

A bill to be entitled

An act relating to renaming of the Parole Commission; providing legislative findings; renaming the Parole Commission as the Florida Commission on Offender Review; providing a directive to the Division of Law Revision and Information; amending ss. 20.315, 20.32, 23.21, 98.093, 186.005, 255.502, 322.16, 394.926, 394.927, 633.304, 775.089, 775.16, 784.07, 784.078, 800.09, 843.01, 843.02, 843.08, 893.11, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 940.061, 941.23, 943.0311, 943.06, 944.012, 944.02, 944.171, 944.4731, 945.091, 945.10, 945.47, 945.73, 947.005, 947.01, 947.02, 947.021, 947.045, 947.141, 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05, 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.045, F.S.; conforming provisions to changes made by the act; renaming the parole qualifications committee as the commissioner qualifications committee; providing an effective date.

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

Section 1. The Legislature finds and recognizes the importance of the state's role in the transition of inmates from prison to the community in reducing recidivism rates. Therefore, the Parole Commission, authorized by s. 8(c), Article IV of the

27 State Constitution, is renamed as the Florida Commission on
28 Offender Review.

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

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

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

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

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

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

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

65 20.32 Florida Parole Commission on Offender Review.—

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

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

79 three eligible persons on the list of the persons eligible for
80 said position.

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

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

91 23.21 Definitions.—For purposes of this part:

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

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

104 98.093 Duty of officials to furnish information relating

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105 to deceased persons, persons adjudicated mentally incapacitated,
106 and persons convicted of a felony.—

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

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

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

129 186.005 Designation of departmental planning officer.—

130 (1) The head of each executive department and the Public

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

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

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

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

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

152 322.16 License restrictions.—

153 (1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

219 (4)

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

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

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

233 a. Provide a notarized statement from a professional
 234 engineer licensed by the applicant's state of domicile

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235 certifying that the applicant possesses the equipment required
236 for the class of license sought and that all such equipment is
237 operable; or

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

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

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

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

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

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

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

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

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

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

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

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

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

331 775.089 Restitution.—

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

338 Section 14. Section 775.16, Florida Statutes, is amended

339 to read:

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

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

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

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

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

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

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

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

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

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

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

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

391 under supervision may:

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

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

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

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

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

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

411
 412 ~~The provisions of~~ This section does ~~de~~ not apply to any of the
 413 taxes, fees, or permits regulated, controlled, or administered
 414 by the Department of Revenue in accordance with ~~the provisions~~
 415 ~~of~~ s. 213.05.

416 Section 15. Paragraph (d) of subsection (1) of section

417 784.07, Florida Statutes, is amended to read:

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

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

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

435 Section 16. Paragraph (b) of subsection (2) of section
 436 784.078, Florida Statutes, is amended to read:

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

439 (2)

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

442 Section 17. Paragraph (a) of subsection (1) of section

443 800.09, Florida Statutes, is amended to read:

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

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

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

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

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

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469 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 470 775.084.

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

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

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

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

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

514 Section 21. Paragraph (a) of subsection (1) of section
515 893.11, Florida Statutes, is amended to read:

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

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

547 | reinstate or reactivate such license when:

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

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

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

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

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

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

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

571 | (2) A county court or circuit court of this state may
 572 | direct that the sentence imposed by such court be served

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

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599 the jurisdiction granting parole and accepting supervision.

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

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

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

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

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625 custody. The period of a parole granted by the Florida Parole
626 Commission on Offender Review shall be in its discretion, but
627 the parole period may ~~shall~~ not exceed the maximum term for
628 which the prisoner was sentenced.

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

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

639 Section 26. Section 940.03, Florida Statutes, is amended
640 to read:

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

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

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

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

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

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

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

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

675 940.061 Informing persons about executive clemency and
676 restoration of civil rights.—The Department of Corrections shall

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

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

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

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

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

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

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

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

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

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

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

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

755 executive director of the Department of Highway Safety and Motor
 756 Vehicles or a designated assistant; the Secretary of Children
 757 and Families ~~Family Services~~ or a designated assistant; the
 758 State Courts Administrator or a designated assistant; one ~~±~~
 759 public defender appointed by the Florida Public Defender
 760 Association, Inc.; one ~~±~~ state attorney appointed by the Florida
 761 Prosecuting Attorneys Association, Inc.; and five ~~5~~ members, to
 762 be appointed by the Governor, consisting of two ~~2~~ sheriffs, two
 763 ~~2~~ police chiefs, and one ~~±~~ clerk of the circuit court.

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

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

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

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

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

784 (1) "Commission" means the Florida ~~Parole~~ Commission on
 785 Offender Review.

786 Section 34. Paragraph (c) of subsection (2) of section
 787 944.171, Florida Statutes, is amended to read:

788 944.171 Housing of inmates.—

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

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

799 Section 35. Paragraph (b) of subsection (2) of section
 800 944.4731, Florida Statutes, is amended to read:

801 944.4731 Addiction-Recovery Supervision Program.—

802 (2)

803 (b) An offender released under addiction-recovery
 804 supervision shall be subject to specified terms and conditions,
 805 including payment of the costs of supervision under s. 948.09
 806 and any other court-ordered payments, such as child support and

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

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

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

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

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

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

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859 Review or the Control Release Authority.

