



# Historical Summary of Sentencing and Punishment in Florida

This report provides a brief summary of the major changes that have occurred in Florida's criminal sentencing and punishment policies from 1980 to 2000. Florida has transformed the way it punishes serious criminals during this period of time. The indeterminate parole system has been replaced with the determinate, "truth-in-sentencing" policy wherein all offenders must serve a minimum of 85% of their prison sentences. The many changes in

sentencing practices, gaintime policies, and early prison release mechanisms that have also occurred in the punishment system are summarized in this report.

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Initiative	Description	Date of Implementation
<b>Parole eliminated and Sentencing Guidelines implemented</b>	Parole (in existence since 1941) was eliminated, except for capital crimes. A deterministic Sentencing Guidelines structure administered by the Supreme Court was implemented for all felony convictions. Basic gaintime reducing sentences by one-third and house arrest were also implemented.	October 1983 Crimes committed on or after this date; sentences before this date were optionally sentenced under Guidelines.
<b>Administrative Gaintime (later called Provisional credits) implemented to prevent population from exceeding Court ordered capacity limits under Costello Agreement</b>	Lack of adequate prison space resulted in the Administrative Gaintime law, enabling the Dept. of Corrections (DC) to prevent overcrowding by increasing gaintime and therefore, inmate releases. Eligibility for gaintime was determined by current and prior crimes.	Administrative Gaintime: Feb 1987-June 1988 <b>Provisional Credits:</b> July 1988-Jan 1991 <b>Control Release:</b> Jan 1991-Dec 1994
<b>Felony Habitual Offender and Violent Habitual Offender laws passed</b>	Felony offenders with two prior convictions or one prior violent offense could be sentenced to longer prison terms with less gaintime and no early prison release.	<b>October 1, 1988</b> Crimes committed on or after this date
<b>Control Release Authority replaces Provisional Credits (formerly Administrative</b>	Policy shifted from a non-discretionary, statutorily mandated early release eligibility program operated by the DC, to a discretionary early release program	<b>January 1991</b>

<b>Gaintime) as early prison release mechanism</b>	managed by the Parole Commission and requiring individual case review.	
<b>1994 Sentencing Guidelines created and gaintime reduced</b>	The 1983 Sentencing Guidelines were restructured to prioritize prison bed space. Administration of the Guidelines moved from the Supreme Court to the DC. Basic gaintime, which reduced sentences by one-third, was eliminated.	<b>January 1, 1994</b> Crimes committed on or after this date
<b>Early prison release (Control Release) ends</b>	Early release credits (Control Release) discontinued because of reduction in prison admissions and a massive and accelerated prison building program.	<b>December 1994</b>
<b>Truth-in-Sentencing Law passes, requiring inmates to serve minimum of 85% of their court-imposed sentence</b>	The 1995 legislature passed into law the requirement that all offenders sentenced to prison must serve a minimum of 85% of their court-imposed sentence.	<b>October 1, 1995</b> Crimes committed on or after this date
<b>Violent Career Criminal Act created</b>	Violent Career Criminals are offenders convicted of a Forcible Felony who had: <ul style="list-style-type: none"> <li>• Previously been convicted of three or more Forcible Felonies and other crimes involving firearms or violence, and</li> <li>• been incarcerated in prison before, and</li> <li>• not remained crime free for at least five years.</li> </ul> <p>VCC's <b>must</b> receive substantially longer prison terms. Eligible offenders are automatically sentenced under VCC, unless exempted by the Court.</p>	<b>October 1, 1995</b> Crimes committed on or after this date
<b>1995 Sentencing Guidelines enhance punishments for several current and prior violent crimes.</b>	Recommended sentences for murder and sex offenses were enhanced considerably, along with mandatory prison sentences for offenses such as burglary of a dwelling, aggravated battery, and lewd acts on a child. Also increased the value of certain prior record and other factors in the sentencing decision.	<b>October 1, 1995</b> Crimes committed on or after this date
<b>Prison Releasee Reoffender Act</b>	Offenders who commit specified violent crimes within three years of release from prison are subject to a mandatory prison sentence based on the felony degree and must serve 100% of their sentences.	<b>May 30, 1997</b> Crimes committed on or after this date
<b>Criminal Punishment Code passed by the</b>	A dramatic change in sentencing policy allows for the imprisonment, up to the	<b>October 1, 1998</b> Crimes committed on

<b>1997 legislature - Provides discretion for any felon to receive a state prison sanction</b>	statutory maximum, of any felony offender, regardless of their Guidelines point level score. Lowers the previous Guidelines threshold for felons to receive a prison sentence.	or after this date
<b>10-20-Life - Mandates mandatory minimum terms of imprisonment for the possession, discharge and causing injury or death with a firearm</b>	The following mandatory prison penalties apply if the following circumstances exist during the commission of specified violent or drug trafficking offenses, unless exempted through memorandum by the state attorney:	July 1, 1999 Crimes committed on or after this date
	<ul style="list-style-type: none"> <li>• Possession of a firearm = 10 years</li> <li>• Possession of a semi-automatic/machine gun = 15 years</li> <li>• Discharge of a firearm (any type) = 20 years</li> <li>• Discharge with great bodily injury or death = 25 years to life</li> </ul>	
<b>Three Strike Violent Felony Offender Act - Mandates statutory maximum sentences for repetitive violent offenders</b>	Mandates that offenders convicted of specified violent offenses that have 2 prior convictions for any such offenses shall receive the following maximum prison penalty for the offense, if the act is pursued by the state attorney:	July 1, 1999 Crimes committed on or after this date
	<ul style="list-style-type: none"> <li>• 3<sup>rd</sup> degree felonies = 5 years</li> <li>• 2<sup>nd</sup> degree felonies = 15 years</li> <li>• 1<sup>st</sup> degree felonies = 30 years</li> <li>• Life felonies = Life</li> </ul>	
	Also creates mandatory minimum terms of imprisonment for repeat sexual batterers, drug trafficking offenses and certain offenses committed against the elderly or law enforcement officers.	