

December 19, 2013

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.110

RULE TITLE: Reporting Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise three forms, Form DC3-2026, Supervision Report, Form DC2-364, Money Order Deposit Form for Restitution & Court-Ordered Payments, and Form NI1-118, Instructions for Payment. Form DC3-2026 is being revised to make formatting change to eliminate the check box for no change to the Residence, Email, Employment, and Student sections of the form; to add fields for home phone number and cellular phone number; to add a field in the Employment section for the supervisor's name; and a formatting change to move the payment instructions down under the under the special condition section. Form DC2-364 is being revised to make some formatting changes, include some additional information on ways to pay, and to add an additional telephone number. Form NI1-118 is being revised to remove the sentence that prohibits the use of photocopied versions of Form DC2-364.

SUMMARY: This rulemaking was initiated to revise forms DC3-2206, DC2-364, and NI1-188 to make the forms easier to use and to update some information contained in the forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency 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 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: upon review of the proposed changes to these rules 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: 944.09 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: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.110 Reporting Requirements.

(1) No change.

(2) When the offender reports, he/she shall provide full and truthful information relating to 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 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-02764>. The effective date of the form is 7-13.

Additionally, unemployed offenders may be instructed by the probation officer to report job search efforts, which 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 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 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 on Form DC3-244, Sex Offender Probation Driving Log. Form DC3-244 is incorporated by reference in Rule 33-302.108, F.A.C.

(3) No change.

(4) Offenders who are required by supervision order to make payments shall do so by using one of the methods described on NI1-118, 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-02763>. The effective date of this form is ____ 7-13. 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 will complete Form DC2-364, Money Order Deposit Form for Restitution & Court-Ordered Payments. The offender 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-02762>, or the offender's Correctional Probation Officer. The effective date of this form is ____ 7-13. Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 8-1-01, Amended 11-4-04, 3-24-13, 7-1-13, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jenny Nimer, Assistant Secretary of Community Corrections

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 4, 2013