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

875 (6)

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

881 Section 37. Paragraph (d) of subsection (1), paragraphs
882 (a) and (b) of subsection (2), and subsection (5) of section
883 945.10, Florida Statutes, are amended to read:

884 945.10 Confidential information.—

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

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

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

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

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

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911 demonstrating a need for the records or information.

912

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

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

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

924 945.47 Discharge of inmate from mental health treatment.—

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

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

937 945.73 Inmate training program operation.-

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

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

946 947.005 Definitions.-As used in this chapter, unless the
 947 context clearly indicates otherwise:

948 (3) "Commission" means the Florida ~~Parole~~ Commission on
 949 Offender Review.

950 Section 41. Section 947.01, Florida Statutes, is amended
 951 to read:

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

957 Section 42. Section 947.02, Florida Statutes, is amended
 958 to read:

959 947.02 Florida ~~Parole~~ Commission on Offender Review;
 960 members;7 appointment.-

961 (1) Except as provided in s. 947.021, the members of the
 962 Florida ~~Parole~~ Commission on Offender Review shall be appointed

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963 by the Governor and Cabinet from a list of eligible applicants
964 submitted by a commissioner ~~parole~~ qualifications committee. The
965 appointments of members of the commission shall be certified to
966 the Senate by the Governor and Cabinet for confirmation, and the
967 membership of the commission shall include representation from
968 minority persons as defined in s. 288.703.

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

986 (3) Within 90 days before an anticipated vacancy by
987 expiration of term pursuant to s. 947.03 or upon any other
988 vacancy, the Governor and Cabinet shall appoint a commissioner

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989 ~~parole~~ qualifications committee if one has not been appointed
990 during the previous 2 years. The committee shall consider
991 applications for the commission seat, including the application
992 of an incumbent commissioner if he or she applies, according to
993 ~~the provisions of~~ subsection (2). The committee shall submit a
994 list of three eligible applicants, which may include the
995 incumbent if the committee so decides, without recommendation,
996 to the Governor and Cabinet for appointment to the commission.
997 In the case of an unexpired term, the appointment must be for
998 the remainder of the unexpired term and until a successor is
999 appointed and qualified. If more than one seat is vacant, the
1000 committee shall submit a list of eligible applicants, without
1001 recommendation, containing a number of names equal to three
1002 times the number of vacant seats; however, the names submitted
1003 may shall not be distinguished by seat, and each submitted
1004 applicant shall be considered eligible for each vacancy.

1005 (4) Upon receiving a list of eligible persons from the
1006 commissioner ~~parole~~ qualifications committee, the Governor and
1007 Cabinet may reject the list. If the list is rejected, the
1008 committee shall reinitiate the application and examination
1009 procedure according to ~~the provisions of~~ subsection (2).

1010 (5) Section ~~The provisions of s.~~ 120.525 and chapters 119
1011 and 286 apply to all activities and proceedings of a
1012 commissioner ~~parole~~ qualifications committee.

1013 Section 43. Section 947.021, Florida Statutes, is amended
1014 to read:

1015 947.021 Florida Parole Commission on Offender Review;
 1016 expedited appointments.—Whenever the Legislature decreases the
 1017 membership of the commission, all terms of office shall expire,
 1018 notwithstanding any law to the contrary. Under such
 1019 circumstances, the Governor and Cabinet shall expedite the
 1020 appointment of commissioners. Notwithstanding the commissioner
 1021 ~~parole~~ qualifications committee procedure in s. 947.02, members
 1022 shall be directly appointed by the Governor and Cabinet. Members
 1023 appointed to the commission may be selected from incumbents.
 1024 Members shall be certified to the Senate by the Governor and
 1025 Cabinet for confirmation, and the membership of the commission
 1026 shall include representation from minority persons as defined in
 1027 s. 288.703.

1028 Section 44. Section 947.045, Florida Statutes, is amended
 1029 to read:

1030 947.045 Federal Grants Trust Fund.—The Federal Grants
 1031 Trust Fund is hereby created, to be administered by the Florida
 1032 Parole Commission on Offender Review.

1033 (1) Funds to be credited to the trust fund shall consist
 1034 of receipts from federal grants and shall be used for the
 1035 various purposes for which the federal funds were intended.

1036 (2) Notwithstanding ~~the provisions of~~ s. 216.301 and
 1037 pursuant to s. 216.351, any balance in the trust fund at the end
 1038 of any fiscal year shall remain in the trust fund at the end of
 1039 the year and shall be available for carrying out the purposes of
 1040 the trust fund.

1041 Section 45. Subsection (3) of section 947.141, Florida
 1042 Statutes, is amended to read:

1043 947.141 Violations of conditional release, control
 1044 release, or conditional medical release or addiction-recovery
 1045 supervision.—

1046 (3) Within 45 days after notice to the Florida Parole
 1047 Commission on Offender Review of the arrest of a releasee
 1048 charged with a violation of the terms and conditions of
 1049 conditional release, control release, conditional medical
 1050 release, or addiction-recovery supervision, the releasee must be
 1051 afforded a hearing conducted by a commissioner or a duly
 1052 authorized representative thereof. If the releasee elects to
 1053 proceed with a hearing, the releasee must be informed orally and
 1054 in writing of the following:

1055 (a) The alleged violation with which the releasee is
 1056 charged.

