

October 7, 2020

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.220

RULE TITLE: Administrative Confinement

RULE NO.: 33-602.221

RULE TITLE: Protective Management

RULE NO.: 33-602.222

RULE TITLE: Disciplinary Confinement

RULE NO.: 33-602.900

RULE TITLE: Kiosk and Tablets

RULE NO.: 33-602.901

RULE TITLE: Video Visitation

PURPOSE AND EFFECT: The proposed rules clarify and organize language, make the rules gender neutral, and 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.

SUMMARY: Rulemaking is necessary to clarify rule language, to make the rules gender neutral, to organize and amend definitions, to establish inmate privileges related to the possession of tablets and to create the parameters for the use of kiosks, kiosk services, tablet services, and video visitation while in administrative confinement, to clarify the responsibility of classification officers to visit inmates in administrative confinement, to amend Form DC4-650 to make it ADA compliant, to establish inmate privileges related to the possession of tablets and create the parameters for the use of kiosks, kiosk services, tablet services, and video visitation while in protective management, to establish inmate privileges related to the possession of tablets and create the parameters for the use of kiosks, kiosk services, tablet services, and video visitation while in disciplinary confinement, to clarify the responsibility of classification officers to visit inmates in disciplinary confinement, to establish a 60-day ICT review for inmates that are designated as close management and housed in disciplinary confinement, to create a new rule to establish and implement the kiosk and tablet program within the Department of Corrections, and to create a new rule to create parameters for the use of video visitation as part of the kiosk and tablet program within the Department of

Corrections.

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 the 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 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.8031, 945.04 FS.

A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

Wednesday, November 4, 2020, at 9:00 a.m. and ending no later than 1:00 p.m.

A virtual public hearing will be held via GoToWebinar. Details regarding the virtual public hearing will be published in the Florida Administrative Register at least seven days prior to the virtual public hearing.

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 five days before the workshop/meeting by contacting: Betty Renfroe at Betty.Renfroe@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: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, paul.vazquez@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.220 Administrative Confinement.

(1) Definitions.

(a) Administrative Confinement – refers to the temporary separation removal of an inmate from inmates in the general inmate population in order to provide for security and safety until such time as a more permanent inmate management decision process processes can be concluded, such as a referral to disciplinary confinement, close management, protective management, or a transfer.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, ~~due to a disability~~ are unable to read books in print due to a disability.

(c) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d) Clinical Health Care Personnel – refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified, psychologist, psychology intern, psychology resident, or psychological specialist.

~~(e)~~ (d) Housing Supervisor ~~supervisor~~ – refers to the correctional officer sergeant, or above, who is in charge of the administrative confinement unit for a particular shift.

~~(e)~~ Review — ~~where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's confinement status to determine if changes or modifications are required or recommended.~~

~~(f)~~ Visit — ~~where used herein, refers to the official inspection and tour of a confinement unit by a staff member.~~

~~(g)~~ ~~Clinical health care personnel — where used herein, refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist, psychology intern, psychology resident, or psychological specialist.~~

~~(f)~~ (h) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at an institution or a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department's Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department's Department of Corrections

representative is final.

(g) Institutional Classification Team Docket – refers to the official record of an Institutional Classification Team hearing.

(h) Lewd or Lascivious Exhibition – an inmate commits a lewd or lascivious exhibition when the inmate does any of the following in the presence of a person who is not in the custody of the Department:

1. Intentionally masturbates;

2. Intentionally exposes the genitals without authorization; or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity.

(i) Major Rule Violation – refers to any assault, battery, or attempted assault or battery; any lewd or lascivious exhibition; any spoken or written threat towards any person; inciting or attempting to incite, or participating in any riot, strike, mutinous act, or disturbance; fighting; possession of weapons, ammunition, explosives, cell phones, unauthorized drugs, escape paraphernalia, or any other item that presents a threat to the safe and secure operation of the institution; and any escape or escape attempt.

(j) Offender Based Information System (OBIS) – refers to an electronic data system used by the Department to record and retrieve offender information.

