

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

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

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

27 Offender Review.

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

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

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

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

48 (10) SINGLE INFORMATION AND RECORDS SYSTEM.—Only one
 49 offender-based information and records computer system shall be
 50 maintained by the Department of Corrections for the joint use of
 51 the department and the Florida Parole Commission on Offender
 52 Review. The data system shall be managed through the

53 department's office of information technology. The department
 54 shall develop and maintain, in consultation with the Criminal
 55 and Juvenile Justice Information Systems Council under s.
 56 943.08, such offender-based information, including clemency
 57 administration information and other computer services to serve
 58 the needs of both the department and the Florida Parole
 59 Commission on Offender Review. The department shall notify the
 60 commission of all violations of parole and the circumstances
 61 thereof.

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

64 20.32 Florida Parole Commission on Offender Review.—

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

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

79 | said position.

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

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

90 | 23.21 Definitions.—For purposes of this part:

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

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

103 | 98.093 Duty of officials to furnish information relating
 104 | to deceased persons, persons adjudicated mentally incapacitated,

105 and persons convicted of a felony.—

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

113 (e) The Florida ~~Parole~~ Commission on Offender Review shall
 114 furnish at least bimonthly to the department data, including the
 115 identity of those persons granted clemency in the preceding
 116 month or any updates to prior records which have occurred in the
 117 preceding month. The data shall contain the commission's case
 118 number and the person's name, address, date of birth, race,
 119 gender, Florida driver ~~driver's~~ license number, Florida
 120 identification card number, or the last four digits of the
 121 social security number, if available, and references to record
 122 identifiers assigned by the Department of Corrections and the
 123 Department of Law Enforcement, a unique identifier of each
 124 clemency case, and the effective date of clemency of each
 125 person.

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

128 186.005 Designation of departmental planning officer.—

129 (1) The head of each executive department and the Public
 130 Service Commission, the Fish and Wildlife Conservation

131 Commission, the Florida ~~Parole~~ Commission on Offender Review,
 132 and the Department of Military Affairs shall select from within
 133 such agency a person to be designated as the planning officer
 134 for such agency. The planning officer shall be responsible for
 135 coordinating with the Executive Office of the Governor and with
 136 the planning officers of other agencies all activities and
 137 responsibilities of such agency relating to planning.

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

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

143 (3) "Agency" means any department created by chapter 20,
 144 the Executive Office of the Governor, the Fish and Wildlife
 145 Conservation Commission, the Florida ~~Parole~~ Commission on
 146 Offender Review, the State Board of Administration, the
 147 Department of Military Affairs, or the Legislative Branch or the
 148 Judicial Branch of state government.

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

151 322.16 License restrictions.—

152 (1)

153 (c) The department may further, at any time, impose other
 154 restrictions on the use of the license with respect to time and
 155 purpose of use or may impose any other condition or restriction
 156 upon recommendation of any court, of the Florida ~~Parole~~

157 Commission on Offender Review, or of the Department of
 158 Corrections with respect to any individual who is under the
 159 jurisdiction, supervision, or control of the entity that made
 160 the recommendation.

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

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

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

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

183 of any releases of a sexually violent predator who has an active
 184 or pending term of parole, conditional release, or other
 185 postprison release supervision that is administered by the
 186 Florida Parole Commission on Offender Review.

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

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

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

198 (2) If a person who is held in custody pursuant to a
 199 finding of probable cause or commitment as a sexually violent
 200 predator escapes while in custody, the department shall
 201 immediately notify the victim in accordance with s. 394.926. The
 202 state attorney that filed the petition for civil commitment of
 203 the escapee must also be immediately notified by the department.
 204 If the escapee has an active or pending term of probation,
 205 community control, parole, conditional release, or other court-
 206 ordered or postprison release supervision, the department shall
 207 also immediately notify the Department of Corrections' Office of
 208 Community Corrections in Tallahassee. The Florida Parole

209 Commission on Offender Review shall also be immediately notified
 210 of an escape if the escapee has an active or pending term of
 211 parole, conditional release, or other postprison release
 212 supervision that is administered by the Florida ~~Parole~~
 213 Commission on Offender Review.

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

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

218 (4)

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

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

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

232 a. Provide a notarized statement from a professional
 233 engineer licensed by the applicant's state of domicile
 234 certifying that the applicant possesses the equipment required

235 for the class of license sought and that all such equipment is
 236 operable; or

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

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

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

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

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

283 6. The applicant has passed, with a grade of at least 70
284 percent, a written examination testing his or her knowledge of
285 the rules and statutes governing the activities authorized by
286 the license and demonstrating his or her knowledge and ability

287 to perform those tasks in a competent, lawful, and safe manner.
288 Such examination shall be developed and administered by the
289 State Fire Marshal, or his or her designee in accordance with
290 policies and procedures of the State Fire Marshal. An applicant
291 shall pay a nonrefundable examination fee of \$50 for each
292 examination or reexamination scheduled. A reexamination may not
293 be scheduled sooner than 30 days after any administration of an
294 examination to an applicant. An applicant may not be permitted
295 to take an examination for any level of license more than a
296 total of four times during 1 year, regardless of the number of
297 applications submitted. As a prerequisite to licensure of the
298 applicant, he or she:

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

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

306 c. Must not have been convicted of a felony or a crime
307 punishable by imprisonment of 1 year or more under the law of
308 the United States or of any state thereof or under the law of
309 any other country. "Convicted" means a finding of guilt or the
310 acceptance of a plea of guilty or nolo contendere in any federal
311 or state court or a court in any other country, without regard
312 to whether a judgment of conviction has been entered by the

313 court having jurisdiction of the case. If an applicant has been
 314 convicted of any such felony, the applicant shall be excluded
 315 from licensure for a period of 4 years after expiration of
 316 sentence or final release by the Florida ~~Parole~~ Commission on
 317 Offender Review unless the applicant, before the expiration of
 318 the 4-year period, has received a full pardon or has had her or
 319 his civil rights restored.

