

**By** Senator Dean

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1                   A bill to be entitled

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

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

25  
26                  Section 1. The Legislature finds that those convicted of  
27                  violent offenses and sentenced to incarceration are at a higher  
28                  risk of continuing to perpetrate crimes after release. The  
29                  Legislature further finds that intensive, postprison supervision

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

35       Section 2. Section 947.1405, Florida Statutes, is amended  
36 to read:

37           947.1405 Mandatory supervision Conditional release  
38 program.—

39           (1) This section and s. 947.141 may be cited as the  
40 “Mandatory Supervision Conditional Release Program Act.”

41           (2) Any inmate who:

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

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

52           (c) Is found to be a sexual predator under s. 775.21 or  
53 former s. 775.23; or,

54           (d) Is convicted of a crime committed on or after October  
55 1, 2015, which crime is or was contained in category 1, category  
56 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,  
57 Florida Rules of Criminal Procedure (1993),

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shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for mandatory conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of mandatory supervision conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on mandatory conditional release supervision is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentences the offender to a

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88 term of incarceration, such revocation also constitutes a  
89 sufficient basis for the revocation of the mandatory conditional  
90 ~~release~~ supervision on any nonprobationary or noncommunity  
91 control sentence without further hearing by the commission. If  
92 any such supervision on any nonprobationary or noncommunity  
93 control sentence is revoked, such revocation may result in a  
94 forfeiture of all gain-time, and the commission may revoke the  
95 resulting deferred mandatory conditional release supervision or  
96 take other action it considers appropriate. If the term of  
97 mandatory conditional release supervision exceeds that of the  
98 probation or community control, then, upon expiration of the  
99 probation or community control, authority for the supervision  
100 shall revert to the commission and the supervision shall be  
101 subject to the conditions imposed by the commission. A panel of  
102 no fewer than two commissioners shall establish the terms and  
103 conditions of any such release. If the offense was a controlled  
104 substance violation, the conditions shall include a requirement  
105 that the offender submit to random substance abuse testing  
106 intermittently throughout the term of mandatory conditional  
107 ~~release~~ supervision, upon the direction of the correctional  
108 probation officer as defined in s. 943.10(3). The commission  
109 shall also determine whether the terms and conditions of such  
110 release have been violated and whether such violation warrants  
111 revocation of the mandatory supervision conditional release.

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

116 (a) The amount of reparation or restitution.

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117                 (b) The consequences of the offense as reported by the  
118 aggrieved party.

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

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

125                 (5) Within 180 days prior to the tentative release date or  
126 provisional release date, whichever is earlier, a representative  
127 of the department shall review the inmate's program  
128 participation, disciplinary record, psychological and medical  
129 records, criminal records, and any other information pertinent  
130 to the impending release. The department shall gather and  
131 compile information necessary for the commission to make the  
132 determinations set forth in subsection (3). A department  
133 representative shall conduct a personal interview with the  
134 inmate for the purpose of determining the details of the  
135 inmate's release plan, including the inmate's planned residence  
136 and employment. The department representative shall forward the  
137 inmate's release plan to the commission and recommend to the  
138 commission the terms and conditions of the mandatory supervision  
139 conditional release.

140                 (6) The commission shall review the recommendations of the  
141 department, and such other information as it deems relevant, and  
142 may conduct a review of the inmate's record for the purpose of  
143 establishing the terms and conditions of the mandatory  
144 supervision conditional release. The commission may impose any  
145 special conditions it considers warranted from its review of the

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146 release plan and recommendation. If the commission determines  
147 that the inmate is eligible for release under this section, the  
148 commission shall enter an order establishing the length of  
149 supervision and the conditions attendant thereto. However, an  
150 inmate who has been convicted of a violation of chapter 794 or  
151 found by the court to be a sexual predator is subject to the  
152 maximum level of supervision provided, with the mandatory  
153 conditions as required in subsection (7), and that supervision  
154 shall continue through the end of the releasee's original court-  
155 imposed sentence. The length of supervision must not exceed the  
156 maximum penalty imposed by the court.

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

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

171 2. If the victim was under the age of 18, a prohibition on  
172 living within 1,000 feet of a school, child care facility, park,  
173 playground, designated public school bus stop, or other place  
174 where children regularly congregate. A releasee who is subject

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175 to this subparagraph may not relocate to a residence that is  
176 within 1,000 feet of a public school bus stop. Beginning October  
177 1, 2004, the commission or the department may not approve a  
178 residence that is located within 1,000 feet of a school, child  
179 care facility, park, playground, designated school bus stop, or  
180 other place where children regularly congregate for any releasee  
181 who is subject to this subparagraph. On October 1, 2004, the  
182 department shall notify each affected school district of the  
183 location of the residence of a releasee 30 days prior to release  
184 and thereafter, if the releasee relocates to a new residence,  
185 shall notify any affected school district of the residence of  
186 the releasee within 30 days after relocation. If, on October 1,  
187 2004, any public school bus stop is located within 1,000 feet of  
188 the existing residence of such releasee, the district school  
189 board shall relocate that school bus stop. Beginning October 1,  
190 2004, a district school board may not establish or relocate a  
191 public school bus stop within 1,000 feet of the residence of a  
192 releasee who is subject to this subparagraph. The failure of the  
193 district school board to comply with this subparagraph shall not  
194 result in a violation of mandatory conditional release  
195 supervision. A releasee who is subject to this subparagraph may  
196 not be forced to relocate and does not violate his or her  
197 mandatory conditional release supervision if he or she is living  
198 in a residence that meets the requirements of this subparagraph  
199 and a school, child care facility, park, playground, designated  
200 public school bus stop, or other place where children regularly  
201 congregate is subsequently established within 1,000 feet of his  
202 or her residence.

