

October 13, 2014

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-602.803	Criteria for Assignment of Staff Housing
33-602.805	Staff Housing Agreement Form
33-602.807	Staff Housing Inspections
33-602.809	Termination of Staff Housing Assignment

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to renumber and update Forms DC2-808A, DC2-808B, and DC2-808C, to add hyperlinks to the forms, and to amend referencing rules to incorporate the changes to the forms.

SUMMARY: Rulemaking was initiated to renumber and update Forms DC2-808A, DC2-808B, and DC2-808C, to add hyperlinks to the forms, and to amend referencing rules to incorporate the changes to the forms.

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 and incorporated forms, 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 FS

LAW IMPLEMENTED: 20.315, 944.09, 944.10, 945.025 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: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.803 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) No change.

(2) Mobile Home Spaces.

(a) No change.

(b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on Form DC6-2082A ~~DC2-808A~~, Staff Housing Agreement. Form DC6-2082A ~~DC2-808A~~ is incorporated by reference in Rule 33-602.805, F.A.C.

(c) – (d) No change.

(3) – (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.10, 945.025 FS. History—New 9-1-88, Amended 9-5-89, Formerly 33-26.004, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05, 9-5-06, 4-20-10, Formerly 33-208.504, \_\_\_\_\_.

33-602.805 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form DC6-2082A ~~DC2-808A~~, for processing in compliance with the assignment criteria in Rule 33-602.803, F.A.C., ~~herein.~~ Form DC6-2082A ~~This form~~ is hereby incorporated by reference. Copies of this form are available and a copy may be obtained from the Forms Control Administrator, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

The effective date of this form is \_\_\_\_\_ ~~October 29, 2008~~.

(2) – (3) No change.

Rulemaking Authority 944.09(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History–New 9-1-88, Formerly 33-26.006, Amended 8-16-00, 4-8-02, 3-30-05, 10-29-08, Formerly 33-208.506,\_\_\_\_\_.

33-602.807 Staff Housing Inspections.

(1) All staff housing shall be inspected by the warden and a representative of the service center at least once annually, but more often if needed. Inspection reports shall address the condition of the staff housing, the condition of the grounds, and the condition of state-owned equipment and furnishings. A copy of an inspection report shall be furnished to the occupant for correction of deficiencies. Form DC6-2082B ~~DC2-808B~~, Residential Inspection for Staff Housing, shall be used for this purpose. Form DC6-2082B ~~DC2-808B~~ is hereby incorporated by reference ~~Rule 33-602.807~~. 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>. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_ ~~August 16, 2000~~.

(2) – (3) No change.

Rulemaking Authority 944.09(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History–New 9-1-88, Formerly 33-26.008, Amended 8-16-00, 1-19-03, Formerly 33-208.508,\_\_\_\_\_.

33-602.809 Termination of Staff Housing Assignment.

(1) Expiration.

(a) – (b) No change.

(c) Written notice to or from an occupant regarding any of the personnel actions under subparagraph (1)(a)3., 4., or 5. above shall constitute notice of the expiration of the assignment to staff housing and the warden shall ensure that Form DC6-2082C ~~DC2-808C~~, Termination of Staff Housing Agreement, is completed and submitted to the service center personnel office. Form DC6-2082C ~~DC2-808C~~ 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>. The effective date of this form is \_\_\_\_ ~~April 8, 2002~~. Expiration shall be effective at the end of the last day of the occupant's employment in the class series or at the institution.

(2) – (3) No change.

Rulemaking Authority 944.09(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History–New 9-1-88, Amended 6-21-89, Formerly 33-26.010, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05, Formerly 33-208.510,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 26, 2014