a
 2218 condition of parole that the parolee pay reparation or
 2219 restitution to the victim ~~aggrieved party~~ for the damage or loss
 2220 caused by the offense for which the parolee was imprisoned,
 2221 unless the board ~~commission~~ finds reasons to the contrary. If the
 2222 board ~~commission~~ does not order restitution or orders only
 2223 partial restitution, the board ~~commission~~ shall state on the
 2224 record the reasons therefor. The amount of such reparation or
 2225 restitution shall be determined by the board ~~Parole Commission~~.

2226 (b) If the parolee fails to make the reparation or
 2227 restitution to the victim ~~aggrieved party~~ as required by
 2228 ~~authorized in~~ paragraph (a), the failure ~~it~~ shall be considered
 2229 by the board ~~commission~~ as a violation of parole as specified in
 2230 s. 947.21 and may be cause for revocation of ~~her or his~~ parole.

2231 (2) If an inmate ~~a defendant~~ is paroled, any restitution
 2232 ordered under s. 775.089 shall be a condition of such parole. The
 2233 board ~~Parole Commission~~ may revoke parole if the parolee
 2234 ~~defendant~~ fails to comply with such condition ~~order~~. In
 2235 determining whether to revoke parole, the board ~~Parole Commission~~
 2236 shall consider the parolee's ~~defendant's~~ employment status,
 2237 earning ability, and financial resources; the willfulness of the
 2238 parolee's ~~defendant's~~ failure to pay; and any other special
 2239 circumstances that may have a bearing on the parolee's
 2240 ~~defendant's~~ ability to pay.

2241 Section 76. Section 947.185, Florida Statutes, is amended
 2242 to read:

2243 947.185 Application for mental retardation services as
 2244 condition of parole.--The board ~~Parole Commission~~ may require as
 2245 a condition of parole that any inmate who has been diagnosed as
 2246 mentally retarded as defined in s. 393.063 shall, upon release,
 2247 apply for services that may be provided by ~~from~~ the Agency for
 2248 Persons with Disabilities.

2249 Section 77. Section 947.19, Florida Statutes, is amended to
 2250 read:

2251 947.19 Terms of parole.--

2252 (1) The board ~~commission~~, upon authorizing an effective
 2253 parole release date, shall specify in writing the terms and
 2254 conditions of the parole, a certified copy of which shall be
 2255 given to the parolee.

2256 (2) A parolee may, within 120 days of receipt of the
 2257 certified copy of the terms and conditions of parole, request
 2258 that the board ~~commission~~ modify the terms and conditions of
 2259 parole. ‡ The parolee must specify in writing the reasons for
 2260 requesting modification ~~such modifications~~.

2261 (3) The board ~~A panel of no fewer than two commissioners~~
 2262 ~~appointed by the chair~~ shall consider requests for review of the
 2263 terms and conditions of parole, render a written decision to
 2264 continue or to modify the terms and conditions of parole,
 2265 specifying the reasons ~~therefor~~, and inform the parolee of the
 2266 decision in writing within 30 days of the date of receipt of
 2267 request for review. ~~Such panel shall not include those~~
 2268 ~~commissioners who authorized the original conditions of parole.~~

2269 (4) During any period of requested review of terms and
 2270 conditions of parole, the parolee shall be subject to the
 2271 authorized terms and conditions of parole until such time

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2272 ~~according to the provisions of this section~~ a decision is made to
 2273 ~~continue or~~ modify the terms and conditions of parole.

2274 Section 78. Section 947.20, Florida Statutes, is amended to
 2275 read:

2276 947.20 Rules of board related to terms and conditions of
 2277 parole ~~commission~~.--The board, after consulting with the
 2278 department, commission shall adopt general rules on the terms and
 2279 conditions of parole and what constitutes a ~~shall constitute the~~
 2280 violation of parole. The rules ~~thereof~~ and may include make
 2281 special rules to govern particular cases. ~~Such rules, both~~
 2282 ~~general and special, may include, among other things, a~~
 2283 ~~requirement that the parolee shall not leave the state or any~~
 2284 ~~definite area in Florida without the consent of the commission,~~
 2285 ~~that the parolee shall contribute to the support of her or his~~
 2286 ~~dependents to the best of her or his ability; that the parolee~~
 2287 ~~shall make reparation or restitution for her or his crime; that~~
 2288 ~~the parolee shall not associate with persons engaged in criminal~~
 2289 ~~activity; and that the parolee shall carry out the instructions~~
 2290 ~~of her or his parole supervisor and, in general, comport herself~~
 2291 ~~or himself in accordance with the terms and conditions of her or~~
 2292 ~~his parole.~~

2293 Section 79. Subsection (2) of section 947.21, Florida
 2294 Statutes, is amended to read:

2295 947.21 Violations of parole.--

2296 (2) An offender whose parole is revoked may, at the
 2297 discretion of the board ~~commission~~, be credited with any portion
 2298 of the time ~~the offender has~~ satisfactorily served on parole.