203       3. Active participation in and successful completion of a

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204 sex offender treatment program with qualified practitioners  
205 specifically trained to treat sex offenders, at the releasee's  
206 own expense. If a qualified practitioner is not available within  
207 a 50-mile radius of the releasee's residence, the offender shall  
208 participate in other appropriate therapy.

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

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

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

231 (I) The sex offender's current legal status;  
232 (II) The sex offender's history of adult charges with

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233 apparent sexual motivation;

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

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

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

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

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

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

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

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

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

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

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

259

260 The written report of the assessment must be given to the  
261 commission.

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

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

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

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

286  
287 The commission may not appoint a person to conduct a risk  
288 assessment and may not accept a risk assessment from a person  
289 who has not demonstrated to the commission that he or she has  
290 met the requirements of a qualified practitioner as defined in

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291 this section.

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

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

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

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

313       10. A requirement that the releasee make restitution to the  
314 victim, as determined by the sentencing court or the commission,  
315 for all necessary medical and related professional services  
316 relating to physical, psychiatric, and psychological care.

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

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

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

339                   2. Maintenance of a driving log and a prohibition against  
340 driving a motor vehicle alone without the prior approval of the  
341 supervising officer.

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

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

347                   5. Electronic monitoring of any form when ordered by the  
348 commission. Any person who has been placed under supervision and

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349 is electronically monitored by the department must pay the  
350 department for the cost of the electronic monitoring service at  
351 a rate that may not exceed the full cost of the monitoring  
352 service. Funds collected under this subparagraph shall be  
353 deposited into the General Revenue Fund. The department may  
354 exempt a person from the payment of all or any part of the  
355 electronic monitoring service cost if the department finds that  
356 any of the factors listed in s. 948.09(3) exist.

357 (8) It is the finding of the Legislature that the  
358 population of offenders released from state prison into the  
359 community who meet the mandatory supervision conditional release  
360 criteria poses the greatest threat to the public safety of the  
361 groups of offenders under community supervision. Therefore, the  
362 Department of Corrections is to provide intensive supervision by  
363 experienced correctional probation officers to mandatory  
364 supervision conditional release offenders. Subject to specific  
365 appropriation by the Legislature, caseloads may be restricted to  
366 a maximum of 40 mandatory supervision conditional release  
367 offenders per officer to provide for enhanced public safety and  
368 to effectively monitor conditions of electronic monitoring or  
369 curfews, if so ordered by the commission.

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

373 (10) Effective for a releasee whose crime was committed on  
374 or after September 1, 2005, in violation of chapter 794, s.  
375 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the  
376 unlawful activity involved a victim who was 15 years of age or  
377 younger and the offender is 18 years of age or older or for a

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378 releasee who is designated as a sexual predator pursuant to s.  
379 775.21, in addition to any other provision of this section, the  
380 commission must order electronic monitoring for the duration of  
381 the releasee's supervision.

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

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

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407 pursuant to s. 943.04354, the commission must impose the  
408 following conditions:

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

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

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

435       (14) Effective for a releasee whose crime was committed on

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436 or after October 1, 2014, in violation of chapter 794, s.  
437 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition  
438 to any other provision of this section, the commission must  
439 impose a condition prohibiting the releasee from viewing,  
440 accessing, owning, or possessing any obscene, pornographic, or  
441 sexually stimulating visual or auditory material unless  
442 otherwise indicated in the treatment plan provided by a  
443 qualified practitioner in the sexual offender treatment program.  
444 Visual or auditory material includes, but is not limited to,  
445 telephone, electronic media, computer programs, and computer  
446 services.

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

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

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

460       (2) Upon the arrest on a felony charge of an offender who  
461 is on release supervision under s. 947.1405, s. 947.146, s.  
462 947.149, or s. 944.4731, the offender must be detained without  
463 bond until the initial appearance of the offender at which a  
464 judicial determination of probable cause is made. If the trial

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465 court judge determines that there was no probable cause for the  
466 arrest, the offender may be released. If the trial court judge  
467 determines that there was probable cause for the arrest, such  
468 determination also constitutes reasonable grounds to believe  
469 that the offender violated the conditions of the release. Within  
470 24 hours after the trial court judge's finding of probable  
471 cause, the detention facility administrator or designee shall  
472 notify the commission and the department of the finding and  
473 transmit to each a facsimile copy of the probable cause  
474 affidavit or the sworn offense report upon which the trial court  
475 judge's probable cause determination is based. The offender must  
476 continue to be detained without bond for a period not exceeding  
477 72 hours excluding weekends and holidays after the date of the  
478 probable cause determination, pending a decision by the  
479 commission whether to issue a warrant charging the offender with  
480 violation of the conditions of release. Upon the issuance of the  
481 commission's warrant, the offender must continue to be held in  
482 custody pending a revocation hearing held in accordance with  
483 this section.

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

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

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494 charged.

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

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

497 (d) The releasee's right to secure, present, and compel the  
498 attendance of witnesses relevant to the proceeding.499 (e) The releasee's right to produce documents on the  
500 releasee's own behalf.501 (f) The releasee's right of access to all evidence used  
502 against the releasee and to confront and cross-examine adverse  
503 witnesses.

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

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

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523 facility as a condition of supervision.