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

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

330 775.089 Restitution.—

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

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

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

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

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

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

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

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

365 sanctions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

438 (2)

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

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

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

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

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

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

456 843.01 Resisting officer with violence to his or her
 457 person.—Whoever knowingly and willfully resists, obstructs, or
 458 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
 459 (7), (8), or (9); member of the Florida Parole Commission on
 460 Offender Review or any administrative aide or supervisor
 461 employed by the commission; parole and probation supervisor;
 462 county probation officer; personnel or representative of the
 463 Department of Law Enforcement; or other person legally
 464 authorized to execute process in the execution of legal process
 465 or in the lawful execution of any legal duty, by offering or
 466 doing violence to the person of such officer or legally
 467 authorized person, is guilty of a felony of the third degree,
 468 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

514 893.11 Suspension, revocation, and reinstatement of
 515 business and professional licenses.—For the purposes of s.
 516 120.60(6), any conviction in any court reported to the
 517 Comprehensive Case Information System of the Florida Association
 518 of Court Clerks and Comptrollers, Inc., for the sale of, or
 519 trafficking in, a controlled substance or for conspiracy to
 520 sell, or traffic in, a controlled substance constitutes an

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

- 546 (1) The person has complied with the conditions of

547 paragraphs (a) and (b) which shall be monitored by the
 548 Department of Corrections while the person is under any
 549 supervisory sanction. If the person fails to comply with
 550 provisions of these paragraphs by either failing to maintain
 551 treatment or by testing positive for drug use, the department
 552 shall notify the licensing agency, which shall revoke the
 553 license. The person under supervision may:

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

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

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

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

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

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

569 (2) A county court or circuit court of this state may
 570 direct that the sentence imposed by such court be served
 571 concurrently with a sentence imposed by a court of another state
 572 or of the United States or, for purposes of this section,

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

598 Section 23. Section 921.20, Florida Statutes, is amended

599 to read:

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

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

612 921.21 Progress reports to Florida ~~Parole~~ Commission on
 613 Offender Review.—From time to time the Department of Corrections
 614 shall submit to the Florida ~~Parole~~ Commission on Offender Review
 615 progress reports and recommendations regarding prisoners
 616 sentenced under s. 921.18. If ~~When~~ the classification board of
 617 the Department of Corrections determines that justice and the
 618 public welfare will best be served by paroling or discharging a
 619 prisoner, it shall transmit its finding to the Florida ~~Parole~~
 620 Commission on Offender Review. The commission shall have the
 621 authority to place the prisoner on parole as provided by law or
 622 give the prisoner a full discharge from custody. The period of a
 623 parole granted by the Florida ~~Parole~~ Commission on Offender
 624 Review shall be in its discretion, but the parole period may

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625 ~~shall~~ not exceed the maximum term for which the prisoner was
626 sentenced.

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

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

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

639 940.03 Application for executive clemency.—If a ~~When any~~
640 person intends to apply for remission of any fine or forfeiture
641 or the commutation of any punishment, or for pardon or
642 restoration of civil rights, he or she shall request an
643 application form from the Florida Parole Commission on Offender
644 Review in compliance with such rules regarding application for
645 executive clemency as are adopted by the Governor with the
646 approval of two members of the Cabinet. Such application may
647 require the submission of a certified copy of the applicant's
648 indictment or information, the judgment adjudicating the
649 applicant to be guilty, and the sentence, if sentence has been
650 imposed, and may also require the applicant to send a copy of

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

651 the application to the judge and prosecuting attorney of the
 652 court in which the applicant was convicted, notifying them of
 653 the applicant's intent to apply for executive clemency. An
 654 application for executive clemency for a person who is sentenced
 655 to death must be filed within 1 year after the date the Supreme
 656 Court issues a mandate on a direct appeal or the United States
 657 Supreme Court denies a petition for certiorari, whichever is
 658 later.

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

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

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

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

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

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

673 940.061 Informing persons about executive clemency and
 674 restoration of civil rights.—The Department of Corrections shall
 675 inform and educate inmates and offenders on community
 676 supervision about the restoration of civil rights. Each month

677 the Department of Corrections shall send to the Florida ~~Parole~~
678 Commission on Offender Review by electronic means a list of the
679 names of inmates who have been released from incarceration and
680 offenders who have been terminated from supervision who may be
681 eligible for restoration of civil rights.

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

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

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

701 (3) The application shall be verified by affidavit, shall
702 be executed in duplicate, and shall be accompanied by two

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

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

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

722 (7) As used in this section, the term "state agency"
 723 includes the Agency for Health Care Administration, the
 724 Department of Agriculture and Consumer Services, the Department
 725 of Business and Professional Regulation, the Department of
 726 Children and Families ~~Family Services~~, the Department of Citrus,
 727 the Department of Economic Opportunity, the Department of
 728 Corrections, the Department of Education, the Department of

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

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

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

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

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

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

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

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

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

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

781 otherwise, have the following meanings:

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

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

786 944.171 Housing of inmates.—

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

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

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

799 944.4731 Addiction-Recovery Supervision Program.—

800 (2)

801 (b) An offender released under addiction-recovery
 802 supervision shall be subject to specified terms and conditions,
 803 including payment of the costs of supervision under s. 948.09
 804 and any other court-ordered payments, such as child support and
 805 restitution. If an offender has received a term of probation or
 806 community control to be served after release from incarceration,

807 the period of probation or community control may not be
 808 substituted for addiction-recovery supervision and shall follow
 809 the term of addiction-recovery supervision. A panel of not fewer
 810 than two parole commissioners shall establish the terms and
 811 conditions of supervision, and the terms and conditions must be
 812 included in the supervision order. In setting the terms and
 813 conditions of supervision, the ~~parole~~ commission shall weigh
 814 heavily the program requirements, including, but not limited to,
 815 work at paid employment while participating in treatment and
 816 traveling restrictions. The commission shall also determine
 817 whether an offender violates the terms and conditions of
 818 supervision and whether a violation warrants revocation of
 819 addiction-recovery supervision pursuant to s. 947.141. The
 820 ~~parole~~ commission shall review the offender's record for the
 821 purpose of establishing the terms and conditions of supervision.
 822 The ~~parole~~ commission may impose any special conditions it
 823 considers warranted from its review of the record. The length of
 824 supervision may not exceed the maximum penalty imposed by the
 825 court.