2299 Section 80. Section 947.22, Florida Statutes, is amended to
 2300 read:

2301 947.22 Authority to arrest parole violators with or without
 2302 warrant.--

2303 (1) If a member of the board ~~commission~~ or a duly
 2304 authorized representative of the board ~~commission~~ has reasonable
 2305 grounds to believe that a parolee has violated the terms and
 2306 conditions of her or his parole in a material respect, such
 2307 member or representative may issue a warrant for the arrest of
 2308 the ~~such~~ parolee. The warrant shall be returnable before a member
 2309 of the board ~~commission~~ or a duly authorized representative of
 2310 the board ~~commission~~. A board member ~~The commission, a~~
 2311 ~~commissioner, or a parole examiner with approval of the parole~~
 2312 ~~examiner supervisor,~~ may release the parolee on bail or on her or
 2313 ~~his own~~ recognizance, conditioned upon the parolee's ~~her or his~~
 2314 appearance at any hearings noticed by the board ~~commission~~. If
 2315 not released on bail or on her or his own recognizance, the
 2316 parolee shall be committed to jail pending hearings pursuant to
 2317 s. 947.23. The board ~~commission, at its election,~~ may have the
 2318 hearing conducted by one or more board members ~~commissioners~~ or
 2319 by a duly authorized representative of the department ~~commission~~.
 2320 Any ~~parole and probation officer, any~~ officer authorized to serve
 2321 criminal process, or any peace officer of this state, is
 2322 authorized to execute the warrant.

2323 (2) Any parole and probation officer, who ~~when she or he~~
 2324 has reasonable ground to believe that a parolee, control
 2325 releasee, or conditional releasee has violated the terms and
 2326 conditions of her or his parole, control release, or conditional
 2327 release in a material respect, has the right to arrest the
 2328 releasee or parolee without warrant and have the parolee brought
 2329 ~~bring her or him forthwith~~ before one or more board members

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2330 ~~commissioners~~ or a duly authorized representative ~~of the Parole~~
 2331 ~~Commission or Control Release Authority~~; and proceedings shall
 2332 thereupon be had as provided herein when a warrant has been
 2333 issued by a member of the board ~~commission or authority or a duly~~
 2334 ~~authorized representative of the commission or authority.~~

2335 (3) If a law enforcement officer has probable cause to
 2336 believe that a parolee has violated the terms and conditions of
 2337 his or her parole, the officer shall arrest and take into custody
 2338 the parolee without a warrant, and a warrant need not be issued
 2339 in the case.

2340 Section 81. Section 947.23, Florida Statutes, is amended to
 2341 read:

2342 947.23 Action of board ~~commission~~ upon arrest of parolee.--

2343 (1) Within 30 days after the arrest of a parolee ~~person~~
 2344 charged with violation of the terms and conditions of her or his
 2345 parole, the parolee shall be afforded a prompt preliminary
 2346 hearing, conducted by a member of the board ~~commission~~ or its
 2347 duly authorized representative, ~~at or near the place of violation~~
 2348 ~~or arrest~~ to determine if there is probable cause or reasonable
 2349 grounds to believe that the parolee has committed a violation of
 2350 the terms or conditions of ~~her or his~~ parole. The parolee may
 2351 knowingly execute a waiver of this hearing, up until the time of
 2352 such hearing, provided the consequences of such action have been
 2353 fully explained. If the parolee elects to proceed with the
 2354 preliminary hearing, the parolee:

2355 (a) ~~The parolee~~ Shall be afforded a timely notice of the
 2356 preliminary hearing, which notice shall state the purpose of the
 2357 hearing and state the alleged violation.

2358 (b) ~~The parolee~~ Shall be permitted to cross-examine adverse
 2359 witnesses, unless it is determined that good cause exists not to
 2360 allow such examination.

2361 (c) ~~The parolee~~ Shall be allowed to call witnesses as
 2362 provided in subsection (3), and present evidence in her or his
 2363 own behalf.

2364 (d) ~~The parolee~~ May be represented by counsel.
 2365

2366 The findings based on the evidence presented at the preliminary
 2367 hearing shall be made available to the parolee either immediately
 2368 following the preliminary hearing or within a reasonable time
 2369 thereafter.

