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

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

Tena M. Pate, Chair

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.
- 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.

November 21, 2011

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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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

APPENDIX B

Column 1: Agency Name	Column 2: F.A.C. Rule Nu	ımber	Column 3: OFARR Reviewed	Col	umn 4: RE	VENUE R	ULE/Func	d or Acco	ount	Column 5: Data Collection Rule	Column 6: Repeal	Column 7:	Column 8: Effective after 11/16/2010	Column 9: Effective on or before11/16/20 10: probable
,	2a: Title, Subtitle, Chapter	2b: Number		4a: Licensure fee	4b: Transport Tolls	4c: Other Fees	4d: Fines	4e: Tax	4f: Other Revenue		1			
Possible Answers:			Y or N	Y (G.R.) or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N	Y, N, or Exempt	Y, N, or Exempt	Y or N	NA, NP, 1, or 2
FL. Parole Comm.	Practices and Procedures; Commission Voting Practices and Procedures;	23-15.011	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Indexing of Orders Mutual Participation Program;	23-15.015	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Definitions	23-20.001	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Mutual Participation Program; Scope of Responsibility	23-20.002	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Mutual Participation Program; Criteria for Program Eligibility	23-20.003	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Mutual Participation Program; Agreement Provisions	23-20.004	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Mutual Participation Program; Criteria for Parole Under the Mutal Participation Program	23-20.005	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Mutual Participation Program; Processing of Agreements	23-20.006	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Mutual Participation Program; Procedures	23-20.007	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Commission Operations; General Commission Operations;	23-21.001	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Definitions Commission Operations;	23-21.002	N	N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm. FL. Parole Comm.	Commission Meetings Commission Operations; Full Commission Reviews	23-21.004	N N	N N	N N	N N	N N	N N	N N	Y N	N N	N N	N N	NP NP
FL. Parole Comm.	Commission Operations; Panel Reviews	23-21.0051		N	N	N	N	N	N	N	N	N	N	NP
FL. Parole Comm.	Commission Operations; Initial Interview Procedure	23-21.006	N	N	N	N	N	N	N	N	N	N	N	NP

1	Commission Operations; Salient	1 1		I	I	I	l		I					
FL. Parole Comm.	Factor Scoring	23-21.007	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Severity													
FL. Parole Comm.	of Offense Behavior	23-21.008	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Matrix								10.27					
FL. Parole Comm.	Time Ranges	23-21.009	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations;													
	Decisions Outside the Matrix													
FL. Parole Comm.	Time Range	23-21.010	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations;													
FL. Parole Comm.	Calculating Time in Custody	23-21.011	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Inmate													
	Initiated Review of Presumptive													
FL. Parole Comm.	Parole Release Date	23-21.012	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Biennial													F. 61
FL. Parole Comm.	Interview Procedure	23-21.013	N	· N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Special													
FL. Parole Comm.	Interviews	23-21.014	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Effective		•										333-3333	****
	Parole Release Date Interview	1 1												
FL. Parole Comm.	Procedure	23-21.015	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations;													1.00
	Extraordinary Interview and													
FL. Parole Comm.	Review Procedures	23-21.0155	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations;													
FL. Parole Comm.	Extraordinary Interview Procedure	23-21.0161	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations;											200		
FL. Parole Comm.	Conditions of Parole	23-21.0165	N	N	N	N	N	N	N	N	N	N	N	NP
				2008/01/2009									0	2,1,7,000
	Commission Operations; Review			20100		79/00/2								
FL. Parole Comm.	of Term and Conditions of Parole	23-21.017	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations;													- CALIFAC
	Disposition of Special Types of													
FL. Parole Comm.	Cases Under the Guidelines	23-21.018	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Parole			× >	25000	5. 2	2.3	95-100	2.5	5a (6)	100000	g=5-m		
FL. Parole Comm.	Rescission	23-21.019	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Early	January 1998-199		2000	gg/Alman	9354-003	gyene	1300000	250.040	- ggrana	000/18444	15 24 20 24	20,000	(0.7)
FL. Parole Comm.	Termination of Parole	23-21.020	N	N	N	N	N	N	N	N	N	N	N	NP
	Commission Operations; Warrant													
FL. Parole Comm.	and Arrest	23-21.021	N	N	N	N	N	N	N	N	N	N	N	NP