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

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

831 (1) The department may adopt rules permitting the
 832 extension of the limits of the place of confinement of an inmate

833 as to whom there is reasonable cause to believe that the inmate
 834 will honor his or her trust by authorizing the inmate, under
 835 prescribed conditions and following investigation and approval
 836 by the secretary, or the secretary's designee, who shall
 837 maintain a written record of such action, to leave the confines
 838 of that place unaccompanied by a custodial agent for a
 839 prescribed period of time to:

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

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

858 2. While working at paid employment and residing in the

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

873 (6)

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

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

882 945.10 Confidential information.—

883 (1) Except as otherwise provided by law or in this
 884 section, the following records and information held by the

885 Department of Corrections are confidential and exempt from the
 886 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 887 Constitution:

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

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

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

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

910

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

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

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

922 945.47 Discharge of inmate from mental health treatment.-

923 (2) At any time that an inmate who has received mental
 924 health treatment while in the custody of the department becomes
 925 eligible for release under supervision or upon end of sentence,
 926 a record of the inmate's mental health treatment may be provided
 927 to the Florida ~~Parele~~ Commission on Offender Review and to the
 928 Department of Children and Families ~~Family Services~~ upon
 929 request. The record shall include, at a minimum, a summary of
 930 the inmate's diagnosis, length of stay in treatment, clinical
 931 history, prognosis, prescribed medication, treatment plan, and
 932 recommendations for aftercare services.

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

935 945.73 Inmate training program operation.-

936 (6) The department shall work cooperatively with the

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

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

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

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

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

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

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

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

959 (1) Except as provided in s. 947.021, the members of the
 960 Florida ~~Parole~~ Commission on Offender Review shall be appointed
 961 by the Governor and Cabinet from a list of eligible applicants
 962 submitted by a parole qualifications committee. The appointments

963 of members of the commission shall be certified to the Senate by
964 the Governor and Cabinet for confirmation, and the membership of
965 the commission shall include representation from minority
966 persons as defined in s. 288.703.

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

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

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

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

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

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

1012 947.021 Florida Parole Commission on Offender Review;
 1013 expedited appointments.—Whenever the Legislature decreases the
 1014 membership of the commission, all terms of office shall expire,

1015 notwithstanding any law to the contrary. Under such
 1016 circumstances, the Governor and Cabinet shall expedite the
 1017 appointment of commissioners. Notwithstanding the parole
 1018 qualifications committee procedure in s. 947.02, members shall
 1019 be directly appointed by the Governor and Cabinet. Members
 1020 appointed to the commission may be selected from incumbents.
 1021 Members shall be certified to the Senate by the Governor and
 1022 Cabinet for confirmation, and the membership of the commission
 1023 shall include representation from minority persons as defined in
 1024 s. 288.703.

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

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

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

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

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

1040 947.141 Violations of conditional release, control

1041 release, or conditional medical release or addiction-recovery
 1042 supervision.—

1043 (3) Within 45 days after notice to the Florida Parole
 1044 Commission on Offender Review of the arrest of a releasee
 1045 charged with a violation of the terms and conditions of
 1046 conditional release, control release, conditional medical
 1047 release, or addiction-recovery supervision, the releasee must be
 1048 afforded a hearing conducted by a commissioner or a duly
 1049 authorized representative thereof. If the releasee elects to
 1050 proceed with a hearing, the releasee must be informed orally and
 1051 in writing of the following:

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

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

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

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

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

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

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

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

1066 947.146 Control Release Authority.—

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

1073 Section 47. Subsection (3) of section 947.181, Florida
 1074 Statutes, is amended to read:

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

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

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

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

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

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

1093 (2) Any parole and probation officer, if ~~when~~ she or he
 1094 has reasonable ground to believe that a parolee, control
 1095 releasee, or conditional releasee has violated the terms and
 1096 conditions of her or his parole, control release, or conditional
 1097 release in a material respect, has the right to arrest the
 1098 releasee or parolee without warrant and bring her or him
 1099 forthwith before one or more commissioners or a duly authorized
 1100 representative of the Florida Parole Commission on Offender
 1101 Review or Control Release Authority; and proceedings shall
 1102 thereupon be had as provided herein when a warrant has been
 1103 issued by a member of the commission or authority or a duly
 1104 authorized representative of the commission or authority.

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

1108 948.09 Payment for cost of supervision and
 1109 rehabilitation.—

1110 (1)(a)1. Any person ordered by the court, the Department
 1111 of Corrections, or the Florida parole Commission on Offender
 1112 Review to be placed on probation, drug offender probation,
 1113 community control, parole, control release, provisional release
 1114 supervision, addiction-recovery supervision, or conditional
 1115 release supervision under chapter 944, chapter 945, chapter 947,
 1116 this chapter ~~948~~, or chapter 958, or in a pretrial intervention
 1117 program, must, as a condition of any placement, pay the
 1118 department a total sum of money equal to the total month or

1119 | portion of a month of supervision times the court-ordered
 1120 | amount, but not to exceed the actual per diem cost of the
 1121 | supervision. The department shall adopt rules by which an
 1122 | offender who pays in full and in advance of regular termination
 1123 | of supervision may receive a reduction in the amount due. The
 1124 | rules shall incorporate provisions by which the offender's
 1125 | ability to pay is linked to an established written payment plan.
 1126 | Funds collected from felony offenders may be used to offset
 1127 | costs of the Department of Corrections associated with community
 1128 | supervision programs, subject to appropriation by the
 1129 | Legislature.

