

**RULES OF
FLORIDA PROBATION AND PAROLE
COMMISSION
CHAPTER 285-1
GOVERNING CONSIDERATION OF CASES**

**PART I
PROBATION**

- 285-1.01 Courts
- 285-1.02 Presentence investigations

- 285-1.03 Custody and supervision
- 285-1.04 Violation

285-1.01 Courts.—The courts of the State of Florida having original jurisdiction of criminal actions, where the defendant in a criminal case has been found guilty upon verdict or plea, except for an offense punishable by death or life imprisonment, may at a time to be determined by the court, hear and determine the question of the probation of such defendant.

General Authority: 947.07 FS Laws Implemented: 948.01 FS History.—New 10-20-63

285-1.02 Presentence investigations.—The Probation and Parole Commission will through its District Supervisors make presentence investigations and recommendations in all cases where requested by the trial courts.

General Authority: 947.07 FS Laws Implemented: 948.01(2) FS History.—New 10-20-63

285-1.03 Custody and supervision.—The

Probation and Parole Commission will, as provided by law, assume custody and supervision of all persons placed on probation by the courts of the state.

General Authority: 947.07 FS Laws Implemented: 948.01(3) FS History.—New 10-20-63

285-1.04 Violation.—The purpose of probation supervision is intended to be constructive and every effort will be made to effectively re-establish each person placed on probation as a law abiding citizen. However, in the event any probationer violates any law or any of the terms or conditions of probation he or she may be arrested without warrant and brought before the court granting such probation for such action as that court may see fit including imposition of such sentence as might have been imposed in the first instance.

General Authority: 947.07 FS Laws Implemented: 948.06 FS History.—New 10-20-63

**PART II
PAROLE**

- 285-1.20 Application unnecessary
- 285-1.21 Eligibility
- 285-1.22 Prison record
- 285-1.23 Basis for parole
- 285-1.24 Parole plan

- 285-1.25 Consent to conditions
- 285-1.26 Responsibility for supervision
- 285-1.27 Violation of terms
- 285-1.28 Hearings; setting of sentence

285-1.20 Application unnecessary.—No formal application for release on parole need be filed.

General Authority: 947.07 FS Laws Implemented: 947.16 FS History.—New 10-20-63

285-1.21 Eligibility.—Every person convicted of a felony or one or more misdemeanors and sentenced for a term totalling twelve months or more, after serving six months of such a term and in cases where the term is eighteen months or less, has served not less than one-third of his term, is automatically before the Commission for consideration for release on parole.

General Authority: 947.07 FS Laws Implemented: 947.16 FS History.—New 10-20-63

285-1.22 Prison record.—No person can be considered for release on parole unless his or her prison record is good.

General Authority: 947.07 FS Laws Implemented: 947.16(1) FS History.—New 10-20-63

285-1.23 Basis for parole.—No person shall be placed on parole merely as a reward for good conduct or efficient performance of duties assigned in prison. No person shall be placed on parole until and unless the Commission shall find that there is reasonable probability that, if he is released on parole, he will live and conduct himself as a respectable and law abiding person, and that his release will be compatible with his own welfare and the welfare of society.

General Authority: 947.07 FS Law Implemented: 947.18 FS History.—New 10-20-63

285-1.24 Parole plan.—In the consideration of a prisoner's case the Commission will obtain a complete case history and will study the conditions under which he or she will live if released on parole, and the following conditions, which constitute the "parole plan" must be developed.

(1) There must be an offer of satisfactory employment or means of livelihood so that the Commission will be assured that the prisoner, if released on parole, will not become a burden on the community. Forms for this purpose have been prepared and will be furnished on request.

(2) The home situation and environment into which it is proposed that the prisoner be leased must be such that there is a strong probability that he or she will satisfactorily establish himself or herself as a useful citizen of the community.

(3) In all cases where it appears to the commission desirable a suitable person from the community in which the parolee is to live must agree to serve as parole advisor who will act as a counselor to whom the parolee can freely and without hesitation go for advice and counsel in his or her efforts to make a readjustment from the abnormal life in the prison to the normal home life of the free world. This parole advisor serves merely in an unofficial capacity in cooperation with the District Supervisor and has no legal responsibility or authority.

General Authority: 947.07 FS Laws Implemented: 947.17 FS
History.—New 10-20-63

285-1.25 Consent to conditions.—All persons to be paroled must, prior to release, agree and consent in writing to the terms and conditions of parole as prescribed by the Commission.

General Authority: 947.07 FS Laws Implemented: 947.17(1) FS
History.—New 10-20-63

285-1.26 Responsibility for supervision.—Upon the release of any prisoner on parole the

responsibility for the supervision of the parolee shall be vested in the District Supervisor.

General Authority: 947.07 FS Laws Implemented: 947.20 FS
History.—New 10-20-63

285-1.27 Violation of terms.—A violation of the terms or conditions upon which a person is released on parole subjects the parolee to return to prison and in such event no credit is permitted under the law to be given for the time spent on parole.

General Authority: 947.07 FS Laws Implemented: 947.21 FS
History.—New 10-20-63

285-1.28 Hearings; setting of sentence.—

(1) As soon as practicable after the arrest of a person charged with violation of the terms and conditions of his parole such parolee shall appear before the Commission in person, and if he desires he may be represented by counsel, and a hearing shall be had at which the State of Florida and the parolee may introduce such evidence as they may deem necessary and pertinent to the charge of parole violation. Within a reasonable time thereafter the Commission shall make findings upon such charge of parole violation and shall enter an order thereon rescinding said parole and returning such person to prison to serve the sentence theretofore imposed upon him, or reinstating the original order of parole, or shall enter such other order as it may deem proper.

(2) Where an individual has an indeterminate sentence, the Commission will consider setting the exact period of confinement for a term less than the maximum provided by the court, upon the recommendation of the Division of Corrections.

General Authority: 947.07 FS Laws Implemented: 947.23 FS
History.—New 10-20-63

IN GOD WE TRUST

OFFICIAL

John A. Doan