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

550       (6) Whenever a mandatory supervision conditional release,  
551 control release, conditional medical release, or addiction-

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

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

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

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

574 (2) Any prisoner who meets the criteria specified in is  
~~convicted of a crime committed on or after October 1, 1988,~~  
~~which crime is contained in category 1, category 2, category 3,~~  
~~or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of~~  
~~Criminal Procedure, and who has served at least one prior felony~~  
~~commitment at a state or federal correctional institution, or is~~  
~~sentenced as a habitual or violent habitual offender pursuant to~~

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581 s. 947.1405(2) s. 775.084, may only be released under mandatory  
582 ~~conditional release~~ supervision as described in chapter 947. Not  
583 fewer than 90 days prior to the tentative release date or  
584 provisional release date, whichever is earlier, the department  
585 shall provide the commission with the name and inmate  
586 identification number for each eligible inmate.

587       Section 5. Paragraph (c) of subsection (5) of section  
588 216.136, Florida Statutes, is amended to read:

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

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

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

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

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

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

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610 pending term of parole, mandatory supervision conditional  
611 ~~release~~, or other postprison release supervision that is  
612 administered by the Florida Commission on Offender Review.

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

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

618 (2) If a person who is held in custody pursuant to a  
619 finding of probable cause or commitment as a sexually violent  
620 predator escapes while in custody, the department shall  
621 immediately notify the victim in accordance with s. 394.926. The  
622 state attorney that filed the petition for civil commitment of  
623 the escapee must also be immediately notified by the department.  
624 If the escapee has an active or pending term of probation,  
625 community control, parole, mandatory supervision conditional  
626 ~~release~~, or other court-ordered or postprison release  
627 supervision, the department shall also immediately notify the  
628 Department of Corrections' Office of Community Corrections in  
629 Tallahassee. The Florida Commission on Offender Review shall  
630 also be immediately notified of an escape if the escapee has an  
631 active or pending term of parole, mandatory supervision  
632 ~~conditional release~~, or other postprison release supervision  
633 that is administered by the Florida Commission on Offender  
634 Review.

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

637 775.084 Violent career criminals; habitual felony offenders  
638 and habitual violent felony offenders; three-time violent felony

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639 offenders; definitions; procedure; enhanced penalties or  
640 mandatory minimum prison terms.—

641 (1) As used in this act:

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

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

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

650 a. While the defendant was serving a prison sentence or  
651 other sentence, or court-ordered or lawfully imposed supervision  
652 that is imposed as a result of a prior conviction for a felony  
653 or other qualified offense; or

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

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

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

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668 of this paragraph.

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

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

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

678           a. Arson;

679           b. Sexual battery;

680           c. Robbery;

681           d. Kidnapping;

682           e. Aggravated child abuse;

683           f. Aggravated abuse of an elderly person or disabled adult;

684           g. Aggravated assault with a deadly weapon;

685           h. Murder;

686           i. Manslaughter;

687           j. Aggravated manslaughter of an elderly person or disabled  
688 adult;

689           k. Aggravated manslaughter of a child;

690           l. Unlawful throwing, placing, or discharging of a  
691 destructive device or bomb;

692           m. Armed burglary;

693           n. Aggravated battery; or

694           o. Aggravated stalking.

695       2. The felony for which the defendant is to be sentenced  
696 was committed:

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697       a. While the defendant was serving a prison sentence or  
698 other sentence, or court-ordered or lawfully imposed supervision  
699 that is imposed as a result of a prior conviction for an  
700 enumerated felony; or

701       b. Within 5 years of the date of the conviction of the last  
702 prior enumerated felony, or within 5 years of the defendant's  
703 release from a prison sentence, probation, community control,  
704 control release, mandatory supervision ~~conditional release~~,  
705 parole, or court-ordered or lawfully imposed supervision or  
706 other sentence that is imposed as a result of a prior conviction  
707 for an enumerated felony, whichever is later.

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

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

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

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

- 720       a. Any forcible felony, as described in s. 776.08;
- 721       b. Aggravated stalking, as described in s. 784.048(3) and  
722 (4);
- 723       c. Aggravated child abuse, as described in s. 827.03(2)(a);
- 724       d. Aggravated abuse of an elderly person or disabled adult,  
725 as described in s. 825.102(2);

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726       e. Lewd or lascivious battery, lewd or lascivious  
727 molestation, lewd or lascivious conduct, or lewd or lascivious  
728 exhibition, as described in s. 800.04 or s. 847.0135(5);

729       f. Escape, as described in s. 944.40; or

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

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

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

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

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

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

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

754       Section 9. Section 775.16, Florida Statutes, is amended to

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755 read:

756        775.16 Drug offenses; additional penalties.—In addition to  
757 any other penalty provided by law, a person who has been  
758 convicted of sale of or trafficking in, or conspiracy to sell or  
759 traffic in, a controlled substance under chapter 893, if such  
760 offense is a felony, or who has been convicted of an offense  
761 under the laws of any state or country which, if committed in  
762 this state, would constitute the felony of selling or  
763 trafficking in, or conspiracy to sell or traffic in, a  
764 controlled substance under chapter 893, is:

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

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

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

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

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

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

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784 release; or

785 c. The Department of Corrections, in the case of  
786 imprisonment or any other supervision required by law.787 2. Submit to periodic urine drug testing pursuant to  
788 procedures prescribed by the Department of Corrections. If the  
789 person is indigent, the costs shall be paid by the Department of  
790 Corrections.791 (2) Disqualified from applying for a license, permit, or  
792 certificate required by any agency of the state to practice,  
793 pursue, or engage in any occupation, trade, vocation,  
794 profession, or business, unless:795 (a) The person has completed all sentences of imprisonment  
796 or supervisory sanctions imposed by the court, by the Florida  
797 Commission on Offender Review, or by law;798 (b) The person has complied with the conditions of  
799 subparagraphs 1. and 2. which shall be monitored by the  
800 Department of Corrections while the person is under any  
801 supervisory sanction. If the person fails to comply with  
802 provisions of these subparagraphs by either failing to maintain  
803 treatment or by testing positive for drug use, the department  
804 shall notify the licensing, permitting, or certifying agency,  
805 which may refuse to reissue or reinstate such license, permit,  
806 or certification. The licensee, permittee, or certificateholder  
807 under supervision may:808 1. Seek evaluation and enrollment in, and once enrolled  
809 maintain enrollment in until completion, a drug treatment and  
810 rehabilitation program which is approved or regulated by the  
811 Department of Children and Families, unless it is deemed by the  
812 program that the person does not have a substance abuse problem.

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813       The treatment and rehabilitation program may be specified by:

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

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

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

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

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

827  
828       The provisions of this section do not apply to any of the taxes,  
829       fees, or permits regulated, controlled, or administered by the  
830       Department of Revenue in accordance with the provisions of s.  
831       213.05.

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

834           775.21 The Florida Sexual Predators Act.—

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

836           (e) "Conviction" means a determination of guilt which is  
837           the result of a trial or the entry of a plea of guilty or nolo  
838           contendere, regardless of whether adjudication is withheld. A  
839           conviction for a similar offense includes, but is not limited  
840           to, a conviction by a federal or military tribunal, including  
841           courts-martial conducted by the Armed Forces of the United

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842 States, and includes a conviction or entry of a plea of guilty  
843 or nolo contendere resulting in a sanction in any state of the  
844 United States or other jurisdiction. A sanction includes, but is  
845 not limited to, a fine, probation, community control, parole,  
846 mandatory supervision ~~conditional release~~, control release, or  
847 incarceration in a state prison, federal prison, private  
848 correctional facility, or local detention facility.

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

851       775.261 The Florida Career Offender Registration Act.—

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

853       (a) A career offender released on or after July 1, 2002,  
854 from a sanction imposed in this state must register as required  
855 under subsection (4) and is subject to community and public  
856 notification as provided under subsection (5). For purposes of  
857 this section, a sanction imposed in this state includes, but is  
858 not limited to, a fine, probation, community control, parole,  
859 mandatory supervision ~~conditional release~~, control release, or  
860 incarceration in a state prison, private correctional facility,  
861 or local detention facility, and:

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

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

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

870       893.11 Suspension, revocation, and reinstatement of

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business and professional licenses.—For the purposes of s. 120.60(6), any conviction in any court reported to the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., for the sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance constitutes an immediate serious danger to the public health, safety, or welfare, and is grounds for disciplinary action by the licensing state agency. A state agency shall initiate an immediate emergency suspension of an individual professional license issued by the agency, in compliance with the procedures for summary suspensions in s. 120.60(6), upon the agency's findings of the licensee's conviction in any court reported to the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., for the sale of, or trafficking in, a controlled substance, or for conspiracy to sell, or traffic in, a controlled substance. Before renewing any professional license, a state agency that issues a professional license must use the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., to obtain information relating to any conviction for the sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance. The clerk of court shall provide electronic access to each state agency at no cost and also provide certified copies of the judgment upon request to the agency. Upon a showing by any such convicted defendant whose professional license has been suspended or revoked pursuant to this section that his or her civil rights have been restored or upon a showing that the convicted

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900 defendant meets the following criteria, the agency head may  
901 reinstate or reactivate such license when:

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

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

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

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

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

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

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

928       (3) As used in this section, the term "professional"

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

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

936 943.0435 Sexual offenders required to register with the  
937 department; penalty.—

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

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

942 a.(I) Has been convicted of committing, or attempting,  
943 soliciting, or conspiring to commit, any of the criminal  
944 offenses proscribed in the following statutes in this state or  
945 similar offenses in another jurisdiction: s. 393.135(2); s.  
946 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
947 the victim is a minor and the defendant is not the victim's  
948 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.  
949 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;  
950 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
951 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
952 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.

953 916.1075(2); or s. 985.701(1); or any similar offense committed  
954 in this state which has been redesignated from a former statute  
955 number to one of those listed in this sub subparagraph; and

956 (II) Has been released on or after October 1, 1997, from  
957 the sanction imposed for any conviction of an offense described

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958       in sub-sub-subparagraph (I). For purposes of sub-sub-  
959       subparagraph (I), a sanction imposed in this state or in any  
960       other jurisdiction includes, but is not limited to, a fine,  
961       probation, community control, parole, mandatory supervision  
962       ~~conditional release~~, control release, or incarceration in a  
963       state prison, federal prison, private correctional facility, or  
964       local detention facility;

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

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

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987       847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
988       847.0145; s. 916.1075(2); or s. 985.701(1); or any similar  
989       offense committed in this state which has been redesignated from  
990       a former statute number to one of those listed in this sub-  
991       subparagraph; or

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

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

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

1002           (III) Section 800.04(5)(c)1. where the court finds  
1003        molestation involving unclothed genitals; or

1004           (IV) Section 800.04(5)(d) where the court finds the use of  
1005        force or coercion and unclothed genitals.

1006           2. For all qualifying offenses listed in sub-subparagraph  
1007        (1)(a)1.d., the court shall make a written finding of the age of  
1008        the offender at the time of the offense.