1130 | 2. In addition to any other contribution or surcharge
 1131 | imposed by this section, each felony offender assessed under
 1132 | this paragraph shall pay a \$2-per-month surcharge to the
 1133 | department. The surcharge shall be deemed to be paid only after
 1134 | the full amount of any monthly payment required by the
 1135 | established written payment plan has been collected by the
 1136 | department. These funds shall be used by the department to pay
 1137 | for correctional probation officers' training and equipment,
 1138 | including radios, and firearms training, firearms, and attendant
 1139 | equipment necessary to train and equip officers who choose to
 1140 | carry a concealed firearm while on duty. ~~Nothing in~~ This
 1141 | subparagraph does not ~~shall be construed to~~ limit the
 1142 | department's authority to determine who shall be authorized to
 1143 | carry a concealed firearm while on duty, or ~~to~~ limit the right
 1144 | of a correctional probation officer to carry a personal firearm

1145 approved by the department.

1146 (3) Any failure to pay contribution as required under this
 1147 section may constitute a ground for the revocation of probation
 1148 by the court, the revocation of parole or conditional release by
 1149 the Florida Parole Commission on Offender Review, the revocation
 1150 of control release by the Control Release Authority, or removal
 1151 from the pretrial intervention program by the state attorney.
 1152 The Department of Corrections may exempt a person from the
 1153 payment of all or any part of the contribution if it finds any
 1154 of the following factors to exist:

1155 (a) The offender has diligently attempted, but has been
 1156 unable, to obtain employment which provides him or her
 1157 sufficient income to make such payments.

1158 (b) The offender is a student in a school, college,
 1159 university, or course of career training designed to fit the
 1160 student for gainful employment. Certification of such student
 1161 status shall be supplied to the Secretary of Corrections by the
 1162 educational institution in which the offender is enrolled.

1163 (c) The offender has an employment handicap, as determined
 1164 by a physical, psychological, or psychiatric examination
 1165 acceptable to, or ordered by, the secretary.

1166 (d) The offender's age prevents him or her from obtaining
 1167 employment.

1168 (e) The offender is responsible for the support of
 1169 dependents, and the payment of such contribution constitutes an
 1170 undue hardship on the offender.

1171 (f) The offender has been transferred outside the state
 1172 under an interstate compact adopted pursuant to chapter 949.

1173 (g) There are other extenuating circumstances, as
 1174 determined by the secretary.

1175 (6) In addition to any other required contributions, the
 1176 department, at its discretion, may require offenders under any
 1177 form of supervision to submit to and pay for urinalysis testing
 1178 to identify drug usage as part of the rehabilitation program.
 1179 Any failure to make such payment, or participate, may be
 1180 considered a ground for revocation by the court, the Florida
 1181 ~~Parole~~ Commission on Offender Review, or the Control Release
 1182 Authority, or for removal from the pretrial intervention program
 1183 by the state attorney. The department may exempt a person from
 1184 such payment if it determines that any of the factors specified
 1185 in subsection (3) exist.

1186 Section 51. Subsection (1) of section 948.10, Florida
 1187 Statutes, is amended to read:

1188 948.10 Community control programs.—

1189 (1) The Department of Corrections shall develop and
 1190 administer a community control program. This complementary
 1191 program shall be rigidly structured and designed to accommodate
 1192 offenders who, in the absence of such a program, would have been
 1193 incarcerated. The program shall focus on the provision of
 1194 sanctions and consequences which are commensurate with the
 1195 seriousness of the crime. The program shall offer the courts and
 1196 the Florida ~~Parole~~ Commission on Offender Review an alternative,

1197 community-based method to punish an offender in lieu of
 1198 incarceration if ~~when~~ the offender is a member of one of the
 1199 following target groups:

1200 (a) Probation violators charged with technical violations
 1201 or misdemeanor violations.

1202 (b) Parole violators charged with technical violations or
 1203 misdemeanor violations.

1204 (c) Individuals found guilty of felonies, who, due to
 1205 their criminal backgrounds or the seriousness of the offenses,
 1206 would not be placed on regular probation.

1207 Section 52. Subsection (2) of section 949.05, Florida
 1208 Statutes, is amended to read:

1209 949.05 Constitutionality.—

1210 (2) If the method of selecting the commission members as
 1211 herein provided is found to be invalid by reason of the vesting
 1212 of the appointing power in the Governor and ~~the~~ Cabinet, the
 1213 members of the Florida Parole Commission on Offender Review
 1214 herein provided for shall be appointed by the Governor.

1215 Section 53. Subsection (1) of section 951.29, Florida
 1216 Statutes, is amended to read:

1217 951.29 Procedure for requesting restoration of civil
 1218 rights of county prisoners convicted of felonies.—

1219 (1) With respect to a person who has been convicted of a
 1220 felony and is serving a sentence in a county detention facility,
 1221 the administrator of the county detention facility shall provide
 1222 to the prisoner, at least 2 weeks before discharge, if possible,

1223 an application form obtained from the Florida ~~Parole~~ Commission
 1224 on Offender Review which the prisoner must complete in order to
 1225 begin the process of having his or her civil rights restored.

1226 Section 54. Subsection (6) of section 957.06, Florida
 1227 Statutes, is amended to read:

1228 957.06 Powers and duties not delegable to contractor.—A
 1229 contract entered into under this chapter does not authorize,
 1230 allow, or imply a delegation of authority to the contractor to:

1231 (6) Make recommendations to the Florida ~~Parole~~ Commission
 1232 on Offender Review with respect to the denial or granting of
 1233 parole, control release, conditional release, or conditional
 1234 medical release. However, the contractor may submit written
 1235 reports to the Florida ~~Parole~~ Commission on Offender Review and
 1236 must respond to a written request by the Florida ~~Parole~~
 1237 Commission on Offender Review for information.

1238 Section 55. Paragraph (c) of subsection (8) of section
 1239 958.045, Florida Statutes, is amended to read:

1240 958.045 Youthful offender basic training program.—

1241 (8)

1242 (c) The department shall work cooperatively with the
 1243 Control Release Authority or the Florida ~~Parole~~ Commission on
 1244 Offender Review to effect the release of an offender who has
 1245 successfully completed the requirements of the basic training
 1246 program.

