

March 13, 2013

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-401.401

RULE TITLE: Use of Tobacco Products

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow inmates participating in a community release program to possess tobacco products.

SUBJECT AREA TO BE ADDRESSED: Use of Tobacco Products

RULEMAKING AUTHORITY: 944.09, 944.115 FS

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.401 Use of Tobacco Products.

(1) No change.

(2)(a) Pursuant to Section 944.115, F.S., use of any tobacco products shall be prohibited in all indoor areas of any building or office within a state correctional facility except for employee housing on department grounds and inmate maximum security (death row) housing areas. Only unlighted tobacco product use shall be permitted in death row housing and community correctional centers.

(b) No change.

(3) – (5) No change.

(6) Inmates, with the exception of those participating in a community release program under Rule 33-601.602, F.A.C., or as otherwise provided in subsection (7) of this rule, in administrative confinement, disciplinary

~~confinement, close management, and maximum management housing at all institutions~~ shall not be allowed to possess any tobacco products or lighters.

(7) – (9) No change.

Rulemaking Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History– New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, 10-1-03, 6-18-08, 10-1-11,_____.