

November 4, 2014

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.:      RULE TITLE:

33-601.100      Inmate Orientation

33-601.301      Inmate Discipline – General Policy

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the requirement that inmates each receive a copy of Rules 33-601.301-.314, F.A.C., regarding inmate discipline, and to clarify how inmates will have access to Rules 33-601.301-.314, F.A.C., upon their initial arrival in the Department of Corrections and during their incarceration.

SUMMARY: Rulemaking was initiated to clarify how inmates will have access to Rules 33-601.301-.314, F.A.C., regarding inmate discipline upon their initial arrival in the Department of Corrections and during their incarceration.

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, 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: 20.315, 944.09, 945.04 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:

33-601.100 Inmate Orientation.

(1) Upon initial arrival in the Department of Corrections, each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections shall be explained. Upon transfer within the Department, each inmate shall be provided with orientation that is specific to the local institution. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, including a general overview of Rules 33-601.301-.314, F.A.C., Inmate Discipline, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. ~~As inmates are received into the department, reception centers shall provide each inmate with a printed copy of Rules 33-601.301-.314, F.A.C., Inmate Discipline. Translations or translation assistance shall be provided as needed.~~ Copies of the rules and procedures shall be available to inmates upon request to read or review (not for retention). Inmates will be informed how to access the rules and procedures, and that translations or translation assistance will be provided as needed.

(2) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-19-03, Amended 9-6-04, 10-19-05, \_\_\_\_\_.

33-601.301 Inmate Discipline – General Policy.

(1) – (4) No change.

(5) Every inmate shall have access to Rules 33-601.301-.314, F.A.C. Inmates in open population shall have access to these rules from the inmate library, law library, or any other area accessible to inmates as deemed appropriate by the warden. Inmates in open population at institutions or facilities without libraries shall have access to these rules from the classification office, the security shift supervisor's office, or any other area accessible to inmates as deemed appropriate by the warden. Inmates who are not in open population shall have access to these rules through their housing officer in the confinement unit. ~~Every inmate received by the department will be given a printed copy of Rules 33-601.301-.314, F.A.C. Copies of this rule chapter shall also be available in the institution library.~~ Inmates shall be notified of any change by posting and circulation. These rules shall be translated into any

language native to 5 percent or more of the statewide inmate population. These translations shall be made available to inmates. ~~At the time of reception processing, When~~ when a literacy or language problem prevents an inmate from understanding the rules, a staff member or translator shall assist the inmate in understanding the rules. ~~At the time of reception processing, when a literacy or language problem prevents an inmate from understanding the rules of this chapter, a staff member or translator shall assist the inmate in understanding the rules.~~

(6) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 3-12-84, Formerly 33-22.01, Amended 12-30-86, 10-1-95, Formerly 33-22.001, Amended \_\_\_\_\_.

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: October 30, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 20, 2014