

**33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.**

Sections 1 through 10 below show the maximum penalties allowed for the listed offenses. Staff should take into account the individual facts of each violation and impose a penalty that is proportionate to the conduct. Section 11 shows the penalties that will be imposed for the listed offenses based on the time since an inmate’s last disciplinary infraction absent a statement in the written findings of the disciplinary team or hearing officer justifying an upward deviation. As used in this rule, “DC” means the maximum number of days of disciplinary confinement that may be imposed, and “GT” means the maximum number of days of gain time that may be taken. The imposition of DC and GT penalties are independent of one another and do not have to be imposed together; i.e., an inmate may be placed in DC without losing GT, and vice versa.

		<b>Maximum Disciplinary Actions</b>
<b>SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT</b>		
1-3	Spoken, written, or gestured threats	30 DC + 90 GT
1-4	Disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like	30 DC + 60 GT
1-5	Sexual battery or attempted sexual battery	90 DC + All GT
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	60 DC + 90 GT
1-7	Aggravated battery or attempted aggravated battery on a correctional officer	90 DC + All GT
1-8	Aggravated battery or attempted aggravated battery on staff other than correctional officer	90 DC + All GT
1-9	Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.)	90 DC + All GT
1-10	Aggravated battery or attempted aggravated battery on an inmate	90 DC + All GT
1-11	Aggravated assault or attempted aggravated assault on a correctional officer	90 DC + All GT
1-12	Aggravated assault or attempted aggravated assault on staff other than correctional officer	90 DC + All GT
1-13	Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.)	90 DC + All GT
1-14	Aggravated assault or attempted aggravated assault on an inmate	90 DC + All GT
1-15	Battery or attempted battery on a correctional officer	90 DC + All GT
1-16	Battery or attempted battery on staff other than correctional officer	90 DC + All GT
1-17	Battery or attempted battery on someone other than staff or inmates (vendor, etc.)	90 DC + All GT
1-18	Battery or attempted battery on an inmate	90 DC + All GT
1-19	Assault or attempted assault on a correctional officer	90 DC + 180 GT
1-20	Assault or attempted assault on staff other than correctional officer	90 DC + 180 GT
1-21	Assault or attempted assault on someone other than staff or inmates (vendor, etc.)	90 DC + 180 GT
1-22	Assault or attempted assault on an inmate	90 DC + 180 GT
<b>SECTION 2 – RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES</b>		
2-1	Participating in riots, strikes, mutinous acts, or disturbances	60 DC + All GT
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	30 DC + All GT
2-3	Creating, participating in or inciting a minor disturbance	30 DC + 60 GT
2-4	Fighting	30 DC + 30 GT
<b>SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE</b>		

<b>INSTITUTION WHERE PRESENTLY HOUSED</b>		
3-1	Possession of or manufacture of weapons, ammunition, or explosives	60 DC + All GT
3-2	Possession of escape paraphernalia	60 DC + All GT
3-3	Possession of narcotics, unauthorized drugs and drug paraphernalia	60 DC + 180 GT
3-4	Trafficking in drugs or unauthorized beverages	60 DC + All GT
3-5	Manufacture of drugs or unauthorized beverages	60 DC + 180 GT
3-6	Possession of unauthorized beverages	10 DC + 15 GT
3-7	Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.	60 DC + 180 GT
3-8	Possession of negotiables – unauthorized amounts of cash where cash is permitted, any amount of cash where cash is not permitted, another inmate’s canteen coupons, another inmate’s cashless canteen or identification cards or gift certificates, checks, credit cards, or any other negotiable item which is not authorized	30 GT
3-9	Possession of unauthorized or altered identification – driver’s license, social security card, cashless canteen identification card, etc.	30 GT
3-10	Possession of unauthorized clothing or linen – State or personal	30 GT
3-11	Possession of stolen property – State or personal	30 GT
3-12	Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband	30 GT
3-13	Introduction of any contraband	60 DC + All GT
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.	60 DC + All GT
3-15	Possession of gang related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang related documents	30 DC + 30 GT
3-16	Non-death row and/or non-community release program inmates – possession, introduction, or trafficking of tobacco or tobacco-related products such as lighters or cigarette papers.	10 DC + 15 GT
3-17	Death row inmates – Possession of tobacco, other than authorized smokeless tobacco, or possession of tobacco-related products intended for use with smoking tobacco such as lighters or cigarette papers; introduction of tobacco or tobacco-related products to non-death row housing or trafficking in such products.	10 DC + 15 GT
<b>SECTION 4 – UNAUTHORIZED AREA</b>		
4-1	Escape or escape attempt	60 DC + All GT
4-2	Unauthorized absence from assigned area, including housing, job or any other assigned or designated area	10 DC + 15 GT
4-3	Being in unauthorized area, including housing, job, or any other assigned or designated area	30 GT
<b>SECTION 5 – COUNT PROCEDURE VIOLATIONS</b>		
5-1	Missing count	30 DC + 90 GT
5-2	Failure to comply with count procedures	30 DC + 30 GT
<b>SECTION 6 – DISOBEYING ORDERS</b>		
6-1	Disobeying verbal or written order – any order given to an inmate or inmates by a staff member or other authorized person	30 DC + 60 GT
6-2	Disobeying institutional regulations	30 GT

