

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: CS/SB 964

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Bernard

SUBJECT: Objective Parole Guidelines

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 964 amends s. 947.174, F.S., to require the Department of Corrections (DOC) to provide the Florida Commission on Offender Review (FCOR or commission) information on an inmate's use of vocational training, substance abuse treatment, educational programs, and other self-betterment programs. The bill requires the commission to review the information in determining whether to modify an inmate's presumptive parole release date.

The commission is currently required to review the objective parole guidelines annually, making any revisions considered necessary by virtue of statistical analysis of commission actions. The bill amends s. 947.165, F.S., to require the commission to submit such statistical analysis to the President of the Senate and the Speaker of the House of Representatives.

The bill does not have a fiscal impact on state revenue or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

The FCOR makes a variety of determinations regarding parole and other releases, and reviews releasees' supervision status every two years. In both parole and conditional medical release hearings, testimony and pertinent information may be provided by a representative of an inmate,

an inmate's family, by victims of the offense, and the victim's family. During hearings, the commission conducts other types of proceedings, such as imposing conditions of conditional release or addiction recovery supervision. The commission makes final determinations with regard to revocation of post release supervision, where a releasee may have violated conditions of their release.¹

The FCOR consists of three commissioners² appointed by the Governor and Cabinet from a list of eligible applicants submitted by the parole qualifications committee. Each appointment must be certified to the Senate for confirmation. The membership of the commission must include representation from minority persons.^{3,4} Commissioners serve a term of six years, and no person is eligible to be appointed for more than two consecutive six year terms.⁵

The FCOR has the powers and performs the duties of:⁶

- Determining what persons shall be placed on parole.
- Fixing the time and conditions of parole.
- Determining whether a person has violated parole and taking action with respect to such a violation.
- Making such investigations as may be necessary.
- Reporting to the Board of Executive Clemency the circumstances, the criminal records, and the social, physical, mental, and psychiatric conditions and histories of persons under consideration by the board for pardon, communication of sentence, or remission of fine, penalty, or forfeiture.
- Establishing the terms and conditions of persons released on conditional release and determining subsequent ineligibility for conditional release due to a violation and acting with respect to such violation.
- As the Control Release Authority, determining what persons will be released on control release, establishing the time and conditions of control release, if any, and determining whether a person has violated the conditions and acting with respect to such violation.
- Determining what persons will be released on conditional medical release, establishing conditions of release, and determining whether a person has violated the conditions, and acting with respect to such violation.

¹ Florida Commission on Offender Review, *Organization*, available at: <https://www.fcor.state.fl.us/overview.shtml> (last visited March 20, 2025).

² The Florida Commission on Offender Review was created to consist of six members who are residents of the state. Effective July 1, 1996, the membership of the commission shall consist of three members. Section 947.01, F.S.

³ "Minority person" means a lawful, permanent resident of Florida who is: (a) an African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin; (b) a Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race; (c) an Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asian, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778; (d) a Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; and (e) an American woman. Section 288.703(4), F.S.

⁴ Section 947.02(1), F.S.

⁵ Section 947.03, F.S.

⁶ Section 947.13(1)(a)-(h), F.S.

In 1978, the Legislature enacted the Objective Parole Guidelines Act. Pursuant to s. 947.165, F.S., the FCOR is required to develop and implement objective parole guidelines which shall be the criteria upon which parole decisions are made. The guidelines are to be developed according to an acceptable research method and must be based the seriousness of offense and the likelihood of favorable parole outcome. The guidelines require the commission to aggravate⁷ or aggregate⁸ each consecutive sentence in establishing the presumptive parole release date.⁹ Factors used in arriving at the salient factor¹⁰ score and the severity of offense behavior¹¹ may not be applied as aggravating circumstances.

The FCOR is required to review the objective parole guidelines and make any revisions considered necessary by virtue of statistical analysis of commission actions, which analysis uses acceptable research and methodology.¹²

III. Effect of Proposed Changes:

The bill amends s. 947.174, F.S., to require the Department of Corrections (DOC) to provide the commission information on an inmate's use of vocational training, substance abuse treatment, educational programs, and other self-betterment programs. The DOC must make the information available and bring it to the attention of the commission within a reasonable amount of time. The commission must review the information in determining whether to modify an inmate's presumptive parole release date.

The commission is required to review the objective parole guidelines annually, making any revisions considered necessary by virtue of statistical analysis of commission actions. The bill amends s. 947.165, F.S., to require the commission to submit such statistical analysis to the President of the Senate and the Speaker of the House of Representatives.

The bill takes effect July 1, 2025.

⁷ "Aggravate" means to add a number of months to established number of months selected from the matrix time range. Rule 23-21.002(1).

⁸ "Aggregation" means a process to separate multiple criminal episodes and score each single episode by determining the salient factor score, severity of offense behavior, presence of aggravating or mitigating circumstances, and assess a number of months of incarceration for each scored episode. The total of months for each scored episode is then aggregated (added together) for the establishment of a presumptive parole release date. Rule 23-21.002(2).

⁹ "Presumptive parole release date" means the tentative parole release date, when authorized by the Commission as set forth in s. 947.172, F.S. Rule 23-21.002(31).

¹⁰ "Salient factors" are the indices of the offender's present and prior criminal behavior and related factors found by experience to be predictive in regard to parole outcome. Rule 23-21.002(43).

¹¹ "Severity of offense behavior" means the statutorily assigned degree of felony or misdemeanor for the present offense of conviction. Rule 23-21.002(45).

¹² Section 947.165(2), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 947.165.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Criminal and Civil Justice on April 15, 2025:

- Removes the revised requirements for objective parole guidelines.
- Requires DOC to provide FCOR information on an inmate's use of vocational training, substance abuse treatment, educational programs, and other self-betterment programs; requires the commission to review this information in determining whether to modify an inmate's presumptive parole release date.

- B. **Amendments:**

None.