1057 (b) The releasee's right to be represented by counsel.

1058 (c) The releasee's right to be heard in person.

1059 (d) The releasee's right to secure, present, and compel
 1060 the attendance of witnesses relevant to the proceeding.

1061 (e) The releasee's right to produce documents on the
 1062 releasee's own behalf.

1063 (f) The releasee's right of access to all evidence used
 1064 against the releasee and to confront and cross-examine adverse
 1065 witnesses.

1066 (g) The releasee's right to waive the hearing.

1067 Section 46. Subsection (1) of section 947.146, Florida
 1068 Statutes, is amended to read:

1069 947.146 Control Release Authority.—

1070 (1) There is created a Control Release Authority which
 1071 shall be composed of the members of the Florida Parole
 1072 Commission on Offender Review and which shall have the same
 1073 chair as the commission. The authority shall use ~~utilize~~ such
 1074 commission staff as it determines is necessary to carry out its
 1075 purposes.

1076 Section 47. Subsection (3) of section 947.181, Florida
 1077 Statutes, is amended to read:

1078 947.181 Fines, fees, restitution, or other costs ordered
 1079 to be paid as conditions of parole.—

1080 (3) If a defendant is paroled, any restitution ordered
 1081 under s. 775.089 shall be a condition of such parole. The
 1082 Florida Parole Commission on Offender Review may revoke parole
 1083 if the defendant fails to comply with such order.

1084 Section 48. Section 947.185, Florida Statutes, is amended
 1085 to read:

1086 947.185 Application for intellectual disability services
 1087 as condition of parole.—The Florida Parole Commission on
 1088 Offender Review may require as a condition of parole that any
 1089 inmate who has been diagnosed as having an intellectual
 1090 disability as defined in s. 393.063 shall, upon release, apply
 1091 for services from the Agency for Persons with Disabilities.

1092 Section 49. Subsection (2) of section 947.22, Florida

1093 Statutes, is amended to read:

1094 947.22 Authority to arrest parole violators with or
1095 without warrant.—

1096 (2) Any parole and probation officer, if ~~when~~ she or he
1097 has reasonable ground to believe that a parolee, control
1098 releasee, or conditional releasee has violated the terms and
1099 conditions of her or his parole, control release, or conditional
1100 release in a material respect, has the right to arrest the
1101 releasee or parolee without warrant and bring her or him
1102 forthwith before one or more commissioners or a duly authorized
1103 representative of the Florida Parole Commission on Offender
1104 Review or Control Release Authority, ~~†~~ and proceedings shall
1105 thereupon be had as provided herein when a warrant has been
1106 issued by a member of the commission or authority or a duly
1107 authorized representative of the commission or authority.

1108 Section 50. Paragraph (a) of subsection (1) and
1109 subsections (3) and (6) of section 948.09, Florida Statutes, are
1110 amended to read:

1111 948.09 Payment for cost of supervision and
1112 rehabilitation.—

1113 (1)(a)1. Any person ordered by the court, the Department
1114 of Corrections, or the Florida parole Commission on Offender
1115 Review to be placed on probation, drug offender probation,
1116 community control, parole, control release, provisional release
1117 supervision, addiction-recovery supervision, or conditional
1118 release supervision under chapter 944, chapter 945, chapter 947,

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1119 this chapter ~~948~~, or chapter 958, or in a pretrial intervention
1120 program, must, as a condition of any placement, pay the
1121 department a total sum of money equal to the total month or
1122 portion of a month of supervision times the court-ordered
1123 amount, but not to exceed the actual per diem cost of the
1124 supervision. The department shall adopt rules by which an
1125 offender who pays in full and in advance of regular termination
1126 of supervision may receive a reduction in the amount due. The
1127 rules shall incorporate provisions by which the offender's
1128 ability to pay is linked to an established written payment plan.
1129 Funds collected from felony offenders may be used to offset
1130 costs of the Department of Corrections associated with community
1131 supervision programs, subject to appropriation by the
1132 Legislature.

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

1145 department's authority to determine who shall be authorized to
1146 carry a concealed firearm while on duty, ~~or to~~ limit the right
1147 of a correctional probation officer to carry a personal firearm
1148 approved by the department.

1149 (3) Any failure to pay contribution as required under this
1150 section may constitute a ground for the revocation of probation
1151 by the court, the revocation of parole or conditional release by
1152 the Florida Parole Commission on Offender Review, the revocation
1153 of control release by the Control Release Authority, or removal
1154 from the pretrial intervention program by the state attorney.
1155 The Department of Corrections may exempt a person from the
1156 payment of all or any part of the contribution if it finds any
1157 of the following factors to exist:

1158 (a) The offender has diligently attempted, but has been
1159 unable, to obtain employment which provides him or her
1160 sufficient income to make such payments.

1161 (b) The offender is a student in a school, college,
1162 university, or course of career training designed to fit the
1163 student for gainful employment. Certification of such student
1164 status shall be supplied to the Secretary of Corrections by the
1165 educational institution in which the offender is enrolled.

1166 (c) The offender has an employment handicap, as determined
1167 by a physical, psychological, or psychiatric examination
1168 acceptable to, or ordered by, the secretary.