(k) Review – refers to the evaluation of pertinent information or documentation concerning an inmate’s administrative confinement status to determine if changes or modifications in the confinement status are required or recommended.

(l)(4) State Classification Office (SCO) – refers to the office or Department office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

(m)(4) Security Pen pen – refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(n)(4) Senior Correctional Officer correctional officer – refers to a staff member with the rank of correctional officer lieutenant or above.

(o)(4) Special Risk Inmate risk inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself him or herself.

(p) Visit – unless the context dictates otherwise, refers to the official inspection and tour of a confinement unit by a staff member.

~~(m) Institutional Classification Team Docket—refers to the official record of an Institutional Classification Team hearing.~~

~~(n) Offender Based Information System (OBIS)—refers to an electronic data system used by the Department of Corrections to record and retrieve offender information.~~

~~(o) Major rule violation—means any assault, battery or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting or attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.~~

(2) Procedures for Placement in Administrative Confinement.

(a) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (5) of this rule as a means of promoting the security, order, and effective management of the institution. Otherwise, the treatment of inmates in administrative confinement shall be as near to that of inmates in ~~the~~ general population as assignment to administrative confinement shall permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment, including to include ~~to include~~ a physical and mental health evaluation that shall be documented in the inmate's health care record. Inmates shall be weighed upon admission to administrative confinement, at least once a week while in administrative confinement, and upon leaving administrative confinement. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(c) Pursuant to Rule 33-601.733, F.A.C., upon placement into administrative confinement, the warden shall ensure that an inmate is ~~inmates are~~ provided the opportunity, at the inmate's ~~inmates'~~ expense, to notify at least three approved visitors of any visitation denial prohibitions ~~prohibitions~~ or restrictions before the next scheduled visiting day if the situation permits the inmate to do so, or that staff notifies visitors by telephone if the inmate is unable to do so.

~~makes visitor notifications by phone if the inmate is unable to make them.~~

(d) When ~~an official places~~ an inmate is placed in administrative confinement, this action shall be documented in the electronic classification contact log in OBIS. This entry shall fully state the circumstances surrounding and the reason ~~reasons~~ for placing the inmate in administrative confinement and a summary of the inmate's comments. The reason must correspond with one of the criteria for placement provided in subsection (3) of this rule. This electronic entry shall be completed the same day the inmate is placed into administrative confinement, ~~and~~ will establish the ICT 72-hour review appointment, and will ~~as well as~~ document any telephone ~~phone~~ calls made by staff on the inmate's behalf to his or her ~~his/her~~ visitors if time does not permit contact by mail prior to the planned visit. Any written statements provided by the inmate shall be forwarded to the ICT for its ~~their~~ consideration prior to ~~during~~ the ~~forthcoming~~ 72-hour review appointment.

(~~e~~) The ICT Institutional Classification Team shall review inmates in administrative confinement within 72 hours. The ICT's findings and decision shall be documented in the electronic classification contact log in OBIS. The only exception to being reviewed within 72 hours is when the ICT cannot complete its review within the allotted timeframe due to a holiday. If the review cannot be completed within 72 hours, the action of the senior correctional officer shall be reviewed within 72 hours by the duty warden, documented on the Form DC6-229, Daily Record of Special Housing, and evaluated within 5 days by the ICT. Inmates placed into administrative confinement shall not be released from this status until approved by the ICT. The classification supervisor shall be responsible for ensuring that the ICT docket is prepared. The ICT Chairperson is responsible for scheduling the ICT hearing date and time. The ICT shall review inmates for release from administrative confinement. During this review the ICT shall consider pending disciplinary hearings and other pending issues or actions. If an inmate has been held in administrative confinement pending a disciplinary hearing and the decision is not to impose disciplinary confinement as a part of the disciplinary action, the disciplinary team or hearing officer shall notify the confinement supervisor who shall coordinate the release of the inmate from administrative confinement. If the confinement supervisor discovers other pending issues or actions, the ICT shall be required to immediately review the case. In the event it is necessary to release an inmate from administrative confinement during weekends or holidays, the duty warden is authorized to approve the release immediately.

