

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.215 Classification - Transfer of Inmates

PURPOSE AND EFFECT: Rulemaking is necessary to amend Form DC6-187 to create a 36-month lookback period criterion for inmates who have not refused to participate in or been removed from any academic, vocational, or mandatory substance abuse treatment program due to unsatisfactory participation.

SUMMARY: The proposed rule amends Form DC6-187 to create a 36-month lookback period criterion for inmates who have not refused to participate in or been removed from any academic, vocational, or mandatory substance abuse treatment program due to unsatisfactory participation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, F.S.

LAW IMPLEMENTED: 944.09, 944.17, 945.12 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399 (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Holman, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, Jason.Holman@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.215 Classification – Transfer of Inmates.

(1) Upon completion of the reception process, each inmate will be assigned and transferred to the institution or facility approved by Classification that is most likely to facilitate the inmate's institutional progress. An inmate may subsequently be transferred from one institution to another to serve the Department's mission as it relates to the classification and management of the state prison population and to best serve the needs of the inmate.

(2) An inmate participating in an academic, vocational, substance abuse, or betterment program will not be transferred to another institution prior to completion of the program unless the program is available at the receiving institution, or for purposes of population management or security and safety concerns specifically set forth in writing.

(3) An inmate who meets specified criteria may request a good adjustment transfer from his or her current institution or facility to certain other institutions or facilities in another part of the state. An inmate may request a transfer by completing Form DC6-187, Inmate Request for Good Adjustment Transfer, which is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-11894>~~. The effective date of this form is XX/XX 04/20. The criteria for a good adjustment transfer are set forth in Form DC6-187. The criteria set forth in Form DC6-187 must be met by an inmate at the time he or she requests a transfer and must continue to be met until the transfer occurs. The Department does not guarantee that an inmate will be transferred to one of his or her preferred locations as requested on Form DC6-187. In the event the Department does not transfer the inmate to one of his or her preferred locations, the inmate will be transferred to another institution or facility in the geographical location near one of the preferred locations

based on the Department's interest in population management, security, and safety, and the inmate's needs.
Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.17, 945.12 FS. History—New 10-8-76, Formerly 33-6.03, Amended 7-21-91, 10-11-95, Formerly 33-6.003, Amended 9-19-00, 12-13-15, 4-23-20,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Comerford, Assistant Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 8, 2021