2370 (2) If the preliminary hearing results in a finding of
 2371 probable cause or reasonable grounds to believe that a violation
 2372 of the terms or conditions of parole has occurred, any one or
 2373 more board members ~~commissioners~~ or a duly authorized
 2374 representative of the board ~~commission~~ shall convene a final
 2375 revocation hearing on the alleged violation. The parolee shall
 2376 appear at the final hearing in person, and, ~~if the parolee~~
 2377 ~~desires, she or he~~ may be represented by counsel. At the final
 2378 hearing, the state and the parolee may introduce such evidence as
 2379 is necessary and pertinent to the charge of parole violation.

2380 (3) Any one or more board members ~~commissioners~~ or a duly
 2381 authorized representative of the board ~~commission~~ may administer
 2382 oaths and compel the attendance of witnesses at such hearing by
 2383 the issuance of summons, subpoenas, and subpoenas duces tecum.
 2384 Subpoenas and subpoenas duces tecum shall be enforceable by
 2385 appropriate proceedings in circuit court, ~~and~~ The failure of any
 2386 person to comply with a court order enforcing a subpoena or

2387 subpoena duces tecum shall constitute contempt of court. Any
 2388 board member ~~one or more commissioners~~ or a duly authorized
 2389 representative of the board ~~commission~~ may issue subpoenas on
 2390 behalf of the state or the parolee. The board ~~commission~~ may
 2391 decline a request to subpoena a witness whose testimony it finds
 2392 would be cumulative, irrelevant, or nonprobative. A ~~The~~ party
 2393 requesting a subpoena ~~the subpoenas~~ shall furnish ~~to~~ the board
 2394 ~~commissioner, commissioners, or duly authorized representative of~~
 2395 ~~the commission~~ the names and addresses of her or his proposed
 2396 witnesses at least 10 days prior to the hearing date.

2397 (4) At the hearing, the parolee shall be informed orally
 2398 and in writing of:

2399 (a) The violation of the terms and conditions of parole
 2400 with which the parolee has been charged.

2401 (b) The right to be represented by counsel.

2402 (c) The right to be heard in person.

2403 (d) The right to secure, present, and compel the attendance
 2404 of witnesses ~~as provided in subsection (3)~~ and the production of
 2405 documents on her or his behalf.

2406 (e) The right of access to all evidence used against her or
 2407 him.

2408 (f) The right to confront and cross-examine adverse
 2409 witnesses, unless the board, board member ~~commissioner,~~
 2410 ~~commissioners,~~ or duly authorized representative of the board
 2411 ~~commission~~ conducting the hearing finds specifically, and states
 2412 in writing, good cause not to allow the confrontation.

2413 (5) (a) At any such hearing ~~convened by one or more~~
 2414 ~~commissioners or a duly authorized representative of the~~
 2415 ~~commission~~, the accused may waive her or his right to proceed

2416 further if, after being informed of her or his rights and after
 2417 being advised of the consequences of a waiver in regard to the
 2418 nature of the order which may be entered as a result of such
 2419 waiver, the accused affirms, in writing, knowledge and
 2420 understanding of such rights and consequences and elects, in
 2421 writing, to execute the waiver.

2422 (b) The accused violator may execute a waiver, in writing,
 2423 of a final revocation hearing prior to the commencement of such
 2424 hearing. Such waiver may be executed before a member of the board
 2425 ~~commission~~ or a duly authorized representative of the board
 2426 ~~commission~~ after the accused violator has been informed of her or
 2427 his rights and after she or he has been advised of the
 2428 consequences of a waiver. Within 14 days after the execution of a
 2429 waiver, the accused may withdraw the waiver by executing a
 2430 withdrawal of waiver before a notary public and forwarding the
 2431 original of that withdrawal to the board ~~commission~~.

2432 (6) Within a reasonable time after the hearing, the board
 2433 member or members ~~commissioner, commissioners,~~ or duly authorized
 2434 representative of the board ~~commission~~ who conducted the hearing,
 2435 shall make findings of fact in regard to the alleged parole
 2436 violation.

2437 (a) The board ~~If the hearing was conducted by three or more~~
 2438 ~~commissioners, a majority of them~~ shall enter an order
 2439 determining whether the charges of parole violation have been
 2440 sustained, based on the findings of fact made by the board, the
 2441 board member, or duly authorized representative of the board
 2442 ~~them~~. By such order the board ~~they~~ shall revoke the parole and
 2443 return the parolee to prison to serve the sentence theretofore
 2444 imposed upon her or him, reinstate the original order of parole,

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2445 order the placement of the parolee into a community control
 2446 program as set forth in s. 948.101, or enter such other order as
 2447 is proper.

