

January 15, 2014

NOTICE OF PROPOSED RULE

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.

SUMMARY: Rulemaking was initiated to revise the membership of the Institutional Classification Team at private facilities and to provide consistent definitions.

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, 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, 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 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:

33-601.209 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,_____.

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: January 10, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 31, 2013