

April 17, 2013

NOTICE OF PROPOSED RULE

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.

SUMMARY: Rulemaking was initiated to update three forms, DC6-188, Inmate Promotional Request; DC6-193, Order Modifying Sentence; and DC3-234, Order Modifying Sentence and Placing Defendant on Probation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency 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 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: upon review of the proposed changes to these rules and incorporated forms, 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: 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 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: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 3-28-13

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 4-2-13