1169 (d) The offender's age prevents him or her from obtaining
1170 employment.

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1171 (e) The offender is responsible for the support of
1172 dependents, and the payment of such contribution constitutes an
1173 undue hardship on the offender.

1174 (f) The offender has been transferred outside the state
1175 under an interstate compact adopted pursuant to chapter 949.

1176 (g) There are other extenuating circumstances, as
1177 determined by the secretary.

1178 (6) In addition to any other required contributions, the
1179 department, at its discretion, may require offenders under any
1180 form of supervision to submit to and pay for urinalysis testing
1181 to identify drug usage as part of the rehabilitation program.
1182 Any failure to make such payment, or participate, may be
1183 considered a ground for revocation by the court, the Florida
1184 ~~Parole~~ Commission on Offender Review, or the Control Release
1185 Authority, or for removal from the pretrial intervention program
1186 by the state attorney. The department may exempt a person from
1187 such payment if it determines that any of the factors specified
1188 in subsection (3) exist.

1189 Section 51. Subsection (1) of section 948.10, Florida
1190 Statutes, is amended to read:

1191 948.10 Community control programs.—

1192 (1) The Department of Corrections shall develop and
1193 administer a community control program. This complementary
1194 program shall be rigidly structured and designed to accommodate
1195 offenders who, in the absence of such a program, would have been
1196 incarcerated. The program shall focus on the provision of

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1197 sanctions and consequences which are commensurate with the
1198 seriousness of the crime. The program shall offer the courts and
1199 the Florida Parole Commission on Offender Review an alternative,
1200 community-based method to punish an offender in lieu of
1201 incarceration if ~~when~~ the offender is a member of one of the
1202 following target groups:

1203 (a) Probation violators charged with technical violations
1204 or misdemeanor violations.

1205 (b) Parole violators charged with technical violations or
1206 misdemeanor violations.

1207 (c) Individuals found guilty of felonies, who, due to
1208 their criminal backgrounds or the seriousness of the offenses,
1209 would not be placed on regular probation.

1210 Section 52. Subsection (2) of section 949.05, Florida
1211 Statutes, is amended to read:

1212 949.05 Constitutionality.—

1213 (2) If the method of selecting the commission members as
1214 herein provided is found to be invalid by reason of the vesting
1215 of the appointing power in the Governor and ~~the~~ Cabinet, the
1216 members of the Florida Parole Commission on Offender Review
1217 herein provided for shall be appointed by the Governor.

1218 Section 53. Subsection (1) of section 951.29, Florida
1219 Statutes, is amended to read:

1220 951.29 Procedure for requesting restoration of civil
1221 rights of county prisoners convicted of felonies.—

1222 (1) With respect to a person who has been convicted of a

1223 felony and is serving a sentence in a county detention facility,
 1224 the administrator of the county detention facility shall provide
 1225 to the prisoner, at least 2 weeks before discharge, if possible,
 1226 an application form obtained from the Florida ~~Parole~~ Commission
 1227 on Offender Review which the prisoner must complete in order to
 1228 begin the process of having his or her civil rights restored.

1229 Section 54. Subsection (6) of section 957.06, Florida
 1230 Statutes, is amended to read:

1231 957.06 Powers and duties not delegable to contractor.—A
 1232 contract entered into under this chapter does not authorize,
 1233 allow, or imply a delegation of authority to the contractor to:

1234 (6) Make recommendations to the Florida ~~Parole~~ Commission
 1235 on Offender Review with respect to the denial or granting of
 1236 parole, control release, conditional release, or conditional
 1237 medical release. However, the contractor may submit written
 1238 reports to the Florida ~~Parole~~ Commission on Offender Review and
 1239 must respond to a written request by the Florida ~~Parole~~
 1240 Commission on Offender Review for information.

1241 Section 55. Paragraph (c) of subsection (8) of section
 1242 958.045, Florida Statutes, is amended to read:

1243 958.045 Youthful offender basic training program.—

1244 (8)

1245 (c) The department shall work cooperatively with the
 1246 Control Release Authority or the Florida ~~Parole~~ Commission on
 1247 Offender Review to effect the release of an offender who has
 1248 successfully completed the requirements of the basic training

1249 program.

1250 Section 56. Subsection (1) of section 960.001, Florida
 1251 Statutes, is amended to read:

1252 960.001 Guidelines for fair treatment of victims and
 1253 witnesses in the criminal justice and juvenile justice systems.—

1254 (1) The Department of Legal Affairs, the state attorneys,
 1255 the Department of Corrections, the Department of Juvenile
 1256 Justice, the Florida Parole Commission on Offender Review, the
 1257 State Courts Administrator and circuit court administrators, the
 1258 Department of Law Enforcement, and every sheriff's department,
 1259 police department, or other law enforcement agency as defined in
 1260 s. 943.10(4) shall develop and implement guidelines for the use
 1261 of their respective agencies, which guidelines are consistent
 1262 with the purposes of this act and s. 16(b), Art. I of the State
 1263 Constitution and are designed to implement ~~the provisions of s.~~
 1264 16(b), Art. I of the State Constitution and to achieve the
 1265 following objectives:

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

1275 and in any other appropriate manner, that victims are given, as
 1276 a matter of course at the earliest possible time, information
 1277 about:

1278 1. The availability of crime victim compensation, if ~~when~~
 1279 applicable;

1280 2. Crisis intervention services, supportive or bereavement
 1281 counseling, social service support referrals, and community-
 1282 based victim treatment programs;

1283 3. The role of the victim in the criminal or juvenile
 1284 justice process, including what the victim may expect from the
 1285 system as well as what the system expects from the victim;

1286 4. The stages in the criminal or juvenile justice process
 1287 which are of significance to the victim and the manner in which
 1288 information about such stages can be obtained;

1289 5. The right of a victim~~7~~ who is not incarcerated,
 1290 including the victim's parent or guardian if the victim is a
 1291 minor, the lawful representative of the victim or of the
 1292 victim's parent or guardian if the victim is a minor, and the
 1293 next of kin of a homicide victim, to be informed, to be present,
 1294 and to be heard when relevant~~7~~ at all crucial stages of a
 1295 criminal or juvenile proceeding, to the extent that this right
 1296 does not interfere with constitutional rights of the accused, as
 1297 provided by s. 16(b), Art. I of the State Constitution;

1298 6. In the case of incarcerated victims, the right to be
 1299 informed and to submit written statements at all crucial stages
 1300 of the criminal proceedings, parole proceedings, or juvenile

1301 proceedings; and

1302 7. The right of a victim to a prompt and timely
 1303 disposition of the case in order to minimize the period during
 1304 which the victim must endure the responsibilities and stress
 1305 involved to the extent that this right does not interfere with
 1306 the constitutional rights of the accused.

1307 (b) *Information for purposes of notifying victim or*
 1308 *appropriate next of kin of victim or other designated contact of*
 1309 *victim.*—In the case of a homicide, pursuant to chapter 782; ~~or~~ a
 1310 sexual offense, pursuant to chapter 794; ~~or~~ an attempted murder
 1311 or sexual offense, pursuant to chapter 777; ~~or~~ stalking,
 1312 pursuant to s. 784.048; or domestic violence, pursuant to s.
 1313 25.385:

1314 1. The arresting law enforcement officer or personnel of
 1315 an organization that provides assistance to a victim or to the
 1316 appropriate next of kin of the victim or other designated
 1317 contact must request that the victim or appropriate next of kin
 1318 of the victim or other designated contact complete a victim
 1319 notification card. However, the victim or appropriate next of
 1320 kin of the victim or other designated contact may choose not to
 1321 complete the victim notification card.

1322 2. Unless the victim or the appropriate next of kin of the
 1323 victim or other designated contact waives the option to complete
 1324 the victim notification card, a copy of the victim notification
 1325 card must be filed with the incident report or warrant in the
 1326 sheriff's office of the jurisdiction in which the incident

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1327 report or warrant originated. The notification card shall, at a
1328 minimum, consist of:

1329 a. The name, address, and telephone ~~phone~~ number of the
1330 victim; or

1331 b. The name, address, and telephone ~~phone~~ number of the
1332 appropriate next of kin of the victim; or

1333 c. The name, address, and telephone ~~phone~~ number of a
1334 designated contact other than the victim or appropriate next of
1335 kin of the victim; and

1336 d. Any relevant identification or case numbers assigned to
1337 the case.

1338 3. The chief administrator, or a person designated by the
1339 chief administrator, of a county jail, municipal jail, juvenile
1340 detention facility, or residential commitment facility shall
1341 make a reasonable attempt to notify the alleged victim or
1342 appropriate next of kin of the alleged victim or other
1343 designated contact within 4 hours following the release of the
1344 defendant on bail or, in the case of a juvenile offender, upon
1345 the release from residential detention or commitment. If the
1346 chief administrator, or designee, is unable to contact the
1347 alleged victim or appropriate next of kin of the alleged victim
1348 or other designated contact by telephone, the chief
1349 administrator, or designee, must send to the alleged victim or
1350 appropriate next of kin of the alleged victim or other
1351 designated contact a written notification of the defendant's
1352 release.

1353 4. Unless otherwise requested by the victim or the
1354 appropriate next of kin of the victim or other designated
1355 contact, the information contained on the victim notification
1356 card must be sent by the chief administrator, or designee, of
1357 the appropriate facility to the subsequent correctional or
1358 residential commitment facility following the sentencing and
1359 incarceration of the defendant, and unless otherwise requested
1360 by the victim or the appropriate next of kin of the victim or
1361 other designated contact, he or she must be notified of the
1362 release of the defendant from incarceration as provided by law.

1363 5. If the defendant was arrested pursuant to a warrant
1364 issued or taken into custody pursuant to s. 985.101 in a
1365 jurisdiction other than the jurisdiction in which the defendant
1366 is being released, and the alleged victim or appropriate next of
1367 kin of the alleged victim or other designated contact does not
1368 waive the option for notification of release, the chief
1369 correctional officer or chief administrator of the facility
1370 releasing the defendant shall make a reasonable attempt to
1371 immediately notify the chief correctional officer of the
1372 jurisdiction in which the warrant was issued or the juvenile was
1373 taken into custody pursuant to s. 985.101, and the chief
1374 correctional officer of that jurisdiction shall make a
1375 reasonable attempt to notify the alleged victim or appropriate
1376 next of kin of the alleged victim or other designated contact,
1377 as provided in this paragraph, that the defendant has been or
1378 will be released.

