

April 30, 2013

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.727

RULE TITLE: Visitor Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to enable the Department to suspend a visitor's visitation privileges if they conspire or agree to introduce contraband into an institution or they solicit, encourage, hire or request another person to engage in such conduct.

SUMMARY: The proposed rule allows a visitor's visitation privileges to be suspended if they conspire or agree to introduce contraband into an institution or they solicit, encourage, hire or request another person to engage in such conduct.

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 and incorporated forms, 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: 944.09, 944.23, 944.47, 944.8031 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: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) – (b) No change.

(c) Visitors shall not possess, introduce, ~~or~~ attempt to introduce, conspire or otherwise agree to introduce contraband or illegal items into or onto the grounds of any department institution or facility nor shall they solicit, command, encourage, hire or request another person to engage in specific conduct which would constitute such offense or an attempt to commit such offense. Violations shall result in the suspension of visiting privileges by the warden or designee. Contraband items not of an illegal nature shall be seized by staff when found and shall be returned only on the approval of the duty warden.

(d) – (k) No change.

(2) – (3) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-29-07, 2-21-13,_____.

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: 4-8-13

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 4-15-13