

June 24, 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 explain under what circumstances a visitor to one of the Department's correctional institutions may breastfeed their baby.

SUMMARY: The rule amendment allows nursing mothers to nurse their baby in the visitor park under certain conditions or allows the nursing mother to nurse outside the institution and reenter the institution subject to a search of her person and belongings.

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, 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 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:

33-601.727 Visitor Conduct.

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

(a) –(k) No change.

(l) Visitors who are nursing may breastfeed their babies during their visit. In the interests of safety and security, nursing mothers must cover their breasts with a non-quilted baby blanket while nursing. At no time shall the nipple of the mother’s breast be uncovered and exposed in the visiting park. A mother may choose to leave the visiting park to breastfeed her baby and she shall be permitted to reenter the visiting park subject to a search of her person and belongings. Nursing mothers shall not be directed to the institution’s restroom to breastfeed.

(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: 6-18-13

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 6-7-13