1379 (c) *Information concerning protection available to victim*
 1380 *or witness.*—A victim or witness shall be furnished, as a matter
 1381 of course, with information on steps that are available to law
 1382 enforcement officers and state attorneys to protect victims and
 1383 witnesses from intimidation. Victims of domestic violence shall
 1384 also be given information about the address confidentiality
 1385 program provided under s. 741.403.

1386 (d) *Notification of scheduling changes.*—Each victim or
 1387 witness who has been scheduled to attend a criminal or juvenile
 1388 justice proceeding shall be notified as soon as possible by the
 1389 agency scheduling his or her appearance of any change in
 1390 scheduling which will affect his or her appearance.

1391 (e) *Advance notification to victim or relative of victim*
 1392 *concerning judicial proceedings; right to be present.*—Any
 1393 victim, parent, guardian, or lawful representative of a minor
 1394 who is a victim, or relative of a homicide victim shall receive
 1395 from the appropriate agency, at the address found in the police
 1396 report or the victim notification card if such has been provided
 1397 to the agency, prompt advance notification, unless the agency
 1398 itself does not have advance notification, of judicial and
 1399 postjudicial proceedings relating to his or her case, including
 1400 all proceedings or hearings relating to:

- 1401 1. The arrest of an accused;
- 1402 2. The release of the accused pending judicial proceedings
- 1403 or any modification of release conditions; and
- 1404 3. Proceedings in the prosecution or petition for

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1405 delinquency of the accused, including the filing of the
1406 accusatory instrument, the arraignment, disposition of the
1407 accusatory instrument, trial or adjudicatory hearing, sentencing
1408 or disposition hearing, appellate review, subsequent
1409 modification of sentence, collateral attack of a judgment, and,
1410 when a term of imprisonment, detention, or residential
1411 commitment is imposed, the release of the defendant or juvenile
1412 offender from such imprisonment, detention, or residential
1413 commitment by expiration of sentence or parole and any meeting
1414 held to consider such release.

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

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1431 is the appropriate agency with respect to release by expiration
1432 of sentence or any other release program provided by law. A ~~Any~~
1433 victim may waive notification at any time, and such waiver shall
1434 be noted in the agency's files.

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

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1457 following the release of the defendant. If the chief
1458 administrator or designee is unable to contact the victim or
1459 appropriate next of kin of the victim or other designated
1460 contact by telephone, the chief administrator or designee must
1461 send to the victim or appropriate next of kin of the victim or
1462 other designated contact a written notification of the
1463 defendant's or offender's release.

1464 (g) *Consultation with victim or guardian or family of*
1465 *victim.*—

1466 1. In addition to being notified of ~~the provisions of s.~~
1467 921.143, the victim of a felony involving physical or emotional
1468 injury or trauma or, in a case in which the victim is a minor
1469 child or in a homicide, the guardian or family of the victim
1470 shall be consulted by the state attorney in order to obtain the
1471 views of the victim or family about the disposition of any
1472 criminal or juvenile case brought as a result of such crime,
1473 including the views of the victim or family about:

1474 a. The release of the accused pending judicial
1475 proceedings;

1476 b. Plea agreements;

1477 c. Participation in pretrial diversion programs; and

1478 d. Sentencing of the accused.

1479 2. Upon request, the state attorney shall permit the
1480 victim, the victim's parent or guardian if the victim is a
1481 minor, the lawful representative of the victim or of the
1482 victim's parent or guardian if the victim is a minor, or the

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1483 victim's next of kin in the case of a homicide to review a copy
1484 of the presentence investigation report before ~~prior to~~ the
1485 sentencing hearing if one was completed. Any confidential
1486 information that pertains to medical history, mental health, or
1487 substance abuse and any information that pertains to any other
1488 victim shall be redacted from the copy of the report. Any person
1489 who reviews the report pursuant to this paragraph must maintain
1490 the confidentiality of the report and may ~~shall~~ not disclose its
1491 contents to any person except statements made to the state
1492 attorney or the court.

1493 3. If ~~When~~ an inmate has been approved for community work
1494 release, the Department of Corrections shall, upon request and
1495 as provided in s. 944.605, notify the victim, the victim's
1496 parent or guardian if the victim is a minor, the lawful
1497 representative of the victim or of the victim's parent or
1498 guardian if the victim is a minor, or the victim's next of kin
1499 if the victim is a homicide victim.

1500 (h) *Return of property to victim.*—Law enforcement agencies
1501 and the state attorney shall promptly return a victim's property
1502 held for evidentiary purposes unless there is a compelling law
1503 enforcement reason for retaining it. The trial or juvenile court
1504 exercising jurisdiction over the criminal or juvenile proceeding
1505 may enter appropriate orders to implement ~~the provisions of this~~
1506 paragraph subsection, including allowing photographs of the
1507 victim's property to be used as evidence at the criminal trial
1508 or the juvenile proceeding in place of the victim's property if

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1509 ~~when~~ no substantial evidentiary issue related thereto is in
1510 dispute.

