

29 | the Legislature that the renaming of conditional release
 30 | supervision to mandatory supervision does not create a new
 31 | program, but is merely a name change to accurately reflect the
 32 | nature of this nondiscretionary release.

33 | Section 2. Subsection (2) of section 944.291, Florida
 34 | Statutes, is amended to read:

35 | 944.291 Prisoner released by reason of gain-time
 36 | allowances or attainment of provisional release date.—

37 | (2) Any prisoner who is convicted of a crime committed on
 38 | or after October 1, 1988, which crime is contained in category
 39 | 1, category 2, category 3, or category 4 of Rule 3.701 and Rule
 40 | 3.988, Florida Rules of Criminal Procedure, and who has served
 41 | at least one prior felony commitment at a state or federal
 42 | correctional institution, ~~or~~ is sentenced as a habitual or
 43 | violent habitual offender pursuant to s. 775.084, or is
 44 | convicted of a crime committed on or after October 1, 2013,
 45 | which crime is or was contained in category 1, category 2,
 46 | category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
 47 | Rules of Criminal Procedure (1993), may only be released under
 48 | mandatory supervision ~~conditional release~~ supervision as
 49 | described in chapter 947. Not fewer than 90 days before ~~prior to~~
 50 | the tentative release date or provisional release date,
 51 | whichever is earlier, the department shall provide the
 52 | commission with the name and inmate identification number for
 53 | each eligible inmate.

54 | Section 3. Section 947.1405, Florida Statutes, is amended
 55 | to read:

56 | 947.1405 Mandatory supervision ~~Conditional release~~

57 | program.—

58 | (1) This section and s. 947.141 may be cited as the
 59 | "Mandatory Supervision Conditional Release Program Act."

60 | (2) Any inmate who:

61 | (a) Is convicted of a crime committed on or after October
 62 | 1, 1988, and before January 1, 1994, and any inmate who is
 63 | convicted of a crime committed on or after January 1, 1994,
 64 | which crime is or was contained in category 1, category 2,
 65 | category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
 66 | Rules of Criminal Procedure (1993), and who has served at least
 67 | one prior felony commitment at a state or federal correctional
 68 | institution;

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

71 | (c) Is found to be a sexual predator under s. 775.21 or
 72 | former s. 775.23; or

73 | (d) Is convicted of a crime committed on or after October
 74 | 1, 2013, which crime is or was contained in category 1, category
 75 | 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,
 76 | Florida Rules of Criminal Procedure (1993),

77 |
 78 | shall, upon reaching the tentative release date or provisional
 79 | release date, whichever is earlier, as established by the
 80 | Department of Corrections, be released under supervision subject
 81 | to specified terms and conditions, including payment of the cost
 82 | of supervision pursuant to s. 948.09. Such supervision shall be
 83 | applicable to all sentences within the overall term of sentences
 84 | if an inmate's overall term of sentences includes one or more

85 sentences that are eligible for mandatory ~~conditional release~~
86 supervision as provided herein. Effective July 1, 1994, and
87 applicable for offenses committed on or after that date, the
88 commission may require, as a condition of mandatory supervision
89 ~~conditional release~~, that the supervisee ~~releasee~~ make payment
90 of the debt due and owing to a county or municipal detention
91 facility under s. 951.032 for medical care, treatment,
92 hospitalization, or transportation received by the supervisee
93 ~~releasee~~ while in that detention facility. The commission, in
94 determining whether to order such repayment and the amount of
95 such repayment, shall consider the amount of the debt, whether
96 there was any fault of the institution for the medical expenses
97 incurred, the financial resources of the supervisee ~~releasee~~,
98 the present and potential future financial needs and earning
99 ability of the supervisee ~~releasee~~, and dependents, and other
100 appropriate factors. If any inmate placed on mandatory
101 ~~conditional release~~ supervision is also subject to probation or
102 community control, resulting from a probationary or community
103 control split sentence within the overall term of sentences, the
104 Department of Corrections shall supervise such person according
105 to the conditions imposed by the court and the commission shall
106 defer to such supervision. If the court revokes probation or
107 community control and resentsences the offender to a term of
108 incarceration, such revocation also constitutes a sufficient
109 basis for the revocation of the mandatory ~~conditional release~~
110 supervision on any nonprobationary or noncommunity control
111 sentence without further hearing by the commission. If any such
112 supervision on any nonprobationary or noncommunity control

113 sentence is revoked, such revocation may result in a forfeiture
114 of all gain-time, and the commission may revoke the resulting
115 deferred mandatory ~~conditional release~~ supervision or take other
116 action it considers appropriate. If the term of mandatory
117 ~~conditional release~~ supervision exceeds that of the probation or
118 community control, then, upon expiration of the probation or
119 community control, authority for the supervision shall revert to
120 the commission and the supervision shall be subject to the
121 conditions imposed by the commission. A panel of no fewer than
122 two commissioners shall establish the terms and conditions of
123 any such release. If the offense was a controlled substance
124 violation, the conditions shall include a requirement that the
125 offender submit to random substance abuse testing intermittently
126 throughout the term of mandatory ~~conditional release~~
127 supervision, upon the direction of the correctional probation
128 officer as defined in s. 943.10(3). The commission shall also
129 determine whether the terms and conditions of such release have
130 been violated and whether such violation warrants revocation of
131 the mandatory supervision ~~conditional release~~.

132 (3) As part of the mandatory supervision ~~conditional~~
133 ~~release~~ process, the commission, through review and
134 consideration of information provided by the department, shall
135 determine:

136 (a) The amount of reparation or restitution.

137 (b) The consequences of the offense as reported by the
138 aggrieved party.

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

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

145 (5) Within 180 days before ~~prior to~~ the tentative release
146 date or provisional release date, whichever is earlier, a
147 representative of the department shall review the inmate's
148 program participation, disciplinary record, psychological and
149 medical records, criminal records, and any other information
150 pertinent to the impending release. The department shall gather
151 and compile information necessary for the commission to make the
152 determinations set forth in subsection (3). A department
153 representative shall conduct a personal interview with the
154 inmate for the purpose of determining the details of the
155 inmate's release plan, including the inmate's planned residence
156 and employment. The department representative shall forward the
157 inmate's release plan to the commission and recommend to the
158 commission the terms and conditions of the mandatory supervision
159 ~~conditional release~~.

160 (6) The commission shall review the recommendations of the
161 department, and such other information as it deems relevant, and
162 may conduct a review of the inmate's record for the purpose of
163 establishing the terms and conditions of the mandatory
164 supervision ~~conditional release~~. The commission may impose any
165 special conditions it considers warranted from its review of the
166 release plan and recommendation. If the commission determines
167 that the inmate is eligible for release under this section, the
168 commission shall enter an order establishing the length of

169 supervision and the conditions attendant thereto. However, an
170 inmate who has been convicted of a violation of chapter 794 or
171 found by the court to be a sexual predator is subject to the
172 maximum level of supervision provided, with the mandatory
173 conditions as required in subsection (7), and that supervision
174 shall continue through the end of the supervisee's ~~releasee's~~
175 original court-imposed sentence. The length of supervision must
176 not exceed the maximum penalty imposed by the court.