<b>SECTION 7 – DESTRUCTION, MISUSE, OR WASTE OF PROPERTY</b>		
7-1	Destruction of State property or property belonging to another	60 DC + All GT
7-2	Altering or defacing State property or property belonging to another	30 GT
7-3	Destruction of State property or property belonging to another due to gross negligence	30 GT
7-4	Misuse of State property or property belonging to another – use for purpose other than the intended purpose	30 GT
7-5	Willful wasting State property or property belonging to another – any waste of edible or usable property	30 GT
7-6	Arson or attempted arson	60 DC + All GT
<b>SECTION 8 – HYGIENE</b>		
8-1	Failure to maintain personal hygiene or appearance	15 GT
8-2	Failure to maintain acceptable hygiene or appearance of housing area	15 GT
<b>SECTION 9 – MISCELLANEOUS INFRACTIONS</b>		
9-1	Obscene or profane act, gesture, or statement – oral, written, or signified	15 DC + 30 GT
9-2	Bribery or attempted bribery	10 DC + 15 GT
9-3	Breaking and entering or attempted breaking	10 DC + 15 GT
9-4	Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct	60 DC + All GT Penalty imposed not to exceed maximum authorized for the substantive infraction.
9-5	Theft of property under \$50.00 in value	10 DC + 15 GT
9-6	Bartering with others	30 GT
9-7	Sex acts or unauthorized physical contact involving inmates	10 DC + 30 GT
9-9	Tattooing, being tattooed, branding or body art to include body piercing	10 DC + 30 GT
9-10	Lying to staff member or others in official capacity, or falsifying records	30 DC + 60 GT
9-11	Feigning illness or malingering as determined by a physician or medical authority	15 GT
9-12	Gambling or possession of gambling paraphernalia	15 GT
9-13	Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate's physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task	15 GT
9-14	Mail regulation violations	10 DC + 30 GT
9-15	Visiting regulation violations	10 DC + 30 GT
9-16	Refusing to work or participate in mandatory programs	10 DC + 90 GT
9-17	Disorderly conduct	30 DC + 60 GT
9-18	Unauthorized physical contact involving non-inmates	60 DC + 90 GT
9-19	Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer	30 DC + 60 GT
9-20	Extortion or attempted extortion	60 DC + 60 GT
9-21	Fraud or attempted fraud	30 DC + 90 GT
9-22	Robbery or attempted robbery	60 DC + All GT
9-23	Theft of property exceeding \$50 in value	60 DC + All GT
9-24	Loaning or borrowing money or other valuables	30 GT