2448 ~~(b) If the hearing was conducted by one or two~~
 2449 ~~commissioners or a duly authorized representative of the~~
 2450 ~~commission, at least two commissioners shall enter an order~~
 2451 ~~determining whether or not the charges of parole violation have~~
 2452 ~~been sustained, based on the findings of fact made by the~~
 2453 ~~commissioner, commissioners, or duly authorized representative of~~
 2454 ~~the commission. The commissioners, by such order, shall revoke~~
 2455 ~~the parole and return the parolee to prison to serve the sentence~~
 2456 ~~theretofore imposed upon her or him, reinstate the original order~~
 2457 ~~of parole, order the placement of the parolee into a community~~
 2458 ~~control program as set forth in s. 948.101, or enter such other~~
 2459 ~~order as is proper.~~

2460 (b)(e) If the disposition after the revocation hearing is
 2461 to place the parolee into a community control program, the board
 2462 ~~commission~~ shall be guided by the procedures and requirements
 2463 provided in chapter 948 which apply to the courts regarding the
 2464 development and implementation of community control.

2465 (c) ~~However,~~ Any decision to revoke parole shall be based on
 2466 a violation of a standard term or condition of parole or a term
 2467 or condition specifically enumerated in the parole release order.

2468 (d) In a case in which parole is revoked, the board majority
 2469 ~~of the commission or the two commissioners~~ shall make a written
 2470 statement of the evidence relied on and the reasons for revoking
 2471 parole.

2472 (7) Whenever a parole is revoked by the board commission
 2473 and the parolee is ordered by the board commission to be returned

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2474 to prison, the parolee, ~~by reason of her or his misconduct,~~ shall
 2475 be deemed to forfeit all gain-time or commutation of time for
 2476 good conduct, as provided for by law, earned up to the date of
 2477 her or his release on parole. Nothing herein shall deprive the
 2478 inmate ~~prisoner~~ of her or his right to gain-time or commutation
 2479 of time for good conduct, as provided by law, from the date the
 2480 inmate ~~prisoner~~ is returned to prison.

2481 Section 82. Section 947.24, Florida Statutes, is amended to
 2482 read:

2483 947.24 Discharge from parole supervision or release
 2484 supervision.--

2485 (1) When an inmate ~~a person~~ is placed on parole, control
 2486 release, or conditional release, the board ~~commission~~ shall
 2487 determine the period of time the inmate ~~person~~ will be under
 2488 ~~parole supervision or release supervision~~ in the following
 2489 manner:

2490 (a) If the inmate ~~person~~ is being paroled or released under
 2491 supervision from a single or concurrent sentence, the period of
 2492 time the inmate ~~person~~ will be under parole supervision or
 2493 release supervision may not exceed 2 years unless the board
 2494 ~~commission~~ designates a longer period of time, in which case it
 2495 must advise the parolee or releasee in writing of the reasons for
 2496 the extended period. In any event, the period of parole
 2497 supervision or release supervision may not exceed the maximum
 2498 period for which the inmate ~~person~~ has been sentenced.

2499 (b) If the inmate ~~person~~ is being paroled or released under
 2500 supervision from a consecutive sentence or sentences, the period
 2501 of time the inmate ~~person~~ will be under parole supervision or

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2502 release supervision will be for the maximum period for which the
 2503 person was sentenced.

2504 (2) The board ~~commission~~ shall review the progress of each
 2505 inmate ~~person~~ who has been placed on parole, control release, or
 2506 conditional release after 2 years of supervision in the community
 2507 and biennially thereafter. The department shall provide to the
 2508 board ~~commission~~ the information necessary to conduct such a
 2509 review. Such review must include consideration of whether to
 2510 modify the reporting schedule, thereby authorizing the person
 2511 under parole supervision or release supervision to submit reports
 2512 quarterly, semiannually, or annually. The board ~~commission~~,
 2513 after having retained jurisdiction of a parolee ~~person~~ for a
 2514 sufficient length of time to evidence satisfactory rehabilitation
 2515 and cooperation, may further modify the terms and conditions of
 2516 the ~~person's~~ parole, control release, or conditional release, may
 2517 discharge the person from parole supervision or release
 2518 supervision, may relieve the person from making further reports,
 2519 or may permit the person to leave the state or country, upon
 2520 finding that such action is in the best interests of the parolee
 2521 ~~person~~ and society.

2522 (3) This section does not affect the rights of a parolee to
 2523 request modification of the terms and conditions of parole under
 2524 s. 947.19.