(3) Reasons for Placement in Administrative Confinement with Time Limits ~~time limits~~. Placement of an inmate in administrative confinement is authorized for the following reasons:

(a) Disciplinary charges are pending and the inmate needs to be temporarily ~~separated removed~~ from inmates in ~~the general inmate~~ population in order to provide for security or safety until such time as the disciplinary hearing is held. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed seven working days unless the ICT authorizes an extension of five ~~5~~ working days. This extension shall be documented on Form DC6-229, Daily Record of Special Housing.

(b) Outside charges are pending against the inmate and the presence of the inmate in the general population would present a danger to the security or order of the institution. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed 15 working days. The ICT shall be authorized to grant an extension of five ~~5~~ working days. If it appears that an inmate should continue to be segregated from inmates in ~~the~~ general population beyond 20 working days, close management procedures shall be initiated pursuant to Rule 33-601.800, F.A.C.

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates pursuant to Rule 33-602.221, F.A.C., ~~(Rule 33-602.221, F.A.C.)~~. The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his or her safety from other inmates, and that the inmate feels there is no other reasonable alternative open to him or her. A senior correctional officer shall place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available. The inmate shall be encouraged to provide information and otherwise cooperate with the investigation of the matter. The protective management process, including the ICT's action, shall be completed within 15 working days from the initial confinement of the inmate.

1. The ~~ICT Institutional Classification Team (ICT)~~ shall complete an OBIS electronic classification contact log entry approving the inmate's continuation in confinement. This entry will initiate an appointment for an investigation to be conducted. The investigator shall enter the results of the investigation in the electronic classification contact log in OBIS, which, ~~this entry~~ will automatically schedule an ICT review appointment.

2. No change.

3. Once the investigation is complete, the ICT shall interview the inmate to determine whether the inmate has a legitimate, verifiable need for protection. The ICT shall review all documentation available concerning the need for protection, ~~including to include~~ any written statements submitted by the inmate. The inmate's written request for release and the DC6-203 ~~shall will~~ also be reviewed. The following elements shall be considered in determining whether protective management is necessary:

a. through f. No change.

g. Other factors such as physical size, build, and age producing a risk from the general inmate population.

4. The ICT shall make recommendations concerning protective management based on the facts within 15 working days from the date of initial confinement. The ICT's findings and recommendations shall be entered in the electronic classification contact log in OBIS, ~~which; this entry~~ will automatically schedule an SCO review appointment. Whether the ICT recommends protective management or not, the inmate shall remain in administrative confinement at that institution or facility pending review by the SCO. All non-electronic related documentation shall be made available to the SCO by the ICT. The ~~SCO State Classification Office~~ shall approve, disapprove, or return for additional information the recommendation of the ~~ICT Institutional Classification Team~~.

5. The ~~SCO State Classification Office (SCO)~~ shall determine within five working days whether protection is necessary based upon the investigation and any follow-up ~~it deems they deem~~ appropriate. The SCO shall approve or disapprove placement of the inmate in protective management. The SCO's decision shall be documented in the electronic classification contact log in OBIS. If the SCO determines that a need for protection exists, ~~it they~~ shall direct that the inmate ~~shall~~ be placed in a protective management unit or transferred to another institution or facility to resolve the inmate's need for protection. If a decision is made to relocate or transfer the inmate ~~for housing in a protective management unit or~~ to resolve the inmate's need for protection at the inmate's current location, the inmate shall be kept in administrative confinement until the relocation or transfer is completed. Transfers for protection needs shall be effected within five working days. SCO members are authorized to approve transfers. If the SCO determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to Rules 33-103.007 and 33-103.011, F.A.C. The inmate shall be notified of the SCO's decision by the ICT. At the time of notification, the inmate shall be asked if he or she wants to appeal the decision. The inmate's acknowledgement of being informed of the SCO denial and the inmate's decision on whether ~~or not~~ to appeal shall be documented on an the electronically produced ~~Notification of Protective Management~~

~~Disapproval~~, Form DC6-137, Notification of Protective Management Disapproval, and the electronic contact log in OBIS. Form DC6-137 is hereby incorporated by reference. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01673>. The effective date on the form is 1-19-03. The inmate shall remain in administrative confinement until the appeal process is complete.

