

September 23, 2019

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.215

RULE TITLE: Classification – Transfer of Inmates

PURPOSE AND EFFECT: 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.

SUBJECT AREA TO BE ADDRESSED: Good adjustment transfer of inmates

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 944.09, 944.17, 945.12 F.S.

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 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 that meets specified criteria may request a good adjustment transfer from his or her current Department institution or facility to certain other Department 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,\_\_\_\_\_.