

April 23, 2013

NOTICE OF RULE DEVELOPMENT

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.

SUBJECT AREA TO BE ADDRESSED: Special Management Meal

RULEMAKING AUTHORITY: 944.09 FS

LAW IMPLEMENTED: 20.315, 944.09 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 WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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,_____.