1247 Section 56. Subsection (1) of section 960.001, Florida
 1248 Statutes, is amended to read:

1249 960.001 Guidelines for fair treatment of victims and
 1250 witnesses in the criminal justice and juvenile justice systems.—

1251 (1) The Department of Legal Affairs, the state attorneys,
 1252 the Department of Corrections, the Department of Juvenile
 1253 Justice, the Florida Parole Commission on Offender Review, the
 1254 State Courts Administrator and circuit court administrators, the
 1255 Department of Law Enforcement, and every sheriff's department,
 1256 police department, or other law enforcement agency as defined in
 1257 s. 943.10(4) shall develop and implement guidelines for the use
 1258 of their respective agencies, which guidelines are consistent
 1259 with the purposes of this act and s. 16(b), Art. I of the State
 1260 Constitution and are designed to implement ~~the provisions of s.~~
 1261 16(b), Art. I of the State Constitution and to achieve the
 1262 following objectives:

1263 (a) *Information concerning services available to victims*
 1264 *of adult and juvenile crime.*—As provided in s. 27.0065, state
 1265 attorneys and public defenders shall gather information
 1266 regarding the following services in the geographic boundaries of
 1267 their respective circuits and shall provide such information to
 1268 each law enforcement agency with jurisdiction within such
 1269 geographic boundaries. Law enforcement personnel shall ensure,
 1270 through distribution of a victim's rights information card or
 1271 brochure at the crime scene, during the criminal investigation,
 1272 and in any other appropriate manner, that victims are given, as
 1273 a matter of course at the earliest possible time, information
 1274 about:

- 1275 1. The availability of crime victim compensation, if ~~when~~
 1276 applicable;
- 1277 2. Crisis intervention services, supportive or bereavement
 1278 counseling, social service support referrals, and community-
 1279 based victim treatment programs;
- 1280 3. The role of the victim in the criminal or juvenile
 1281 justice process, including what the victim may expect from the
 1282 system as well as what the system expects from the victim;
- 1283 4. The stages in the criminal or juvenile justice process
 1284 which are of significance to the victim and the manner in which
 1285 information about such stages can be obtained;
- 1286 5. The right of a victim, who is not incarcerated,
 1287 including the victim's parent or guardian if the victim is a
 1288 minor, the lawful representative of the victim or of the
 1289 victim's parent or guardian if the victim is a minor, and the
 1290 next of kin of a homicide victim, to be informed, to be present,
 1291 and to be heard when relevant, at all crucial stages of a
 1292 criminal or juvenile proceeding, to the extent that this right
 1293 does not interfere with constitutional rights of the accused, as
 1294 provided by s. 16(b), Art. I of the State Constitution;
- 1295 6. In the case of incarcerated victims, the right to be
 1296 informed and to submit written statements at all crucial stages
 1297 of the criminal proceedings, parole proceedings, or juvenile
 1298 proceedings; and
- 1299 7. The right of a victim to a prompt and timely
 1300 disposition of the case in order to minimize the period during

1301 which the victim must endure the responsibilities and stress
 1302 involved to the extent that this right does not interfere with
 1303 the constitutional rights of the accused.

1304 (b) *Information for purposes of notifying victim or*
 1305 *appropriate next of kin of victim or other designated contact of*
 1306 *victim.*—In the case of a homicide, pursuant to chapter 782; or a
 1307 sexual offense, pursuant to chapter 794; or an attempted murder
 1308 or sexual offense, pursuant to chapter 777; or stalking,
 1309 pursuant to s. 784.048; or domestic violence, pursuant to s.
 1310 25.385:

1311 1. The arresting law enforcement officer or personnel of
 1312 an organization that provides assistance to a victim or to the
 1313 appropriate next of kin of the victim or other designated
 1314 contact must request that the victim or appropriate next of kin
 1315 of the victim or other designated contact complete a victim
 1316 notification card. However, the victim or appropriate next of
 1317 kin of the victim or other designated contact may choose not to
 1318 complete the victim notification card.

1319 2. Unless the victim or the appropriate next of kin of the
 1320 victim or other designated contact waives the option to complete
 1321 the victim notification card, a copy of the victim notification
 1322 card must be filed with the incident report or warrant in the
 1323 sheriff's office of the jurisdiction in which the incident
 1324 report or warrant originated. The notification card shall, at a
 1325 minimum, consist of:

1326 a. The name, address, and phone number of the victim; or

1327 b. The name, address, and phone number of the appropriate
1328 next of kin of the victim; or

1329 c. The name, address, and telephone ~~phone~~ number of a
1330 designated contact other than the victim or appropriate next of
1331 kin of the victim; and

1332 d. Any relevant identification or case numbers assigned to
1333 the case.

1334 3. The chief administrator, or a person designated by the
1335 chief administrator, of a county jail, municipal jail, juvenile
1336 detention facility, or residential commitment facility shall
1337 make a reasonable attempt to notify the alleged victim or
1338 appropriate next of kin of the alleged victim or other
1339 designated contact within 4 hours following the release of the
1340 defendant on bail or, in the case of a juvenile offender, upon
1341 the release from residential detention or commitment. If the
1342 chief administrator, or designee, is unable to contact the
1343 alleged victim or appropriate next of kin of the alleged victim
1344 or other designated contact by telephone, the chief
1345 administrator, or designee, must send to the alleged victim or
1346 appropriate next of kin of the alleged victim or other
1347 designated contact a written notification of the defendant's
1348 release.

1349 4. Unless otherwise requested by the victim or the
1350 appropriate next of kin of the victim or other designated
1351 contact, the information contained on the victim notification
1352 card must be sent by the chief administrator, or designee, of

1353 the appropriate facility to the subsequent correctional or
 1354 residential commitment facility following the sentencing and
 1355 incarceration of the defendant, and unless otherwise requested
 1356 by the victim or the appropriate next of kin of the victim or
 1357 other designated contact, he or she must be notified of the
 1358 release of the defendant from incarceration as provided by law.

