

September 11, 2015

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.820

RULE TITLE: Maximum Management

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to remove express reference to the use of handcuff covers for inmates in maximum management and to set forth how maximum management inmates will be restrained before leaving their cells.

SUMMARY: The proposed rule will remove express reference to the use of handcuff covers for inmates in maximum management and will make clear that such inmates will be restrained in a manner commensurate to their level of threat prior to leaving their cells.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: 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 SERC 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, FS

LAW IMPLEMENTED: 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: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.820 Maximum Management

(1) – (8) No Change.

(9) Security Requirements.

(a) No Change.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

1. No Change.

2. Before exiting the cell, a ~~A~~ maximum management inmate shall be restrained in a manner commensurate to their level of threat ~~exit the cell only in handcuffs behind the back with handcuff cover~~ and in the presence of a minimum of two officers.

3.– 7. No Change.

(10) No Change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06, 4-27-08, 5-18-09, 3-6-14, 7-14-14, _____ .

NAME OF PERSON ORIGINATING PROPOSED RULE: Ricky Dixon, Assistant Secretary for Institutions and Re-entry.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2015.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 17, 2014