

March 31, 2023

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-302.110 Reporting Requirements

PURPOSE AND EFFECT: Rule amendment is necessary to implement section 948.03, Florida Statutes, to allow offender reporting requirements to be fulfilled through remote reporting if approved by the relevant probation officer or the Department and not excluded by the court in the Defendant's order of probation.

SUMMARY: The proposed rule amendment implements legislative changes to section 948.03, Florida Statutes, allowing offender reporting requirements to be fulfilled through remote reporting if approved by the relevant probation officer or the Department and not excluded by the court in the Defendant's order of probation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that the proposed rule 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, FS.

LAW IMPLEMENTED: 944.09, 945.31, 948.03, 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:

33-302.110 Reporting Requirements.

(1) No change.

(2) The reporting method will be determined by the officer in accordance with procedures, supervision type, supervision status and any court ordered conditions. There are two methods for reporting:

(a) To the assigned probation office. Offenders using this method of reporting must complete and submit Form DC3-2026, Supervision Report. Form DC3-2026 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03677>. The effective date for the form is XX/XX; or

(b) Through remote reporting by submitting the required information telephonically or electronically to the Department or to a designated and approved Department vendor.

(3)(2) When the offender reports, they must he/she shall provide complete, full and truthful, and current information relating to their residence and occupants at that location; all contact phone numbers; vehicle

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~~information; employment and/or educational details; activities for the previous month including, but not limited to, status and progress made on special conditions to include monetary payments and treatment attendance; any contact with law enforcement; activities for the previous month including, but not limited to, phone/email changes, residence/employment changes, progress made on special conditions, and actions taken to address goals; and any issues or problems requiring discussion. as specified on Form DC3-2026, Supervision Report. Form DC3-2026 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03677>. The effective date of the form is 2-14. Additionally, unemployed offenders may be instructed by the probation officer to report job search efforts, which ~~must shall~~ be documented and submitted by the offender ~~in writing~~ on regular paper or via Form DC3-2004, Job Search Log. Form DC3-2004 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02344>. The effective date of the form is 5/4/2004. Offenders participating in support groups ~~must shall be required to~~ submit documentation of their attendance, as instructed by their probation officer, on Form DC3-2005, Support Group Meeting Log. Form DC3-2005 is hereby incorporated by reference. Copies of this form may be obtained from the Form Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02345>. The effective date of the form is 7/19/11. Certain sex offenders who are required to maintain driving logs ~~must shall be required to~~ record each travel occurrence when the offender is driving, either alone or ~~when~~ accompanied by a passenger (including the name[s] of the passenger if applicable), and submit this log to the probation officer on a monthly basis ~~using on~~ Form DC3-244, Sex Offender Probation Driving Log. Form DC3-244 is incorporated by reference in Rule 33-302.108, F.A.C.~~

~~(4)(3)~~ Notwithstanding ~~subsections subsection~~ (1) through (3), the offender ~~must shall~~ immediately report the following ~~to via verbal communication with~~ the officer or supervisor:

(a) through (c) No change.

(d) Any adverse contact with law enforcement; and,

(e) Any urgent problems, questions or concerns with supervision requirements or conditions.

~~(5)(4)~~ Offenders who are required by supervision order to make payments ~~must shall~~ do so by using one of the methods described on N11-118, Instructions for Payment. Form N11-118, is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08629>. The effective date of this form is 8/17. The payment instruction information can also be accessed at www.dc.state.fl.us under the How Do I section entitled Pay Court Ordered Payments. If an offender chooses to make payment via the United States Postal Service, the offender ~~must will~~ complete Form DC2-364, Money Order Deposit Form for Restitution & Court-Ordered Payments. The offender ~~must shall~~ send the completed form pursuant to the instructions provided on Form DC2-364. Form DC2-364 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08629>, or the offender's Correctional Probation Officer. The effective date of this form is 8/17.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 945.31, 948.03 FS. History--New 8-1-01, Amended 11-4-04, 3-24-13, 7-1-13, 2-10-14, 9-14-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph Winkler, Assistant Secretary for Community Corrections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ricky D. Dixon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 1, 2022