

August 25, 2020

NOTICE OF DEVELOPMENT OF RULEMAKING

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.308

RULE TITLE: Disciplinary Team, Hearing Officer Findings and Actions

RULE NO.: 33-601.314

RULE TITLE: Rules of Prohibited Conduct and Penalties

RULE NO.: 33-601.735

RULE TITLE: Non-Contact Visiting

RULE NO.: 33-601.800

RULE TITLE: Close Management

RULE NO.: 33-601.820

RULE TITLE: Maximum Management

RULE NO.: 33-601.830

RULE TITLE: Death Row

PURPOSE AND EFFECT: Rulemaking is necessary to clarify rule language, to correct grammar and scrivener's errors, to make the rules gender neutral, to add definitions, to change how administrative confinement credit is applied, to modify multiple disciplinary sentences to run concurrently unless justification is provided and warrants consecutive penalties, to add kiosk, tablet, and video visitation sanctions, to add provisions related to the review of disciplinary reports for inmates in inpatient mental health units by the Multidisciplinary Services Team, to reduce the use of disciplinary confinement as a sanction for misconduct that does not compromise staff safety or control, to reduce the maximum penalty for a number of non-violent infractions, to create a progressive penalty matrix for use in assessing penalties taking into account the time lapse between the last prior infraction and current infraction to assess the appropriate penalty, to require written justification for penalties imposed beyond the provided matrix, to add kiosk, tablet, and video visitation penalties, to add a definition of non-contact visiting, to allow CMII inmates to have one three-hour non-contact visit under certain circumstances, to allow CMIII inmates to have one four-hour non-contact visit under certain circumstances, to clarify the review process prior to placing inmates in close management (CM), to amend the non-contact visitation privileges of inmates in CMII, to amend the contact

visitation privileges of inmates in CMIII, to clarify the telephone privileges of inmates in CM, to establish classification officer visitation requirements for inmates in close management, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while in CM, to update Forms DC6-265 and DC6-233C for clarity and consistency, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while in maximum management, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while on death row.

SUBJECT AREA TO BE ADDRESSED: Close management; use of kiosks and possession and use of tablets by inmates.

RULEMAKING AUTHORITY: 944.09, 945.091 F.S.

LAW IMPLEMENTED: 20.315, 944.09, 945.04, 945.091 F.S.

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 20.315, 944.09, 944.115, 944.14, 944.279, 944.28 F.S.

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 F.S.

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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: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399, paul.vazquez@fdc.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.