2525 Section 83. Section 947.26, Florida Statutes, is amended to
 2526 read:

2527 947.26 Cooperation of custodian of prisoner; right of
 2528 access.--The warden or jailer of any jail or prison in which
 2529 persons convicted of crime may be confined and all officers or
 2530 employees thereof shall at all times cooperate with the board

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2531 ~~commission~~ and, upon its request, shall furnish it with such
 2532 information as they may have respecting any person inquired about
 2533 as will enable the board ~~commission~~ properly to perform its
 2534 duties. Such officials shall, at all reasonable times, when the
 2535 public safety permits, give the members of the board ~~commission~~
 2536 and its authorized agents ~~and employees~~ access to all prisoners
 2537 in their charge.

2538 Section 84. For the purpose of incorporating the amendments
 2539 to ss. 947.22 and 947.23, Florida Statutes, in a reference
 2540 thereto, subsection (6) of section 948.06, Florida Statutes, is
 2541 reenacted to read:

2542 948.06 Violation of probation or community control;
 2543 revocation; modification; continuance; failure to pay restitution
 2544 or cost of supervision.--

2545 (6) Any parolee in a community control program who has
 2546 allegedly violated the terms and conditions of such placement is
 2547 subject to the provisions of ss. 947.22 and 947.23.

2548 Section 85. Paragraph (a) of subsection (1), subsection
 2549 (3), and subsection (6) of section 948.09, Florida Statutes, are
 2550 amended to read:

2551 948.09 Payment for cost of supervision and rehabilitation.-
 2552 -

2553 (1)(a)1. Any person ordered by the court, the Department of
 2554 Corrections, or the parole board ~~commission~~ to be placed on
 2555 probation, drug offender probation, community control, parole,
 2556 control release, provisional release supervision, addiction-
 2557 recovery supervision, or conditional release supervision under
 2558 chapter 944, chapter 945, chapter 947, chapter 948, or chapter
 2559 958, or in a pretrial intervention program, must, as a condition

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2560 of any placement, pay the department a total sum of money equal
 2561 to the total month or portion of a month of supervision times the
 2562 court-ordered amount, but not to exceed the actual per diem cost
 2563 of the supervision. The department shall adopt rules by which an
 2564 offender who pays in full and in advance of regular termination
 2565 of supervision may receive a reduction in the amount due. The
 2566 rules shall incorporate provisions by which the offender's
 2567 ability to pay is linked to an established written payment plan.
 2568 Funds collected from felony offenders may be used to offset costs
 2569 of the Department of Corrections associated with community
 2570 supervision programs, subject to appropriation by the
 2571 Legislature.

2572 2. In addition to any other contribution or surcharge
 2573 imposed by this section, each felony offender assessed under this
 2574 paragraph shall pay a \$2-per-month surcharge to the department.
 2575 The surcharge shall be deemed to be paid only after the full
 2576 amount of any monthly payment required by the established written
 2577 payment plan has been collected by the department. These funds
 2578 shall be used by the department to pay for correctional probation
 2579 officers' training and equipment, including radios, and firearms
 2580 training, firearms, and attendant equipment necessary to train
 2581 and equip officers who choose to carry a concealed firearm while
 2582 on duty. Nothing in this subparagraph shall be construed to limit
 2583 the department's authority to determine who shall be authorized
 2584 to carry a concealed firearm while on duty, or to limit the right
 2585 of a correctional probation officer to carry a personal firearm
 2586 approved by the department.

2587 (3) Any failure to pay contribution as required under this
 2588 section may constitute a ground for the revocation of probation

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2589 | by the court, the revocation of parole or conditional release by
 2590 | the Parole Board ~~Commission~~, the revocation of control release by
 2591 | the Control Release Authority, or removal from the pretrial
 2592 | intervention program by the state attorney. The Department of
 2593 | Corrections may exempt a person from the payment of all or any
 2594 | part of the contribution if it finds any of the following factors
 2595 | to exist:

2596 | (a) The offender has diligently attempted, but has been
 2597 | unable, to obtain employment which provides him or her sufficient
 2598 | income to make such payments.

2599 | (b) The offender is a student in a school, college,
 2600 | university, or course of career training designed to fit the
 2601 | student for gainful employment. Certification of such student
 2602 | status shall be supplied to the department ~~Secretary of~~
 2603 | ~~Corrections~~ by the educational institution in which the offender
 2604 | is enrolled.

2605 | (c) The offender has an employment handicap, as determined
 2606 | by a physical, psychological, or psychiatric examination
 2607 | acceptable to, or ordered by, the department ~~secretary~~.

2608 | (d) The offender's age prevents him or her from obtaining
 2609 | employment.

