

April 22, 2016

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.:      RULE TITLE:

33-601.830      Death Row

PURPOSE AND EFFECT: The purpose and effect of the amendment is to clarify the rule and to direct readers to rule 33-602.205 regarding death row inmates' telephone privileges.

SUBJECT AREA TO BE ADDRESSED: Death row

RULEMAKING AUTHORITY: 944.09 FS

LAWS IMPLEMENTED: 944.09 FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AS FOLLOWS:

33-601.830 Death Row.

(I) through (6) No change

(7) Conditions and Privileges – The following conditions and privileges apply to all death row inmates except Phase I and Phase II inmates.

(a) through G) No change

(k) Telephone Privileges – Death row inmates shall have only those telephone privileges expressly and particularly provided for such inmates in Rule 33-602.205, F.A.C. When alternative means of access are not feasible, telephone privileges shall be allowed for emergency situations, such as notifications of family deaths, and when necessary to ensure the inmate's access to attorneys or the courts. The necessity of the telephone call may be verified before the inmate is allowed to make the call. Calls to attorneys will not be monitored.

(l) through (n) No change

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(8) through (16) No change

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History-New 11-22-10, Amended 9-27-11, 9-24-12, 12-9-12, 3-6-14, \_\_\_\_\_