

June 26, 2018

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-102.201 Notice of Proposed Rules

PURPOSE AND EFFECT: To remove duplicative statutory language from the rule and clarify the notification to inmates of rulemaking proceedings.

SUMMARY: The amended rule removes duplicative statutory language and clarifies the notification to inmates of the rulemaking process.

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 is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, 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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.54(3)(a), FS.

LAW IMPLEMENTED: 120.54(3)(a), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE SCHEDULED AND THE DATE, TIME AND LOCATION WILL BE ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory Hill, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-102.201 Notification of Rulemaking to Affected Persons and Inmates ~~Notice of Proposed Rules.~~

(1) Prior notice of adoption, amendment or repeal of a rule shall be made available to persons or parties directly affected by the rule as required in Section 120.54(3), F.S.

~~(2) Notice to those directly affected by a proposed rule shall be by:~~

~~(a) A copy of the proposed rule shall be forwarded to the Joint Administrative Procedures Committee.~~

~~(b) Publication in the Florida Administrative Register at least 21 days prior to any proposed hearing.~~

~~(c) Posting notice of the intended action on the Department of Corrections website.~~

(2)(d) Notice to inmates shall be by posting a Posting by memorandum notice of the intended action on the inmate bulletin boards of all major institutions, annexes, work camps, road prisons, and work release centers throughout the state directing that complete proposed rules are available in each institutional library or office. A copy of the notice shall be circulated among the inmates in all disciplinary, administrative and close management confinement areas of all facilities.

Rulemaking Authority 120.54(3)(a) FS. Law Implemented 120.54(3)(a) FS. History--New 10-8-76, Amended 5-2-85, Formerly 33-12.01, Amended 8-13-97, Formerly 33-12.001, Amended 7-17-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth S. Steely, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 25, 2018