2610 | (e) The offender is responsible for the support of
 2611 | dependents, and the payment of such contribution constitutes an
 2612 | undue hardship on the offender.

2613 | (f) The offender has been transferred outside the state
 2614 | under an interstate compact adopted pursuant to chapter 949.

2615 | (g) There are other extenuating circumstances, as
 2616 | determined by the department ~~secretary~~.

2617 (6) In addition to any other required contributions, the
 2618 department, at its discretion, may require offenders under any
 2619 form of supervision to submit to and pay for urinalysis testing
 2620 to identify drug usage as part of the rehabilitation program. Any
 2621 failure to make such payment, or participate, may be considered a
 2622 ground for revocation by the court, the Parole Board ~~Commission~~,
 2623 or the Control Release Authority, or for removal from the
 2624 pretrial intervention program by the state attorney. The
 2625 department may exempt a person from such payment if it determines
 2626 that any of the factors specified in subsection (3) exist.

2627 Section 86. Subsection (1) of section 948.10, Florida
 2628 Statutes, is amended to read:

2629 948.10 Community control programs.--

2630 (1) The Department of Corrections shall develop and
 2631 administer a community control program. Such community control
 2632 program and required manuals shall be developed in consultation
 2633 with the Florida Conference of Circuit Court Judges and the
 2634 office of the State Courts Administrator. This complementary
 2635 program shall be rigidly structured and designed to accommodate
 2636 offenders who, in the absence of such a program, would be ~~have~~
 2637 ~~been~~ incarcerated. The program shall focus on the provision of
 2638 sanctions and consequences which are commensurate with the
 2639 seriousness of the crime. The program shall offer the courts and
 2640 the Parole Board ~~Commission~~ an alternative, community-based
 2641 method to punish an offender in lieu of incarceration when the
 2642 offender is a member of one of the following target groups:

2643 (a) Probation violators charged with technical violations
 2644 or misdemeanor violations.

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2645 (b) Parole violators charged with technical violations or
 2646 misdemeanor violations.

2647 (c) Individuals found guilty of felonies, who, due to their
 2648 criminal backgrounds or the seriousness of the offenses, would
 2649 not be placed on regular probation.

2650 Section 87. Subsection (2) of section 949.05, Florida
 2651 Statutes, is amended to read:

2652 949.05 Constitutionality.--

2653 (2) If the method of selecting the board ~~commission~~ members
 2654 as herein provided is found to be invalid by reason of the
 2655 vesting of the appointing power in the Governor and the Cabinet,
 2656 the members of the Parole Board ~~Commission~~ herein provided for
 2657 shall be appointed by the Governor.

2658 Section 88. Subsection (1) of section 951.29, Florida
 2659 Statutes, is amended to read:

2660 951.29 Procedure for requesting restoration of civil rights
 2661 of county prisoners convicted of felonies.--

2662 (1) With respect to a person who has been convicted of a
 2663 felony and is serving a sentence in a county detention facility,
 2664 the administrator of the county detention facility shall provide
 2665 to the prisoner, at least 2 weeks before discharge, if possible,
 2666 an application form obtained from the Department of Corrections
 2667 ~~Parole Commission~~ which the prisoner must complete in order to
 2668 begin the process of having his or her civil rights restored.

2669 Section 89. Subsection (6) of section 957.06, Florida
 2670 Statutes, is amended to read:

2671 957.06 Powers and duties not delegable to contractor.--A
 2672 contract entered into under this chapter does not authorize,
 2673 allow, or imply a delegation of authority to the contractor to:

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2674 (6) Make recommendations to the Parole Board ~~Commission~~
 2675 with respect to the denial or granting of parole, control
 2676 release, conditional release, or conditional medical release.
 2677 However, the contractor may submit written reports to the Parole
 2678 Board ~~Commission~~ and must respond to a written request by the
 2679 Parole Board ~~Commission~~ for information.

2680 Section 90. Paragraph (c) of subsection (8) of section
 2681 958.045, Florida Statutes, is amended to read:

2682 958.045 Youthful offender basic training program.--

2683 (8)

2684 (c) The department shall work cooperatively with the
 2685 Control Release Authority ~~or the Parole Commission~~ to effect the
 2686 release of an offender who has successfully completed the
 2687 requirements of the basic training program.