1009  
1010       For each violation of a qualifying offense listed in this  
1011       subsection, except for a violation of s. 794.011, the court  
1012       shall make a written finding of the age of the victim at the  
1013       time of the offense. For a violation of s. 800.04(4), the court  
1014       shall also make a written finding indicating whether the offense  
1015       involved sexual activity and indicating whether the offense

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

1020 (b) "Convicted" means that there has been a determination  
1021 of guilt as a result of a trial or the entry of a plea of guilty  
1022 or nolo contendere, regardless of whether adjudication is  
1023 withheld, and includes an adjudication of delinquency of a  
1024 juvenile as specified in this section. Conviction of a similar  
1025 offense includes, but is not limited to, a conviction by a  
1026 federal or military tribunal, including courts-martial conducted  
1027 by the Armed Forces of the United States, and includes a  
1028 conviction or entry of a plea of guilty or nolo contendere  
1029 resulting in a sanction in any state of the United States or  
1030 other jurisdiction. A sanction includes, but is not limited to,  
1031 a fine, probation, community control, parole, mandatory  
1032 supervision ~~conditional release~~, control release, or  
1033 incarceration in a state prison, federal prison, private  
1034 correctional facility, or local detention facility.

1035 Section 14. Paragraph (a) of subsection (7) of section  
1036 943.325, Florida Statutes, is amended to read:

1037 943.325 DNA database.—

1038 (7) COLLECTION OF DNA SAMPLES FROM OFFENDERS.—

1039 (a) Any qualifying offender, who is:

1040 1. Arrested in this state;

1041 2. Incarcerated in this state; or

1042 3. On probation, community control, parole, mandatory  
1043 supervision ~~conditional release~~, control release, or any other  
1044 type of court-ordered supervision in this state,

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1045

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

1048       Section 15. Paragraph (a) of subsection (2) of section  
1049 944.171, Florida Statutes, is amended to read:

1050       944.171 Housing of inmates.—

1051       (2) Notwithstanding s. 944.17, the department may enter  
1052 into contracts with another state, a political subdivision of  
1053 another state, or a correctional management services vendor in  
1054 another state for the transfer and confinement in that state of  
1055 inmates who have been committed to the custody of the  
1056 department.

1057       (a) Any such contract must include:

1058           1. A termination date.

1059           2. Provisions concerning the costs of inmate maintenance,  
1060 extraordinary medical and dental expenses, and any participation  
1061 in or receipt by inmates of rehabilitative or correctional  
1062 services, facilities, programs, or treatment, including those  
1063 costs not reasonably included as part of normal maintenance.

1064           3. Provisions concerning participation in programs of  
1065 inmate employment, if any, the disposition or crediting of any  
1066 payments received by inmates on account of employment, and the  
1067 crediting of proceeds or disposal of any products resulting from  
1068 employment.

1069           4. Provisions for the delivery and retaking of inmates.

1070           5. A provision for a waiver of extradition by the parties  
1071 to the contract.

1072           6. Retention of jurisdiction of the inmates transferred by  
1073 Florida.

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1074        7. Regular reporting procedures concerning Florida inmates  
1075 by officials of the state, political subdivision, or  
1076 correctional management services vendor with which the  
1077 department is contracting.

1078        8. Provisions concerning procedures for community  
1079 supervision, including probation, parole, mandatory supervision  
1080 ~~conditional release~~, and discharge.

1081        9. The same standards of reasonable and humane care as the  
1082 inmates would receive in an appropriate institution in this  
1083 state.

1084        10. Any other matters that are necessary and appropriate to  
1085 establish the obligations, responsibilities, and rights of  
1086 Florida and the state, political subdivision, or correctional  
1087 management services vendor with which the department is  
1088 contracting.

1089        Section 16. Subsection (1) of section 944.28, Florida  
1090 Statutes, is amended to read:

1091        944.28 Forfeiture of gain-time and the right to earn gain-  
1092 time in the future.—

1093        (1) If a prisoner is convicted of escape, or if the  
1094 clemency, mandatory supervision conditional release as described  
1095 in chapter 947, probation or community control as described in  
1096 chapter 948, provisional release as described in former s.  
1097 944.277, parole, or control release as described in s. 947.146  
1098 granted to the prisoner is revoked, the department may, without  
1099 notice or hearing, declare a forfeiture of all gain-time earned  
1100 according to the provisions of law by such prisoner prior to  
1101 such escape or his or her release under such clemency, mandatory  
1102 supervision conditional release, probation, community control,

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1103 provisional release, control release, or parole.

1104       Section 17. Paragraph (a) of subsection (1) of section  
1105 944.606, Florida Statutes, is amended to read:

1106       944.606 Sexual offenders; notification upon release.—

1107       (1) As used in this section:

1108           (a) "Convicted" means there has been a determination of  
1109 guilt as a result of a trial or the entry of a plea of guilty or  
1110 nolo contendere, regardless of whether adjudication is withheld.  
1111 A conviction for a similar offense includes, but is not limited  
1112 to, a conviction by a federal or military tribunal, including  
1113 courts-martial conducted by the Armed Forces of the United  
1114 States, and includes a conviction or entry of a plea of guilty  
1115 or nolo contendere resulting in a sanction in any state of the  
1116 United States or other jurisdiction. A sanction includes, but is  
1117 not limited to, a fine; probation; community control; parole;  
1118 mandatory supervision conditional release; control release; or  
1119 incarceration in a state prison, federal prison, private  
1120 correctional facility, or local detention facility.

