

May 29, 2020

NOTICE OF DEVELOPMENT OF RULEMAKING

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210

RULE TITLE: Use of Force

PURPOSE AND EFFECT: Rulemaking is necessary to amend the definition of “self-injurious behavior,” to add definitions of “procedural violation” and “suicide attempt,” to qualify the use of reactionary uses of force to prevent an inmate from self-harm, to add a requirement regarding videoing an inmate prior to transport, to clarify who may administer chemical agents in controlled conditions, to clarify when dart-fired electronic immobilization devices will be used, to establish protocol for interactions with unmanned aircraft vehicles on or over state property, to clarify what video must be included in a review of uses of force, to clarify what information must be included in a review of a use of force involving the use of a dart-fired electronic immobilization device, to establish and clarify post-deployment procedures related to the use of dart-fired immobilization devices, to clarify the review requirements for incidents involving a use of force, to clarify the process for the issuance and return of dart-fired electronic immobilization devices, to amend the rule history related to laws implements, and to revise Forms DC4-650B, DC6-230, and DC6-296 to comport to the changes in the rule.

SUBJECT AREA TO BE ADDRESSED: Use of force in state correctional institutions.

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 776.07, 944.09, 944.35, 945.025, 945.04, 945.05 F.S.

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: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.