1359 5. If the defendant was arrested pursuant to a warrant
 1360 issued or taken into custody pursuant to s. 985.101 in a
 1361 jurisdiction other than the jurisdiction in which the defendant
 1362 is being released, and the alleged victim or appropriate next of
 1363 kin of the alleged victim or other designated contact does not
 1364 waive the option for notification of release, the chief
 1365 correctional officer or chief administrator of the facility
 1366 releasing the defendant shall make a reasonable attempt to
 1367 immediately notify the chief correctional officer of the
 1368 jurisdiction in which the warrant was issued or the juvenile was
 1369 taken into custody pursuant to s. 985.101, and the chief
 1370 correctional officer of that jurisdiction shall make a
 1371 reasonable attempt to notify the alleged victim or appropriate
 1372 next of kin of the alleged victim or other designated contact,
 1373 as provided in this paragraph, that the defendant has been or
 1374 will be released.

1375 (c) *Information concerning protection available to victim*
 1376 *or witness.*—A victim or witness shall be furnished, as a matter
 1377 of course, with information on steps that are available to law
 1378 enforcement officers and state attorneys to protect victims and

1379 witnesses from intimidation. Victims of domestic violence shall
 1380 also be given information about the address confidentiality
 1381 program provided under s. 741.403.

1382 (d) *Notification of scheduling changes.*—Each victim or
 1383 witness who has been scheduled to attend a criminal or juvenile
 1384 justice proceeding shall be notified as soon as possible by the
 1385 agency scheduling his or her appearance of any change in
 1386 scheduling which will affect his or her appearance.

1387 (e) *Advance notification to victim or relative of victim*
 1388 *concerning judicial proceedings; right to be present.*—Any
 1389 victim, parent, guardian, or lawful representative of a minor
 1390 who is a victim, or relative of a homicide victim shall receive
 1391 from the appropriate agency, at the address found in the police
 1392 report or the victim notification card if such has been provided
 1393 to the agency, prompt advance notification, unless the agency
 1394 itself does not have advance notification, of judicial and
 1395 postjudicial proceedings relating to his or her case, including
 1396 all proceedings or hearings relating to:

- 1397 1. The arrest of an accused;
- 1398 2. The release of the accused pending judicial proceedings
 1399 or any modification of release conditions; and
- 1400 3. Proceedings in the prosecution or petition for
 1401 delinquency of the accused, including the filing of the
 1402 accusatory instrument, the arraignment, disposition of the
 1403 accusatory instrument, trial or adjudicatory hearing, sentencing
 1404 or disposition hearing, appellate review, subsequent

1405 modification of sentence, collateral attack of a judgment, and,
 1406 when a term of imprisonment, detention, or residential
 1407 commitment is imposed, the release of the defendant or juvenile
 1408 offender from such imprisonment, detention, or residential
 1409 commitment by expiration of sentence or parole and any meeting
 1410 held to consider such release.

1411
 1412 A victim, a victim's parent or guardian if the victim is a
 1413 minor, a lawful representative of the victim or of the victim's
 1414 parent or guardian if the victim is a minor, or a victim's next
 1415 of kin may not be excluded from any portion of any hearing,
 1416 trial, or proceeding pertaining to the offense based solely on
 1417 the fact that such person is subpoenaed to testify, unless, upon
 1418 motion, the court determines such person's presence to be
 1419 prejudicial. The appropriate agency with respect to notification
 1420 under subparagraph 1. is the arresting law enforcement agency,
 1421 and the appropriate agency with respect to notification under
 1422 subparagraphs 2. and 3. is the Attorney General or state
 1423 attorney, unless the notification relates to a hearing
 1424 concerning parole, in which case the appropriate agency is the
 1425 Florida Parole Commission on Offender Review. The Department of
 1426 Corrections, the Department of Juvenile Justice, or the sheriff
 1427 is the appropriate agency with respect to release by expiration
 1428 of sentence or any other release program provided by law. A ~~Any~~
 1429 victim may waive notification at any time, and such waiver shall
 1430 be noted in the agency's files.

1431 (f) Information concerning release from incarceration from
 1432 a county jail, municipal jail, juvenile detention facility, or
 1433 residential commitment facility.—The chief administrator, or a
 1434 person designated by the chief administrator, of a county jail,
 1435 municipal jail, juvenile detention facility, or residential
 1436 commitment facility shall, upon the request of the victim or the
 1437 appropriate next of kin of a victim or other designated contact
 1438 of the victim of any of the crimes specified in paragraph (b),
 1439 make a reasonable attempt to notify the victim or appropriate
 1440 next of kin of the victim or other designated contact before
 1441 ~~prior to~~ the defendant's or offender's release from
 1442 incarceration, detention, or residential commitment if the
 1443 victim notification card has been provided pursuant to paragraph
 1444 (b). If prior notification is not successful, a reasonable
 1445 attempt must be made to notify the victim or appropriate next of
 1446 kin of the victim or other designated contact within 4 hours
 1447 following the release of the defendant or offender from
 1448 incarceration, detention, or residential commitment. If the
 1449 defendant is released following sentencing, disposition, or
 1450 furlough, the chief administrator or designee shall make a
 1451 reasonable attempt to notify the victim or the appropriate next
 1452 of kin of the victim or other designated contact within 4 hours
 1453 following the release of the defendant. If the chief
 1454 administrator or designee is unable to contact the victim or
 1455 appropriate next of kin of the victim or other designated
 1456 contact by telephone, the chief administrator or designee must

1457 | send to the victim or appropriate next of kin of the victim or
 1458 | other designated contact a written notification of the
 1459 | defendant's or offender's release.

