

March 11, 2020

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602

RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: To clarify and update the Department's rule related to community release programs.

SUMMARY: Rulemaking is necessary to remove all references to the Transition Program and the Community-based Therapeutic Program, to reorganize definitions, to make the rule gender neutral, to clarify the rule, to add hyperlinks to incorporated materials, and to amend Forms DC6-118A and DC6-2075.

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 the 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, 944.105, 945.091, 946.002, 958.09 F.S.

LAW IMPLEMENTED: 944.091, 946.002, 958.09 F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

(1) Definitions.

(a) No change.

(b) Center Work Assignment (CWA) – The portion of the community release program for inmates that allows ~~which allow~~ placement at a community release center to assist with the maintenance, food service duties, or assignment to ~~on~~ outside work squads while confined at the facility.

(c) Community Release Center – A correctional or contracted facility that houses community custody inmates participating in a community release program.

(d)~~(e)~~ Community Release Program – Any program that allows inmates to work at paid employment or at a center work assignment, and ~~or~~ to participate in education, training, substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community while in a community release center.

(e) Community Study Release – The portion of the community release program that allows inmates to attend an educational or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.

(f)~~(d)~~ Community Work Release (CWR) – The portion of the community release program that allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.

~~(e) Community Study Release – The portion of the community release program that allows inmates to attend an educational or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.~~

~~(f) Community-based Therapeutic Program (CTP) – The portion of the community release program for inmates that provides transitional services which includes substance abuse treatment, educational/vocational services, and self betterment programs, while in the community, in lieu of placement into community work release (CWR) or center work assignment (CWA).~~

(g) through (k) No change.

~~(l) Transition Program (PWR) – The portion of the community release program for inmates that provides transitional services which includes substance abuse treatment, educational/vocational services, and self betterment programs, while in the community prior to placement into CWR or CWA.~~

~~(l)(m)~~ State Classification Office (SCO) – The office or office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

~~(n) Community Release Center—A correctional or contracted facility that houses community custody inmates participating in a community release program.~~

~~(m)(e)~~ Work Release Inmate Monitoring System (WRIMS) – A web site application used by contract community release facility staff to record information related to an inmate’s participation in a community release program.

(2) Eligibility and Ineligibility Criteria.

(a) Participation in a community release program is a privilege, not a guaranteed right of the inmate. Participation in CWR and CWA is voluntary and the inmate has a right to refuse participation once without adverse actions and may be considered for return participation in CWR or CWA. ~~Placement in PWR and CTP is not voluntary and refusal to participate subjects the inmate to removal and/or disciplinary action in accordance with Rule 33-601.314, F.A.C.~~

(b) An inmate is ineligible for any community release program if he or she has:

1. through 13. No change.

(c) In addition to the above, an inmate is ineligible to be considered for CWR or CWA ~~community work release (CWR) or center work assignment (CWA), or transition (PWR)~~ participation if he or she has:

1. Been terminated from CWR or a CWA, ~~or a PWR~~ for disciplinary reasons during the inmate’s current commitment, unless extenuating circumstances exist;

2. No change.

3. Been found guilty of a disciplinary report and received disciplinary confinement as a result of the infraction, in the 60 days prior to placement in CWR or CWA, ~~or PWR~~;

4. The inmate was designated as a Mandatory Program Participation inmate (MPP-Y) and refused to complete or has an unsatisfactory removal from a substance abuse program that the inmate was required to complete at any point during his or her current period of incarceration, ~~incarceration~~ unless the refusal was based upon objections to the religious based content of the program, in which case an alternate non-deity based program will be offered and must be successfully completed. The removal of an inmate from a program for violation of program or institutional

rules or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed. ~~completed;~~

(d) In order to be eligible for consideration for placement in a community release program, an inmate must:

1. through 3. No change.