6. Within three working days after an inmate has been ~~either~~ received at an institution with a protective management unit facility for the purpose of protective management or after an inmate already housed at an institution a facility with a protective management unit has been approved for protective management by the SCO, a determination shall be made by the ICT as to appropriate housing. The ICT shall ensure that the housing supervisor assesses the inmate being placed into the protective management unit for his or her potential for risk to or from other inmates in the protective management unit. The inmate shall remain in administrative confinement until this assessment is made.

(d) An inmate who presents ~~Inmates who present~~ a signed written statement to a senior correctional officer alleging that he or she is ~~they are~~ in fear of staff and provides ~~provide~~ specific information to support this claim shall also be placed in administrative confinement. Such ~~These~~ cases shall be reported by the senior correctional officer via e-mail to the Office of the Inspector General for review and possible investigation. After completion of the review and any investigation, the Inspector General ~~inspector general~~ shall submit the case to the ICT or SCO with recommendations for disposition. If the case is submitted to the ICT, the ICT shall docket the case for consideration no later than the next ICT meeting. If the case is submitted to the SCO, the SCO shall coordinate with the ICT regarding recommendations. The timeframes ~~time frames~~ listed in paragraph (3)(e) below shall apply to inmates in administrative confinement due to alleged fear of staff.

(e) An investigation, evaluation for change of status, or transfer is pending and the presence of the inmate in the general population might interfere with that investigation or present a danger to the inmate, other inmates, or to the security and order of the institution. An investigating officer shall have the authority to request that the senior correctional officer place the inmate in administrative confinement for this reason, and the length of time spent in this status shall not exceed 15 working days unless one five ~~5~~ working day extension is granted by the ICT. This extension shall be documented on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing. If it is necessary to continue the inmate's confinement beyond this first extension, written authorization

must be obtained from the SCO for a ~~30-day~~ 30-day extension. This authorization shall be attached to the Form DC6-229. The SCO shall have the authority to authorize one additional ~~30-day~~ 30-day extension. Examples of circumstances justifying the placement of ~~for placing~~ an inmate in administrative confinement for this reason include:

1. No change.

2. Special review against other inmates, disciplinary, program change, or management transfer. Transfers for this reason shall be given priority.

3. Pending an investigation into allegations that the inmate is in fear of a staff member. The protection process outlined in paragraph ~~(3)~~(d) above shall be utilized for this purpose. Paragraph ~~(3)~~(c) above shall not apply.

4. Any other reason when the facts indicate that the inmate must be separated ~~removed~~ from inmates in the general ~~inmate~~ population for the safety of any inmate or group of inmates or for the security of the institution.

(f) No change.

(4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. The regional director of institutions and the emergency action center in central office shall be advised of the emergency. If the emergency situation exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period. Prior to placing inmates in the same cell, the inmates ~~shall will~~ be reviewed ~~interviewed~~ by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(b) No change.

(c) Prior to the placement of an inmate into, and after the inmate's removal from, ~~individual in~~ an administrative confinement cell, it shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221, Cell Inspection, shall be used for this purpose. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C. Routine searches of each cell may be conducted at any time, but ~~shall will~~ be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Special Housing. All inmates ~~shall will~~ be searched prior to entering the administrative confinement unit and upon departure from the

administrative confinement unit. All items entering the administrative confinement unit ~~shall will~~ be thoroughly searched, including, to include at a minimum, food carts eat and trays, laundry and linens, and inmate property.

