

Notice of Proposed Rule

**DEPARTMENT OF CORRECTIONS**

RULE NO.:       RULE TITLE:  
33-210.201       ADA Provisions for Inmates

PURPOSE AND EFFECT: Forms DC2-530A and DC2-530B are being amended to streamline the ADA review process and more accurately describe forms and staff members involved in processing claims. Rule 33-210.201 is being amended to more accurately describe staff members involved in the ADA review process

SUMMARY: Amendments to Forms DC2-530A and DC2-530B streamline the ADA review process and more accurately describe forms and staff members involved in processing claims. Amendments to Rule 33-210.101 more accurately describe staff members involved in the ADA review process.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, 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), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 944.09 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399, (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Office of the General Counsel, Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

**33-210.201 ADA Provisions for Inmates.**

- (1) through (2) No Change.
- (3) Accommodation Request Procedure.
  - (a) No Change.

(b) All department and privately operated facilities shall furnish to any inmate, upon request, a Reasonable Modification or Accommodation Request for Inmates, Form DC2-530A. Form DC2-530A is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>  
<http://www.flrules.org/Gateway/reference.asp?No=Ref-10230>. The effective date of this form is XX/XX 01/19.

- (c) No Change.

(d) Upon receipt of Form DC2-530A, the Regional Institutional ADA Coordinator shall review the inmate's accommodation request. The Regional Institutional ADA Coordinator shall, as necessary, utilize Form DC2-530B to

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request additional information from the appropriate program head in order to verify the inmate's disability or to otherwise assist with the review of the request. Form DC2-530B, Reasonable Modification or Accommodation Request ~~Institutional~~ Evaluation/Disposition, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07537>~~. The effective date of this form is XX/XX 11/16.

(e) through (i) No Change.

(4) through (9) No Change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 8-19-01, Amended 2-8-06, 11-22-06, 1-23-13, 9-30-13, 11-20-16, 1-30-19, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Nichols, Director of Facilities Management and Building Construction; Douglas Sexton, ADA Coordinator

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 14, 2021