4. For inmates with non-advanceable dates, the inmate must be within:

~~a. 28 months of his earliest release date PWR, or~~

~~a.b.~~ 19 months of his or her earliest release date for CWA, or

~~b.e.~~ 14 months of his or her earliest release date for CWR; ~~CWR.~~

5. For inmates who do not have non-advanceable dates, the inmate must be within:

~~a. 36 months of his earliest release date for PWR, or~~

~~a.b.~~ 28 months of his or her earliest release date for CWA, or

~~b.e.~~ 19 months of his or her earliest release date for CWR; ~~CWR.~~

6. An inmate whose current commitment includes DUI-BUI Manslaughter, 4th DUI-BUI, Felony DUI-BUI, or DUI-BUI with Serious Injury must have successfully completed substance abuse treatment during the current commitment prior to being considered for CWA or CWR placement; ~~and placement.~~

~~7. Additional eligibility criteria for placement in CTP:~~

~~a. The inmate has no less than 6 months or more than 12 months left to serve;~~

~~b. Been terminated from CWR, CWA, or PWR for non-violent/non-aggressive disciplinary reasons during the inmate's current commitment;~~

~~c. Been terminated from CWR, CWA, or PWR for possession, use, introduction of any controlled substance, alcohol, or aromatic substance;~~

~~d. An inmate is eligible for placement in CTP regardless of the number of commitments;~~

~~e. An inmate is eligible for CTP placement even if he has been found guilty of any non-violent/non-aggressive disciplinary report in the 60 days prior to placement;~~

~~f. The inmate was designated as a Mandatory Program Participation inmate (MPP-Y) and refused to complete, has an unsatisfactory removal from a substance abuse program that the inmate was required to complete at any point during his current period of incarceration unless the refusal was based upon objections to the religious based content of the program, in which case an alternate non-deity based program will be offered and must be successfully~~

~~completed, or has not had an opportunity to participate in a substance abuse program. The removal of an inmate from a program for violation of program or institutional rules or for behavioral management problems constitutes an unsatisfactory removal from a program;~~

~~g. An inmate whose current commitment includes DUI-BUI manslaughter, 4th DUI-BUI, Felony DUI-BUI, or DUI-BUI with Serious Injury, has not completed substance abuse treatment during the current commitment and falls within the timeframe listed in sub-subparagraph (2)(d)7.a. of this rule.~~

~~8. The Secretary of the Department or his designee, who for the purpose of this subparagraph shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at a community release center regardless of time constraints for the purpose of participating in a specialized work detail or program.~~

(e) No change.

(f) The Secretary of the Department or his or her designee, who for the purpose of this paragraph shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at a community release center regardless of time constraints for the purpose of participating in a specialized work detail or program.

~~(g)(f)~~ Community release placements will be made to ensure inmates are housed and managed to promote ~~correctly~~ for public safety or the safety of specific individuals.

(3) Placement of Work Release Inmates.

(a) If an inmate is approved for community release program participation, the SCO shall approve the appropriate transfer with consideration to the requested locations and shall facilitate the inmate's transfer to the approved location.

(b) If the location requested has no bed capacity to accept the inmate, the inmate will be placed on a waiting list for the next available bed.

(c) Any change to the facility assignment or diversion to another community release program facility must be approved by the SCO. This review will determine that the inmate's needs can be served adequately at a different community release center.

(d) Inmates who are diverted to a community release center which they did not request due to lack of bed space at the requested location must be successfully complying with community release program rules and requirements in order to be considered for transfer from one facility to another.

(4) Inmate Conduct While on Community Release.

(a) through (d) No change.

(e) The classification officer or designated contract facility staff shall complete Form DC6-118A, Personalized Program Plan for Community Release Centers, on all inmates assigned to the community release center within 14 days of receipt of the inmate at the center. Form DC6-118A 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-XXXXXX>. The effective date of the form is ~~XX/XX/14~~. The completed personalized program plan shall be signed by the inmate, the inmate's classification officer, and the correctional officer major or the designated contract facility staff and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B 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-XXXXXX>. The effective date of the form is 1-18-11. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed monthly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Monthly Progress Review, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-118C 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-XXXXXX>. The effective date of the form is 1-18-11. A copy of the Personalized Program Plan shall be printed and given to the inmate. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(f) When the inmate is ready for release, a release ~~plan plan~~, shall be completed in order to assist the inmate in his or her release plans or the plan information shall be entered into WRIMS at those facilities at which the system is operational.

(5) Community Study Release.