177 (7) (a) Any inmate who is convicted of a crime committed on
178 or after October 1, 1995, or who has been previously convicted
179 of a crime committed on or after October 1, 1995, in violation
180 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
181 847.0145, and is subject to mandatory ~~conditional release~~
182 supervision, shall have, in addition to any other conditions
183 imposed, the following special conditions imposed by the
184 commission:

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

191 2. If the victim was under the age of 18, a prohibition on
192 living within 1,000 feet of a school, child care facility, park,
193 playground, designated public school bus stop, or other place
194 where children regularly congregate. A supervisee ~~releasee~~ who
195 is subject to this subparagraph may not relocate to a residence
196 that is within 1,000 feet of a public school bus stop. Beginning

197 | October 1, 2004, the commission or the department may not
198 | approve a residence that is located within 1,000 feet of a
199 | school, child care facility, park, playground, designated school
200 | bus stop, or other place where children regularly congregate for
201 | any supervisee ~~releasee~~ who is subject to this subparagraph. On
202 | October 1, 2004, the department shall notify each affected
203 | school district of the location of the residence of a supervisee
204 | ~~releasee~~ 30 days before ~~prior to~~ release and thereafter, if the
205 | supervisee ~~releasee~~ relocates to a new residence, shall notify
206 | any affected school district of the residence of the supervisee
207 | ~~releasee~~ within 30 days after relocation. If, on October 1,
208 | 2004, any public school bus stop is located within 1,000 feet of
209 | the existing residence of such supervisee ~~releasee~~, the district
210 | school board shall relocate that school bus stop. Beginning
211 | October 1, 2004, a district school board may not establish or
212 | relocate a public school bus stop within 1,000 feet of the
213 | residence of a supervisee ~~releasee~~ who is subject to this
214 | subparagraph. The failure of the district school board to comply
215 | with this subparagraph shall not result in a violation of
216 | mandatory ~~conditional-release~~ supervision. A supervisee ~~releasee~~
217 | who is subject to this subparagraph may not be forced to
218 | relocate and does not violate his or her mandatory ~~conditional~~
219 | ~~release~~ supervision if he or she is living in a residence that
220 | meets the requirements of this subparagraph and a school, child
221 | care facility, park, playground, designated public school bus
222 | stop, or other place where children regularly congregate is
223 | subsequently established within 1,000 feet of his or her
224 | residence.

225 3. Active participation in and successful completion of a
226 sex offender treatment program with qualified practitioners
227 specifically trained to treat sex offenders, at the supervisee's
228 ~~releasee's~~ own expense. If a qualified practitioner is not
229 available within a 50-mile radius of the supervisee's ~~releasee's~~
230 residence, the offender shall participate in other appropriate
231 therapy.

232 4. A prohibition on any contact with the victim, directly
233 or indirectly, including through a third person, unless approved
234 by the victim, a qualified practitioner in the sexual offender
235 treatment program, and the sentencing court.

236 5. If the victim was under the age of 18, a prohibition
237 against contact with children under the age of 18 without review
238 and approval by the commission. The commission may approve
239 supervised contact with a child under the age of 18 if the
240 approval is based upon a recommendation for contact issued by a
241 qualified practitioner who is basing the recommendation on a
242 risk assessment. Further, the sex offender must be currently
243 enrolled in or have successfully completed a sex offender
244 therapy program. The commission may not grant supervised contact
245 with a child if the contact is not recommended by a qualified
246 practitioner and may deny supervised contact with a child at any
247 time. When considering whether to approve supervised contact
248 with a child, the commission must review and consider the
249 following:

250 a. A risk assessment completed by a qualified
251 practitioner. The qualified practitioner must prepare a written
252 report that must include the findings of the assessment and

253 | address each of the following components:

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

255 | (II) The sex offender's history of adult charges with

256 | apparent sexual motivation;

257 | (III) The sex offender's history of adult charges without

258 | apparent sexual motivation;

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

260 | whenever available;

261 | (V) The sex offender's offender treatment history,

262 | including a consultation from the sex offender's treating, or

263 | most recent treating, therapist;

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

265 | (VII) The sex offender's mental health and substance abuse

266 | history as provided by the Department of Corrections;

267 | (VIII) The sex offender's personal, social, educational,

268 | and work history;

269 | (IX) The results of current psychological testing of the

270 | sex offender if determined necessary by the qualified

271 | practitioner;

272 | (X) A description of the proposed contact, including the

273 | location, frequency, duration, and supervisory arrangement;

274 | (XI) The child's preference and relative comfort level

275 | with the proposed contact, when age-appropriate;

276 | (XII) The parent's or legal guardian's preference

277 | regarding the proposed contact; and

278 | (XIII) The qualified practitioner's opinion, along with

279 | the basis for that opinion, as to whether the proposed contact

280 | would likely pose significant risk of emotional or physical harm

281 to the child.

282

283 The written report of the assessment must be given to the
284 commission.

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

288 c. A written consent signed by the child's parent or legal
289 guardian, if the parent or legal guardian is not the sex
290 offender, agreeing to the sex offender having supervised contact
291 with the child after receiving full disclosure of the sex
292 offender's present legal status, past criminal history, and the
293 results of the risk assessment. The commission may not approve
294 contact with the child if the parent or legal guardian refuses
295 to give written consent for supervised contact;

296 d. A safety plan prepared by the qualified practitioner,
297 who provides treatment to the offender, in collaboration with
298 the sex offender, the child's parent or legal guardian, and the
299 child, when age appropriate, which details the acceptable
300 conditions of contact between the sex offender and the child.
301 The safety plan must be reviewed and approved by the Department
302 of Corrections before being submitted to the commission; and

303 e. Evidence that the child's parent or legal guardian, if
304 the parent or legal guardian is not the sex offender,
305 understands the need for and agrees to the safety plan and has
306 agreed to provide, or to designate another adult to provide,
307 constant supervision any time the child is in contact with the
308 offender.

309
310 The commission may not appoint a person to conduct a risk
311 assessment and may not accept a risk assessment from a person
312 who has not demonstrated to the commission that he or she has
313 met the requirements of a qualified practitioner as defined in
314 this section.

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

319 7. Unless otherwise indicated in the treatment plan
320 provided by a qualified practitioner in the sexual offender
321 treatment program, a prohibition on viewing, owning, or
322 possessing any obscene, pornographic, or sexually stimulating
323 visual or auditory material, including telephone, electronic
324 media, computer programs, or computer services that are relevant
325 to the offender's deviant behavior pattern.

326 8. Effective for a supervisee ~~releasee~~ whose crime is
327 committed on or after July 1, 2005, a prohibition on accessing
328 the Internet or other computer services until a qualified
329 practitioner in the offender's sex offender treatment program,
330 after a risk assessment is completed, approves and implements a
331 safety plan for the offender's accessing or using the Internet
332 or other computer services.

333 9. A requirement that the supervisee ~~releasee~~ must submit
334 two specimens of blood to the Department of Law Enforcement to
335 be registered with the DNA database.

336 10. A requirement that the supervisee ~~releasee~~ make

337 restitution to the victim, as determined by the sentencing court
338 or the commission, for all necessary medical and related
339 professional services relating to physical, psychiatric, and
340 psychological care.

341 11. Submission to a warrantless search by the community
342 control or probation officer of the probationer's or community
343 controllee's person, residence, or vehicle.

344 (b) For a supervisee ~~releasee~~ whose crime was committed on
345 or after October 1, 1997, in violation of chapter 794, s.
346 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and who is
347 subject to mandatory ~~conditional-release~~ supervision, in
348 addition to any other provision of this subsection, the
349 commission shall impose the following additional conditions of
350 mandatory ~~conditional-release~~ supervision:

351 1. As part of a treatment program, participation in a
352 minimum of one annual polygraph examination to obtain
353 information necessary for risk management and treatment and to
354 reduce the sex offender's denial mechanisms. The polygraph
355 examination must be conducted by a polygrapher who is a member
356 of a national or state polygraph association and who is
357 certified as a postconviction sex offender polygrapher, where
358 available, and at the expense of the supervisee ~~releasee~~. The
359 results of the examination shall be provided to the supervisee's
360 ~~releasee's~~ probation officer and qualified practitioner and may
361 not be used as evidence in a hearing to prove that a violation
362 of supervision has occurred.

363 2. Maintenance of a driving log and a prohibition against
364 driving a motor vehicle alone without the prior approval of the

365 supervising officer.

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

368 4. If there was sexual contact, a submission to, at the
369 supervisee's ~~releasee's~~ expense, an HIV test with the results to
370 be released to the victim or the victim's parent or guardian.

371 5. Electronic monitoring of any form when ordered by the
372 commission. Any person who has been placed under supervision and
373 is electronically monitored by the department must pay the
374 department for the cost of the electronic monitoring service at
375 a rate that may not exceed the full cost of the monitoring
376 service. Funds collected under this subparagraph shall be
377 deposited into the General Revenue Fund. The department may
378 exempt a person from the payment of all or any part of the
379 electronic monitoring service cost if the department finds that
380 any of the factors listed in s. 948.09(3) exist.

