

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/CS/HB 181](#)

TITLE: Parole

SPONSOR(S): Hart and Barnaby

COMPANION BILL: [CS/SB 964](#) (Bernard)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Judiciary](#)

20 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

CS/CS/HB 181 requires a copy of a statistical analysis of actions taken by the Florida Commission on Offender Review (FCOR) that is used by FCOR in conducting an annual review of its objective parole guidelines to be provided to the President of the Senate and the Speaker of the House of Representatives. The bill also requires the Department of Corrections (DOC) to provide FCOR with information related to an inmate's use of vocational training, substance abuse treatment, educational, and other self-betterment programs while he or she is incarcerated, and requires FCOR to review such information in determining whether to modify an inmate's presumptive parole release date.

Fiscal or Economic Impact:

To the extent that the bill requires DOC to make specified information available to FCOR that it does not currently provide, the bill may have an indeterminate fiscal impact on state government expenditures.

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ANALYSIS

EFFECT OF THE BILL:

CS/CS/HB 181 requires the Florida Commission on Offender Review (FCOR), after conducting its annual review of the [objective parole guidelines](#) (guidelines), to provide a copy of the statistical analysis of FCOR actions that it uses in conducting such a review to the President of the Senate and the Speaker of the House of Representatives. (Section [1](#))

The bill requires the Department of Corrections (DOC) to provide FCOR with information regarding an inmate's use of vocational training, substance abuse treatment, educational, and other self-betterment programs for use in conducting [subsequent parole interviews](#). The bill requires FCOR to review such information, as well as all other information that it deems important, in determining whether to modify an inmate's presumptive parole release date. (Section [2](#))

The effective date of the bill is July 1, 2025. (Section [3](#))

STORAGE NAME: h0181b.JDC

DATE: 4/17/2025

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

To the extent that the bill requires DOC to make specified information available to FCOR that it does not currently provide, the bill may have an indeterminate fiscal impact on state government expenditures.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Parole

Generally, parole refers to the discretionary release of an inmate from incarceration in the Florida Department of Corrections (DOC) to serve the remainder of his or her sentence under supervision by the Florida Commission on Offender Review (FCOR).¹ Inmates who were convicted of the following offenses are currently eligible for parole:

- Any felony committed prior to October 1, 1983, or those who elected to be sentenced “outside the guidelines” for felonies committed prior to July 1, 1984;
- All capital felonies committed prior to October 1, 1995, except:
 - Murder or felony murder committed after May 25, 1994;
 - Making, possessing, throwing, placing, or discharging a destructive device or attempt to do so which results in the death of another person after May 25, 1994;
 - First degree murder of a law enforcement officer, correctional officer, state attorney, or assistant state attorney committed after January 1, 1990; and
 - First degree murder of a justice or judge committed after October 1, 1990;
- Any continuing criminal enterprise committed before January 1, 1994; and
- Any attempted murder of a law enforcement officer committed between October 1, 1988, and October 1, 1995.

As of June 30, 2023, there were 3,498 inmates who were incarcerated in DOC who were eligible for parole.²

Objective Parole Guidelines

Section 947.165, F.S., requires FCOR to develop and implement objective parole guidelines (guidelines) and use such guidelines to establish an inmate’s presumptive parole release date, which is the tentative date that an inmate may be released on parole.³ The guidelines must:

- Be developed according to an acceptable research method and must be based on the seriousness of an inmate’s offense and the likelihood of a favorable parole outcome.
- Require FCOR, if an inmate was sentenced to serve consecutive sentences, to either aggregate⁴ the sentences or apply an “aggravator”⁵ when determining an inmate’s presumptive parole release date.

At least once per year, FCOR is required to review the guidelines and, after using a statistical analysis of FCOR parole actions, make necessary revisions to the guidelines.⁶

Initial Parole Interview

At an initial interview⁷ with an inmate, an FCOR hearing examiner is required to explain the guidelines to the inmate, and also explain the expectations regarding an inmate’s conduct while he or she is incarcerated and the

¹ Florida Commission on Offender Review, *Annual Report 2022-2023*, <https://www.fcor.state.fl.us/docs/reports/Annual%20Report%20%2022-23%20-%20Final.pdf> (last visited Apr. 10, 2025).