9-25	Telephone regulation violations	15 DC + 30 GT
9-26	Refusing to submit to substance abuse testing	60 DC + 180 GT
9-27	Use of unauthorized drugs – as evidenced by positive results from urinalysis test, or observable behavior	60 DC + 180 GT
9-28	Canteen Shortage under \$100.00	10 DC + 60 GT
9-29	Canteen Shortage over \$100.00	30 DC + 90 GT
9-31	Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior	30 DC + 90 GT
9-32	In accordance with Section 944.279(1), F.S., is found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court	15 DC + 30 GT
9-33	Tampering with, defeating or depriving staff of any security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as handcuffs, waist chains, leg irons and handcuff covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the institution	60 DC + All GT
9-34	Tampering with or defeating any fire or other safety device. Safety devices include: fire, smoke, and carbon dioxide detection devices; alarm systems; fire suppression systems and devices such as fire sprinklers, fire extinguishers, and dry chemical systems; safety and emergency lighting; exit lights; evacuation route and warning placards; self-contained breathing apparatuses; personal protective equipment; first aid kits; eye wash stations; and any other device utilized to ensure the safety of the institution, staff, and inmates	60 DC + All GT
9-35	Establishes or attempts to establish a personal or business relationship with any staff member or volunteer	30 DC + 90 GT
9-36	Gang related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation	30 DC + 60 GT
9-37	Unauthorized use of or tampering with a computer, computer peripheral device, or any other office equipment. Other office equipment includes copying machines, facsimile machines, postage meters, or any other device utilized in an office or office-like environment	60 DC + All GT
9-38	In accordance with Section 817.535(4), F.S., is found by the court to have filed or directed a filer to file, with the intent to defraud or harass another, any instrument containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner's interest in the property described in the instrument	30 DC + 90 GT
9-39	Committing, attempting to commit, conspiring to commit, or soliciting another person to commit an unauthorized or illegal financial transaction	30 DC + 60 GT
9-40	Possession of any items or materials that can be used to facilitate an unauthorized or illegal financial transaction, including account numbers, passwords, PINs, or other similar items or materials that an inmate is not authorized to possess	60 DC + 90 GT
9-41	Kiosk regulation violation	10 DC + 30 GT
9-42	Tablet regulation violation	10 DC + 30 GT
9-43	Video visitation regulation violation, including call forwarding, video chatting, three-way video, livestreaming, recording, or other electronic tampering	10 DC + 30 GT
9-44	eCommunication regulation violation	10 DC + 30 GT
9-45	Tablet tampering- altering or attempting to alter a tablet to enable communication with another device, to change tablet services as defined in 33-602.900(2), or to change in any manner the functionality of the tablet, or possession of any tablet so altered.	60 DC + All GT

**SECTION 10 – COMMUNITY RELEASE PROGRAM VIOLATIONS – WORK RELEASE, STUDY RELEASE,**

<b>FURLOUGH AND VOLUNTEER SERVICE</b>		
10-1	Failure to directly and promptly proceed to and return from designated area by approved method	15 DC + 30 GT
10-2	Failure to remain within designated area of release plan	10 DC + 15 GT
10-3	Failure to return if plan terminated prior to scheduled time	10 DC + 15 GT
10-4	Making unauthorized contact – personal, telephone, or otherwise – with any individual in behalf of another inmate	15 GT
10-5	Deviating from or changing approved plan without permission	15 GT
10-6	Making purchase or contract without approval	15 GT
10-7	Failure to deposit entire earnings – less authorized deductions – each pay period	15 GT
10-8	Failure to repay advancement of monies as stipulated in the inmate’s financial plan	15 GT
10-9	Tampering with, damaging, losing, or destroying any electronic monitoring equipment.	15 DC + 30 GT

**SECTION 11 – PENALTY SCALE**

(1) The penalties set forth in subsection (2) below will be imposed for the offenses listed below based on the time since an inmate’s last disciplinary infraction absent a statement in the written findings of the disciplinary team or hearing officer justifying an upward deviation. At no time will the maximum penalties set forth in Sections 1 through 10 above be exceeded. The written findings must be based on the nature of the infraction and its impact on the secure and orderly operation of the institution or facility where the infraction occurred. The time since the last disciplinary infraction is calculated from the date the last infraction was committed during an inmate’s current commitment. The imposition of DC and GT penalties are independent of one another and do not have to be imposed together; i.e., an inmate may be placed in DC without losing GT, and vice versa.

