



FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

FLORIDA COMMISSION ON OFFENDER REVIEW HISTORY

Overview:

In the early 1800's, state prisoners were leased to Florida companies to work as slave laborers. This era of inhumane and bitter treatment of prisoners ended after the notorious Taber case. Martin Taber was a young prisoner convicted of stealing a ride on a freight train. He died as a result of the brutal treatment administered by a lumber company boss to whom he was leased. An aroused public demanded the discontinuance of leasing prisoners, but prison overcrowding, the high cost of housing, and pressures for better treatment of prisoners set the stage for opportunists to peddle their influence in the pardoning of prisoners.

1885 The *Pardon Board* was created by the Florida Constitution and was composed of the Governor and Cabinet.

1941 Due to the limitations of the pardon system, the Florida *Parole and Probation Commission* was established. The Commission selected sentenced inmates for parole release and its field staff provided supervision.

1975 The responsibilities of the Commission were altered, transferring the supervising field staff responsibilities to the Florida Department of Corrections (Department).

1983 Under *Sentencing Guidelines*, the Commission retained paroling authority primarily only for inmates whose offenses were committed prior to October 1, 1983.

1988 The *Victim Assistance Law* was enacted during Legislative Session and brought many new responsibilities to the Commission. This law provided that the victim, or family of the victim, have the opportunity to provide input into the decision-making process.

Conditional Release Program was enacted and provides that inmates convicted of certain crimes committed on or after October 1, 1988, and who have served at least one prior felony commitment at a state or federal correctional institution or have been sentenced as a habitual offender, violent habitual offender or sexual predator, shall be released under supervision on their tentative release date subject to specified terms and conditions established by the Commission.

1989 *Control Release Authority* was established. This legislation directed the Commission to develop a system of uniform criteria to determine the number and type of inmates released into the community in order to maintain the state's prison population between 99% and 100% of its total capacity. The *Control Release Program* became effective September 1, 1990, and over the next four years, 75,000 inmates were released through this program.



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1992 *Conditional Medical Release Program* was established. This program authorizes the Department to recommend to the Commission terminally ill or permanently incapacitated inmates for early release due to their medical conditions.

1996 The Commission began reviewing and establishing *presumptive parole release dates* (PPRD) for inmates convicted of capital felonies with 25-year minimum mandatory terms.

2001 The Legislature created the *Addiction Recovery Supervision Program* and placed it under the Commission's administration. The law requires the Commission to set the terms and conditions of supervision, and to address alleged violations of supervision if the offender fails to abide by the conditions.

2010 During Legislative Session, SB 200, a victim-friendly bill was passed and became law on July 1, 2010. The new law amended ss. 947.16, 947.174, and 947.1745, F.S, giving the Commission authority to increase the interval between parole consideration re-interviews to seven years for parole-eligible offenders who have been convicted of murder, attempted murder, sexual battery, or attempted sexual battery, or who are serving a 25-year minimum mandatory sentence under s. 775.082, F.S. For victims and their families, reduction in the frequency of parole opportunities should lessen the trauma, stress, and financial burden associated with the potential release of an offender.

2013 HB 685 was signed by the Governor on June 5, 2013 and became law on July 1, 2013. The law expands the list of crimes eligible for subsequent interview dates to be set within seven years to include the act or attempt of kidnapping, and the crimes of robbery, burglary of dwelling, burglary of a structure or conveyance, or breaking and entering, or an attempt thereof of any of these crimes, in which a human being is present and a sexual act is completed or attempted. The sexual act or attempt thereof does not apply to the kidnapping offenses.

2014 SB 1636 was passed and the name of the Commission was changed from the Florida Parole Commission to the *Florida Commission on Offender Review*.

The Legislature passed HB 5303 which reassigned the responsibility for appointing capital clemency counsel from the courts to the Board of Executive Clemency. Under the bill, the Board may only appoint private counsel and the fees would be paid from funds appropriated to the Commission.