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	Commission Operations													
	Commission Operations;													
EL Danala Caman	Revocation of Parole; Preliminary	22 21 022	NT	NT.	NT.	NT.	NT.	NT.					3.7	3.770
FL. Parole Comm.	Hearings; Final Hearings	23-21.022	N	N	N	N	N	N	N	N	N	N	N	NP
EI Danala Comm	Control Release; Control Release Definitions	23-22.006	NT	NT.	NT.	N	N	N	N	N	NT.	N	N	, m
FL. Parole Comm.		23-22.006	N N	N N	N N	N N	N N	N N	N N	N Y	N N	N N	N	NP
FL. Parole Comm.	Control Release; Victim Input	23-22.007	IN	I N	IN IN	IN	IN	IN	IN	Y	N	IN	N	NP
FI D1- C	Control Release; Control Release Evaluation Procedure	22 22 000	NT) AT	NT.	NT.	N N	NT.	NT.	27	.	N.T.	NT	
FL. Parole Comm.		23-22.008	N	N	N	N	N	N	N	N	N	N	N	NP
	Control Release; Disposition of													
EL D. 1.C	Special Types of Cases Involving	22 22 222	3.7					.,		3.7	2.7			3.70
FL. Parole Comm.	Control Release	23-22.009	N	N	N	N	N	N	N	N	N	N	N	NP
TT D 1 C	Control Release; Advancing or	22 22 21 2	N.T.			3.7			3.7	3.7	3.7		3.7	3.70
FL. Parole Comm.	Extending Control Release Dates	23-22.010	N	N	N	N	N	N	N	N	N	N	N	NP
EL D. 1 C	Control Release; Review of	22 22 212	3.7			3.7		NT	3.7		3.7		3.7	
FL. Parole Comm.	Control Release Dates	23-22.012	N	N	N	N	N	N	N	N	N	N	N	NP
EL D. 1. C.	Control Release; Control Release					3.7				3.7	3.7		3.7	
FL. Parole Comm.	Supervision	23-22.013	N	N	N	N	N	N	N	N	N	N	N	NP
rr p 1 0	Control Release; Revocation of		3.7	,,	.,,	3.7								
FL. Parole Comm.	Control Release	23-22.014	N	N	N	N	N	N	N	N	N	N	N	NP
Er D 1 C	Conditional Release; Conditional		3.7		3.7	3.7	.,			2.7	3.7			
FL. Parole Comm.	Release Definitions	23-23.006	N	N	N	N	N	N	N	N	N	N	N	NP
Er D 1 C	Conditional Release; Victim		2.7	.,,					3.7		2.7			
FL. Parole Comm.	Information	23-23.007	N	N	N	N	N	N	N	Y	N	N	N	NP
	Conditional Release; Conditional		3.7	.,										
FL. Parole Comm.	Release Evaluation Procedure	23-23.008	N	N	N	N	N	N	N	N	N	N	N	NP
FT P 1 G	Conditional Release; Conditional		**	.,							2.4			
FL. Parole Comm.	Release Supervision	23-23.010	N	N	N	N	N	N	N	N	N	N	N	NP
DV D 1 G	Conditional Release; Revocation									207				
FL. Parole Comm.	of Conditional Release	23-23.011	N	N	N	N	N	N	N	N	N	N	N	NP
	Conditional Medical Release									,				
	Program; Conditional Medical		2/2					272						
FL. Parole Comm.	Release Eligibility	23-24.020	N	N	N	N	N	N	N	N	N	N	N	NP
	Conditional Medical Release	1 1												
	Program; Victim Input into		1202		locarous	CONTRACT.	1987/95	10000	255 XVII.		Common	722222		40-7-care
FL. Parole Comm.	Commission Decisions	23-24.025	N	N	N	N	N	N	N	Y	N	N	N	NP
	Conditional Medical Release												=	
	Program; Conditions of		02000	22.40		i gamaa	52500.1	1027 mm	52000	22,000	page service	IQMESTS.	934/69000	
FL. Parole Comm.	Conditional Medical Release	23-24.030	N	N	N	N	N	N	N	N	N	N	N	NP
	Conditional Medical Release													
	Program; Conditional Medical													
FL. Parole Comm.	Release Rescission	23-24.040	N	N	N	N	N	N	N	N	N	N	N	NP

