

May 8, 2013

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.223

RULE TITLE: Special Management Meal

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the provision that allows inmates on close or maximum management status to be placed on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.

SUMMARY: To disallow the placement of certain inmates on the special management meal for intentionally exposing their genitalia to staff.

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: 20.315, 944.09 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:

33-602.223 Special Management Meal.

(1) – (3) No change.

~~(4) Inmates on close or maximum management status may be placed on the special management meal as a result of intentional, unauthorized exposure of genitalia to staff.~~

~~(4)(5)~~ Placement on the Special Management Meal.

(a) – (c) No change.

~~(5)(6)~~ Canteen privileges authorized by Rules 33-602.220 and 33-601.800, F.A.C., for inmates in administrative confinement and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

~~(6)(7)~~ The chief of security and a designated clinical health care person shall visit each inmate on special management meal status on a daily basis, except in case of riot or other institutional emergency. The shift supervisor shall act as the chief of security's designee and shall conduct the daily visit in the chief's absence. The purpose of the daily visit is to follow the inmate's progress while on the special management meal and to determine when the inmate should be removed from the special management meal status.

~~(7)(8)~~ An inmate may be removed from special management meal status at any time based on:

(a) – (b) No change.

~~(8)(9)~~ An inmate may be placed on the special management meal for a maximum of 7 days before being returned to regular meals for a minimum of one day. If an inmate engages in any of the behavior described in subsection (2) above after being returned to regular meals, the inmate may be placed on special management meal status again by following the above procedures.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 1-12-88, Amended 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, 1-2-02, 11-3-03, 2-18-04, 12-10-09,\_\_\_\_\_.

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: 4-16-13

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 4-23-13