² *Id.*

³ Ss. 947.005(8) and 947.165(1), F.S.

⁴ “Aggregate” 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. R. 23-21.002(2).

⁵ “Aggravate” means to add a number of months to an established number of months from the matrix time range. R. 23-21.002(1).

⁶ S. 947.165(2), F.S.

requirement for an inmate, in order to be granted parole, to have a satisfactory release plan.⁸ Within 10 days after the initial interview, the hearing examiner must use the guidelines, in conjunction with other competent evidence relevant to aggravating and mitigating circumstances, to calculate an inmate's presumptive parole release date and make a recommendation of such a release date to the FCOR commissioners.⁹ The presumptive parole release date becomes binding on FCOR once commissioners agree on such a release date.¹⁰ The inmate must receive written notice of his or her presumptive parole release date within 90 days after the date of the initial interview.¹¹

Subsequent Parole Interviews

After an inmate's presumptive parole release date has been established, FCOR must conduct subsequent interviews with parole-eligible inmates as follows:

- For any inmate who was convicted of specified offenses¹² or who was sentenced to a 25 year minimum mandatory sentence previously provided in [s. 775.082, F.S.](#), and whose presumptive parole release date is:
 - More than seven years after the date of the initial interview, an FCOR hearing examiner must schedule an interview once within seven years after the initial interview and once every seven years thereafter if FCOR finds that it is not reasonable to expect that parole will be granted at a hearing during the following years and makes such a finding in writing.
 - Within seven years of his or her tentative release date, FCOR may establish an interview date before seven years.
- For any other inmate, if his or her presumptive parole release date falls more than two years after the date of an initial interview, an FCOR hearing examiner must schedule an interview within two years after the initial interview and every two years thereafter.¹³

In addition to the subsequent interviews that are required to be scheduled, FCOR *may* request for a hearing examiner to conduct a subsequent interview with an inmate at any time upon a showing of good cause.¹⁴ The purpose of each subsequent interview is limited to determining whether any information has been gathered which might affect an inmate's presumptive parole release date.¹⁵ DOC is required to provide information to FCOR that may be deemed important to reviewing an inmate's presumptive parole release date, including, but not limited to, an inmate's current progress reports, psychological reports, and disciplinary reports.¹⁶

⁷ An inmate's initial interview must be held within a specified time period after his or her initial date of confinement. This time period varies depending on the length of the inmate's sentence. [S. 947.16, F.S.](#)

⁸ [S. 947.172\(1\), F.S.](#)

⁹ [S. 947.172\(2\), F.S.](#)

¹⁰ [S. 947.172\(3\), F.S.](#)

¹¹ [S. 947.172\(2\), F.S.](#)

¹² Such offenses include murder or attempted murder, sexual battery or attempted sexual battery, kidnapping or attempted kidnapping, or robbery, burglary of a dwelling, burglary of a structure or conveyance, or breaking and entering, or the attempt to commit any of those crimes, in which a human being is present and a sexual act is attempted or completed. [S. 947.174\(1\)\(b\), F.S.](#)

¹³ [S. 947.174\(1\), F.S.](#)

¹⁴ [S. 947.174\(2\), F.S.](#)

¹⁵ [S. 947.174\(1\)\(c\), F.S.](#)

¹⁶ [S. 947.174\(3\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Judiciary Committee	20 Y, 0 N, As CS	4/17/2025	Kramer	Padgett

THE CHANGES ADOPTED BY THE COMMITTEE:

- Removed a provision that required the Florida Commission on Offender Review (FCOR) to incorporate into its objective parole guidelines an inmate's use of specified programs and courses while he or she is incarcerated.
- Required the Department of Corrections to provide information regarding an inmate's use of specified programs and courses to FCOR and required FCOR to review such information in determining an inmate's presumptive parole release date.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
