



FLORIDA COMMISSION ON OFFENDER REVIEW

4070 Esplanade Way, Tallahassee, Florida 32399-2450

MELINDA N. COONROD
Commissioner/Chair

RICHARD D. DAVISON
Commissioner/Vice-Chair

DAVID A. WYANT
Commissioner/Secretary

75 YEARS OF
SERVICE EXCELLENCE
1941-2016

FLORIDA COMMISSION ON OFFENDER REVIEW 2016 -2017 ANNUAL REGULATORY PLAN

PART 1.

This part fulfills the requirements of s. 120.74(1)(a), Fla. Stat., according to which the Commission must provide a list of laws that meet certain criteria, including a listing of each law enacted or amended during the previous twelve months which creates or modifies the duties or authority of the agency, except those laws that affect all or most agencies.

No Commission specific legislation was enacted or implemented in the 2016 Regular Session that created or modified the duties or authority of the Commission.

PART 2.

This part fulfills the requirements of s. 120.74(1)(b), Fla. Stat., according to which the Commission must provide a list of laws that meet certain criteria, including a listing of each law that does not meet the criteria of s. 120.74(1)(a), Fla. Stat., but for which the Commission expects to implement rulemaking before July 1, 2017, except emergency rulemaking.

SB 1636 (2014)

SB 1636 (2014) changed the name of the agency to the Commission on Offender Review. As a result, the Commission changed the position title of “Parole Examiner” to “Commission Investigator.” In order to implement this change, rulemaking must be undertaken as to Rules 23-21.002, Definitions, and 23-23.006, Conditional Release Supervision. This rulemaking is intended to clarify the titles of certain Commission staff, as those titles relate to the change of the agency name.

A notice of proposed rule for Rule 23-21.002, Definitions, has not yet been published. The notice of rule development was published in Issue 42/189 [ID 18062775].

A notice of proposed rule for Rule 23-23.006, Conditional Release Supervision, has not yet been published. The notice of rule development was published in Issue 42/189 [ID 18064618].

PART 3.

This part fulfills the requirements of s. 120.74(1)(c), Fla. Stat., according to which the Commission must provide a list of desired updates to the Commission’s prior year’s regulatory plan.

SB 526 (2014)

SB 526, L 1207-1229 (2014) mandated that all forms of supervision, including conditional release supervision, be tolled while the offender is committed to a civil commitment center. After submission of the Commission’s prior year’s regulatory plan, but prior to the submission of any

notice of rule development to be published, the Commission determined that rulemaking is unnecessary to implement the law. The law is sufficiently clear and detailed and any rule implementing it would be unnecessary and duplicative of the law.


The Commission has initiated rulemaking in order to amend the following rules, the details of which may be found in the related notices of rule development as indicated here:

- 23-21.002, Definitions [Issue 42/189] [ID 18062775]
- 23-21.007, Salient Factor Scoring [Issue 42/189] [ID 18062969]
- 23-21.0051, Full Commission Reviews [Issue 42/189] [ID 18063454]
- 23-21.0052, Panel Reviews [Issue 42/189] [ID 18063551]
- 23-21.010, Decisions Outside the Matrix Time Range [Issue 42/189] [ID 18063163]
- 23-21.011, Calculating Time in Custody [Issue 42/189] [ID 18063260]
- 23-21.0155, Extraordinary Review Procedures [Issue 42/189] [ID 18063745]
- 23-21.0165, Conditions of Parole [Issue 42/189] [ID 18063842]
- 23-21.022, Revocation of Parole; Preliminary Hearings; Final Hearings [Issue 42/189] [ID 18063357]
- 23-22.013, Control Release Supervision [Issue 42/189] [ID 18064133]
- 23-22.014, Revocation of Control Release [Issue 42/189] [ID 18064327]
- 23-23.006, Conditional Release Definitions [Issue 42/189] [ID 18064618]
- 23-23.011, Revocation of Conditional Release [Issue 42/190] [ID 18065879]
- 23-23.010, Conditional Release Supervision [Issue 42/190] [ID 18065588]
- 23-24.030, Conditions of Conditional Medical Release [Issue 42/190] [ID 18067237]
- 23-24.050, Revocation of Conditional Medical Release [Issue 42/190] [ID 18066267]
- 23-25.004, Addiction Recovery Supervision [Issue 42/190] [ID 18068692]
- 23-25.005, Revocation of Addiction Recovery Supervision [Issue 42/190] [ID 18066655]


The Commission’s present expectation is that it will complete such amendments by July 1, 2017.

CERTIFICATION

We, the undersigned, herby certify on behalf of the Commission on Offender Review (“the Commission”) that we have reviewed the plan, that the Commission regularly reviews all of its rules, and all the Commission’s rules were most recently reviewed between October 1, 2015, and June 28, 2016, to determine if the rules remain consistent with the Commission’s rulemaking authority and, after the close of the 2016 Regular Session, to determine if the rules remain consistent with the laws implemented during the 2016 Regular Session.


MELINDA COONROD
Chair, Commission on Offender Review

9/28/16
DATE


RANA WALLACE
General Counsel, Commission on Offender Review

September 28, 2016
DATE