

January 22, 2016

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLE:

33-302.108 Monitoring Sex Offender Conditions of Supervision

33-302.109 Offender Orientation

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal Rule 33-302.108, to transfer a provision of that Rule to Rule 33-302.109, and to incorporate the Spanish-language version of two Forms in Rule 33-302.109.

SUMMARY: The proposed rulemaking would repeal Rule 33.302.108, transfer one of its subsections to Rule 33-302.109, and incorporate the Spanish-language versions of two Forms in Rule 33-302.109. SUMMARY OF

STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The

Department 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 Department. The Department has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: 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), 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, 948.09 FS

LAWS IMPLEMENTED: 20.315, 944.09, 945.31, 948.09 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: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.108 Monitoring Sex Offender Conditions of Supervision

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.30 FS. History-New 12-18-01, Amended 6-18-02, 12-31-03, 10-25-05-'R' "e" p=ea-l=ed. _____

33-302.109 Offender Orientation.

(1) through (2) No change

(3) The correctional probation officer shall instruct on and review the information contained in the Notice of Privacy Practices, Form DC3-2006 or Form DC3-2006S (Spanish-language version). Form DC3-2006 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-XXXX>. The effective date of this form is _____ July 30, 2006. Form DC3-2006S 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-XXXX>. The effective date of this form is _____. The correctional probation officer and the offender shall sign and date Form DC3-2006 or Form DC3-2006S, Notice of Privacy Practices, certifying that the offender has received a copy of the privacy notice. The current telephone number of the department's privacy officer will be inserted at this time. The original executed Form DC3-2006 or Form DC3-2006S shall be placed in the offender file and a copy shall be provided to the offender.

(4) No change

(5) Driving Log for Sex Offenders- If the court or releasing authority imposes a condition of supervision requiring maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer, the officer shall:

(a) Instruct the sex offender to complete entries on the Driving Log, Form DC3-244 or Form DC3-244S (Spanish-language version), for each travel occurrence when the sex offender is driving, either alone or when accompanied by someone. The sex offender shall choose either Form DC3-244 or Form DC3-244S and use that form to the exclusion of the other form for as long as the sex offender uses a driving log. Form DC3-244 is hereby incorporated by reference. A copy of this form may be obtained 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-XXXX>. The effective date of this form is June, 2002. Form
DC3-244S is hereby incorporated by reference. A copy of this form may be obtained 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-XXXX>. The effective date of this form is July,

(b) The sex offender shall submit all completed Driving Logs, Form DC3-244 or Form DC3-244S, to the
supervising officer at least once a month. The completed driving logs will be maintained in the offender file.

Rulemaking Authority 944.09, 948.09 FS. Law Implemented 20.315, 944.09, 945.31, 948.09 FS., 45 CRF Part 160,
+64. History-New 7-19-01, Amended 9-15-02, 7-30-03, 1-6-04, 1-11-05, 12-30-12.,_____

NAME OF PERSON ORIGINATING PROPOSED RULE: Shari Britton, Chief, Bureau of Interstate Compact and
Probation and Parole Field Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 25, 2015