1121       Section 18. Paragraph (c) of subsection (1) and subsection  
1122 (6) of section 944.607, Florida Statutes, are amended to read:

1123       944.607 Notification to Department of Law Enforcement of  
1124 information on sexual offenders.—

1125       (1) As used in this section, the term:

1126           (c) "Conviction" means a determination of guilt which is  
1127 the result of a trial or the entry of a plea of guilty or nolo  
1128 contendere, regardless of whether adjudication is withheld.  
1129 Conviction of a similar offense includes, but is not limited to,  
1130 a conviction by a federal or military tribunal, including  
1131 courts-martial conducted by the Armed Forces of the United

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1132 States, and includes a conviction or entry of a plea of guilty  
1133 or nolo contendere resulting in a sanction in any state of the  
1134 United States or other jurisdiction. A sanction includes, but is  
1135 not limited to, a fine; probation; community control; parole;  
1136 mandatory supervision ~~conditional release~~; control release; or  
1137 incarceration in a state prison, federal prison, private  
1138 correctional facility, or local detention facility.

1139 (6) The information provided to the Department of Law  
1140 Enforcement must include:

1141 (a) The information obtained from the sexual offender under  
1142 subsection (4);

1143 (b) The sexual offender's most current address, place of  
1144 permanent, temporary, or transient residence within the state or  
1145 out of state, and address, location or description, and dates of  
1146 any current or known future temporary residence within the state  
1147 or out of state, while the sexual offender is under supervision  
1148 in this state, including the name of the county or municipality  
1149 in which the offender permanently or temporarily resides, or has  
1150 a transient residence, and address, location or description, and  
1151 dates of any current or known future temporary residence within  
1152 the state or out of state, and, if known, the intended place of  
1153 permanent, temporary, or transient residence, and address,  
1154 location or description, and dates of any current or known  
1155 future temporary residence within the state or out of state upon  
1156 satisfaction of all sanctions;

1157 (c) The legal status of the sexual offender and the  
1158 scheduled termination date of that legal status;

1159 (d) The location of, and local telephone number for, any  
1160 Department of Corrections' office that is responsible for

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1161 supervising the sexual offender;

1162 (e) An indication of whether the victim of the offense that  
1163 resulted in the offender's status as a sexual offender was a  
1164 minor;

1165 (f) The offense or offenses at conviction which resulted in  
1166 the determination of the offender's status as a sex offender;  
1167 and

1168 (g) A digitized photograph of the sexual offender which  
1169 must have been taken within 60 days before the offender is  
1170 released from the custody of the department or a private  
1171 correctional facility by expiration of sentence under s. 944.275  
1172 or must have been taken by January 1, 1998, or within 60 days  
1173 after the onset of the department's supervision of any sexual  
1174 offender who is on probation, community control, mandatory  
1175 supervision ~~conditional release~~, parole, provisional release, or  
1176 control release or who is supervised by the department under the  
1177 Interstate Compact Agreement for Probationers and Parolees. If  
1178 the sexual offender is in the custody of a private correctional  
1179 facility, the facility shall take a digitized photograph of the  
1180 sexual offender within the time period provided in this  
1181 paragraph and shall provide the photograph to the department.

1182

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

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1190       Section 19. Subsection (5) of section 944.608, Florida  
1191 Statutes, is amended to read:

1192       944.608 Notification to Department of Law Enforcement of  
1193 information on career offenders.—

1194       (5) The information provided to the Department of Law  
1195 Enforcement must include:

1196       (a) The information obtained from the career offender under  
1197 subsection (3);

1198       (b) The career offender's most current address and place of  
1199 permanent and temporary residence within the state or out of  
1200 state while the career offender is under supervision in this  
1201 state, including the name of the county or municipality in which  
1202 the career offender permanently or temporarily resides and, if  
1203 known, the intended place of permanent or temporary residence  
1204 upon satisfaction of all sanctions;

1205       (c) The legal status of the career offender and the  
1206 scheduled termination date of that legal status;

1207       (d) The location of, and local telephone number for, any  
1208 Department of Corrections' office that is responsible for  
1209 supervising the career offender; and

1210       (e) A digitized photograph of the career offender, which  
1211 must have been taken within 60 days before the career offender  
1212 is released from the custody of the department or a private  
1213 correctional facility or within 60 days after the onset of the  
1214 department's supervision of any career offender who is on  
1215 probation, community control, mandatory supervision conditional  
1216 ~~release~~, parole, provisional release, or control release. If the  
1217 career offender is in the custody or control of, or under the  
1218 supervision of, a private correctional facility, the facility

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1219 shall take a digitized photograph of the career offender within  
1220 the time period provided in this paragraph and shall provide the  
1221 photograph to the department.

1222       Section 20. Subsection (1) of section 944.70, Florida  
1223 Statutes, is amended to read:

1224       944.70 Conditions for release from incarceration.—

1225       (1) (a) A person who is convicted of a crime committed on or  
1226 after October 1, 1983, but before January 1, 1994, may be  
1227 released from incarceration only:

1228           1. Upon expiration of the person's sentence;

1229           2. Upon expiration of the person's sentence as reduced by  
1230 accumulated gain-time;

1231           3. As directed by an executive order granting clemency;

1232           4. Upon attaining the provisional release date;

1233           5. Upon placement in a mandatory supervision conditional  
1234 ~~release~~ program pursuant to s. 947.1405; or

1235           6. Upon the granting of control release pursuant to s.  
1236 947.146.

1237       (b) A person who is convicted of a crime committed on or  
1238 after January 1, 1994, may be released from incarceration only:

1239           1. Upon expiration of the person's sentence;

1240           2. Upon expiration of the person's sentence as reduced by  
1241 accumulated meritorious or incentive gain-time;

1242           3. As directed by an executive order granting clemency;

1243           4. Upon placement in a mandatory supervision conditional  
1244 ~~release~~ program pursuant to s. 947.1405 or a conditional medical  
1245 release program pursuant to s. 947.149; or

1246           5. Upon the granting of control release, including  
1247 emergency control release, pursuant to s. 947.146.