2688 Section 91. Paragraph (e) of subsection (1) of section
 2689 960.001, Florida Statutes, is amended to read:

2690 960.001 Guidelines for fair treatment of victims and
 2691 witnesses in the criminal justice and juvenile justice systems.--

2692 (1) The Department of Legal Affairs, the state attorneys,
 2693 the Department of Corrections, the Department of Juvenile
 2694 Justice, the Parole Board ~~Commission~~, the State Courts
 2695 Administrator and circuit court administrators, the Department of
 2696 Law Enforcement, and every sheriff's department, police
 2697 department, or other law enforcement agency as defined in s.
 2698 943.10(4) shall develop and implement guidelines for the use of
 2699 their respective agencies, which guidelines are consistent with
 2700 the purposes of this act and s. 16(b), Art. I of the State
 2701 Constitution and are designed to implement the provisions of s.

2702 16(b), Art. I of the State Constitution and to achieve the
 2703 following objectives:

2704 (e) Advance notification to victim or relative of victim
 2705 concerning judicial proceedings; right to be present.--Any
 2706 victim, parent, guardian, or lawful representative of a minor who
 2707 is a victim, or relative of a homicide victim shall receive from
 2708 the appropriate agency, at the address found in the police report
 2709 or the victim notification card if such has been provided to the
 2710 agency, prompt advance notification, unless the agency itself
 2711 does not have advance notification, of judicial and postjudicial
 2712 proceedings relating to his or her case, including all
 2713 proceedings or hearings relating to:

- 2714 1. The arrest of an accused;
- 2715 2. The release of the accused pending judicial proceedings
 2716 or any modification of release conditions; and
- 2717 3. Proceedings in the prosecution or petition for
 2718 delinquency of the accused, including the filing of the
 2719 accusatory instrument, the arraignment, disposition of the
 2720 accusatory instrument, trial or adjudicatory hearing, sentencing
 2721 or disposition hearing, appellate review, subsequent modification
 2722 of sentence, collateral attack of a judgment, and, when a term of
 2723 imprisonment, detention, or residential commitment is imposed,
 2724 the release of the defendant or juvenile offender from such
 2725 imprisonment, detention, or residential commitment by expiration
 2726 of sentence or parole and any meeting held to consider such
 2727 release.

2728
 2729 A victim, a victim's parent or guardian if the victim is a minor,
 2730 a lawful representative of the victim or of the victim's parent

2731 or guardian if the victim is a minor, or a victim's next of kin
 2732 may not be excluded from any portion of any hearing, trial, or
 2733 proceeding pertaining to the offense based solely on the fact
 2734 that such person is subpoenaed to testify, unless, upon motion,
 2735 the court determines such person's presence to be prejudicial.
 2736 The appropriate agency with respect to notification under
 2737 subparagraph 1. is the arresting law enforcement agency, and the
 2738 appropriate agency with respect to notification under
 2739 subparagraphs 2. and 3. is the Attorney General or state
 2740 attorney, unless the notification relates to a hearing concerning
 2741 parole, in which case the appropriate agency is the Parole Board
 2742 ~~Commission~~. The Department of Corrections, the Department of
 2743 Juvenile Justice, or the sheriff is the appropriate agency with
 2744 respect to release by expiration of sentence or any other release
 2745 program provided by law. Any victim may waive notification at any
 2746 time, and such waiver shall be noted in the agency's files.

2747 Section 92. Subsection (3) of section 960.17, Florida
 2748 Statutes, is amended to read:

2749 960.17 Award constitutes debt owed to state.--

2750 (3) The Parole Board ~~Commission~~ shall make the payment of
 2751 the debt to the state a condition of parole under chapter 947,
 2752 unless the board ~~commission~~ finds reasons to the contrary. If the
 2753 board ~~commission~~ does not order payment, or orders only partial
 2754 payment, it shall state on the record the reasons therefor.

2755 Section 93. Subsection (1) of section 985.04, Florida
 2756 Statutes, is amended to read:

2757 985.04 Oaths; records; confidential information.--

2758 (1) Except as provided in subsections (2), (3), (6), and
 2759 (7) and s. 943.053, all information obtained under this chapter

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2760 in the discharge of official duty by any judge, any employee of
 2761 the court, any authorized agent of the department, the Parole
 2762 Board ~~Commission~~, the Department of Corrections, the juvenile
 2763 justice circuit boards, any law enforcement agent, or any
 2764 licensed professional or licensed community agency representative
 2765 participating in the assessment or treatment of a juvenile is
 2766 confidential and may be disclosed only to the authorized
 2767 personnel of the court, the department and its designees, the
 2768 Department of Corrections, the Parole Board ~~Commission~~, law
 2769 enforcement agents, school superintendents and their designees,
 2770 any licensed professional or licensed community agency
 2771 representative participating in the assessment or treatment of a
 2772 juvenile, and others entitled under this chapter to receive that
 2773 information, or upon order of the court. Within each county, the
 2774 sheriff, the chiefs of police, the district school
 2775 superintendent, and the department shall enter into an
 2776 interagency agreement for the purpose of sharing information
 2777 about juvenile offenders among all parties. The agreement must
 2778 specify the conditions under which summary criminal history
 2779 information is to be made available to appropriate school
 2780 personnel, and the conditions under which school records are to
 2781 be made available to appropriate department personnel. Such
 2782 agreement shall require notification to any classroom teacher of
 2783 assignment to the teacher's classroom of a juvenile who has been
 2784 placed in a probation or commitment program for a felony offense.
 2785 The agencies entering into such agreement must comply with s.
 2786 943.0525, and must maintain the confidentiality of information
 2787 that is otherwise exempt from s. 119.07(1), as provided by law.

