

May23, 2016

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.720 Sex Offender and Child Abuse Offender Visiting Restrictions

PURPOSE AND EFFECT: The purpose and effect of the amendment is to bring the rule into line with case law that holds that when someone pleads nolo contendere to a crime, then has adjudication withheld for that crime, they shall nonetheless be considered to have been "convicted" of that crime for the purposes of the sentencing guidelines.

SUBJECT AREA TO BE ADDRESSED: Sex offender and child abuse offender visiting restrictions. RULEMAKING

AUTHORITY: 944.09 FS

LAWS IMPLEMENTED: 20.315, 944.09, 944.23 FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE

DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA

ADMINISTRATIVE REGISTER. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AS FOLLOWS:

33-601.720 Sex Offender and Child Abuse Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger if:

(a) through (b) No change

(c) A plea of nolo contendere followed by a Withhold of adjudication does not constitute a conviction under Section 944.09(1)(n), F.S.

(d) Current and prior convictions from other jurisdictions comparable to the offenses listed above also serve as a basis for imposing visiting restrictions.

(e) Only the judge who issued an order imposing visitation restrictions may modify those restrictions.

(2) through (6) No change

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History-New 11-18-01, Formerly

33-601.707, Amended 5-29-03,9-29-03,4-17-05,4-10-08, 8-15-10,_____