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1248       Section 21. Section 945.36, Florida Statutes, is amended to  
1249 read:

1250       945.36 Exemption from health testing regulations for law  
1251 enforcement personnel conducting drug tests on inmates and  
1252 releasees.—

1253       (1) Any law enforcement officer, state or county probation  
1254 officer, or employee of the Department of Corrections, who is  
1255 certified by the Department of Corrections pursuant to  
1256 subsection (2), is exempt from part I of chapter 483, for the  
1257 limited purpose of administering a urine screen drug test to:

1258           (a) Persons during incarceration;

1259           (b) Persons released as a condition of probation for either  
1260 a felony or misdemeanor;

1261           (c) Persons released as a condition of community control;

1262           (d) Persons released as a condition of mandatory  
1263 supervision ~~conditional release~~;

1264           (e) Persons released as a condition of parole;

1265           (f) Persons released as a condition of provisional release;

1266           (g) Persons released as a condition of pretrial release; or

1267           (h) Persons released as a condition of control release.

1268       (2) The Department of Corrections shall develop a procedure  
1269 for certification of any law enforcement officer, state or  
1270 county probation officer, or employee of the Department of  
1271 Corrections to perform a urine screen drug test on the persons  
1272 specified in subsection (1).

1273       Section 22. Subsection (2) of section 947.071, Florida  
1274 Statutes, is amended to read:

1275       947.071 Rulemaking procedures; indexing of orders.—

1276           (2) The only final orders of the commission which must

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1277 shall be indexed pursuant to chapter 120 are:

1278 (a) Orders granting parole.

1279 (b) Orders revoking parole.

1280 (c) Orders restoring to supervision.

1281 (d) Orders releasing from custody and further supervision.

1282 (e) Early parole termination orders.

1283 (f) Orders granting mandatory supervision conditional  
1284 release.

1285 (g) Orders revoking mandatory supervision conditional  
1286 release.

1287 Section 23. Paragraph (f) of subsection (1) of section  
1288 947.13, Florida Statutes, is amended to read:

1289 947.13 Powers and duties of commission.—

1290 (1) The commission shall have the powers and perform the  
1291 duties of:

1292 (f) Establishing the terms and conditions of persons  
1293 released on mandatory supervision conditional release under s.  
1294 947.1405, and determining subsequent ineligibility for mandatory  
1295 supervision conditional release due to a violation of the terms  
1296 or conditions of mandatory supervision conditional release and  
1297 taking action with respect to such a violation.

1298 Section 24. Subsection (2) of section 947.22, Florida  
1299 Statutes, is amended to read:

1300 947.22 Authority to arrest parole violators with or without  
1301 warrant.—

1302 (2) Any parole and probation officer, if she or he has  
1303 reasonable ground to believe that a parolee, control releasee,  
1304 or mandatory supervision conditional releasee has violated the  
1305 terms and conditions of her or his parole, control release, or

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1306       mandatory supervision conditional release in a material respect,  
1307       has the right to arrest the releasee or parolee without warrant  
1308       and bring her or him forthwith before one or more commissioners  
1309       or a duly authorized representative of the Florida Commission on  
1310       Offender Review or Control Release Authority; and proceedings  
1311       shall thereupon be had as provided herein when a warrant has  
1312       been issued by a member of the commission or authority or a duly  
1313       authorized representative of the commission or authority.

1314       Section 25. Subsections (1) and (2) of section 947.24,  
1315       Florida Statutes, are amended to read:

1316       947.24 Discharge from parole supervision or release  
1317       supervision.—

1318       (1) When a person is placed on parole, control release, or  
1319       mandatory supervision conditional release, the commission shall  
1320       determine the period of time the person will be under parole  
1321       supervision or release supervision in the following manner:

1322       (a) If the person is being paroled or released under  
1323       supervision from a single or concurrent sentence, the period of  
1324       time the person will be under parole supervision or release  
1325       supervision may not exceed 2 years unless the commission  
1326       designates a longer period of time, in which case it must advise  
1327       the parolee or releasee in writing of the reasons for the  
1328       extended period. In any event, the period of parole supervision  
1329       or release supervision may not exceed the maximum period for  
1330       which the person has been sentenced.

1331       (b) If the person is being paroled or released under  
1332       supervision from a consecutive sentence or sentences, the period  
1333       of time the person will be under parole supervision or release  
1334       supervision will be for the maximum period for which the person

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1335 was sentenced.

1336       (2) The commission shall review the progress of each person  
1337 who has been placed on parole, control release, or mandatory  
1338 supervision conditional release after 2 years of supervision in  
1339 the community and biennially thereafter. The department shall  
1340 provide to the commission the information necessary to conduct  
1341 such a review. Such review must include consideration of whether  
1342 to modify the reporting schedule, thereby authorizing the person  
1343 under parole supervision or release supervision to submit  
1344 reports quarterly, semiannually, or annually. The commission,  
1345 after having retained jurisdiction of a person for a sufficient  
1346 length of time to evidence satisfactory rehabilitation and  
1347 cooperation, may further modify the terms and conditions of the  
1348 person's parole, control release, or mandatory supervision  
1349 ~~conditional release~~, may discharge the person from parole  
1350 supervision or release supervision, may relieve the person from  
1351 making further reports, or may permit the person to leave the  
1352 state or country, upon finding that such action is in the best  
1353 interests of the person and society.