2788 Section 94. Subsection (2) of section 985.045, Florida
 2789 Statutes, is amended to read:

2790 985.045 Court records.--

2791 (2) The clerk shall keep all official records required by
 2792 this section separate from other records of the circuit court,
 2793 except those records pertaining to motor vehicle violations,
 2794 which shall be forwarded to the Department of Highway Safety and
 2795 Motor Vehicles. Except as provided in ss. 943.053 and
 2796 985.04(6)(b) and (7), official records required by this chapter
 2797 are not open to inspection by the public, but may be inspected
 2798 only upon order of the court by persons deemed by the court to
 2799 have a proper interest therein, except that a child and the
 2800 parents, guardians, or legal custodians of the child and their
 2801 attorneys, law enforcement agencies, the Department of Juvenile
 2802 Justice and its designees, the Parole ~~Board~~ Commission, the
 2803 Department of Corrections, and the Justice Administrative
 2804 Commission shall always have the right to inspect and copy any
 2805 official record pertaining to the child. The court may permit
 2806 authorized representatives of recognized organizations compiling
 2807 statistics for proper purposes to inspect, and make abstracts
 2808 from, official records under whatever conditions upon the use and
 2809 disposition of such records the court may deem proper and may
 2810 punish by contempt proceedings any violation of those conditions.

2811 Section 95. The Division of Statutory Revision is requested
 2812 to change the title of chapter 947, Florida Statutes, from
 2813 "Parole Commission" to "Parole".

2814 Section 96. Effective July 1, 2008, all of the statutory
 2815 powers, duties and functions, records, personnel, property, and
 2816 unexpended balances of appropriations, allocations, or other

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2817 funds for the administration of the Parole Commission shall be
2818 transferred by a type two transfer, as defined in section
2819 20.06(2), Florida Statutes, from the Parole Commission to the
2820 Department of Corrections. It is the intent of the Legislature
2821 that the Department of Corrections, when filling vacancies in
2822 positions that exercise powers, duties, or functions of the
2823 department with respect to parole or probation give
2824 consideration, to the greatest possible extent, to qualified
2825 former employees of the Parole Commission whose position with the
2826 commission has been eliminated as a result of its reorganization
2827 by this act.

2828 Section 97. It is the intent of the Legislature that this
2829 act does not abolish the Parole Commission but transfers fiscal
2830 administration of the commission and its employees and activities
2831 to the Department of Corrections for administrative purposes,
2832 while renaming the commission as the Parole Board. Should a
2833 court rule that the Parole Board is not a continuation of the
2834 Parole Commission, then the following shall apply: Parole
2835 Commissioners in office on the effective date of this act shall
2836 be and hereby are made members of the Parole Board whose term in
2837 office on the Parole Board shall expire on the same day as their
2838 former term of office on the Parole Commission would have
2839 expired. Time served by a Parole Commissioner shall count as
2840 time served as a Parole Board member for the purpose of
2841 implementing the term limit of section 947.03(1), Florida
2842 Statutes. Any order of the Parole Commission entered into on or
2843 before September 30, 2008 shall continue in full force and effect
2844 as of October 1, 2008, and may be enforced or amended pursuant to
2845 law on or after October 1, 2008 by the Parole Board. All cases

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2846 and matters pending before the Parole Commission on September 30,
2847 2008, shall be transferred to, and fall under the jurisdiction
2848 of, the Parole Board; and this transfer shall not affect any time
2849 period running pursuant to law or rule. Administrative rules
2850 adopted by the Parole Commission on or prior to September 30,
2851 2008, and in effect on that day shall be administrative rules of
2852 the Parole Board as of October 1, 2008, with the Parole Board
2853 substituted for the Parole Commission where appropriate, except
2854 to the extent any such rule is superseded by this act, and such
2855 rules shall remain in effect until amended or repealed by the
2856 Parole Board.

2857 Section 98. This act shall take effect October 1, 2008.