

## **REPORT OF RULES REVIEW**

### **PURSUANT TO SECTIONS 120.74 & 120.745, FLA. STAT.**

Since the last Rules Report in 2009, the Florida Parole Commission has identified rule amendments needed to comply with statutory changes, effective 2010 and 2011. There was also one technical correction that was made in 2011. These changes are identified in the attached Appendix A. Other than the technical change and identification of necessary rule changes, the rule amendment process has not made it to the rule development stage yet. It is anticipated that this process will begin and be completed in 2012.

The Florida Parole Commission has no recommended changes attached to this report which promote efficiency, reduce paperwork, or decrease costs to the government or private sector.

The Florida Parole Commission has no known current or future economic impact on small businesses. Furthermore, the Commission is not involved in any cases or disputes which should be resolved under the Summary Hearing process in § 120.574, Fla. Stat.

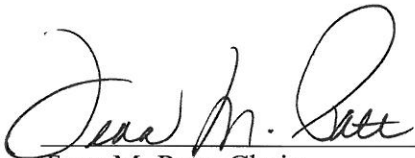
## **CERTIFICATION OF COMPLIANCE**


### **WITH SECTION 120.74, FLA. STAT.**

I hereby certify that the Florida Parole Commission has performed a formal review of its rules pursuant to § 120.74, Fla. Stat., and works continuously towards the following:

- (1) Identifying and correcting deficiencies in its rules;
- (2) Clarifying and simplifying its rules;
- (3) Deleting obsolete and unnecessary rules;
- (4) Deleting rules that are redundant of statutes;
- (5) Seeking to improve efficiency, reduce paperwork, and decrease costs to government and the private sector;
- (6) Contacting other agencies that have concurrent or overlapping jurisdiction to determine whether their rules can be coordinated to promote efficiency, reduce paperwork, or decrease costs to government and the private sector; and

(7) Determining if any rules should be changed to reduce an impact on small businesses.

  
Tena M. Pate, Chair

  
Date

**CERTIFICATION OF COMPLIANCE**

**WITH SECTION 120.745, FLA. STAT.**

I hereby certify that the Florida Parole Commission has performed an enhanced biennial review of its rules pursuant to § 120.745, Fla. Stat. This enhanced review consisted of the following:

(a) The Florida Parole Commission accomplished the requirements of § 120.74(1), Fla. Stat., by thoroughly reviewing all statutory changes made to those sections affecting the Commission between 2009 and 2011, and identifying all case law which affected Commission rules, conducting further case law research when necessary. Implementation of procedures was also reviewed in an effort to compare the rules with actual practice by staff.

(b) None of the Commission's Rules were reviewed by OFARR pursuant to the Governor's Executive Order 2011-01 since the Commission is a Governor and Cabinet agency, created by the Florida Constitution. (Reflected in attached Appendix B)

(c) The Commission reviewed each rule to determine whether the rule is a revenue rule, to identify the statute or statutes authorizing the collection of any revenue, to identify the fund or account into which revenue collections are deposited, and, for each revenue rule, to determine whether the rule authorizes, imposes, or implements:

1. Registration, license, or inspection fees.

2. Transportation service tolls.
3. Fees for a specific service or purpose not included in 1 or 2.
4. Fines, penalties, costs, or attorney fees.
5. Any tax.
6. Any other amounts collected, not covered under subparagraphs 1-5.

(Reflected in attached Appendix B)

(d) The Commission also reviewed each rule to determine whether the rule is a data collection rule, providing the following information for each rule determined to be a data collection rule:

The Commission has identified four rules which may be considered to be data collection rules, Rule 23-21.004, 23-22.007, 23-23.007, and 23-24.025.