1354       Section 26. Paragraph (a) of subsection (1) and subsection  
1355 (3) of section 948.09, Florida Statutes, are amended to read:

1356       948.09 Payment for cost of supervision and rehabilitation.—

1357       (1) (a)1. Any person ordered by the court, the Department of  
1358 Corrections, or the Florida Commission on Offender Review to be  
1359 placed on probation, drug offender probation, community control,  
1360 parole, control release, provisional release supervision,  
1361 addiction-recovery supervision, or mandatory conditional release  
1362 supervision under this chapter, chapter 944, chapter 945,  
1363 chapter 947, or chapter 958, or in a pretrial intervention

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1364 program, must, as a condition of any placement, pay the  
1365 department a total sum of money equal to the total month or  
1366 portion of a month of supervision times the court-ordered  
1367 amount, but not to exceed the actual per diem cost of the  
1368 supervision. The department shall adopt rules by which an  
1369 offender who pays in full and in advance of regular termination  
1370 of supervision may receive a reduction in the amount due. The  
1371 rules shall incorporate provisions by which the offender's  
1372 ability to pay is linked to an established written payment plan.  
1373 Funds collected from felony offenders may be used to offset  
1374 costs of the Department of Corrections associated with community  
1375 supervision programs, subject to appropriation by the  
1376 Legislature.

1377 2. In addition to any other contribution or surcharge  
1378 imposed by this section, each felony offender assessed under  
1379 this paragraph shall pay a \$2-per-month surcharge to the  
1380 department. The surcharge shall be deemed to be paid only after  
1381 the full amount of any monthly payment required by the  
1382 established written payment plan has been collected by the  
1383 department. These funds shall be used by the department to pay  
1384 for correctional probation officers' training and equipment,  
1385 including radios, and firearms training, firearms, and attendant  
1386 equipment necessary to train and equip officers who choose to  
1387 carry a concealed firearm while on duty. This subparagraph does  
1388 not limit the department's authority to determine who shall be  
1389 authorized to carry a concealed firearm while on duty, or limit  
1390 the right of a correctional probation officer to carry a  
1391 personal firearm approved by the department.

1392 (3) Any failure to pay contribution as required under this

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1393 section may constitute a ground for the revocation of probation  
1394 by the court, the revocation of parole or mandatory supervision  
1395 ~~conditional release~~ by the Florida Commission on Offender  
1396 Review, the revocation of control release by the Control Release  
1397 Authority, or removal from the pretrial intervention program by  
1398 the state attorney. The Department of Corrections may exempt a  
1399 person from the payment of all or any part of the contribution  
1400 if it finds any of the following factors to exist:

1401 (a) The offender has diligently attempted, but has been  
1402 unable, to obtain employment which provides him or her  
1403 sufficient income to make such payments.

1404 (b) The offender is a student in a school, college,  
1405 university, or course of career training designed to fit the  
1406 student for gainful employment. Certification of such student  
1407 status shall be supplied to the Secretary of Corrections by the  
1408 educational institution in which the offender is enrolled.

1409 (c) The offender has an employment handicap, as determined  
1410 by a physical, psychological, or psychiatric examination  
1411 acceptable to, or ordered by, the secretary.

1412 (d) The offender's age prevents him or her from obtaining  
1413 employment.

1414 (e) The offender is responsible for the support of  
1415 dependents, and the payment of such contribution constitutes an  
1416 undue hardship on the offender.

1417 (f) The offender has been transferred outside the state  
1418 under an interstate compact adopted pursuant to chapter 949.

1419 (g) There are other extenuating circumstances, as  
1420 determined by the secretary.

1421 Section 27. Section 948.32, Florida Statutes, is amended to

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1422 read:

1423       948.32 Requirements of law enforcement agency upon arrest  
1424 of persons for certain sex offenses.—

1425       (1) When any state or local law enforcement agency  
1426 investigates or arrests a person for committing, or attempting,  
1427 soliciting, or conspiring to commit, a violation of s.

1428 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,  
1429 s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145,  
1430 the law enforcement agency shall contact the Department of  
1431 Corrections to verify whether the person under investigation or  
1432 under arrest is on probation, community control, parole,  
1433 mandatory supervision conditional release, or control release.

1434       (2) If the law enforcement agency finds that the person  
1435 under investigation or under arrest is on probation, community  
1436 control, parole, mandatory supervision conditional release, or  
1437 control release, the law enforcement agency shall immediately  
1438 notify the person's probation officer or release supervisor of  
1439 the investigation or the arrest.

1440       Section 28. Subsection (6) of section 957.06, Florida  
1441 Statutes, is amended to read:

1442       957.06 Powers and duties not delegable to contractor.—A  
1443 contract entered into under this chapter does not authorize,  
1444 allow, or imply a delegation of authority to the contractor to:

1445       (6) Make recommendations to the Florida Commission on  
1446 Offender Review with respect to the denial or granting of  
1447 parole, control release, mandatory supervision conditional  
1448 release, or conditional medical release. However, the contractor  
1449 may submit written reports to the Florida Commission on Offender  
1450 Review and must respond to a written request by the Florida

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1451       Commission on Offender Review for information.

1452       Section 29. The Conditional Release Program Act, ss.

1453       947.1405 and 947.141, Florida Statutes, which is renamed by the  
1454       amendments made by this act to s. 947.1405(1), Florida Statutes,  
1455       is continued as the Mandatory Supervision Program Act.

1456       Section 30. This act shall take effect October 1, 2015.