

Notice of Development of Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-602.211 Restraint of Pregnant Inmates

PURPOSE AND EFFECT: : Rulemaking is necessary to amend an existing rule to establish processes and procedures related to the placement of pregnant inmates in restrictive housing in accordance with § 944.241, F.S., as amended by the Florida Legislature in 2020.

SUBJECT AREA TO BE ADDRESSED: Pregnant inmates

RULEMAKING AUTHORITY: 944.09, 944.241 FS.

LAW IMPLEMENTED: 944.241 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.

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, 501 South Calhoun Street, Tallahassee, Florida 32399; 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jason Holman, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399, jason.holman@fdc.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.211 Restraint of Pregnant Inmates.

(1) Definitions.

(a) through (b) No change.

(c) Senior correctional officer: refers to a staff member with the rank of correctional officer lieutenant or above.

(d)(e) Third trimester: refers, for the purposes of this rule, to the period of time from the start of the 28th week of pregnancy.

(2) through (9) No change.

(10) Miscellaneous.

(a) When a pregnant inmate is placed in Medical Isolation, a Medical Housing Unit, or the Infirmary, to protect the health and safety of the pregnant inmate or others, or to preserve the security and order of the institution, the senior correctional officer or above must make a report utilizing Form DC6-1016, Report of Placement in Restrictive Housing for Pregnant Inmates (MEDICAL), clearly stating the following:

1. The individualized reason restrictive housing is necessary;

2. The reason less restrictive means are not available; and,

3. Whether a qualified healthcare professional at the correctional institution objects to the placement.

A copy of the report must be provided to the pregnant prisoner within 12 hours after placement in a Medical Isolation, a Medical Housing Unit, or the Infirmary. Form DC6-1016 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is XX/XX.

Rulemaking Authority 944.09, 944.241 FS. Law Implemented 944.241 FS. History—New 9-24-12, Amended 1-10-18,