1. The statute or statutes authorizing the collection of such data. Art. I, sec. 16(b) of the Florida Constitution, § 947.06, F.S., § 947.1405(3), F.S., § 947.146(7)(a) & (e), F.S., § 947.147, F.S., § 947.181, F.S., and § 960.001(1), F.S.
2. The purposes for which the agency uses the data and any purpose for which the data is used by others. The Commission accepts victim input to determine the setting of conditions, any release on discretionary release, and restitution.
3. The policies supporting the reporting and retention of the data. Per Florida Constitution, victims have the ultimate right to input in all “crucial stages of criminal proceedings.”
4. Whether and to what extent the data is exempt from public inspection under chapter 119. The Commission is required to keep the information confidential by § 945.10, 960.001, and 119.071(2)(h) & (j), F.S.

(e) As a result of this enhanced review, the Commission has not identified any rules that must be repealed.


(f) Since none of the Commission's rules have any economic impact, there is also no rule or subpart of a rule that the agency plans to amend to substantially reduce the economic impact.

(g) Since none of the Commission's rules have any direct or indirect economic impact, as described in § 120.541(2)(a), Fla. Stat., the Commission is not required to prepare a compliance economic review, as defined by § 120.745(1)(b), Fla. Stat.

(h) The Commission has not identified any rules which require a compliance economic review.

The results of the Commission's enhanced review noted above are listed in the attached report, Appendix B. This report was published for public comment and objections on the Parole Commission's website on November 23, 2011.

  
Tena M. Pate, Chair

  
Date

## APPENDIX A

### Chapter 23-21, Commission Operations

- Continue Identification of Forms which may need to be in Rule
- Rule 23-21.004 Commission Meetings
  - Researching if victim testimony limitations need to be broadened
- Rule 23-21.013 Subsequent Interview Procedure
  - Updating to correspond to statute changes effective 2010
- Rule 23-21.0155 Extraordinary Review Procedures
  - Technical correction requested by JAPC referencing “law implemented”
- Rule 23-21.019 Parole Recission
  - Updating to clarify the process
- Rule 23-21.021 Warrant and Arrest
  - Updating to add an alternative to warranting procedures

### Chapter 23-22, Control Release

- Continue Identification of Forms which may need to be in Rule

### Chapter 23-23, Conditional Release Program

- Continue Identification of Forms which may need to be in Rule
- Rule 23-23.011 Revocation of Conditional Release
  - Updating to add an alternative to warranting procedures

### Chapter 23-24, Conditional Medical Release Program

- Continue Identification of Forms which may need to be in Rule
- Rule 23-24.050 Revocation of Conditional Medical Release
  - Updating to add an alternative to warranting procedures

### Chapter 23-25 Addiction Recovery Supervision Program

- Continue Identification of Forms which may need to be in Rule
- Rule 23-25.005 Revocation of Addiction Recovery Supervision
  - Updating to add an alternative to warranting procedures

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FL. Parole Comm.	Conditional Medical Release Program; Revocation of Conditional Medical Release	23-24.050	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Addiction Recovery Supervision Program; General	23-25.001	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Addiction Recovery Supervision Program; Definitions	23-25.002	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Addiction Recovery Supervision Program; Addiction Recovery Supervision Evaluation Procedure	23-25.003	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Addiction Recovery Supervision Program; Addiction Recovery Supervision	23-25.004	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Addiction Recovery Supervision Program; Revocation of Addiction Recovery Supervision	23-25.005	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Definitions	23A-1.001	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Committee Description and Purpose	23A-1.002	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Procedures for Applications	23A-1.003	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Plan for Evaluation of Qualifications	23A-1.004	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Rulemaking	23A-1.005	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Notice of Meeting or Workshop	23A-1.006	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Agenda of Meetings and Workshops	23A-1.007	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Parole Qualifications Committee; Emergency Meetings	23A-1.008	N	N	N	N	N	N	N	N	N	N	N	NP

All inquiries, public comments, and objections pertaining to this report may be directed to: **Sarah J. Rumph**, General Counsel, Florida Parole Commission, 4070 Esplanade Way, Tallahassee Florida 32399-2450; Fax: (850) 414-0470; email: SarahRumph@fpc.state.fl.us. Public input on this report may be provided as stated in § 120.745(4), Fla. Stat., and prior to July 1, 2012.