

July 31, 2020

Notice of Development of Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-102.201 Notice of Proposed Rules

PURPOSE AND EFFECT: Rulemaking is necessary to amend the rule to change the title, clarify language regarding what constitutes rule notice and how such notices will be made available to inmates, to remove duplicative statutory language, to require that notice be provided to inmates housed in any confinement or management status that would prevent an inmate from accessing the institutional library or administrative office, and to amend the rulemaking authority and laws implemented citations.

SUBJECT AREA TO BE ADDRESSED: Rule notices published in the Florida Administrative Register.

RULEMAKING AUTHORITY: 120.54(3)(a), F.S.

LAW IMPLEMENTED: 120.54(3)(a), F.S.

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: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399, paul.vazquez@fdc.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Substantial rewording of Rule 33-102.201, F.A.C., follows. See Florida Administrative Code for present text.

33-102.201 Rule Notices.

(1) Notices of the development, proposed adoption, proposed amendment, or proposed repeal of a Department rule will be provided to affected persons as required by Sections 120.54(2) and (3), F.S.

(2) Notice will be provided by:

(a) Publishing in the Florida Administrative Register all required Notices of Rule Development prior to the publication of any related Notice of Proposed Rule.

(b) Publishing in the Florida Administrative Register all Notices of Proposed Rule at least 28 days before the Department's intended action.

(c) Publishing in the Florida Administrative Register all Notices of Change at least 21 days before the Department's intended action.

(c) Posting all published Notices of Rule Development, Notices of Proposed Rule, and Notices of Change on the Department's public website.

(d) Posting a memorandum within three business days of notice publication on all inmate bulletin boards at all state correctional institutions, private correctional facilities, annexes, work camps, road prisons, and work release centers informing inmates that published Notices of Rule Development, Notices of Proposed Rule, or Notices of Change are available for review in the institutional library or administrative office.

(e) Circulating a copy of published Notices of Rule Development, Notices of Proposed Rule, and Notices of Change within three business days of publication among the inmates housed in any confinement or management status that has restricted inmate movement that would prevent an inmate from accessing the institutional library or administrative office.

Rulemaking Authority 944.09 ~~120.54(3)(a)~~ FS. Law Implemented 120.54 ~~120.54(3)(a)~~ FS. History—New 10-8-76, Amended 5-2-85, Formerly 33-12.01, Amended 8-13-97, Formerly 33-12.001, Amended 7-17-08, _____.