

July 16, 2013

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.601

RULE TITLE: Temporary Release of Inmates for Specific Purposes

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that regional directors have authority to approve or disapprove the temporary transfer of custody of any inmate housed in private facilities within their region to attend a funeral or have a deathbed visit.

SUMMARY: To clarify that regional directions have authority to approve or disapprove the temporary transfer of custody of inmates housed in private facilities to attend a funeral or have a deathbed visit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency 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 agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to these rules, 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: 20.315, 944.09 FS

LAW IMPLEMENTED: 944.09 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED

RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.601 Temporary Release of Inmates for Specific Purposes.

(1) The regional directors are the Secretary's designees for the purpose of approving or disapproving the

temporary transfer of custody of any inmate housed within their respective regions, including those housed in private facilities, to attend a funeral or have a deathbed visit.

(2) – (14) No change.

Rulemaking Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-7.03, Amended 4-25-86, 2-12-97, 11-16-97, Formerly 33-7.003, Amended 5-26-05, 2-20-13, _____.

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: 7-12-13

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 6-24-13