1511 (i) *Notification to employer and explanation to creditors*
1512 *of victim or witness.*—A victim or witness who so requests shall
1513 be assisted by law enforcement agencies and the state attorney
1514 in informing his or her employer that the need for victim and
1515 witness cooperation in the prosecution of the case may
1516 necessitate the absence of that victim or witness from work. A
1517 victim or witness who, as a direct result of a crime or of his
1518 or her cooperation with law enforcement agencies or a state
1519 attorney, is subjected to serious financial strain shall be
1520 assisted by such agencies and state attorney in explaining to
1521 the creditors of such victim or witness the reason for such
1522 serious financial strain.

1523 (j) *Notification of right to request restitution.*—Law
1524 enforcement agencies and the state attorney shall inform the
1525 victim of the victim's right to request and receive restitution
1526 pursuant to s. 775.089 or s. 985.437~~7~~ and of the victim's rights
1527 of enforcement under ss. 775.089(6) and 985.0301 in the event an
1528 offender does not comply with a restitution order. The state
1529 attorney shall seek the assistance of the victim in the
1530 documentation of the victim's losses for the purpose of
1531 requesting and receiving restitution. In addition, the state
1532 attorney shall inform the victim if and when restitution is
1533 ordered. If an order of restitution is converted to a civil lien
1534 or civil judgment against the defendant, the clerks shall make

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1535 available at their office, as well as on their website,
1536 information provided by the Secretary of State, the court, or
1537 The Florida Bar on enforcing the civil lien or judgment.

1538 (k) *Notification of right to submit impact statement.*—The
1539 state attorney shall inform the victim of the victim's right to
1540 submit an oral or written impact statement pursuant to s.
1541 921.143 and shall assist in the preparation of such statement if
1542 necessary.

1543 (l) *Local witness coordination services.*—The requirements
1544 for notification provided for in paragraphs (c), (d), and (i)
1545 may be performed by the state attorney or public defender for
1546 their own witnesses.

1547 (m) *Victim assistance education and training.*—Victim
1548 assistance education and training shall be offered to persons
1549 taking courses at law enforcement training facilities and to
1550 state attorneys and assistant state attorneys so that victims
1551 may be promptly, properly, and completely assisted.

1552 (n) *General victim assistance.*—Victims and witnesses shall
1553 be provided with such other assistance, such as transportation,
1554 parking, separate pretrial waiting areas, and translator
1555 services in attending court, as is practicable.

1556 (o) *Victim's rights information card or brochure.*—A victim
1557 of a crime shall be provided with a victim's rights information
1558 card or brochure containing essential information concerning the
1559 rights of a victim and services available to a victim as
1560 required by state law.

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1561 (p) *Information concerning escape from a state*
1562 *correctional institution, county jail, juvenile detention*
1563 *facility, or residential commitment facility.*—In any case where
1564 an offender escapes from a state correctional institution,
1565 private correctional facility, county jail, juvenile detention
1566 facility, or residential commitment facility, the institution of
1567 confinement shall immediately notify the state attorney of the
1568 jurisdiction where the criminal charge or petition for
1569 delinquency arose and the judge who imposed the sentence of
1570 incarceration. The state attorney shall thereupon make every
1571 effort to notify the victim, material witness, parents or legal
1572 guardian of a minor who is a victim or witness, or immediate
1573 relatives of a homicide victim of the escapee. The state
1574 attorney shall also notify the sheriff of the county where the
1575 criminal charge or petition for delinquency arose. The sheriff
1576 shall offer assistance upon request. When an escaped offender is
1577 subsequently captured or is captured and returned to the
1578 institution of confinement, the institution of confinement shall
1579 again immediately notify the appropriate state attorney and
1580 sentencing judge pursuant to this section.

1581 (q) *Presence of victim advocate during discovery*
1582 *deposition; testimony of victim of a sexual offense.*—At the
1583 request of the victim or the victim's parent, guardian, or
1584 lawful representative, the victim advocate designated by state
1585 attorney's office, sheriff's office, or municipal police
1586 department, or one representative from a not-for-profit victim

1587 services organization, including, but not limited to, rape
 1588 crisis centers, domestic violence advocacy groups, and alcohol
 1589 abuse or substance abuse groups, shall be permitted to attend
 1590 and be present during any deposition of the victim. The victim
 1591 of a sexual offense shall be informed of the right to have the
 1592 courtroom cleared of certain persons as provided in s. 918.16
 1593 when the victim is testifying concerning that offense.

1594 (r) *Implementing crime prevention in order to protect the*
 1595 *safety of persons and property, as prescribed in the State*
 1596 *Comprehensive Plan.*—By preventing crimes that create victims or
 1597 further harm former victims, crime prevention efforts are an
 1598 essential part of providing effective service for victims and
 1599 witnesses. Therefore, the agencies identified in this subsection
 1600 may participate in and expend funds for crime prevention, public
 1601 awareness, public participation, and educational activities
 1602 directly relating to, and in furtherance of, existing public
 1603 safety statutes. Furthermore, funds may not be expended for the
 1604 purpose of influencing public opinion on public policy issues
 1605 that have not been resolved by the Legislature or the
 1606 electorate.

