

August 13, 2014

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.731

RULE TITLE: Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow for the suspension of an inmate's visiting privileges for up to three months for the possession or use of tobacco products in violation of Rule 33-401.401, F.A.C.; to revise Form NI1-102; and to add s. 944.115, FS, as rulemaking authority and as a law implemented by the rule.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting privileges

RULEMAKING AUTHORITY: 944.09 FS

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS

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 REGISTER. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.731 Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.

(a) No change.

(b) Suspension of an inmate's visiting privileges shall be considered by the ICT as a management tool only

when an inmate is found guilty of the following offenses:

1. – 14. No change.

15. Possessing a recording device;

16. Possessing or using tobacco in violation of Rule 33-401.401, F.A.C.

(c) No change.

(d) If an inmate is found guilty of an offense listed in paragraph (1)(b), the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form NI1-102, Visiting Privileges Suspension Matrix, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01582>. Form NI1-102 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____. If an inmate's visiting privileges are suspended pursuant to this rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(b), the inmate is subject to an increased period of suspension as follows:

1. – 2. No change.

(e) – (f) No change.

(2) – (4) No change.

Rulemaking Authority 944.09, 944.115 FS. Law Implemented 944.09, 944.115, 944.23, 944.47, 944.8031 FS.

History–New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, 10-23-11, 9-24-12, 12-9-12, 6-18-

13,_____.