

December 31, 2013

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.209	State Classification Office and Institutional Classification Teams
33-601.217	Elderly Offender Housing
33-601.220	Youthful Offenders- Definitions
33-601.226	Youthful Offender Program Participation
33-601.602	Community Release Programs
33-601.713	Inmate Visiting- Definitions
33-601.800	Close Management
33-601.820	Maximum Management
33-601.830	Death Row

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the membership of the Institutional Classification Team at private facilities and to provide a consistent definition of the Institutional Classification Teams and the State Classification Office.

SUBJECT AREA TO BE ADDRESSED: State Classification Office and Institutional Classification Teams

RULEMAKING AUTHORITY: 944.09, 944.804, 945.091, 946.002, 958.04, 958.11 FS

LAW IMPLEMENTED: 20.315, 944.09, 945.091, 944.17, 944.1905, 944.23, 944.804, 946.002, 958.11, 958.12 FS

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:

33-601.209 State Classification Office and Institutional Classification Teams.

(1) No change.

(2) ~~The State Classification Office shall be composed of a chairperson, a vice chairperson and other members as designated by the Chief of Classification and Central Records.~~ The State Classification Office (SCO) refers to the office or office a staff ~~member~~ at the central office level ~~that who~~ is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ~~rejecting~~ Institutional Classification team (ICT) recommendations.

(3) The Institutional Classification Team refers to the team consisting of the warden or assistant warden, classification supervisor, ~~a correctional officer~~ chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09, 944.17, 944.1905, 958.11 FS. History–New 9-19-00, Amended 4-1-04,_____.

33-601.217 Elderly Offender Housing.

(1) Definitions.

(a) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, ~~a correctional officer~~ chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

(b) State Classification Office (SCO) – refers to the office or office ~~a staff member~~ at the central office level that who is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

(c) – (e) No change.

(2) No change.

Rulemaking Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History–New 9-15-02, Amended 4-1-04, 12-29-10, _____.

33-601.220 Youthful Offenders – Definitions.

(1) – (2) No change.

(3) Institutional Classification Team (ICT) – where used herein, the team consisting of the warden or assistant warden, classification supervisor, ~~a correctional officer~~ chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

(4) State Classification Office (SCO) – refers to the office or office ~~a staff member~~ at the central office level that who is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or

modifying ~~rejecting~~ ICT recommendations.

(5) No change.

Rulemaking Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New 3-13-01, Formerly 33-506.100, Amended 2-19-03, 4-1-04, 12-12-11, _____.

33-601.226 Youthful Offender Program Participation.

(1) – (2) No change.

(3) Definitions.

(a) – (b) No change.

(c) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other classification recommendations to the state classification office. At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

(d) – (e) No change.

(4) – (10) No change.

Rulemaking Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, 958.11, 958.12 FS. History–New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04, 5-28-12, 6-18-13, _____.

33-601.602 Community Release Programs.

(1) Definitions.

(a) - (e) No change.

(f) Institutional Classification Team (ICT) – For the purposes of this rule, the ICT is the team consisting of the warden or assistant warden, classification supervisor, ~~a correctional officer~~ chief of security, and other members as necessary when appointed by the warden or designee. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other classification recommendations to the State Classification Office. At private facilities, the Department of Corrections representative is to be considered a fourth

member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions.

If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

(g) – (l) No change.

(2) – (19) No change.

Rulemaking Authority 945.091, 946.002, 958.09 FS. Law Implemented 945.091, 946.002 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08, 1-18-11,_____.

33-601.713 Inmate Visiting – Definitions.

(1) – (3) No change.

(4) “Institutional Classification Team (ICT)” refers to the team consisting of the warden or assistant warden, classification supervisor, ~~a correctional officer~~ chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other classification recommendations to the State Classification Office (SCO).

At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

(5) – (17) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04, 9-8-11, 9-24-12, 2-21-13,_____.

33-601.800 Close Management.

(1) Definitions.

(a) –(j) No change.

(k) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, ~~and a~~ chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT ~~that~~ is responsible for making work, program, housing and inmate status decisions at a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when

reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final. The only exception to the above listed membership of the ICT is the makeup of the ICT at the designated CM facilities when considering the placement, continuance, modification, or removal of inmates from close management units. For these purposes, multiple ICTs consisting of the following members can be utilized:

1. – 3. No change.

(l) – (p) No change.

(q) State Classification Office (SCO) – the office or office a staff member at the central office level that who is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying or rejecting ICT recommendations.

(r) No change.

(2) – (18) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, 4-6-11, 7-31-11, 1-4-12, 12-9-12,_____.

33-601.820 Maximum Management.

(1) Definitions.

(a) For the purpose of this rule, the Institutional Classification Team (ICT) – the ICT is the team consisting of the wWarden, aAssistant wWarden, cClassification sSupervisor, and cChief of sSecurity, and other members as necessary when appointed by the warden or designated by rule. The ICT that is responsible for making inmate status decisions and for making other classification recommendations to the State Classification Office (SCO), Regional Director, and Warden. At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

(b) No change.

(2) – (10) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06, 4-27-08, 5-18-09,_____.

33-601.830 Death Row.

(1) Definitions.

(a) No change.

(b) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, ~~a correctional officer~~ chief of security, and other members as necessary when appointed by the warden or designated by rule that is responsible for making inmate status decisions and for making other classification recommendations to the state classification office, regional director, and warden. At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.

(c) No change.

(d) State Classification Office (SCO) – The office or office ~~A staff member~~ at the central office level that who is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

(e) No change.

(2) – (16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 11-22-10, Amended 9-27-11, 9-24-12, 12-9-12,_____.