Ì	Conditional Medical Release			1	1	1		1	ſ	l	ľ	ſ	ı	
	Program; Revocation of													
FL. Parole Comm.	Conditional Medical Release	23-24.050	N	N	N	N	N	N	N	N	N	N	N	NP
1 L. I arole comm.	Addiction Recovery Supervision	23-24.030	11	14	14	111	14	IN	11	18	IN	I N	19	INI
FL. Parole Comm.	Program; General	23-25.001	N	N	N	N	N	N	N	N	N	N	N	NP
TENT GROUP COMMIN.	Addiction Recovery Supervision	23 23.001		11		1,		11					1,	141
FL. Parole Comm.	Program; Definitions	23-25.002	N	N	N	N	N	N	N	N	N	N	N	NP
	Trogram, 2 diminion	20 20 10 02										21	.,	111
	Addiction Recovery Supervision	1												
	Program; Addiction Recovery	1 1			12									
FL. Parole Comm.	Supervision Evaluation Procedure	23-25.003	N	N	N	N	N	N	N	N	N	N	N	NP
	Addiction Recovery Supervision						· · · · · · · · · · · · · · · · · · ·							
	Program; Addiction Recovery	1 1												
FL. Parole Comm.	Supervision	23-25.004	N	N	N	N	N	N	N	N	N	N	N	NP
	Addiction Recovery Supervision													
	Program; Revocation of Addiction													
FL. Parole Comm.	Recovery Supervision	23-25.005	N	N	N	N	N	N	N	N	N	N	N	NP
	Parole Qualifications Committee;			1000	9 33									
FL. Parole Comm.	Definitions	23A-1.001	N	N	N	N	N	N	N	N	N	N	N	NP
	Parole Qualifications Committee;													
Service Control of the Service	Committee Description and													
FL. Parole Comm.	Purpose	23A-1.002	N	N	N	N	N	N	N	N	N	N	N	NP
	Parole Qualifications Committee;					110000								
FL. Parole Comm.	Procedures for Applications	23A-1.003	N	N	N	N	N	N	N	N	N	N	N	NP
	Parole Qualifications Committee;													
	Plan for Evaluation of													
FL. Parole Comm.	Qualifications	23A-1.004	N	N	N	N	N	N	N	N	N	N	N	NP
	Parole Qualifications Committee;				2.0						200			
FL. Parole Comm.	Rulemaking	23A-1.005	N	N	N	N	N	N	N	N	N	N	N	NP
	Parole Qualifications Committee;													
FL. Parole Comm.	Notice of Meeting or Workshop	23A-1.006	N	N	N	N	N	N	N	N	N	N	N	NP
	Parole Qualifications Committee;													
FI Parala Cama	Agenda of Meetings and	024 1 007	N			NT.	NT.		NT.	NT	3.7	NT.	2.7	7.70
FL. Parole Comm.	Workshops Parole Qualifications Committee;	23A-1.007	N	N	N	N	N	N	N	N	N	N	N	NP
El Parala Carrer		22 4 1 000	N	NT.	NT	NT	NT	NT	N.T.	N.T	NT.	NT	NT.	ND
FL. Parole Comm.	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.