1460 | (g) *Consultation with victim or guardian or family of*
 1461 | *victim.*—

1462 | 1. In addition to being notified of ~~the provisions of s.~~
 1463 | 921.143, the victim of a felony involving physical or emotional
 1464 | injury or trauma or, in a case in which the victim is a minor
 1465 | child or in a homicide, the guardian or family of the victim
 1466 | shall be consulted by the state attorney in order to obtain the
 1467 | views of the victim or family about the disposition of any
 1468 | criminal or juvenile case brought as a result of such crime,
 1469 | including the views of the victim or family about:

1470 | a. The release of the accused pending judicial
 1471 | proceedings;

1472 | b. Plea agreements;

1473 | c. Participation in pretrial diversion programs; and

1474 | d. Sentencing of the accused.

1475 | 2. Upon request, the state attorney shall permit the
 1476 | victim, the victim's parent or guardian if the victim is a
 1477 | minor, the lawful representative of the victim or of the
 1478 | victim's parent or guardian if the victim is a minor, or the
 1479 | victim's next of kin in the case of a homicide to review a copy
 1480 | of the presentence investigation report before ~~prior to~~ the
 1481 | sentencing hearing if one was completed. Any confidential
 1482 | information that pertains to medical history, mental health, or

1483 substance abuse and any information that pertains to any other
 1484 victim shall be redacted from the copy of the report. Any person
 1485 who reviews the report pursuant to this paragraph must maintain
 1486 the confidentiality of the report and may ~~shall~~ not disclose its
 1487 contents to any person except statements made to the state
 1488 attorney or the court.

1489 3. If ~~When~~ an inmate has been approved for community work
 1490 release, the Department of Corrections shall, upon request and
 1491 as provided in s. 944.605, notify the victim, the victim's
 1492 parent or guardian if the victim is a minor, the lawful
 1493 representative of the victim or of the victim's parent or
 1494 guardian if the victim is a minor, or the victim's next of kin
 1495 if the victim is a homicide victim.

1496 (h) *Return of property to victim.*—Law enforcement agencies
 1497 and the state attorney shall promptly return a victim's property
 1498 held for evidentiary purposes unless there is a compelling law
 1499 enforcement reason for retaining it. The trial or juvenile court
 1500 exercising jurisdiction over the criminal or juvenile proceeding
 1501 may enter appropriate orders to implement ~~the provisions of~~ this
 1502 subsection, including allowing photographs of the victim's
 1503 property to be used as evidence at the criminal trial or the
 1504 juvenile proceeding in place of the victim's property if ~~when~~ no
 1505 substantial evidentiary issue related thereto is in dispute.

1506 (i) *Notification to employer and explanation to creditors*
 1507 *of victim or witness.*—A victim or witness who so requests shall
 1508 be assisted by law enforcement agencies and the state attorney

1509 in informing his or her employer that the need for victim and
 1510 witness cooperation in the prosecution of the case may
 1511 necessitate the absence of that victim or witness from work. A
 1512 victim or witness who, as a direct result of a crime or of his
 1513 or her cooperation with law enforcement agencies or a state
 1514 attorney, is subjected to serious financial strain shall be
 1515 assisted by such agencies and state attorney in explaining to
 1516 the creditors of such victim or witness the reason for such
 1517 serious financial strain.

1518 (j) *Notification of right to request restitution.*—Law
 1519 enforcement agencies and the state attorney shall inform the
 1520 victim of the victim's right to request and receive restitution
 1521 pursuant to s. 775.089 or s. 985.437, and of the victim's rights
 1522 of enforcement under ss. 775.089(6) and 985.0301 in the event an
 1523 offender does not comply with a restitution order. The state
 1524 attorney shall seek the assistance of the victim in the
 1525 documentation of the victim's losses for the purpose of
 1526 requesting and receiving restitution. In addition, the state
 1527 attorney shall inform the victim if and when restitution is
 1528 ordered. If an order of restitution is converted to a civil lien
 1529 or civil judgment against the defendant, the clerks shall make
 1530 available at their office, as well as on their website,
 1531 information provided by the Secretary of State, the court, or
 1532 The Florida Bar on enforcing the civil lien or judgment.

1533 (k) *Notification of right to submit impact statement.*—The
 1534 state attorney shall inform the victim of the victim's right to

1535 submit an oral or written impact statement pursuant to s.
 1536 921.143 and shall assist in the preparation of such statement if
 1537 necessary.

1538 (l) *Local witness coordination services.*—The requirements
 1539 for notification provided for in paragraphs (c), (d), and (i)
 1540 may be performed by the state attorney or public defender for
 1541 their own witnesses.

1542 (m) *Victim assistance education and training.*—Victim
 1543 assistance education and training shall be offered to persons
 1544 taking courses at law enforcement training facilities and to
 1545 state attorneys and assistant state attorneys so that victims
 1546 may be promptly, properly, and completely assisted.

1547 (n) *General victim assistance.*—Victims and witnesses shall
 1548 be provided with such other assistance, such as transportation,
 1549 parking, separate pretrial waiting areas, and translator
 1550 services in attending court, as is practicable.

1551 (o) *Victim's rights information card or brochure.*—A victim
 1552 of a crime shall be provided with a victim's rights information
 1553 card or brochure containing essential information concerning the
 1554 rights of a victim and services available to a victim as
 1555 required by state law.

1556 (p) *Information concerning escape from a state*
 1557 *correctional institution, county jail, juvenile detention*
 1558 *facility, or residential commitment facility.*—In any case where
 1559 an offender escapes from a state correctional institution,
 1560 private correctional facility, county jail, juvenile detention

1561 facility, or residential commitment facility, the institution of
 1562 confinement shall immediately notify the state attorney of the
 1563 jurisdiction where the criminal charge or petition for
 1564 delinquency arose and the judge who imposed the sentence of
 1565 incarceration. The state attorney shall thereupon make every
 1566 effort to notify the victim, material witness, parents or legal
 1567 guardian of a minor who is a victim or witness, or immediate
 1568 relatives of a homicide victim of the escapee. The state
 1569 attorney shall also notify the sheriff of the county where the
 1570 criminal charge or petition for delinquency arose. The sheriff
 1571 shall offer assistance upon request. When an escaped offender is
 1572 subsequently captured or is captured and returned to the
 1573 institution of confinement, the institution of confinement shall
 1574 again immediately notify the appropriate state attorney and
 1575 sentencing judge pursuant to this section.