381 (8) It is the finding of the Legislature that the
382 population of offenders released from state prison into the
383 community who meet the mandatory supervision ~~conditional release~~
384 criteria poses the greatest threat to the public safety of the
385 groups of offenders under community supervision. Therefore, the
386 Department of Corrections is to provide intensive supervision by
387 experienced correctional probation officers to mandatory
388 supervision ~~conditional release~~ offenders. Subject to specific
389 appropriation by the Legislature, caseloads may be restricted to
390 a maximum of 40 mandatory supervision ~~conditional release~~
391 offenders per officer to provide for enhanced public safety and
392 to effectively monitor conditions of electronic monitoring or

393 | curfews, if so ordered by the commission.

394 | (9) The commission shall adopt rules pursuant to ss.
395 | 120.536(1) and 120.54 necessary to implement the provisions of
396 | the Mandatory Supervision ~~Conditional Release~~ Program Act.

397 | (10) Effective for a supervisee ~~releasee~~ whose crime was
398 | committed on or after September 1, 2005, in violation of chapter
399 | 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and
400 | the unlawful activity involved a victim who was 15 years of age
401 | or younger and the offender is 18 years of age or older or for a
402 | supervisee ~~releasee~~ who is designated as a sexual predator
403 | pursuant to s. 775.21, in addition to any other provision of
404 | this section, the commission must order electronic monitoring
405 | for the duration of the supervisee's ~~releasee's~~ supervision.

406 | (11) Effective for a supervisee ~~releasee~~ whose crime was
407 | committed on or after October 1, 2008, and who has been found to
408 | have committed the crime for the purpose of benefiting,
409 | promoting, or furthering the interests of a criminal gang, the
410 | commission shall, in addition to any other conditions imposed,
411 | impose a condition prohibiting the supervisee ~~releasee~~ from
412 | knowingly associating with other criminal gang members or
413 | associates, except as authorized by law enforcement officials,
414 | prosecutorial authorities, or the court, for the purpose of
415 | aiding in the investigation of criminal activity.

416 | (12) In addition to all other conditions imposed, for a
417 | supervisee ~~releasee~~ who is subject to mandatory supervision
418 | ~~conditional release~~ for a crime that was committed on or after
419 | May 26, 2010, and who has been convicted at any time of
420 | committing, or attempting, soliciting, or conspiring to commit,

421 any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I),
422 or a similar offense in another jurisdiction against a victim
423 who was under 18 years of age at the time of the offense, if the
424 supervisee ~~releasee~~ has not received a pardon for any felony or
425 similar law of another jurisdiction necessary for the operation
426 of this subsection, if a conviction of a felony or similar law
427 of another jurisdiction necessary for the operation of this
428 subsection has not been set aside in any postconviction
429 proceeding, or if the supervisee ~~releasee~~ has not been removed
430 from the requirement to register as a sexual offender or sexual
431 predator pursuant to s. 943.04354, the commission must impose
432 the following conditions:

433 (a) A prohibition on visiting schools, child care
434 facilities, parks, and playgrounds without prior approval from
435 the supervisee's ~~releasee's~~ supervising officer. The commission
436 may also designate additional prohibited locations to protect a
437 victim. The prohibition ordered under this paragraph does not
438 prohibit the supervisee ~~releasee~~ from visiting a school, child
439 care facility, park, or playground for the sole purpose of
440 attending a religious service as defined in s. 775.0861 or
441 picking up or dropping off the supervisee's ~~releasee's~~ child or
442 grandchild at a child care facility or school.

443 (b) A prohibition on distributing candy or other items to
444 children on Halloween; wearing a Santa Claus costume, or other
445 costume to appeal to children, on or preceding Christmas;
446 wearing an Easter Bunny costume, or other costume to appeal to
447 children, on or preceding Easter; entertaining at children's
448 parties; or wearing a clown costume without prior approval from

449 the commission.

450 (13) The commission, in conjunction with the Department of
451 Corrections, shall develop a report to track offenders placed on
452 mandatory supervision to determine the rate of return of
453 offenders to prison, indicating whether the offender returned to
454 prison for a new crime or a technical violation of probation. A
455 report providing such information shall be due to the
456 Legislature on July 1 of each year, beginning in 2017.

457 Section 4. Paragraph (c) of subsection (5) of section
458 216.136, Florida Statutes, is amended to read:

459 216.136 Consensus estimating conferences; duties and
460 principals.—

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

463 (c) Develop official information relating to the number of
464 sexual offenders and sexual predators who are required by law to
465 be placed on community control, probation, or mandatory
466 supervision ~~conditional release~~ who are subject to electronic
467 monitoring.

468 Section 5. Subsection (2) of section 394.926, Florida
469 Statutes, is amended to read:

470 394.926 Notice to victims of release of persons committed
471 as sexually violent predators; notice to Department of
472 Corrections and Parole Commission.—

473 (2) If a sexually violent predator who has an active or
474 pending term of probation, community control, parole, mandatory
475 supervision ~~conditional release~~, or other court-ordered or
476 postprison release supervision is released from custody, the

477 department must immediately notify the Department of
478 Corrections' Office of Community Corrections in Tallahassee. The
479 Parole Commission must also be immediately notified of any
480 releases of a sexually violent predator who has an active or
481 pending term of parole, mandatory supervision ~~conditional~~
482 ~~release~~, or other postprison release supervision that is
483 administered by the Parole Commission.

484 Section 6. Section 394.927, Florida Statutes, is amended
485 to read:

486 394.927 Escape while in lawful custody; notice to victim;
487 notice to the Department of Corrections and Parole Commission.—

488 (1) A person who is held in lawful custody pursuant to a
489 judicial finding of probable cause under s. 394.915 or pursuant
490 to a commitment as a sexually violent predator under s. 394.916
491 and who escapes or attempts to escape while in such custody
492 commits a felony of the second degree, punishable as provided in
493 s. 775.082, s. 775.083, or s. 775.084.

494 (2) If a person who is held in custody pursuant to a
495 finding of probable cause or commitment as a sexually violent
496 predator escapes while in custody, the department shall
497 immediately notify the victim in accordance with s. 394.926. The
498 state attorney that filed the petition for civil commitment of
499 the escapee must also be immediately notified by the department.
500 If the escapee has an active or pending term of probation,
501 community control, parole, mandatory supervision ~~conditional~~
502 ~~release~~, or other court-ordered or postprison release
503 supervision, the department shall also immediately notify the
504 Department of Corrections' Office of Community Corrections in

505 Tallahassee. The Parole Commission shall also be immediately
506 notified of an escape if the escapee has an active or pending
507 term of parole, mandatory supervision ~~conditional release~~, or
508 other postprison release supervision that is administered by the
509 Parole Commission.

510 Section 7. Paragraphs (a), (b), and (d) of subsection (1)
511 of section 775.084, Florida Statutes, are amended to read:

512 775.084 Violent career criminals; habitual felony
513 offenders and habitual violent felony offenders; three-time
514 violent felony offenders; definitions; procedure; enhanced
515 penalties or mandatory minimum prison terms.—

516 (1) As used in this act:

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

520 1. The defendant has previously been convicted of any
521 combination of two or more felonies in this state or other
522 qualified offenses.

523 2. The felony for which the defendant is to be sentenced
524 was committed:

525 a. While the defendant was serving a prison sentence or
526 other sentence, or court-ordered or lawfully imposed supervision
527 that is imposed as a result of a prior conviction for a felony
528 or other qualified offense; or

529 b. Within 5 years of the date of the conviction of the
530 defendant's last prior felony or other qualified offense, or
531 within 5 years of the defendant's release from a prison
532 sentence, probation, community control, control release,

533 mandatory supervision ~~conditional release~~, parole or court-
534 ordered or lawfully imposed supervision or other sentence that
535 is imposed as a result of a prior conviction for a felony or
536 other qualified offense, whichever is later.

537 3. The felony for which the defendant is to be sentenced,
538 and one of the two prior felony convictions, is not a violation
539 of s. 893.13 relating to the purchase or the possession of a
540 controlled substance.

