

## Notice of Proposed Rule

### DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.502 Discharge Gratuity

PURPOSE AND EFFECT: Rulemaking is necessary to establish the amount of the discharge gratuity paid under certain circumstances to an inmate upon his or her release from the Department's custody.

SUMMARY: The proposed rule amends Rule 33-601.502, F.A.C. to establish the amount of the discharge gratuity paid under certain circumstances to an inmate upon his or her release from the Department's custody.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

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: 944.611, 944.613 FS.

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:

33-601.502 Discharge Gratuity.

(1) The ~~Secretary~~ ~~secretary~~ shall authorize the payment of a discharge gratuity to inmates discharged from the custody of the Department of Corrections. A discharge gratuity in the amount of \$50.00 shall be provided to any inmate released on parole, expiration of sentence, pardon or permanent court order, except those inmates released in any of the following situations:

(a) through (d) No change.

(2) If the ~~Warden~~ ~~warden~~ or his/her designee determines that the best interests of the inmate and the state are served by the payment of a discharge gratuity to an inmate not otherwise eligible, a gratuity not to exceed \$40.00 shall be provided. Consideration for this gratuity shall be given to any inmate not otherwise eligible who has:

(a) No employment or residence available upon release; and,

(b) No evidence of any continuous source of revenue or income such as social security benefits, or

(c) A medical condition requiring continuous treatment and no immediate source of income or financial support.

(3) through (5) No change.

*Rulemaking Authority 944.09 FS. Law Implemented 944.611, 944.613 FS. History—New 10-8-76, Formerly 33-7.06, Amended 1-4-87, 1-1-89, 1-18-89, 12-12-91, 4-14-92, 4-28-99, Formerly 33-7.006, Amended 8-28-01, 2-10-04, 9-21-05, 8-14-06, 8-15-17,\_\_\_\_\_.*

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: July 24, 2020