

September 11, 2015

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.215

RULE TITLE: Classification – Transfer of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to have the rule more accurately reflect Department policy and practice regarding inmate placement and transfer.

SUMMARY: The proposed rule removes reference to the “State Classification Team,” it removes language that seemed to express that keeping an inmate at his institution for “longer” periods of time is an overriding consideration in determining whether to transfer the inmates, and it adds a new “Law Implemented.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Department has determined that this rule will not have an adverse impact on small business and is not expected to directly or indirectly increase regulatory costs more than \$200,000 within a year of taking effect. A SERC has not been prepared by the Department. The Department has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: 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 to 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: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.215 Classification – Transfer of Inmates.

Upon completion of the reception process, each inmate shall be assigned and transferred to the institution approved by ~~the State Classification Team~~ that might best facilitate the inmate's ~~his~~ institutional progress. Inmates 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 as well as to meet the needs of the inmate. ~~; however, the goal of the classification system is to retain inmates at institutions for longer periods of time in order to reduce transfers and stabilize the inmate population.~~ Inmates participating in academic, vocational, substance abuse or betterment programs 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. Transfers are subject to review by the inmate grievance procedure.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ricky Dixon, Deputy Secretary

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2015.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 1, 2015.