

May 16, 2017

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101

RULE TITLE: Care of Inmates

PURPOSE AND EFFECT: The purpose and effect is to amend Rule 33-602.101 to add language requiring the wearing of the Class A uniform by inmates during dormitory inspections by the warden or duty warden and during official visits and/or tours.

SUMMARY: The proposed rule adds language requiring the wearing of the Class A uniform by inmates during dormitory inspections by the warden or duty warden and during official visits and/or tours. Currently, although these situations appear to be covered under subsection 2(b)1.i of the rule, they are not specifically referenced which has left the application of the rule in these circumstances at the discretion of the institutions. The rulemaking regarding 33-602.101 will clarify the rule and will allow for conformity in its application rather than institutional discretion.

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, 945.215 FS

LAWS IMPLEMENTED: 944.09 FS, 945.215 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: Gregory Hill, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

(1) No change

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with Department rules, procedures, and institution policy.

(a) No change

(b) General Clothing Regulations: The following general clothing regulations will not supersede the clothing or uniform requirements or allowances for inmates in Maximum Management, Close Management, Disciplinary Confinement, Administrative Confinement, Work Release or Community Release inmates contained in other rules.

Work release inmates shall wear civilian clothing as required by Rule 33-601.602, F.A.C.

1. The Class A uniform for males and females shall be worn as follows:

a. through g. No change

h. For visitation, and

i. During dormitory inspections by the warden or duty warden,

j. During official visits and/or tours, and

~~k.~~ At any other time when a class B or C uniform or other clothing is not specifically allowed by this or other rule.

2. through 10. No change

(c) through (k) No change

(3) through (13) No change

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History—New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, 5-13-08, 6-22-10, 5-24-11, 2-6-12, 5-27-12, 3-3-13, 10-14-13, 12-12-13, 10-28-14, 8-17-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard D. Comerford, Director of Institutional

Operations.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 04/12/2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 03/03/2017