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

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

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

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

- 553 a. Arson;
- 554 b. Sexual battery;
- 555 c. Robbery;
- 556 d. Kidnapping;
- 557 e. Aggravated child abuse;
- 558 f. Aggravated abuse of an elderly person or disabled
559 adult;
- 560 g. Aggravated assault with a deadly weapon;

- 561 h. Murder;
- 562 i. Manslaughter;
- 563 j. Aggravated manslaughter of an elderly person or
564 disabled adult;
- 565 k. Aggravated manslaughter of a child;
- 566 l. Unlawful throwing, placing, or discharging of a
567 destructive device or bomb;
- 568 m. Armed burglary;
- 569 n. Aggravated battery; or
- 570 o. Aggravated stalking.
- 571 2. The felony for which the defendant is to be sentenced
572 was committed:
- 573 a. While the defendant was serving a prison sentence or
574 other sentence, or court-ordered or lawfully imposed supervision
575 that is imposed as a result of a prior conviction for an
576 enumerated felony; or
- 577 b. Within 5 years of the date of the conviction of the
578 last prior enumerated felony, or within 5 years of the
579 defendant's release from a prison sentence, probation, community
580 control, control release, mandatory supervision ~~conditional~~
581 ~~release~~, parole, or court-ordered or lawfully imposed
582 supervision or other sentence that is imposed as a result of a
583 prior conviction for an enumerated felony, whichever is later.
- 584 3. The defendant has not received a pardon on the ground
585 of innocence for any crime that is necessary for the operation
586 of this paragraph.
- 587 4. A conviction of a crime necessary to the operation of
588 this paragraph has not been set aside in any postconviction

589 proceeding.

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

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

- 596 a. Any forcible felony, as described in s. 776.08;
- 597 b. Aggravated stalking, as described in s. 784.048(3) and
 598 (4);
- 599 c. Aggravated child abuse, as described in s.
 600 827.03(2) (a);
- 601 d. Aggravated abuse of an elderly person or disabled
 602 adult, as described in s. 825.102(2);
- 603 e. Lewd or lascivious battery, lewd or lascivious
 604 molestation, lewd or lascivious conduct, or lewd or lascivious
 605 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 606 f. Escape, as described in s. 944.40; or
- 607 g. A felony violation of chapter 790 involving the use or
 608 possession of a firearm.

609 2. The defendant has been incarcerated in a state prison
 610 or a federal prison.

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

- 614 a. While the defendant was serving a prison sentence or
 615 other sentence, or court-ordered or lawfully imposed supervision
 616 that is imposed as a result of a prior conviction for an

617 enumerated felony; or

618 b. Within 5 years after the conviction of the last prior
619 enumerated felony, or within 5 years after the defendant's
620 release from a prison sentence, probation, community control,
621 control release, mandatory supervision ~~conditional release~~,
622 parole, or court-ordered or lawfully imposed supervision or
623 other sentence that is imposed as a result of a prior conviction
624 for an enumerated felony, whichever is later.

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

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

631 Section 8. Paragraph (a) of subsection (1) and paragraph
632 (b) of subsection (2) of section 775.16, Florida Statutes, are
633 amended to read:

634 775.16 Drug offenses; additional penalties.—In addition to
635 any other penalty provided by law, a person who has been
636 convicted of sale of or trafficking in, or conspiracy to sell or
637 traffic in, a controlled substance under chapter 893, if such
638 offense is a felony, or who has been convicted of an offense
639 under the laws of any state or country which, if committed in
640 this state, would constitute the felony of selling or
641 trafficking in, or conspiracy to sell or traffic in, a
642 controlled substance under chapter 893, is:

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

645 (a) The person has completed all sentences of imprisonment
 646 or supervisory sanctions imposed by the court, by the Parole
 647 Commission, or by law; or

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

652 (b) The person has complied with the conditions of
 653 subparagraphs 1. and 2. which shall be monitored by the
 654 Department of Corrections while the person is under any
 655 supervisory sanction. If the person fails to comply with
 656 provisions of these subparagraphs by either failing to maintain
 657 treatment or by testing positive for drug use, the department
 658 shall notify the licensing, permitting, or certifying agency,
 659 which may refuse to reissue or reinstate such license, permit,
 660 or certification. The licensee, permittee, or certificateholder
 661 under supervision may:

662 1. Seek evaluation and enrollment in, and once enrolled
 663 maintain enrollment in until completion, a drug treatment and
 664 rehabilitation program which is approved or regulated by the
 665 Department of Children and Family Services, unless it is deemed
 666 by the program that the person does not have a substance abuse
 667 problem. The treatment and rehabilitation program may be
 668 specified by:

669 a. The court, in the case of court-ordered supervisory
 670 sanctions;

671 b. The Parole Commission, in the case of parole, control
 672 release, or mandatory supervision ~~conditional release~~; or

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

675 2. Submit to periodic urine drug testing pursuant to
676 procedures prescribed by the Department of Corrections. If the
677 person is indigent, the costs shall be paid by the Department of
678 Corrections; or

679
680 The provisions of this section do not apply to any of the taxes,
681 fees, or permits regulated, controlled, or administered by the
682 Department of Revenue in accordance with the provisions of s.
683 213.05.

684 Section 9. Paragraph (e) of subsection (2) of section
685 775.21, Florida Statutes, is amended to read:

686 775.21 The Florida Sexual Predators Act.—

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

688 (e) "Conviction" means a determination of guilt which is
689 the result of a trial or the entry of a plea of guilty or nolo
690 contendere, regardless of whether adjudication is withheld. A
691 conviction for a similar offense includes, but is not limited
692 to, a conviction by a federal or military tribunal, including
693 courts-martial conducted by the Armed Forces of the United
694 States, and includes a conviction or entry of a plea of guilty
695 or nolo contendere resulting in a sanction in any state of the
696 United States or other jurisdiction. A sanction includes, but is
697 not limited to, a fine, probation, community control, parole,
698 mandatory supervision ~~conditional release~~, control release, or
699 incarceration in a state prison, federal prison, private
700 correctional facility, or local detention facility.

701 Section 10. Paragraph (a) of subsection (3) of section
 702 775.261, Florida Statutes, is amended to read:

703 775.261 The Florida Career Offender Registration Act.—

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

705 (a) A career offender released on or after July 1, 2002,
 706 from a sanction imposed in this state must register as required
 707 under subsection (4) and is subject to community and public
 708 notification as provided under subsection (5). For purposes of
 709 this section, a sanction imposed in this state includes, but is
 710 not limited to, a fine, probation, community control, parole,
 711 mandatory supervision ~~conditional release~~, control release, or
 712 incarceration in a state prison, private correctional facility,
 713 or local detention facility, and:

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

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

720 Section 11. Paragraph (a) of subsection (1) of section
 721 893.11, Florida Statutes, is amended to read:

722 893.11 Suspension, revocation, and reinstatement of
 723 business and professional licenses.—For the purposes of s.
 724 120.60(6), any conviction in any court reported to the
 725 Comprehensive Case Information System of the Florida Association
 726 of Court Clerks and Comptrollers, Inc., for the sale of, or
 727 trafficking in, a controlled substance or for conspiracy to
 728 sell, or traffic in, a controlled substance constitutes an

729 immediate serious danger to the public health, safety, or
730 welfare, and is grounds for disciplinary action by the licensing
731 state agency. A state agency shall initiate an immediate
732 emergency suspension of an individual professional license
733 issued by the agency, in compliance with the procedures for
734 summary suspensions in s. 120.60(6), upon the agency's findings
735 of the licensee's conviction in any court reported to the
736 Comprehensive Case Information System of the Florida Association
737 of Court Clerks and Comptrollers, Inc., for the sale of, or
738 trafficking in, a controlled substance, or for conspiracy to
739 sell, or traffic in, a controlled substance. Before renewing any
740 professional license, a state agency that issues a professional
741 license must use the Comprehensive Case Information System of
742 the Florida Association of Court Clerks and Comptrollers, Inc.,
743 to obtain information relating to any conviction for the sale
744 of, or trafficking in, a controlled substance or for conspiracy
745 to sell, or traffic in, a controlled substance. The clerk of
746 court shall provide electronic access to each state agency at no
747 cost and also provide certified copies of the judgment upon
748 request to the agency. Upon a showing by any such convicted
749 defendant whose professional license has been suspended or
750 revoked pursuant to this section that his or her civil rights
751 have been restored or upon a showing that the convicted
752 defendant meets the following criteria, the agency head may
753 reinstate or reactivate such license when:

754 (1) The person has complied with the conditions of
755 paragraphs (a) and (b) which shall be monitored by the
756 Department of Corrections while the person is under any

757 supervisory sanction. If the person fails to comply with
 758 provisions of these paragraphs by either failing to maintain
 759 treatment or by testing positive for drug use, the department
 760 shall notify the licensing agency, which shall revoke the
 761 license. The person under supervision may:

762 (a) Seek evaluation and enrollment in, and once enrolled
 763 maintain enrollment in until completion, a drug treatment and
 764 rehabilitation program which is approved or regulated by the
 765 Department of Children and Family Services. The treatment and
 766 rehabilitation program shall be specified by:

767 1. The court, in the case of court-ordered supervisory
 768 sanctions;

769 2. The Parole Commission, in the case of parole, control
 770 release, or mandatory supervision ~~conditional release~~; or

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

773 Section 12. Paragraph (a) of subsection (1) and subsection
 774 (11) of section 943.0435, Florida Statutes, are amended to read:

775 943.0435 Sexual offenders required to register with the
 776 department; penalty.—

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

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

781 a.(I) Has been convicted of committing, or attempting,
 782 soliciting, or conspiring to commit, any of the criminal
 783 offenses proscribed in the following statutes in this state or
 784 similar offenses in another jurisdiction: s. 787.01, s. 787.02,

785 or s. 787.025(2)(c), where the victim is a minor and the
786 defendant is not the victim's parent or guardian; s.
787 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
788 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
789 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
790 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
791 or s. 985.701(1); or any similar offense committed in this state
792 which has been redesignated from a former statute number to one
793 of those listed in this sub-sub-subparagraph; and

794 (II) Has been released on or after October 1, 1997, from
795 the sanction imposed for any conviction of an offense described
796 in sub-sub-subparagraph (I). For purposes of sub-sub-
797 subparagraph (I), a sanction imposed in this state or in any
798 other jurisdiction includes, but is not limited to, a fine,
799 probation, community control, parole, mandatory supervision
800 ~~conditional release~~, control release, or incarceration in a
801 state prison, federal prison, private correctional facility, or
802 local detention facility;

803 b. Establishes or maintains a residence in this state and
804 who has not been designated as a sexual predator by a court of
805 this state but who has been designated as a sexual predator, as
806 a sexually violent predator, or by another sexual offender
807 designation in another state or jurisdiction and was, as a
808 result of such designation, subjected to registration or
809 community or public notification, or both, or would be if the
810 person were a resident of that state or jurisdiction, without
811 regard to whether the person otherwise meets the criteria for
812 registration as a sexual offender;

813 c. Establishes or maintains a residence in this state who
814 is in the custody or control of, or under the supervision of,
815 any other state or jurisdiction as a result of a conviction for
816 committing, or attempting, soliciting, or conspiring to commit,
817 any of the criminal offenses proscribed in the following
818 statutes or similar offense in another jurisdiction: s. 787.01,
819 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
820 the defendant is not the victim's parent or guardian; s.
821 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
822 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
823 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
824 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
825 or s. 985.701(1); or any similar offense committed in this state
826 which has been redesignated from a former statute number to one
827 of those listed in this sub-subparagraph; or

828 d. On or after July 1, 2007, has been adjudicated
829 delinquent for committing, or attempting, soliciting, or
830 conspiring to commit, any of the criminal offenses proscribed in
831 the following statutes in this state or similar offenses in
832 another jurisdiction when the juvenile was 14 years of age or
833 older at the time of the offense:

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

835 (II) Section 800.04(4)(b) where the victim is under 12
836 years of age or where the court finds sexual activity by the use
837 of force or coercion;

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

840 (IV) Section 800.04(5)(d) where the court finds the use of

841 force or coercion and unclothed genitals.

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

845
 846 For each violation of a qualifying offense listed in this
 847 subsection, the court shall make a written finding of the age of
 848 the victim at the time of the offense. For a violation of s.
 849 800.04(4), the court shall additionally make a written finding
 850 indicating that the offense did or did not involve sexual
 851 activity and indicating that the offense did or did not involve
 852 force or coercion. For a violation of s. 800.04(5), the court
 853 shall additionally make a written finding that the offense did
 854 or did not involve unclothed genitals or genital area and that
 855 the offense did or did not involve the use of force or coercion.

856 (11) Except as provided in s. 943.04354, a sexual offender
 857 must maintain registration with the department for the duration
 858 of his or her life, unless the sexual offender has received a
 859 full pardon or has had a conviction set aside in a
 860 postconviction proceeding for any offense that meets the
 861 criteria for classifying the person as a sexual offender for
 862 purposes of registration. However, a sexual offender:

863 (a)1. Who has been lawfully released from confinement,
 864 supervision, or sanction, whichever is later, for at least 25
 865 years and has not been arrested for any felony or misdemeanor
 866 offense since release, provided that the sexual offender's
 867 requirement to register was not based upon an adult conviction:

868 a. For a violation of s. 787.01 or s. 787.02;

869 b. For a violation of s. 794.011, excluding s.
870 794.011(10);

871 c. For a violation of s. 800.04(4)(b) where the court
872 finds the offense involved a victim under 12 years of age or
873 sexual activity by the use of force or coercion;

874 d. For a violation of s. 800.04(5)(b);

875 e. For a violation of s. 800.04(5)c.2. where the court
876 finds the offense involved unclothed genitals or genital area;

877 f. For any attempt or conspiracy to commit any such
878 offense; or

879 g. For a violation of similar law of another jurisdiction,
880
881 may petition the criminal division of the circuit court of the
882 circuit in which the sexual offender resides for the purpose of
883 removing the requirement for registration as a sexual offender.

884 2. The court may grant or deny relief if the offender
885 demonstrates to the court that he or she has not been arrested
886 for any crime since release; the requested relief complies with
887 the provisions of the federal Adam Walsh Child Protection and
888 Safety Act of 2006 and any other federal standards applicable to
889 the removal of registration requirements for a sexual offender
890 or required to be met as a condition for the receipt of federal
891 funds by the state; and the court is otherwise satisfied that
892 the offender is not a current or potential threat to public
893 safety. The state attorney in the circuit in which the petition
894 is filed must be given notice of the petition at least 3 weeks
895 before the hearing on the matter. The state attorney may present
896 evidence in opposition to the requested relief or may otherwise

897 demonstrate the reasons why the petition should be denied. If
 898 the court denies the petition, the court may set a future date
 899 at which the sexual offender may again petition the court for
 900 relief, subject to the standards for relief provided in this
 901 subsection.

902 3. The department shall remove an offender from
 903 classification as a sexual offender for purposes of registration
 904 if the offender provides to the department a certified copy of
 905 the court's written findings or order that indicates that the
 906 offender is no longer required to comply with the requirements
 907 for registration as a sexual offender.

908 (b) As defined in sub-subparagraph (1)(a)1.b. must
 909 maintain registration with the department for the duration of
 910 his or her life until the person provides the department with an
 911 order issued by the court that designated the person as a sexual
 912 predator, as a sexually violent predator, or by another sexual
 913 offender designation in the state or jurisdiction in which the
 914 order was issued which states that such designation has been
 915 removed or demonstrates to the department that such designation,
 916 if not imposed by a court, has been removed by operation of law
 917 or court order in the state or jurisdiction in which the
 918 designation was made, and provided such person no longer meets
 919 the criteria for registration as a sexual offender under the
 920 laws of this state.

