

April 2, 2013

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.226 Youthful Offender Program Participation

33-601.236 Basic Training Program – Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Forms DC6-188, Inmate Promotional Request; DC6-193, Order Modifying Sentence; and DC3-234, Order Modifying Sentence and Placing Defendant on Probation. Form DC6-188 is being amended to include a check box so the inmate can simply indicate whether they received a high school diploma or GED prior to their incarceration, to clarify that the Institutional Classification Team and Review Board of Extended Day Program will be reviewing information contained on the form, to reflect that the inmate should send the form to the Extended Day Sergeant, and to modify some of the formatting. Forms DC6-193 and DC3-234 are being amended to update language in order to be consistent with the current language used in the order of supervision conditions.

SUBJECT AREA TO BE ADDRESSED: Youthful Offender Program Participation and Basic Training Program - Operations

RULEMAKING AUTHORITY: 20.315, 944.09, 958.04, 958.045, 958.11 FS

LAW IMPLEMENTED: 20.315, 944.09, 958.11, 958.12 , 958.045 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 WEEKLY.

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:

33-601.226 Youthful Offender Program Participation.

(1) – (4) No change.

(5) Advancement to Phase III.

(a) A Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for advancement to Phase III. Form DC6-188 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-01179>. The effective date of this form is ~~July 30,~~ 2008.

(b) No change.

(6) – (8) No change.

(9) Sentence Modification Process.

(a) – (d) No change.

(e) The community corrections intake office shall complete Form DC6-193, Order Modifying Sentence, and submit it to the court for approval or disapproval within 5 working days from receipt of the request. Form DC6-193 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-01180>. The effective date of this form is ~~April,~~ 2012.

(f) – (j) No change.

(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,_____.

33-601.236 Basic Training Program – Operation.

(1) – (4) No change.

(5) Request for Sentence Modification.

(a) – (e) No change.

(f) The sentence modification packet shall include the following:

1. No change.

2. A completed Order Modifying Sentence and Placing Defendant on Probation, Form DC3-234, hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is _____~~10-10-04~~.

3. – 5. No change.

(g) – (l) No change.

(6) No change.

Rulemaking Authority 20.315, 944.09, 958.045 FS. Law Implemented 20.315, 944.09, 958.045 FS. History–New 2-26-89, Amended 1-25-96, Formerly 33-27.006, Amended 3-13-01, Formerly 33-506.206, Amended 1-17-02, 10-3-02, 10-10-04,_____.