

**33-603.411 Warrants for Retaking Offenders.**

(1) When an offender escapes from custody or absconds from a rehabilitative community reentry program prior to satisfaction of the sentence or combined sentences, the Secretary of the Department or the Secretary's designated representative may issue a warrant for retaking such offender into custody to serve the remainder of such sentence or combined sentences. If it is determined that an offender was released in error, or if it is subsequently determined that the offender was statutorily ineligible for release, a warrant may be issued if the sentence would not have expired had the inmate remained in confinement. The warrant issued must:

- (a) Be in writing and in the name of the Department of Corrections;
- (b) Command that law enforcement officials take the offender against whom the warrant is issued into custody and hold them until such time as proper arrangements can be made for the return of the offender to the Department;
- (c) Specify the name of the offender to be apprehended, the date of escape, date of absconding from supervision, or the date on which the offender was released in error, the date the offender was sentenced to incarceration in the Department, the county of sentence, the term of sentence; and
- (d) Bear the seal of the Department of Corrections.

(2) The following procedures must be followed in cases of offenders who were released in error or were subsequently determined to be statutorily ineligible for release:

(a) Within three days of receiving notification that the offender has been taken into custody, excluding the day of notice, weekends and holidays, a correctional probation officer, classification supervisor, or other person designated by the Bureau Chief of Admission and Release for that purpose must provide the offender with a copy of the affidavit upon which the warrant was issued, a copy of the warrant, a written statement advising the offender that they may challenge their return to custody through use of the inmate grievance procedure, and a copy of Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C. In cases in which the offender is out of state, the time frame for delivery of the warrant package to the offender will be extended to seven days, excluding the day of the notice, holidays and weekends.

(b) An offender who wishes to challenge their return to Department of Corrections custody must file an emergency grievance directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303, in accordance with subsection Rule 33-103.007(3), F.A.C.

(c) Grievances filed with the Office of the Secretary regarding retaking an offender into custody must be responded to in accordance with the time frames set forth in Rules 33-103.007 and 33-103.011, F.A.C.

(d) Nothing in this section shall be deemed to constitute a waiver by the Department of Corrections of its authority or jurisdiction to retake offenders into custody under the circumstances set forth in subsection (1) of this rule, nor shall any procedure had under this section which results in or fails to result in retaking be deemed a waiver by the department of its authority or jurisdiction to retake offenders.

(3) A warrant issued under subsection (1) of this rule is in effect until the offender has been returned to the custody of the Department, or until the sentence is deemed satisfied, whichever occurs first.