921 Section 13. Paragraph (a) of subsection (7) of section
 922 943.325, Florida Statutes, is amended to read:

923 943.325 DNA database.—

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

925 (a) Any qualifying offender, who is:
 926 1. Arrested in this state;
 927 2. Incarcerated in this state; or
 928 3. On probation, community control, parole, mandatory
 929 supervision ~~conditional release~~, control release, or any other
 930 type of court-ordered supervision in this state,

931
 932 shall be required to submit a DNA sample to a department-
 933 designated facility.

934 Section 14. Paragraph (a) of subsection (2) of section
 935 944.171, Florida Statutes, is amended to read:

936 944.171 Housing of inmates.—

937 (2) Notwithstanding s. 944.17, the department may enter
 938 into contracts with another state, a political subdivision of
 939 another state, or a correctional management services vendor in
 940 another state for the transfer and confinement in that state of
 941 inmates who have been committed to the custody of the
 942 department.

943 (a) Any such contract must include:

944 1. A termination date.
 945 2. Provisions concerning the costs of inmate maintenance,
 946 extraordinary medical and dental expenses, and any participation
 947 in or receipt by inmates of rehabilitative or correctional
 948 services, facilities, programs, or treatment, including those
 949 costs not reasonably included as part of normal maintenance.

950 3. Provisions concerning participation in programs of
 951 inmate employment, if any, the disposition or crediting of any
 952 payments received by inmates on account of employment, and the

953 | crediting of proceeds or disposal of any products resulting from
 954 | employment.

955 | 4. Provisions for the delivery and retaking of inmates.

956 | 5. A provision for a waiver of extradition by the parties
 957 | to the contract.

958 | 6. Retention of jurisdiction of the inmates transferred by
 959 | Florida.

960 | 7. Regular reporting procedures concerning Florida inmates
 961 | by officials of the state, political subdivision, or
 962 | correctional management services vendor with which the
 963 | department is contracting.

964 | 8. Provisions concerning procedures for community
 965 | supervision, including probation, parole, mandatory supervision
 966 | ~~conditional release~~, and discharge.

967 | 9. The same standards of reasonable and humane care as the
 968 | inmates would receive in an appropriate institution in this
 969 | state.

970 | 10. Any other matters that are necessary and appropriate
 971 | to establish the obligations, responsibilities, and rights of
 972 | Florida and the state, political subdivision, or correctional
 973 | management services vendor with which the department is
 974 | contracting.

975 | Section 15. Subsection (1) of section 944.28, Florida
 976 | Statutes, is amended to read:

977 | 944.28 Forfeiture of gain-time and the right to earn gain-
 978 | time in the future.—

979 | (1) If a prisoner is convicted of escape, or if the
 980 | clemency, mandatory supervision ~~conditional release~~ as described

981 in chapter 947, probation or community control as described in
 982 chapter 948, provisional release as described in s. 944.277,
 983 parole, or control release as described in s. 947.146 granted to
 984 the prisoner is revoked, the department may, without notice or
 985 hearing, declare a forfeiture of all gain-time earned according
 986 to the provisions of law by such prisoner before ~~prior to~~ such
 987 escape or his or her release under such clemency, mandatory
 988 supervision ~~conditional release~~, probation, community control,
 989 provisional release, control release, or parole.

990 Section 16. Subsection (2) of section 944.291, Florida
 991 Statutes, is amended to read:

992 944.291 Prisoner released by reason of gain-time
 993 allowances or attainment of provisional release date.—

994 (2) Any prisoner who is convicted of a crime committed on
 995 or after October 1, 1988, which crime is contained in category
 996 1, category 2, category 3, or category 4 of Rule 3.701 and Rule
 997 3.988, Florida Rules of Criminal Procedure, and who has served
 998 at least one prior felony commitment at a state or federal
 999 correctional institution, or is sentenced as a habitual or
 1000 violent habitual offender pursuant to s. 775.084, may only be
 1001 released under mandatory ~~conditional release~~ supervision as
 1002 described in chapter 947. Not fewer than 90 days before ~~prior to~~
 1003 the tentative release date or provisional release date,
 1004 whichever is earlier, the department shall provide the
 1005 commission with the name and inmate identification number for
 1006 each eligible inmate.

1007 Section 17. Paragraph (a) of subsection (1) of section
 1008 944.606, Florida Statutes, is amended to read:

1009 | 944.606 Sexual offenders; notification upon release.—

1010 | (1) As used in this section:

1011 | (a) "Convicted" means there has been a determination of
 1012 | guilt as a result of a trial or the entry of a plea of guilty or
 1013 | nolo contendere, regardless of whether adjudication is withheld.
 1014 | A conviction for a similar offense includes, but is not limited
 1015 | to, a conviction by a federal or military tribunal, including
 1016 | courts-martial conducted by the Armed Forces of the United
 1017 | States, and includes a conviction or entry of a plea of guilty
 1018 | or nolo contendere resulting in a sanction in any state of the
 1019 | United States or other jurisdiction. A sanction includes, but is
 1020 | not limited to, a fine; probation; community control; parole;
 1021 | mandatory supervision ~~conditional release~~; control release; or
 1022 | incarceration in a state prison, federal prison, private
 1023 | correctional facility, or local detention facility.

1024 | Section 18. Paragraph (b) of subsection (1) and paragraph
 1025 | (g) of subsection (6) of section 944.607, Florida Statutes, are
 1026 | amended to read:

1027 | 944.607 Notification to Department of Law Enforcement of
 1028 | information on sexual offenders.—

1029 | (1) As used in this section, the term:

1030 | (b) "Conviction" means a determination of guilt which is
 1031 | the result of a trial or the entry of a plea of guilty or nolo
 1032 | contendere, regardless of whether adjudication is withheld.
 1033 | Conviction of a similar offense includes, but is not limited to,
 1034 | a conviction by a federal or military tribunal, including
 1035 | courts-martial conducted by the Armed Forces of the United
 1036 | States, and includes a conviction or entry of a plea of guilty

1037 or nolo contendere resulting in a sanction in any state of the
1038 United States or other jurisdiction. A sanction includes, but is
1039 not limited to, a fine; probation; community control; parole;
1040 mandatory supervision ~~conditional release~~; control release; or
1041 incarceration in a state prison, federal prison, private
1042 correctional facility, or local detention facility.

1043 (6) The information provided to the Department of Law
1044 Enforcement must include:

1045 (g) A digitized photograph of the sexual offender which
1046 must have been taken within 60 days before the offender is
1047 released from the custody of the department or a private
1048 correctional facility by expiration of sentence under s. 944.275
1049 or must have been taken by January 1, 1998, or within 60 days
1050 after the onset of the department's supervision of any sexual
1051 offender who is on probation, community control, mandatory
1052 supervision ~~conditional release~~, parole, provisional release, or
1053 control release or who is supervised by the department under the
1054 Interstate Compact Agreement for Probationers and Parolees. If
1055 the sexual offender is in the custody of a private correctional
1056 facility, the facility shall take a digitized photograph of the
1057 sexual offender within the time period provided in this
1058 paragraph and shall provide the photograph to the department.

1059
1060 If any information provided by the department changes during the
1061 time the sexual offender is under the department's control,
1062 custody, or supervision, including any change in the offender's
1063 name by reason of marriage or other legal process, the
1064 department shall, in a timely manner, update the information and

1065 provide it to the Department of Law Enforcement in the manner
 1066 prescribed in subsection (2).

1067 Section 19. Paragraph (e) of subsection (5) of section
 1068 944.608, Florida Statutes, is amended to read:

1069 944.608 Notification to Department of Law Enforcement of
 1070 information on career offenders.—

1071 (5) The information provided to the Department of Law
 1072 Enforcement must include:

1073 (e) A digitized photograph of the career offender, which
 1074 must have been taken within 60 days before the career offender
 1075 is released from the custody of the department or a private
 1076 correctional facility or within 60 days after the onset of the
 1077 department's supervision of any career offender who is on
 1078 probation, community control, mandatory supervision ~~conditional~~
 1079 ~~release~~, parole, provisional release, or control release. If the
 1080 career offender is in the custody or control of, or under the
 1081 supervision of, a private correctional facility, the facility
 1082 shall take a digitized photograph of the career offender within
 1083 the time period provided in this paragraph and shall provide the
 1084 photograph to the department.

