

August 14, 2013

NOTICE OF RULE DEVELOPMENT

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 subsection (2) through (4) of the rule which are unnecessary.

SUBJECT AREA TO BE ADDRESSED: Warrants for Retaking Offenders

RULEMAKING AUTHORITY: 944.405

LAW IMPLEMENTED: 944.405

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 A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 33-107.007(6) ~~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 _____.