

33-601.105 Restoration of Forfeited Gain Time.

(1) No change.

(2) No change.

(3) Eligibility.

(a) Restoration of gain time that is forfeited due to disciplinary action may be considered only when the following criteria are satisfied:

1. through 4. No change.

5. If an inmate is found guilty of one or more of the following disciplinary infractions that occurred during the inmate's current commitment, he or she shall be eligible for consideration of restoration of the gain time forfeited for those specific disciplinary infractions only upon the approval of the Secretary or Secretary's designee ~~Secretary's approval~~:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed assault, where a physical attack was made against Department staff;

1-5 Sexual battery or attempted sexual battery;

1-6 Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member or visitor;

1-7 Aggravated battery or attempted aggravated battery on a correctional officer;

1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer;

1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.);

1-10 Aggravated battery or attempted aggravated battery on an inmate;

1-11 Aggravated assault or attempted aggravated assault on a correctional officer;

1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer;

1-13 Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.);

1-14 Aggravated assault or attempted aggravated assault on an inmate;

1-15 Battery or attempted battery on a correctional officer;

1-16 Battery or attempted battery on staff other than correctional officer;

1-17 Battery or attempted battery on someone other than staff or inmates (vendor, etc.);

1-18 Battery or attempted battery on an inmate;

1-19 Assault or attempted assault on a correctional officer;

1-20 Assault or attempted assault on staff other than correctional officer;

1-21 Assault or attempted assault on someone other than staff or inmates (vendor, etc.);

1-22 Assault or attempted assault on an inmate;

2-1 Participating in riots, strikes, mutinous acts, or disturbances;

2-2 Inciting or attempting to incite riots, strikes, mutinous acts, or disturbances – conveying any inflammatory, riotous or mutinous communication by word of mouth, in writing or by sign, symbol or gesture;

3-1 Possession of or manufacture of weapons, ammunition, or explosives;

3-3 Possession of narcotics, unauthorized drugs and drug paraphernalia;

3-4 Trafficking in drugs or unauthorized beverages;

3-7 Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.;

3-14 Unauthorized possession or use of a cellular telephone or any other type of wireless communication device, or any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under Section 944.47(1)(a)6, F.S.;

4-1 Escape or attempted escape.

7-6 Arson or attempted arson;

9-22 Robbery or attempted robbery;

9-36 Gang related activities, including recruitment; organizing; display of symbols, groups or group photos; promotion or participation.

6. through 7. No change.

(b) No change.

(4) No change.

Rulemaking Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History—New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02, 4-10-08, 7-15-09, 12-24-09, 2-16-17, 10-21-21,_____.