

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.215 Classification - Transfer of Inmates

PURPOSE AND EFFECT: To establish the good adjustment transfer process.

SUMMARY: Rulemaking is necessary to formally establish the good adjustment transfer process and to incorporate Form DC6-187 into the rule. The rule will modify and enhance the criteria for participation in the process. This includes requiring inmates to maintain compliance with the eligibility criteria during the process until a good adjustment transfer is completed. The goals are to increase the likelihood that inmates will be timely transferred, to reduce the familiarity between good adjustment transfer recipients and Department staff, and to reduce the introduction of contraband into Department institutions.

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 would be any adverse impact or regulatory cost associated with this rule that exceeds the stated criteria. Upon review of the proposed rulemaking, the Department 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 FS.

LAW IMPLEMENTED: 944.09, 944.17, 945.12 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: Paul Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 33-601.215, F.A.C., follows. See Florida Administrative Code for present text.

33-601.215 Classification – Transfer of Inmates.

(1) Upon completion of the reception process, each inmate will be assigned and transferred to the institution or facility approved by Classification that is most likely to facilitate the inmate's institutional progress. An inmate may subsequently be transferred from one institution to another to serve the Department's mission as it relates to the classification and management of the state prison population and to best serve the needs of the inmate.

(2) An inmate participating in an academic, vocational, substance abuse, or betterment program will not be transferred to another institution prior to completion of the program unless the program is available at the receiving institution, or for purposes of population management or security and safety concerns specifically set forth in writing.

(3) An inmate who meets specified criteria may request a good adjustment transfer from his or her current institution or facility to certain other institutions or facilities in another part of the state. An inmate may request a transfer by completing Form DC6-187, Inmate Request for Good Adjustment Transfer, which 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 this form is XX/XX. The criteria for a good adjustment transfer are set forth in Form DC6-187. The criteria set forth in Form DC6-187 must be met by an inmate at the time he or she requests a transfer and must continue to

be met until the transfer occurs. The Department does not guarantee that an inmate will be transferred to one of his or her preferred locations as requested on Form DC6-187. In the event the Department does not transfer the inmate to one of his or her preferred locations, the inmate will be transferred to another institution or facility in the geographical location near one of the preferred locations based on the Department's interest in population management, security, and safety, and the inmate's needs.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.17, 945.12 FS. History--New 10-8-76, Formerly 33-6.03, Amended 7-21-91, 10-11-95, Formerly 33-6.003, Amended 9-19-00, 12-13-15,_____.

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: December 16, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 23, 2019