

CERTIFICATION OF COMPLIANCE

WITH SECTION 120.74(3), FLA. STAT.

I hereby certify that the Florida Commission on Offender Review has performed a review of its rules pursuant to § 120.74, Fla. Stat. The Commission proposes the following rule (supplemental) regulatory plan within the time period of July 1, 2015 to June 30, 2016:

Legislative Changes

- 1) No agency-specific legislative changes was implemented in 2015 Regular Session which created or modified the duties or the authority of the agency.
- 2) HB 985 – requiring all state agencies to index orders with DOAH – was implemented.
 - No rulemaking is necessary to implement this procedure change; the Commission’s rules already list the orders required for indexing.
- 3) SB 1636 (2014) changed the name of the agency to FCOR. In conjunction with this change, all technical changes were already made to the rules. However, the name of the Commission’s parole examiners changed to Commission investigators.
 - There are two locations in the rules that will need to undergo the rulemaking process to implement this: Rule 23-21.002 and Rule 23-23.006.
- 4) SB 526, lines 1207-1229, (2014), requires tolling of supervision for those offenders on conditional release supervision (and other forms of supervision) while the offender is committed in a civil commitment center.
 - A prospective change to Rule 23-23.010 is currently being implemented.

2014 Rule Regulatory Plan - Update

Chapter 23-20 prospective changes are still being coordinated with another agency (Florida Department of Corrections) and have not yet been identified or finalized.

Chapter 23-21

- All technical changes from parole examiner to Commission investigator implemented
- Rule 23-21.002 prospective changes have not been finalized and are currently undergoing the rulemaking process.
- Rule 23-21.0051 prospective changes have not been finalized and are currently undergoing the rulemaking process.
- Rule 23-21.011 prospective changes have not been finalized and are currently undergoing the rulemaking process.
- Rule 23-21.015 prospective changes were work-shopped and determined to not be necessary.

Chapter 23-23

- All technical changes from parole examiner to Commission investigator implemented
- Rule 23-23.010 prospective changes have not been finalized and are currently undergoing the rulemaking process.

- Rule 23-23.011 prospective changes have not been finalized and are currently undergoing the rulemaking process.

Workshop notices in the Florida Administrative Registrar:

- ID 16126267, published 6/18/15, Vol. 41/118;
- ID 16044496, published 5/28/15, Vol. 41/103;
- ID 15967284, published 5/6/15, Vol. 41/88;
- ID 15945071, published 4/29/15, Vol. 41/83;
- ID 15777552, published 3/13/15, Vol. 41/50;
- ID 15649027, published 2/10/15, Vol. 41/27; and
- ID 15602952, published 1/29/15, Vol. 41/19.

2015 Rule Regulatory Plan

Chapter 23-15, Practices And Procedures

No proposed changes.

Chapter 23-21, Commission Operations

Rule 23-21.001 General

- Statute reference: §947.06, Fla. Stat.
- eliminate as unnecessary

Rule 23-21.002 Definitions

- Statute reference: § 947.1745, Fla. Stat.
- remove extraneous language from “effective parole release date” definition
- better define unsatisfactory institutional conduct for processed vs. unprocessed disciplinary actions

Rule 23-21.007 Salient Factor Scoring

- Statute reference: §§ 947.002 & 947.165, Fla. Stat.
- remove unnecessary confusing language at beginning of scoring system

Rule 23-21.0165 Conditions of Parole

- Statute reference: § 947.20, Fla. Stat.
- further specify reporting requirements for individuals released to detainers
- change standard condition advising that the parolee can not bond out of jail without permission from supervising officer on any offense

Rule 23-21.022 Revocation of Parole; Preliminary Hearings; Final Hearings

- Statute reference: §§ 947.22 & 947.23, Fla. Stat.
- add direction for waiver of hearings in absentia

Chapter 23-22, Control Release

No proposed changes.

Chapter 23-23, Conditional Release Program

Rule 23-23.006 Conditional Release Definitions

- Statute reference: § 947.1405, Fla. Stat.
- “Parole Examiner” will be renamed as “Commission Investigator”
- remove extraneous language from “sexual predator” definition

Rule 23-23.010 Conditional Release Supervision

- § 947.141, Fla. Stat.
- change standard condition advising that the releasee can not bond out of jail without permission from supervising officer on any offense

Chapter 23-24, Conditional Medical Release Program

Rule 23-24.030 Conditions of Conditional Medical Release

- Statute reference: § 947.141, Fla. Stat.
- change standard condition advising that the releasee can not bond out of jail without permission from supervising officer on any offense

Rule 23-24.050 Revocation of Conditional Medical Release

- Statute reference: § 947.141, Fla. Stat.
- add rule to allow waivers in absentia

Chapter 23-25 Addiction Recovery Supervision Program

Rule 23-25.001 General

- Statute reference: § 944.4731, Fla. Stat.
- eliminate as unnecessary


Rule 23-25.004 Addiction Recovery Supervision

- Statute reference: § 947.141, Fla. Stat.
- change standard condition advising that the releasee can not bond out of jail without permission from supervising officer on any offense

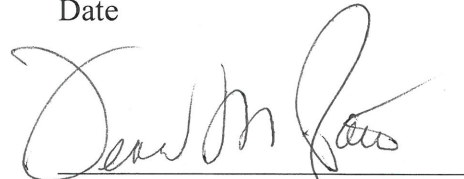
Rule 23-25.005 Revocation of Addiction Recovery Supervision

- Statute reference: § 947.141, Fla. Stat.
- add rule to allow waivers in absentia

We hereby certify that we have reviewed the above Plan and find it correct. We also hereby certify that the Florida Commission on Offender Review regularly reviews all of its rules to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented. To this end, our rules have most recently been reviewed: the rules are currently undergoing the rulemaking process.


Sarah J. Rumph, General Counsel

9/11/15
Date


Tena M. Pate, Chair

September 11, 2015
Date