

August 29, 2013

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-603.411

RULE TITLE: Warrants for Retaking Offenders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete subsections (2) through (4) of the rule which are unnecessary and to correctly identify where Form DC1-303 is incorporated by reference in.

SUMMARY: Deletion of unnecessary subsections in the rule pursuant to the comprehensive rule review and to correctly state where Form DC1-303 is incorporated by reference in.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business and is not expected to directly or indirectly increase regulatory costs more than \$200,000 within a year of taking effect. 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: upon review of the proposed changes to these rules, 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), FS. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.405 FS

LAW IMPLEMENTED: 944.405 FS

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: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-603.411 Warrants for Retaking Offenders.

(1) No change.

~~(2) An offender who is arrested as provided in subsection (1) above is ineligible for bond, bail, or release on his~~

~~own recognizance.~~

~~(3) The issuance of a warrant pursuant to this rule does not negate or interfere with the right to issuance of a warrant under any other provision of law, nor will it interfere with any charges or court proceeding pending against the individual in any other jurisdiction.~~

~~(4) A warrant issued by the department shall be in effect until the inmate has been returned to the custody of the department, or until the sentence being served by the inmate is deemed satisfied, whichever occurs first.~~

~~(2)(5)~~ The following procedures shall be followed in cases of offenders who were released in error or were subsequently determined to be statutorily ineligible for release:

(a) No change.

(b) An offender who wishes to challenge his or her return to Department of Corrections custody shall file an emergency grievance directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303, in accordance with subsection 33-103.006(1) ~~33-103.007(5)~~, F.A.C.

(c) – (d) No change.

Rulemaking Specific Authority 944.405 FS. Law Implemented 944.405 FS. History–New 2-29-88, Amended 1-6-94, Formerly 33-3.0105, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert (Lee) Adams, Chief of Admission and Release

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 8-23-13

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 8-14-13