1085 Section 20. Paragraph (a) of subsection (1) of section
 1086 944.70, Florida Statutes, is amended to read:

1087 944.70 Conditions for release from incarceration.—

1088 (1) (a) A person who is convicted of a crime committed on
 1089 or after October 1, 1983, but before January 1, 1994, may be
 1090 released from incarceration only:

- 1091 1. Upon expiration of the person's sentence;
- 1092 2. Upon expiration of the person's sentence as reduced by

- 1093 accumulated gain-time;
- 1094 3. As directed by an executive order granting clemency;
- 1095 4. Upon attaining the provisional release date;
- 1096 5. Upon placement in a mandatory supervision ~~conditional~~
- 1097 ~~release~~ program pursuant to s. 947.1405; or
- 1098 6. Upon the granting of control release pursuant to s.
- 1099 947.146.

1100 Section 21. Paragraph (d) of subsection (1) of section

1101 945.36, Florida Statutes, is amended to read:

1102 945.36 Exemption from health testing regulations for law

1103 enforcement personnel conducting drug tests on inmates and

1104 releasees.—

1105 (1) Any law enforcement officer, state or county probation

1106 officer, or employee of the Department of Corrections, who is

1107 certified by the Department of Corrections pursuant to

1108 subsection (2), is exempt from part I of chapter 483, for the

1109 limited purpose of administering a urine screen drug test to:

1110 (d) Persons released as a condition of mandatory

1111 supervision ~~conditional release~~;

1112 Section 22. Paragraphs (f) and (g) of subsection (2) of

1113 section 947.071, Florida Statutes, are amended to read:

1114 947.071 Rulemaking procedures; indexing of orders.—

1115 (2) The only final orders of the commission which shall be

1116 indexed pursuant to chapter 120 are:

1117 (f) Orders granting mandatory supervision ~~conditional~~

1118 ~~release~~.

1119 (g) Orders revoking mandatory supervision ~~conditional~~

1120 ~~release~~.

1121 Section 23. Paragraph (f) of subsection (1) of section
 1122 947.13, Florida Statutes, is amended to read:

1123 947.13 Powers and duties of commission.—

1124 (1) The commission shall have the powers and perform the
 1125 duties of:

1126 (f) Establishing the terms and conditions of persons
 1127 released on mandatory supervision ~~conditional release~~ under s.
 1128 947.1405, and determining subsequent ineligibility for mandatory
 1129 supervision ~~conditional release~~ due to a violation of the terms
 1130 or conditions of mandatory supervision ~~conditional release~~ and
 1131 taking action with respect to such a violation.

1132 Section 24. Subsections (3), (4), and (6) of section
 1133 947.141, Florida Statutes, are amended to read:

1134 947.141 Violations of mandatory supervision ~~conditional~~
 1135 ~~release~~, control release, or conditional medical release or
 1136 addiction-recovery supervision.—

1137 (3) Within 45 days after notice to the Parole Commission
 1138 of the arrest of a supervisee ~~releasee~~ charged with a violation
 1139 of the terms and conditions of mandatory supervision ~~conditional~~
 1140 ~~release~~, control release, conditional medical release, or
 1141 addiction-recovery supervision, the supervisee ~~releasee~~ must be
 1142 afforded a hearing conducted by a commissioner or a duly
 1143 authorized representative thereof. If the supervisee ~~releasee~~
 1144 elects to proceed with a hearing, the supervisee ~~releasee~~ must
 1145 be informed orally and in writing of the following:

1146 (a) The alleged violation with which the supervisee
 1147 ~~releasee~~ is charged.

1148 (b) The supervisee's ~~releasee's~~ right to be represented by

1149 counsel.

1150 (c) The supervisee's ~~releasee's~~ right to be heard in
1151 person.

1152 (d) The supervisee's ~~releasee's~~ right to secure, present,
1153 and compel the attendance of witnesses relevant to the
1154 proceeding.

1155 (e) The supervisee's ~~releasee's~~ right to produce documents
1156 on the supervisee's ~~releasee's~~ own behalf.

1157 (f) The supervisee's ~~releasee's~~ right of access to all
1158 evidence used against the supervisee ~~releasee~~ and to confront
1159 and cross-examine adverse witnesses.

1160 (g) The supervisee's ~~releasee's~~ right to waive the
1161 hearing.

1162 (4) Within a reasonable time following the hearing, the
1163 commissioner or the commissioner's duly authorized
1164 representative who conducted the hearing shall make findings of
1165 fact in regard to the alleged violation. A panel of no fewer
1166 than two commissioners shall enter an order determining whether
1167 the charge of violation of mandatory supervision ~~conditional~~
1168 ~~release~~, control release, conditional medical release, or
1169 addiction-recovery supervision has been sustained based upon the
1170 findings of fact presented by the hearing commissioner or
1171 authorized representative. By such order, the panel may revoke
1172 mandatory supervision ~~conditional release~~, control release,
1173 conditional medical release, or addiction-recovery supervision
1174 and thereby return the supervisee ~~releasee~~ to prison to serve
1175 the sentence imposed, reinstate the original order granting the
1176 release, or enter such other order as it considers proper.

1177 Effective for inmates whose offenses were committed on or after
1178 July 1, 1995, the panel may order the placement of a supervisee
1179 ~~releasee~~, upon a finding of violation pursuant to this
1180 subsection, into a local detention facility as a condition of
1181 supervision.

1182 (6) Whenever a mandatory supervision ~~conditional release~~,
1183 control release, conditional medical release, or addiction-
1184 recovery supervision is revoked by a panel of no fewer than two
1185 commissioners and the supervisee ~~releasee~~ is ordered to be
1186 returned to prison, the supervisee ~~releasee~~, by reason of the
1187 misconduct, shall be deemed to have forfeited all gain-time or
1188 commutation of time for good conduct, as provided for by law,
1189 earned up to the date of release. However, if a conditional
1190 medical release is revoked due to the improved medical or
1191 physical condition of the supervisee ~~releasee~~, the supervisee
1192 ~~releasee~~ shall not forfeit gain-time accrued before the date of
1193 conditional medical release. This subsection does not deprive
1194 the prisoner of the right to gain-time or commutation of time
1195 for good conduct, as provided by law, from the date of return to
1196 prison.

1197 Section 25. Paragraphs (a) and (f) of subsection (2) of
1198 section 947.16, Florida Statutes, are amended to read:

1199 947.16 Eligibility for parole; initial parole interviews;
1200 powers and duties of commission.-

1201 (2) The following special types of cases shall have their
1202 initial parole interview as follows:

1203 (a) An initial interview may be postponed for a period not
1204 to exceed 90 days. Such postponement shall be for good cause,

1205 | which shall include, but need not be limited to, the need for
 1206 | the department to obtain a presentence or postsentence
 1207 | investigation report or a probation or parole or mandatory
 1208 | supervision ~~conditional release~~ violation report. The reason for
 1209 | postponement shall be noted in writing and included in the
 1210 | official record. No postponement for good cause shall result in
 1211 | an initial interview being conducted later than 90 days after
 1212 | the inmate's initially scheduled initial interview.

1213 | (f) An initial interview may be held at the discretion of
 1214 | the commission after the entry of a commission order to revoke
 1215 | parole or mandatory supervision ~~conditional release~~.

1216 | Section 26. Subsection (2) of section 947.22, Florida
 1217 | Statutes, is amended to read:

1218 | 947.22 Authority to arrest parole violators with or
 1219 | without warrant.—

1220 | (2) Any parole and probation officer, when she or he has
 1221 | reasonable ground to believe that a parolee, control releasee,
 1222 | or mandatory supervisee ~~conditional releasee~~ has violated the
 1223 | terms and conditions of her or his parole, control release, or
 1224 | mandatory supervision ~~conditional release~~ in a material respect,
 1225 | has the right to arrest the releasee or parolee without warrant
 1226 | and bring her or him forthwith before one or more commissioners
 1227 | or a duly authorized representative of the Parole Commission or
 1228 | Control Release Authority; and proceedings shall thereupon be
 1229 | had as provided herein when a warrant has been issued by a
 1230 | member of the commission or authority or a duly authorized
 1231 | representative of the commission or authority.