(d) Administrative ~~The administrative~~ confinement cells shall be physically separated ~~separate~~ from other confinement cells whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those inmates in administrative confinement with those inmates in other housing statuses. The and the cell doors in administrative confinement shall will feature remotely controlled locking devices; whenever possible given the physical design of the institution or facility, ~~and the number of inmates housed in administrative confinement shall not exceed the number of bunks in the cell~~. Whenever such location is not possible, physical barriers shall preclude the cross association of those in administrative confinement with those in other status confinement. Administrative confinement cells shall be built to permit verbal communication and unobstructed observation by ~~the~~ staff. The officers assigned to an administrative confinement unit shall will exercise care to maintain the noise within the unit to a reasonable level so as not to interfere with normal operating activities of the unit or institution. Visual inspections shall be conducted of each cell, including, to include at a minimum, observations to identify for clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes, or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(5) Conditions and Privileges.

(a) Clothing – inmates in administrative confinement shall be provided the same clothing and clothing exchange as inmates in the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229, Daily Record of Special Housing, and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, ~~or~~ herself, or others, or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately ~~obtained and~~ given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and Linens linen – bedding and linens linen for inmates those in administrative confinement shall be issued and exchanged in the same manner as is provided to inmates in the general inmate population. Any

~~exception~~ exceptions shall be based on the potential threat of harm to an individual ~~individuals~~ or a potential threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. ~~All Such~~ exceptions shall be documented on Form DC6-229, Daily Record of Special Housing, and the Chief of Security shall make the final decision regarding ~~in regard to~~ the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – except as otherwise stated herein, inmates shall be allowed to possess ~~retain~~ the same ~~personal~~ property as is permitted inmates in general population ~~inmates~~ unless there is an ~~a~~ indication that possession of such property poses a security risk ~~of a security problem~~, in which case removal or denial of any property ~~item~~ shall be documented on Form DC6-229, Daily Record of Special Housing. An inmate in administrative confinement may not possess a tablet. ~~An Inmate Impounded Personal Property List~~, Form DC6-220, Inmate Impounded Property List, designating what property was removed ~~personal items were removed~~, shall be completed by security staff and signed by the inmate. The original shall ~~will~~ be placed in the inmate's property file and a copy of the form shall ~~will~~ be given to the inmate. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates shall be allowed to possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. All property retained by the inmate must fit into the storage area provided.

(d) Comfort Items – inmates in administrative confinement shall be permitted the same personal hygiene items and other medically necessary ~~needed~~ or prescribed items as is permitted inmates in general population ~~inmates~~ unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution, ~~there is an indication of a security problem~~. Inmates in administrative confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in administrative confinement are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Any action ~~Action~~ taken shall be recorded on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, which must be reviewed by the Chief of Security. As noted above, property ~~Property~~ receipts shall be given for any personal property removed. The following comfort items shall be provided at ~~as~~ a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women, ~~and toilet tissue~~.

(e) Personal Hygiene – inmates in administrative confinement shall meet the same standards regarding ~~in regard to~~ personal hygiene as required of inmates in the general ~~inmate~~ population.

1. At a minimum, each inmate in administrative confinement shall shower three times per week and on days that an inmate works.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101, subsection 33-602.101(4), F.A.C. The possession and use of shaving powder in administrative confinement is prohibited.

3. Hair care shall be the same as that provided to and required of inmates in the general population inmates.

(f) Diet and Meals – all inmates in administrative confinement shall receive the same normal institutional meals as are available to inmates in the general inmate population, except that if any item on the regular normal menu poses a potential threat of harm to an individual or a potential threat to the security of the institution, might create a security problem in the confinement unit, then another item of comparable quality and quantity shall be substituted. Utilization of the special management meal is authorized for any inmate in administrative confinement who uses food or food service equipment in a manner that is hazardous to himself him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) No change.

1. No change.

2. Inmates in administrative confinement shall be allowed to purchase a maximum of five non-food canteen items. Stamps, envelopes, security pens, and notebook paper, each count as one item. For example, three security pens shall count as one item. Twenty-five stamps or fewer shall count as one item. Two and two packages or less of notebook paper shall count as one item.

