

January 15, 2014

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.728

RULE TITLE: Inmate Visiting Appearance, Search, and Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise Rule 33-601.728, F.A.C., to make provisions regarding the inmate dress code during visitation consistent with the dress code set forth in Rule 33-602.101, F.A.C., and to clarify a reference.

SUMMARY: Rulemaking was initiated to amend Rule 33-601.728, F.A.C., to make provisions regarding the inmate dress code during visitation consistent with Rule 33-602.101, F.A.C., and to clarify a reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 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 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, 944.23 FS

LAW IMPLEMENTED: 20.315, 944.09, 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: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.728 Inmate Visiting Appearance, Search, and Conduct.

(1) During visiting, inmates shall dress in accordance with Rule 33-602.101, F.A.C. ~~wear a clean uniform~~

~~consisting of the following department issued items:~~

~~(a) Blue shirt.~~

~~(b) Tee shirt worn beneath the blue shirt. A sweatshirt may be worn instead during cold weather.~~

~~(c) Blue trousers.~~

~~(d) Belt.~~

~~(e) Socks and underwear.~~

~~(f) Brogans or state issued tennis shoes unless authorization (medical pass) carried on the inmate's person allows an exception to the footwear.~~

~~(g) ID card in accordance with paragraph 33-602.101(9)(h), F.A.C.~~

~~(h) Permanent inmates assigned to reception centers may wear a white shirt and white trousers during visitation. Inmates at work release centers whose work assignments are at the center may wear white shirts and white trousers during visitation.~~

~~(2)-(3) No change.~~

~~(4) The inmate shall not pass items to another inmate or to a visitor or accept items from another inmate or a visitor except as specified in Rule paragraph 33-601.727(4)(4), F.A.C.~~

~~(5)-(6) No change.~~

~~Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS.~~

~~History—New 11-18-01, 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: December 16, 2013~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 31, 2013~~