1607 (s) *Attendance of victim at same school as defendant.*—If
 1608 ~~When~~ the victim of an offense committed by a juvenile is a
 1609 minor, the Department of Juvenile Justice shall request
 1610 information to determine whether ~~if~~ the victim, or any sibling
 1611 of the victim, attends or is eligible to attend the same school
 1612 as the offender. However, if the offender is subject to a

1613 presentence investigation by the Department of Corrections, the
 1614 Department of Corrections shall make such request. If the victim
 1615 or any sibling of the victim attends or is eligible to attend
 1616 the same school as ~~that of~~ the offender, the appropriate agency
 1617 shall notify the victim's parent or legal guardian of the right
 1618 to attend the sentencing or disposition of the offender and
 1619 request that the offender be required to attend a different
 1620 school.

1621 (t) *Use of a polygraph examination or other truth-telling*
 1622 *device with victim.*—~~A~~ No law enforcement officer, prosecuting
 1623 attorney, or other government official may not ~~shall~~ ask or
 1624 require an adult, youth, or child victim of an alleged sexual
 1625 battery as defined in chapter 794 or other sexual offense to
 1626 submit to a polygraph examination or other truth-telling device
 1627 as a condition of proceeding with the investigation of such an
 1628 offense. The refusal of a victim to submit to such an
 1629 examination does ~~shall~~ not prevent the investigation, charging,
 1630 or prosecution of the offense.

1631 (u) *Presence of victim advocates during forensic medical*
 1632 *examination.*—At the request of the victim or the victim's
 1633 parent, guardian, or lawful representative, a victim advocate
 1634 from a certified rape crisis center shall be permitted to attend
 1635 any forensic medical examination.

1636 Section 57. Subsection (3) of section 960.17, Florida
 1637 Statutes, is amended to read:

1638 960.17 Award constitutes debt owed to state.—

1639 (3) The Florida ~~Parole~~ Commission on Offender Review shall
 1640 make the payment of the debt to the state a condition of parole
 1641 under chapter 947, unless the commission finds reasons to the
 1642 contrary. If the commission does not order payment, or orders
 1643 only partial payment, it shall state on the record the reasons
 1644 therefor.

1645 Section 58. Subsection (1) of section 985.04, Florida
 1646 Statutes, is amended to read:

1647 985.04 Oaths; records; confidential information.—

1648 (1) Except as provided in subsections (2), (3), (6), and
 1649 (7) and s. 943.053, all information obtained under this chapter
 1650 in the discharge of official duty by any judge, any employee of
 1651 the court, any authorized agent of the department, the Florida
 1652 ~~Parole~~ Commission on Offender Review, the Department of
 1653 Corrections, the juvenile justice circuit boards, any law
 1654 enforcement agent, or any licensed professional or licensed
 1655 community agency representative participating in the assessment
 1656 or treatment of a juvenile is confidential and may be disclosed
 1657 only to the authorized personnel of the court, the department
 1658 and its designees, the Department of Corrections, the Florida
 1659 ~~Parole~~ Commission on Offender Review, law enforcement agents,
 1660 school superintendents and their designees, any licensed
 1661 professional or licensed community agency representative
 1662 participating in the assessment or treatment of a juvenile, and
 1663 others entitled under this chapter to receive that information,
 1664 or upon order of the court. Within each county, the sheriff, the

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1665 chiefs of police, the district school superintendent, and the
1666 department shall enter into an interagency agreement for the
1667 purpose of sharing information about juvenile offenders among
1668 all parties. The agreement must specify the conditions under
1669 which summary criminal history information is to be made
1670 available to appropriate school personnel, and the conditions
1671 under which school records are to be made available to
1672 appropriate department personnel. Such agreement shall require
1673 notification to any classroom teacher of assignment to the
1674 teacher's classroom of a juvenile who has been placed in a
1675 probation or commitment program for a felony offense. The
1676 agencies entering into such agreement must comply with s.
1677 943.0525, and must maintain the confidentiality of information
1678 that is otherwise exempt from s. 119.07(1), as provided by law.

1679 Section 59. Subsection (2) of section 985.045, Florida
1680 Statutes, is amended to read:

1681 985.045 Court records.—

1682 (2) The clerk shall keep all official records required by
1683 this section separate from other records of the circuit court,
1684 except those records pertaining to motor vehicle violations,
1685 which shall be forwarded to the Department of Highway Safety and
1686 Motor Vehicles. Except as provided in ss. 943.053 and
1687 985.04(6)(b) and (7), official records required by this chapter
1688 are not open to inspection by the public, but may be inspected
1689 only upon order of the court by persons deemed by the court to
1690 have a proper interest therein, except that a child and the

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1691 parents, guardians, or legal custodians of the child and their
1692 attorneys, law enforcement agencies, the Department of Juvenile
1693 Justice and its designees, the Florida Parole Commission on
1694 Offender Review, the Department of Corrections, and the Justice
1695 Administrative Commission shall always have the right to inspect
1696 and copy any official record pertaining to the child. Public
1697 defender offices shall have access to official records of
1698 juveniles on whose behalf they are expected to appear in
1699 detention or other hearings before an appointment of
1700 representation. The court may permit authorized representatives
1701 of recognized organizations compiling statistics for proper
1702 purposes to inspect, and make abstracts from, official records
1703 under whatever conditions upon the use and disposition of such
1704 records the court may deem proper and may punish by contempt
1705 proceedings any violation of those conditions.

1706 Section 60. This act shall take effect July 1, 2014.