(2)(a) If the time since the last disciplinary infraction is 0 to 30 days, the penalty will be up to 30 days in DC and the loss of up to 30 days of GT.

(b) If the time since the last disciplinary infraction is 31 to 60 days, the penalty will be up to 20 days in DC and the loss of up to 20 days of GT.

(c) If the time since the last disciplinary infraction is 61 to 120 days, the penalty will be up to 15 days in DC and the loss of up to 15 days of GT.

(d) If the time since the last disciplinary infraction is more than 120 days or if there is no prior infraction, the penalty will be any sanction authorized by Rule 33-601.308, F.A.C., excluding DC.

1-4	Disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like
2-4	Fighting
3-8	Possession of negotiables – unauthorized amounts of cash where cash is permitted, cash where cash is not permitted, other inmate’s canteen coupons, other inmate’s cashless canteen or identification cards or gift certificates, checks, credit cards or any other negotiable item which is not authorized
3-9	Possession of unauthorized or altered identification – driver’s license, Social security card, cashless canteen identification card, etc.
3-10	Possession of unauthorized clothing or linen – State or personal
3-11	Possession of stolen property – State or personal
3-12	Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband
3-13	Introduction of any contraband
3-16	Non-death row and/or non-community release program inmates – possession, introduction, or trafficking of tobacco or tobacco-related products such as lighters or cigarette papers
4-2	Unauthorized absence from assigned area, including housing, job or any other assigned or designated area
4-3	Being in unauthorized area, including housing, job, or any other assigned or designated area
5-1	Missing count
5-2	Failure to comply with count procedures
7-2	Altering or defacing State property or property belonging to another
7-3	Destruction of State property or property belonging to another due to gross negligence

7-4	Misuse of State property or property belonging to another – use for purpose other than the intended purpose
7-5	Willful wasting State property or property belonging to another – any waste of edible or usable property
8-1	Failure to maintain personal hygiene or appearance
8-2	Failure to maintain acceptable hygiene or appearance of housing area
9-1	Obscene or profane act, gesture, or statement – oral, written, or signified
9-2	Bribery or attempted bribery
9-3	Breaking and entering or attempted breaking
9-4	Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct
9-5	Theft of property under \$50.00 in value
9-6	Bartering with others
9-7	Sex acts or unauthorized physical contact involving inmates
9-9	Tattooing, being tattooed, branding or body art to include body piercing
9-10	Lying to staff member or others in official capacity, or falsifying records
9-11	Feigning illness or malingering as determined by a physician or medical authority
9-12	Gambling or possession of gambling paraphernalia
9-13	Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate's physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task
9-14	Mail regulation violations
9-15	Visiting regulation violations
9-16	Refusing to work or participate in mandatory programs
9-17	Disorderly conduct
9-18	Unauthorized physical contact involving non-inmates
9-19	Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer
9-21	Fraud or attempted fraud
9-24	Loaning or borrowing money or other valuables
9-25	Telephone regulation violations
9-28	Canteen Shortage under \$100.00
9-31	Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior
9-32	In accordance with Section 944.279(1), F.S., is found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court
9-41	Kiosk regulation violation
9-42	Tablet regulation violation
9-43	Video visitation regulation violation, including call forwarding, video chatting, three-way video, livestreaming, recording, or other electronic tampering
9-44	eCommunication regulation violation
10-1	Failure to directly and promptly proceed to and return from designated area by approved method
10-2	Failure to remain within designated area of release plan
10-3	Failure to return if plan terminated prior to scheduled time
10-4	Making unauthorized contact – personal, telephone, or otherwise – with any individual on behalf of another inmate
10-5	Deviating from or changing approved plan without permission
10-6	Making purchase or contract without approval
10-7	Failure to deposit entire earnings – less authorized deductions – each pay period
10-8	Failure to repay advancement of monies as stipulated in the inmate's financial plan
10-9	Tampering with, damaging, losing, or destroying any electronic monitoring equipment

*Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.115, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09, 12-12-10, 10-1-11, 6-18-13, 11-14-13, 11-4-14, 1-18-21, 2-14-23, 1-11-24.*