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

1587 courtroom cleared of certain persons as provided in s. 918.16
 1588 when the victim is testifying concerning that offense.

1589 (r) *Implementing crime prevention in order to protect the*
 1590 *safety of persons and property, as prescribed in the State*
 1591 *Comprehensive Plan.*—By preventing crimes that create victims or
 1592 further harm former victims, crime prevention efforts are an
 1593 essential part of providing effective service for victims and
 1594 witnesses. Therefore, the agencies identified in this subsection
 1595 may participate in and expend funds for crime prevention, public
 1596 awareness, public participation, and educational activities
 1597 directly relating to, and in furtherance of, existing public
 1598 safety statutes. Furthermore, funds may not be expended for the
 1599 purpose of influencing public opinion on public policy issues
 1600 that have not been resolved by the Legislature or the
 1601 electorate.

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

1613 attend the sentencing or disposition of the offender and request
 1614 that the offender be required to attend a different school.

1615 (t) *Use of a polygraph examination or other truth-telling*
 1616 *device with victim.*—~~A~~ ~~Ne~~ law enforcement officer, prosecuting
 1617 attorney, or other government official may not ~~shall~~ ask or
 1618 require an adult, youth, or child victim of an alleged sexual
 1619 battery as defined in chapter 794 or other sexual offense to
 1620 submit to a polygraph examination or other truth-telling device
 1621 as a condition of proceeding with the investigation of such an
 1622 offense. The refusal of a victim to submit to such an
 1623 examination does ~~shall~~ not prevent the investigation, charging,
 1624 or prosecution of the offense.

1625 (u) *Presence of victim advocates during forensic medical*
 1626 *examination.*—At the request of the victim or the victim's
 1627 parent, guardian, or lawful representative, a victim advocate
 1628 from a certified rape crisis center shall be permitted to attend
 1629 any forensic medical examination.

1630 Section 57. Subsection (3) of section 960.17, Florida
 1631 Statutes, is amended to read:

1632 960.17 Award constitutes debt owed to state.—

1633 (3) The Florida ~~Parole~~ Commission on Offender Review shall
 1634 make the payment of the debt to the state a condition of parole
 1635 under chapter 947, unless the commission finds reasons to the
 1636 contrary. If the commission does not order payment, or orders
 1637 only partial payment, it shall state on the record the reasons
 1638 therefor.

1639 Section 58. Subsection (1) of section 985.04, Florida
 1640 Statutes, is amended to read:
 1641 985.04 Oaths; records; confidential information.—
 1642 (1) Except as provided in subsections (2), (3), (6), and
 1643 (7) and s. 943.053, all information obtained under this chapter
 1644 in the discharge of official duty by any judge, any employee of
 1645 the court, any authorized agent of the department, the Florida
 1646 ~~Parole~~ Commission on Offender Review, the Department of
 1647 Corrections, the juvenile justice circuit boards, any law
 1648 enforcement agent, or any licensed professional or licensed
 1649 community agency representative participating in the assessment
 1650 or treatment of a juvenile is confidential and may be disclosed
 1651 only to the authorized personnel of the court, the department
 1652 and its designees, the Department of Corrections, the Florida
 1653 ~~Parole~~ Commission on Offender Review, law enforcement agents,
 1654 school superintendents and their designees, any licensed
 1655 professional or licensed community agency representative
 1656 participating in the assessment or treatment of a juvenile, and
 1657 others entitled under this chapter to receive that information,
 1658 or upon order of the court. Within each county, the sheriff, the
 1659 chiefs of police, the district school superintendent, and the
 1660 department shall enter into an interagency agreement for the
 1661 purpose of sharing information about juvenile offenders among
 1662 all parties. The agreement must specify the conditions under
 1663 which summary criminal history information is to be made
 1664 available to appropriate school personnel, and the conditions

1665 under which school records are to be made available to
 1666 appropriate department personnel. Such agreement shall require
 1667 notification to any classroom teacher of assignment to the
 1668 teacher's classroom of a juvenile who has been placed in a
 1669 probation or commitment program for a felony offense. The
 1670 agencies entering into such agreement must comply with s.
 1671 943.0525, and must maintain the confidentiality of information
 1672 that is otherwise exempt from s. 119.07(1), as provided by law.
 1673 Section 59. Subsection (2) of section 985.045, Florida
 1674 Statutes, is amended to read:
 1675 985.045 Court records.—
 1676 (2) The clerk shall keep all official records required by
 1677 this section separate from other records of the circuit court,
 1678 except those records pertaining to motor vehicle violations,
 1679 which shall be forwarded to the Department of Highway Safety and
 1680 Motor Vehicles. Except as provided in ss. 943.053 and
 1681 985.04(6)(b) and (7), official records required by this chapter
 1682 are not open to inspection by the public, but may be inspected
 1683 only upon order of the court by persons deemed by the court to
 1684 have a proper interest therein, except that a child and the
 1685 parents, guardians, or legal custodians of the child and their
 1686 attorneys, law enforcement agencies, the Department of Juvenile
 1687 Justice and its designees, the Florida Parole Commission on
 1688 Offender Review, the Department of Corrections, and the Justice
 1689 Administrative Commission shall always have the right to inspect
 1690 and copy any official record pertaining to the child. Public

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1691 defender offices shall have access to official records of
1692 juveniles on whose behalf they are expected to appear in
1693 detention or other hearings before an appointment of
1694 representation. The court may permit authorized representatives
1695 of recognized organizations compiling statistics for proper
1696 purposes to inspect, and make abstracts from, official records
1697 under whatever conditions upon the use and disposition of such
1698 records the court may deem proper and may punish by contempt
1699 proceedings any violation of those conditions.

1700 Section 60. This act shall take effect July 1, 2014.