(a) In order to be considered for community study release, an inmate shall submit a request on Form DC6-126, Inmate Request, to his or her classification officer, who shall forward the request to the SCO. After submitting the request, an inmate shall be considered for participation in the community study release program if providing:

1. through 3. No change.

(b) Any inmate being considered for community study release shall be currently in a community release center and assigned to CWA or, CWR, ~~or PWR~~.

(c) through (d) No change.

(e) Community study release programs shall not interfere with the inmate's employment schedule or, CWA duties, ~~or participation in a transition program~~. The inmate's attendance at classes and transportation time must be scheduled to occur during non-working hours only, unless class attendance is required as part of the inmate's employment.

(f) through (g) No change.

(6) Upon identification by the Department, an inmate shall be considered for placement in a CWA, ~~PWR, CTP,~~ or CWR, if providing that the inmate meets all criteria outlined in subsection (2) of this rule.

(a) through (c) No change.

(d) The SCO staff member reviewing the ICT recommendation will utilize the criteria in subsection (2) of this rule to determine the appropriateness for the inmate's placement into CWA or, CWR, ~~PWR, or CTP~~. The SCO staff member shall approve, disapprove, or modify the ICT recommendation.

(e) No change.

(7) Status Changes of Inmates in Community Release Programs. The SCO shall have the authority to approve all status changes for inmates in a community release program ~~Community Release Program~~, as long as the changes are consistent with the criteria set forth in this rule and with the safety and security of the public.

(8) Employment.

(a) No change.

(b) The Department will not authorize an inmate to work at paid employment if:

1. No change.

2. The employer does not provide the inmate with workers' compensation, or, if workers' compensation

insurance is not required by law, other medical and disability insurance to cover the inmate if he or she is injured while on the job;

3. through 5. No change.

(c) through (d) No change.

(e) If the Department authorizes paid employment for an inmate with a given employer and subsequently receives and verifies information that the inmate is not being treated by the employer in a manner comparable to other employees, or it has been determined that it is not in the best interest of the Department ~~department~~, inmate, or public to remain employed with the employer, the correctional officer major or facility director will remove the inmate from such employment with that employer.

(f) No change.

(g) Presidential Executive Order 11755 provides that an inmate is authorized to work in paid employment in the community by a contract or on a federally funded contract if providing the following conditions are met prior to placement or participation in federally funded projects:

1. through 4. No change.

(h) No change.

(i) Facility personnel shall visit the inmate's place of employment for new employers within the first five days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-125 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>. The effective date of the form is 9-2-01.

(j) There shall be a minimum of three employment contacts per inmate per month by facility personnel to substantiate attendance and discuss any problems that may have arisen. If the inmate has multiple part time jobs, the required contacts must be made at each place of employment. Two of the contacts shall be accomplished either through telephone calls or site visits to the inmate's place(s) of employment, and documentation of the contacts shall be made on Form DC6-125, ~~Employment Contacts~~, or shall be entered into WRIMS at those facilities at which the system is operational. One of the three monthly contacts shall be a personal on-site job check while the inmate is present on the job site. The documentation of the contacts shall be made on Form DC6-125 and placed in the

inmate's file or shall be entered into WRIMS at those facilities at which the system is operational for future reference.

(k) Facility personnel shall establish a primary and secondary job contact person at all employment sites. The primary and secondary contact person shall be named on Form DC6-125, ~~Employment Contacts~~, or shall be entered into WRIMS at those facilities at which the system is operational.

(l) through (m) No change.

(9) Clothing and Equipment.

(a) No change.

(b) Inmates working at paid employment are authorized to obtain tools, clothing, and equipment normally required for their employment. An inmate working at paid employment shall be permitted to receive one drop-off of necessary clothing, tools, or equipment, including one bicycle, from an individual approved by the correctional officer major or contract facility director. In order to receive a drop-off, the inmate must submit Form DC6-236, Inmate Request, to the classification officer or designated contract facility staff listing the requested items, the name of the individual who will bring the items, and the date the inmate would like the items to be brought. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The request shall be forwarded to the correctional officer major or contract facility director, who may approve some or all of the requested items based on the inmate's need as dictated by his or her work assignment and the security or safety risk posed by the items. The correctional officer major or contract facility director ~~major/facility director~~ may approve the proposed individual or require the inmate to submit the name of another individual for consideration. An inmate may not receive a drop-off without the approval of the correctional officer major or contract facility director.

