

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-203.101 Canteen Operations

PURPOSE AND EFFECT: Rule Amendment is necessary to update the weekly canteen purchase limit; to clarify the reasons for rejecting an inmate canteen order; and to provide that inmates who have been recommended for loss of order privileges due to a disciplinary infraction may purchase stamps, white paper, envelopes, and pens from the canteen for the sole purpose of preparing and sending legal mail.

SUMMARY: The proposed amendment updates the weekly canteen purchase limit; clarifies the reasons for rejecting an inmate canteen order; and provides that inmates who have been recommended for loss of order privileges due to a disciplinary infraction may purchase stamps, white paper, envelopes, and pens from the canteen for the sole purpose of preparing and sending legal mail.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. 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), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 945.215, F.S.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399 (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Office of the General Counsel, Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS

33-203.101 Canteen Operations.

(1) Canteens are to be operated primarily to provide ~~convenience items~~ ~~items of convenience~~ to inmates.

(2) Each inmate shall be allowed to purchase canteen merchandise on a weekly basis in an amount not to exceed ~~\$150~~ ~~\$100~~. A weekly limit will be recommended by the Canteen Review Team, based upon current canteen product mix and current resale prices, and approved by the Secretary. A ~~two-week~~ ~~two week~~ notice of any changes to the weekly limit will be posted on inmate bulletin boards and at each canteen.

(3) Current price lists will be posted ~~near each~~ ~~in the proximity of the~~ canteen for ~~inmates to view~~ ~~inmate viewing purposes~~.

(4) Items Authorized for Sale in Canteens.

(a) No change.

(b) Inmate orders shall be disapproved for one or more of the following reasons:

1. No change.

2. Inmate is not permitted to purchase the requested item or items due to the inmate's confinement status.

3. Inmate is on disciplinary confinement or as a result of a disciplinary infraction has been recommended for loss of order privileges for a specified cycle due to a disciplinary infraction, except that the inmate may purchase stamps, white paper, envelopes, and pens from the canteen for the sole purpose of preparing and sending legal mail pursuant to Rule 33-210.102, F.A.C.

4. ~~3~~. Inmate is placing the order for another inmate.

5. ~~4~~. Inmate is not permanently assigned.

(c) No change.

(5) through (8) No change.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History--New 1-20-86, Formerly 33-3.035, Amended 11-21-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-2-03, 12-14-04, 6-16-05, 11-29-06, 11-9-08, 6-8-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Tallent, Chief Financial Officer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ricky D. Dixon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 3, 2023