

September 15, 2014

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.731

RULE TITLE: Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow for the suspension of an inmate's visiting privileges for up to twelve months for the possession or use of tobacco products in violation of Rule 33-401.401, F.A.C.; to revise Form NI1-102; and to add s. 944.115, FS, as rulemaking authority and as a law implemented by the rule.

SUMMARY: Rulemaking was initiated to allow for the suspension of an inmate's visiting privileges for the possession or use of tobacco products; to revise Form NI1-102; and to add s. 944.115, FS, as rulemaking authority and as a law implemented by the rule.

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: 944.09, 944.23, 944.47, 944.8031 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:

33-601.731 Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.

(a) No change.

(b) Suspension of an inmate's visiting privileges shall be considered by the ICT as a management tool only when an inmate is found guilty of the following offenses:

1. – 14. No change.

15. Possessing a recording device;-

16. Possessing or using tobacco in violation of Rule 33-401.401, F.A.C.

(c) No change.

(d) If an inmate is found guilty of an offense listed in paragraph (1)(b), the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form NI1-102, Visiting Privileges Suspension Matrix, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01582>. Form NI1-102 is hereby incorporated by reference.

Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____. If an inmate's visiting privileges are suspended pursuant to this rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(b), the inmate is subject to an increased period of suspension as follows:

1. – 2. No change.

(e) – (f) No change.

(2) – (4) No change.

Rulemaking Authority 944.09, 944.115 FS. Law Implemented 944.09, 944.115, 944.23, 944.47, 944.8031 FS.

History–New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, 10-23-11, 9-24-12, 12-9-12, 6-18-13, _____.

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: September 10, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 13, 2014