1232 | Section 27. Subsections (1) and (2) of section 947.24,

1233 Florida Statutes, are amended to read:

1234 947.24 Discharge from parole supervision or release
1235 supervision.—

1236 (1) When a person is placed on parole, control release, or
1237 mandatory supervision ~~conditional release~~, the commission shall
1238 determine the period of time the person will be under parole
1239 supervision or release supervision in the following manner:

1240 (a) If the person is being paroled or released under
1241 supervision from a single or concurrent sentence, the period of
1242 time the person will be under parole supervision or release
1243 supervision may not exceed 2 years unless the commission
1244 designates a longer period of time, in which case it must advise
1245 the parolee or releasee in writing of the reasons for the
1246 extended period. In any event, the period of parole supervision
1247 or release supervision may not exceed the maximum period for
1248 which the person has been sentenced.

1249 (b) If the person is being paroled or released under
1250 supervision from a consecutive sentence or sentences, the period
1251 of time the person will be under parole supervision or release
1252 supervision will be for the maximum period for which the person
1253 was sentenced.

1254 (2) The commission shall review the progress of each
1255 person who has been placed on parole, control release, or
1256 mandatory supervision ~~conditional release~~ after 2 years of
1257 supervision in the community and biennially thereafter. The
1258 department shall provide to the commission the information
1259 necessary to conduct such a review. Such review must include
1260 consideration of whether to modify the reporting schedule,

1261 thereby authorizing the person under parole supervision or
 1262 release supervision to submit reports quarterly, semiannually,
 1263 or annually. The commission, after having retained jurisdiction
 1264 of a person for a sufficient length of time to evidence
 1265 satisfactory rehabilitation and cooperation, may further modify
 1266 the terms and conditions of the person's parole, control
 1267 release, or mandatory supervision ~~conditional release~~, may
 1268 discharge the person from parole supervision or release
 1269 supervision, may relieve the person from making further reports,
 1270 or may permit the person to leave the state or country, upon
 1271 finding that such action is in the best interests of the person
 1272 and society.

1273 Section 28. Paragraph (a) of subsection (1) and subsection
 1274 (3) of section 948.09, Florida Statutes, are amended to read:

1275 948.09 Payment for cost of supervision and
 1276 rehabilitation.—

1277 (1)(a)1. Any person ordered by the court, the Department
 1278 of Corrections, or the parole commission to be placed on
 1279 probation, drug offender probation, community control, parole,
 1280 control release, provisional release supervision, addiction-
 1281 recovery supervision, or mandatory supervision ~~conditional~~
 1282 ~~release~~ supervision under chapter 944, chapter 945, chapter 947,
 1283 chapter 948, or chapter 958, or in a pretrial intervention
 1284 program, must, as a condition of any placement, pay the
 1285 department a total sum of money equal to the total month or
 1286 portion of a month of supervision times the court-ordered
 1287 amount, but not to exceed the actual per diem cost of the
 1288 supervision. The department shall adopt rules by which an

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1289 offender who pays in full and in advance of regular termination
1290 of supervision may receive a reduction in the amount due. The
1291 rules shall incorporate provisions by which the offender's
1292 ability to pay is linked to an established written payment plan.
1293 Funds collected from felony offenders may be used to offset
1294 costs of the Department of Corrections associated with community
1295 supervision programs, subject to appropriation by the
1296 Legislature.

1297 2. In addition to any other contribution or surcharge
1298 imposed by this section, each felony offender assessed under
1299 this paragraph shall pay a \$2-per-month surcharge to the
1300 department. The surcharge shall be deemed to be paid only after
1301 the full amount of any monthly payment required by the
1302 established written payment plan has been collected by the
1303 department. These funds shall be used by the department to pay
1304 for correctional probation officers' training and equipment,
1305 including radios, and firearms training, firearms, and attendant
1306 equipment necessary to train and equip officers who choose to
1307 carry a concealed firearm while on duty. Nothing in this
1308 subparagraph shall be construed to limit the department's
1309 authority to determine who shall be authorized to carry a
1310 concealed firearm while on duty, or to limit the right of a
1311 correctional probation officer to carry a personal firearm
1312 approved by the department.

1313 (3) Any failure to pay contribution as required under this
1314 section may constitute a ground for the revocation of probation
1315 by the court, the revocation of parole or mandatory supervision
1316 ~~conditional release~~ by the Parole Commission, the revocation of

1317 control release by the Control Release Authority, or removal
 1318 from the pretrial intervention program by the state attorney.
 1319 The Department of Corrections may exempt a person from the
 1320 payment of all or any part of the contribution if it finds any
 1321 of the following factors to exist:

1322 (a) The offender has diligently attempted, but has been
 1323 unable, to obtain employment which provides him or her
 1324 sufficient income to make such payments.

1325 (b) The offender is a student in a school, college,
 1326 university, or course of career training designed to fit the
 1327 student for gainful employment. Certification of such student
 1328 status shall be supplied to the Secretary of Corrections by the
 1329 educational institution in which the offender is enrolled.

1330 (c) The offender has an employment handicap, as determined
 1331 by a physical, psychological, or psychiatric examination
 1332 acceptable to, or ordered by, the secretary.

1333 (d) The offender's age prevents him or her from obtaining
 1334 employment.

1335 (e) The offender is responsible for the support of
 1336 dependents, and the payment of such contribution constitutes an
 1337 undue hardship on the offender.

1338 (f) The offender has been transferred outside the state
 1339 under an interstate compact adopted pursuant to chapter 949.

1340 (g) There are other extenuating circumstances, as
 1341 determined by the secretary.

1342 Section 29. Subsection (6) of section 948.11, Florida
 1343 Statutes, is amended to read:

1344 948.11 Electronic monitoring devices.—

1345 (6) For probationers, community controllees, or mandatory
1346 supervisees ~~conditional releasees~~ who have current or prior
1347 convictions for violent or sexual offenses, the department, in
1348 carrying out a court or commission order to electronically
1349 monitor an offender, must use a system that actively monitors
1350 and identifies the offender's location and timely reports or
1351 records the offender's presence near or within a crime scene or
1352 in a prohibited area or the offender's departure from specified
1353 geographic limitations. Procurement of electronic monitoring
1354 services under this subsection shall be by competitive
1355 procurement in accordance with s. 287.057.

1356 Section 30. Section 948.32, Florida Statutes, is amended
1357 to read:

1358 948.32 Requirements of law enforcement agency upon arrest
1359 of persons for certain sex offenses.—

1360 (1) When any state or local law enforcement agency
1361 investigates or arrests a person for committing, or attempting,
1362 soliciting, or conspiring to commit, a violation of s.
1363 787.025(2)(c), chapter 794, s. 796.03, s. 800.04, s. 827.071, s.
1364 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
1365 agency shall contact the Department of Corrections to verify
1366 whether the person under investigation or under arrest is on
1367 probation, community control, parole, mandatory supervision
1368 ~~conditional release~~, or control release.

1369 (2) If the law enforcement agency finds that the person
1370 under investigation or under arrest is on probation, community
1371 control, parole, mandatory supervision ~~conditional release~~, or
1372 control release, the law enforcement agency shall immediately

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1373 | notify the person's probation officer or release supervisor of
1374 | the investigation or the arrest.

1375 | Section 31. Subsection (6) of section 957.06, Florida
1376 | Statutes, is amended to read:

1377 | 957.06 Powers and duties not delegable to contractor.—A
1378 | contract entered into under this chapter does not authorize,
1379 | allow, or imply a delegation of authority to the contractor to:

1380 | (6) Make recommendations to the Parole Commission with
1381 | respect to the denial or granting of parole, control release,
1382 | mandatory supervision ~~conditional release~~, or conditional
1383 | medical release. However, the contractor may submit written
1384 | reports to the Parole Commission and must respond to a written
1385 | request by the Parole Commission for information.

1386 | Section 32. This act shall take effect October 1, 2013.