(c) No change.

(d) Dropped-off items are subject to search prior to delivery to the inmate to ensure the items:

1. No change.

2. Are needed by the inmate to perform his or her work assignment;

3. through 4. No change.

(e) An inmate may receive one additional drop-off of necessary tools, clothing, and equipment if he or she changes work assignments and the items are necessary due to the new assignment. The inmate must obtain approval for the drop-off as set forth in paragraph (b) above.

(f) through (g) No change.

(h) Advancement of Funds. The facility director at a contract community release center, if authorized by contract, shall advance up to \$75.00 to an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings, as provided in subsection (11), shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated to ensure due process for the collection of any unpaid portion of the advancement. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself or herself into the community.

(i) Inmates assigned to a community release program ~~Community Release Program~~ are authorized to possess one cell phone each to assist these inmates in setting up job interviews, cementing family relationships, and establishing contacts necessary to increase their chances for successful reentry into the community.

~~1.a.~~ Possession of a cell phone by an inmate is a privilege that may be forfeited by any inmate who fails to abide by the rules of the Department ~~department~~, or otherwise engages in misuse of this privilege. The only inmates that are allowed to possess or use a cell phone are those in one of the following statuses:

~~a.b.~~ All inmates assigned to CWR;

~~e.~~ Inmates in the last 90 days of PWR;

~~b.d.~~ Inmates assigned to CWA who are within 90 days of the CWR timeframes; ~~and~~

~~e.~~ Inmates assigned to CTP who are within 90 days of release.

2. Inmates may only have non-contract (i.e., pre-paid or "pay-as-you-go") cell phones. However, nothing in this rule precludes inmates from being added to the calling plans of family members.

3. No change.

4. The inmate, correctional officer major or facility director of a contract facility, and the designated staff member will acknowledge and sign Form DC6-2075, Cell Phone Rules and Regulations. Form DC6-2075 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>.

The effective date of the form is ~~XX/XX/7-14~~. Refusal by the inmate to agree to the terms and conditions set forth in Form DC6-2075 and sign same will result in the cell phone being deemed contraband and being disposed of per Rule 33-602.203, F.A.C., and may result in disciplinary action and/or termination from the community work release program.

5. Upon acknowledgement of the DC6-2075 by the inmate, staff will:

a. Add the cell phone to the inmate's Inmate Personal Property List, Form DC6-224, denoting the make, model, serial number, and associated phone number. Form DC6-224 is incorporated in Rule 33-602.221, F.A.C. This information will also be entered into WRIMS at those facilities at which the system is operational; and

b. Inventory on the inmate's DC6-224 the pre-purchased, pre-addressed, pre-postage paid bubble wrapped envelope that is to be purchased at the time of the cell phone purchase. The envelope will be used by staff to mail the cell phone to a predetermined family member or individual in the event it becomes necessary upon termination from the community release program, etc.

~~6.1~~ Inmates are personally and solely responsible for the care and security of their cell phones. The Department and/or contract provider assumes no responsibility for theft, loss, damage, or vandalism to inmate cell phones, or the unauthorized use of such devices. In the event that a cell phone is damaged or destroyed by ~~Department~~ ~~department~~ and/or contract facility staff during a routine search, emergency search, or while impounded, the warden or his or her ~~her/his~~ designee shall cause an investigation to be made and action taken in accordance with Rule 33-602.203, F.A.C.

~~7.2~~ All cell phones on the property of the community release center or in an inmate's possession are subject to search at any time or for any reason in accordance with Rules 33-602.203 and 33-602.204, F.A.C.

~~8.3~~ Use of the cell phone in any manner contrary to local, state, or federal laws, telephone company regulations, or ~~Department~~ ~~department~~ or institution rules or regulations constitutes misuse and will be dealt with by the Department according to Rule 33-601.314, F.A.C., and applicable law.

