

## **Current Florida Statute relating to Executive Clemency**

**Chapter 14.28, F.S.— Executive clemency.**--All records developed or received by any state entity pursuant to a Board of Executive Clemency investigation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such records may be released upon the approval of the Governor.

**Dodson, Jessica**

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**From:** Governor's Press Office  
**Sent:** Wednesday, October 31, 2007 2:48 PM  
**Subject:** Governor Crist Opens Clemency Report for Applicants

**FOR IMMEDIATE RELEASE**  
WEDNESDAY, OCTOBER 31, 2007

**CONTACT: GOVERNOR'S PRESS OFFICE**  
(850) 488-5394

## **Governor Crist Opens Clemency Report for Applicants**

TALLAHASSEE – Governor Charlie Crist announced today that Florida's clemency applicants appearing before the Board of Executive Clemency will now receive their case analysis reports prepared by the Parole Commission prior to the scheduled hearing. Previously, the reports remained confidential and were provided only to members of the Board of Executive Clemency. The Governor's announcement comes as a result of public testimony during public hearings of the Commission on Open Government.

"Individuals applying for clemency should have the same information available to them that decision makers on the Board of Executive Clemency have," said Crist. "I believe providing the clemency reports to applicants or their representatives will make our system of justice fairer, and I am thankful that the Commission on Open Government has brought this issue to the forefront."

Governor Crist created the Commission on Open Government in June 2007, and directed them to view policies and statutes related to Florida's Sunshine Laws, including Article 1, Section 24, of the Florida Constitution and Chapters 119 and 286.011 of the Florida Statutes. During the Commission on Open Government's August meeting, two witnesses testified about difficulties they experienced in assisting clemency applicants, due to the secrecy that surrounded the process.

"I would like to propose the current clemency information policies be modified to include the release of all information to an inmate's lawyer or professional representative or to the inmate if he or she is filing without representation. I believe this modification would facilitate a much more fair and balanced outcome for all," said Lynda Markham, Indian Harbor Beach, Florida, during her testimony at the public hearing.

Section 14.28, Florida Statutes, grants the Governor authority to release confidential information. The case analysis report includes a summary of the offense, criminal and traffic history, personal background information, and the Parole Commission's recommendation to the Clemency Board. The case analysis report will be provided to the applicant or their authorized representative prior to their hearing date. Information provided by victims, prosecutors and judges will remain confidential due to public safety concerns.

For more information about the Commission on Open Government, please visit [www.flgov.com/og\\_home](http://www.flgov.com/og_home).

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CHARLIE CRIST  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

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October 31, 2007

Ms. Janet Keels  
Coordinator, Office of Executive Clemency  
2601 Blair Stone Road, Bldg. C, Room 229  
Tallahassee, FL 32399-2450

Dear Ms. Keels:

Florida Statute 14.28 provides that all records in regard to executive clemency are confidential and are exempt from the public record requirements of Florida Statute 119.07. However, the statute further provides that "such records may be released upon the approval of the Governor."

In the interest of justice, it is essential that applicants appearing before the Clemency Board are fully informed and prepared to present their case. To that end, pursuant to the authority vested in the Governor by Florida Statute 14.28, please provide each applicant scheduled to appear before the Clemency Board with their case analysis report prepared by the Parole Commission. This report should accompany the notice of the Clemency Board meeting sent to each applicant prior to the hearing. Statements or information provided by the victim, judge, prosecutor or third parties who volunteer information shall be redacted from the report and remain confidential due to public safety concerns.

Thank you for your continued good work.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wheeler".

Robert R. Wheeler  
Assistant General Counsel

:rrw:ko

cc: Clemency Aides