~~9.4~~ An inmate shall not contact by telephone any Central Office or other departmental staff, except those staff assigned to the community release center in which the inmate is assigned, or any person who has advised the warden's office, the correctional officer major or facility director of a contract facility that he or she does not wish to receive telephone calls from the inmate. Once the inmate is notified of this restriction, any further attempt to

communicate by telephone will be considered a violation of this rule and will subject the inmate to disciplinary action and termination from the community release program.

~~10.5~~ Upon termination or removal from the community release program, the cell phone will be mailed to a predetermined family member or individual in the pre-addressed, pre-postage paid bubble wrapped envelope purchased in advance for this purpose. Cell phones will not be packed as inmate property. Staff will check the cell phone to ensure the SIM card is present and seal the envelope in the presence of the inmate prior to transport. However, if the cell phone has been deemed contraband or evidence ~~contraband/evidence~~ and will be used in court or disciplinary proceedings, it will be retained and disposed of as provided in Rule subsection 33-602.203(8), F.A.C.

(10) Transportation.

(a) Transportation for inmates engaged in community release programs shall be by the following means and be approved by the correctional officer major or contract facility director:

1. Employer furnished transportation, the driver of which must be approved by the correctional officer major or contract facility director;

2. Public transportation, ~~including taxi service~~;

3. through 6. No change.

(b) Contract Community Release Centers:

1. No change.

2. Inmates will utilize transportation authorized in paragraph (10)(a) of this rule, unless the warden over the contract community release center determines for public safety reasons another means of transportation is necessary.

3. Such facilities shall provide, at no cost to the Department or the inmate, transportation for medical or mental health services, religious services (if not provided at the community release center), attendance at substance abuse group meetings, and ~~or~~ for shopping.

(c) In order to ensure that inmates are not working long distances from the center, the warden over the community release center shall establish maximum boundaries for employment sites based on the geographic location of the center ~~by center geographic location~~. The maximum boundaries shall not exceed two hours travel time to the employment site from the center facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the community release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety.

(11) Disbursement of Earnings.

(a) An inmate working at paid employment shall agree to deposit his or her total earnings less legally required payroll deductions, or other payroll deductions authorized by the Department, into his or her account in the Inmate Trust Fund. The Department shall have the authority to hold, disburse, or supervise the disbursement of these funds according to a prearranged plan of disbursement.

(b) No change.

(c) The inmate's plan for the disbursement of earnings shall include a provision that no less than 10% of his or her net income will be placed in savings for disbursement upon his or her release. While an inmate is assigned to a community release program, such savings may not be used for any inmate expenditure including ~~but not limited to~~ subsistence payments, transportation fees, or weekly draws. The plan shall also include a provision that no less than 10% of net income will go toward the support of any dependents the inmate may have.

(d) through (e) No change.

(f) Subsistence deductions against individual inmate's earnings will commence with the first labor compensation payment received by the inmate during his or her incarceration and will terminate with the last day of incarceration, regardless of the frequency of the employer's payroll cycle. Inmates released from Department custody in the middle of an employer's pay cycle will be responsible for subsistence for each day in the pay cycle that the inmate was in Department custody. Center staff will manually deduct final subsistence payments for this period from the inmate's trust fund account. However, if an inmate fails to deposit his or her final earnings into his or her Inmate Trust Fund account, a 55% subsistence deduction will be made from the Inmate Trust Fund Account for the days owed by the inmate, based on the inmate's release date, for which the State or the contract facility has not already been compensated. The assessment will be made based on the inmate's last earnings deposited.

(g) An inmate who has been gainfully employed and becomes unemployed through no fault of the inmate's action shall continue to be assessed for subsistence at the rate of \$6.00 per day to the limit of funds available. If an inmate becomes unemployed through his or her actions, he or she shall continue to be assessed for subsistence to the limit of the funds available. Absent earnings to compute the subsistence deduction, the assessment will be made at the same per diem level as was deducted from the inmate's last regular wages.

(h) A work releasee who is receiving Workers' Compensation or sick pay shall pay subsistence fees commensurate with the rate set forth in paragraph (11)(d) above based on the amount of compensation received, less

any legally required payroll deductions.

(i) through (j) No change.

(k) Subsequently, the inmate may request within seven (~~7~~) days of the expiration of his or her sentence to establish an outside bank or credit union account. The correctional officer major or contract facility director shall evaluate and approve or disapprove such requests based on the following criteria:

1. Whether the inmate has followed applicable Department rules regarding deposit and handling of his or her income (e.g., whether the inmate deposited all paychecks in a timely fashion); and

2. Whether the account offers, or the opening of the account is contingent upon, initiating an additional contract beyond the establishment of a bank or credit union account (e.g., a credit card offer or requirement).

(l) An inmate is permitted to draw up to \$100.00 from his or her account each week, provided the inmate has sufficient funds, it is in accordance with the inmate's financial/budget section of his or her personalized program plan, and the draw is not taken from the savings required by paragraph (11)(c) above. The largest denomination of monies allowed is a five-dollar ~~five-dollar~~ bill.

(m) Any requests for special withdrawal shall be made in accordance with paragraph (3)(a) of Rule 33-203.201, F.A.C. The amount of such requests will be limited to no more than 60% of funds available in the inmate's trust fund account. Special withdrawal requests are limited to one per month unless an emergency arises, such as a sudden change of employment requiring the purchase of appropriate tools, clothing, or equipment. Emergency special withdrawal requests will be evaluated and approved or disapproved by the correctional officer major or contract facility director to ensure that the withdrawal is emergent in nature.

(12) Restitution.

(a) Unless there exist reasons not to order restitution, the Department shall require inmates working at paid employment, under the provision of Section 945.091, F.S., to provide restitution to an aggrieved party for the damage or loss caused as a result of ~~the a prior or~~ current offense of the inmate. For purposes of this rule, fines, court costs, liens, and court ordered payments shall be treated in the same manner as restitution.

(b) through (d) No change.

(e) Restitution requirements shall be recorded on Form DC6-123, Monetary Reimbursement Agreement, and current commitment(~~s~~) obligations are to be entered in OBIS by the classification officer. Form DC6-123 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-04116>.

The effective date of the form is 7-14.

(13) Reasons for Removal from a Community Release Program. An inmate may be removed from a CWA ~~or~~ ~~PWR, CTP, or from~~ CWR for any of the following reasons:

(a) through (b) No change.

(c) There is reason to believe that the inmate will not honor the trust bestowed upon him or her; or

(d) No change.

(14) Process for Removal from a Community Release Program.

(a) When an inmate is removed from a community release program for negative behavior or unsuccessful participation in the program and placed in a secure facility, the inmate shall be recommended for termination from the program by his or her classification officer.

(b) through (c) No change.

(d) If the SCO disapproves the termination, the SCO shall ensure that the inmate is returned to his or her previous community release status.

~~(e) Upon removal from CWA, PWR, or CWR, the inmate can be considered for placement in CTP following the process as outlined in subsection (7) of this rule.~~

~~(e)(f)~~ Inmates in CWR are required to pay for their medical and dental expenses. If unable to afford these expenses, the inmate may be removed from the center and re-evaluated for appropriateness to remain at the center.

(15) Escape from a Community Release Program.

(a) Any time an inmate cannot be located at his or her authorized location, a BOLO (Be On the Lookout ~~For~~) Warrant shall be requested and the inmate shall be recommended for termination from the community release program in the interest of public safety.

(b) No change.

(c) If, following investigation, it is determined that the inmate did not escape, as defined in Section 945.091(4), F.S., the procedures outlined in subsection (14) of this rule shall be followed in order to review the inmate for reinstatement to a community release program.

(16) No change.

(17) Program Facilities.

(a) through (b) No change.

(c) When funding is available, the Department is authorized to enter into written agreements with any city, county, federal agency, or authorized private organization for the housing of inmates on community release status in a place of confinement under the jurisdiction of such entity, and for the participation of these inmates in community release.

(18) No change.

Rulemaking Authority 944.09, ~~944.026~~, 944.105, 945.091, 946.002, 958.09 FS. Law Implemented 945.091, 946.002, 958.09 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08, 1-18-11, 3-6-14, 7-14-14, 5-29-16, _____.

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: January 28, 2020

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