(h) Counseling Interviews – inmates in administrative confinement inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an inmate's ISP unless, ~~within the past four hours~~, the inmate has displayed hostile, threatening, or other behavior during the past four hours that could present a danger to others. For the safety and security of individuals and the institution, security Security staff shall determine the level of restraint required while inmates in administrative confinement access services outside their cells.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the warden or designee. The warden or designee shall notify the control room in writing when approval is given in advance of the visitor arriving at the institution. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would pose a potential threat of harm to an individual or a potential threat to the security of the institution. ~~be a threat to security and order.~~ The warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all ~~of~~ the criteria set forth in ~~subsection (2) of~~ Rule 33-601.735, F.A.C. Inmates in administrative confinement are not allow video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) No change.

(k) Legal Access – legal materials shall be as accessible to inmates in administrative confinement as they are to inmates in general population as long as security concerns permit. An inmate in administrative confinement may be required to conduct legal business by correspondence rather than by a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in administrative confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper, security pens, and envelopes for this purpose through a canteen order. An inmate with disabilities that hinder the preparation of legal correspondence shall ~~will~~ be allowed the use of auxiliary aids (~~writer/reader~~). An inmate who is provided an auxiliary aid shall ~~also~~ be allowed access to a certified research aide for the purpose of preparing legal documents or, legal mail, or filing a grievance.

(l) Correspondence – inmates in administrative confinement shall have the same opportunities for correspondence that are available to inmates in the general inmate population.

(m) Writing utensils – inmates in administrative confinement may possess a maximum of four (~~4~~) security pens. Other types of pens and pencils shall be confiscated and stored until the inmate is released from administrative confinement ~~status~~. Inmates who are in possession of working pens or pencils when placed in administrative

confinement ~~shall will~~ be issued a security pen. Inmates who are not indigent must purchase additional pens when needed from the canteen. If security pens are unavailable, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail, or to file a grievance with the ~~Department~~ ~~department~~ has access to a pen for a time period sufficient to prepare the legal ~~documents, legal mail, documents,~~ or grievances. An inmate who has been provided an auxiliary aid a “writer/reader” shall be allowed access to such for the purpose of reading or preparing correspondence.

(n) Reading materials – inmates in administrative confinement shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless it poses a potential threat to the safety, security, or sanitation of the institution. ~~there is an indication of a threat to the safety, security or sanitation of the institution.~~ If it is determined that there is a safety, security, or sanitation risk, the items ~~shall will~~ be removed. Such removal of reading materials shall be documented on Form DC6-229, Daily Record of Special Housing, in accordance with paragraph (9)(c) of this rule.

(o) Library – only one soft-back book at a time may be checked out by inmates in administrative confinement. Books shall be checked out once weekly, and inmates may possess no more than one ~~soft-back~~ book at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to ~~possess have~~ his or her tape player and devotional and scriptural materials and any other books on tape that are in compliance with the admissibility requirements in Rule 33-501.401, F.A.C. Inmates ~~shall will~~ be allowed to check out one book on tape per week and possess no more than one at any given time. The actual number of tapes may be more than one per book.

(p) Exercise – those inmates housed in administrative confinement ~~confined~~ on a 24-hour basis, excluding showers and clinic trips, may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in Rule 33-601.800 F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the

confinement officer shall provide the inmate with an in-cell exercise guide and document such on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing. Medical restrictions ~~may can~~ also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program ~~shall will~~ have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on ~~the Daily Record of Special Housing~~, Form DC6-229.

(q) If items of clothing, bedding, or property are removed in order to prevent ~~an the~~ inmate from inflicting injury to himself or herself or others, to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall reassess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, ~~shall will~~ make the final determination on the continued denial or return of the items. The items ~~shall will~~ be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction ~~is occurring has occurred~~.

(r) Inmates in administrative confinement are not permitted access to kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

(6) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains ~~shall will~~ be used in addition to the handcuffs.

(b) through (e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to ~~himself him~~ or herself shall be designated as a special risk inmate. If the inmate ~~exhibits demonstrates~~ bizarre, mentally, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff ~~can provide provides~~ observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is hereby incorporated by reference. A copy of

this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is XX/XX.

All actions taken by staff ~~regarding with regard to~~ special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and ~~followed with an Incident Report~~, Form DC6-210, Incident Report. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Inmates in administrative confinement utilized as ~~housemen~~ house-men or orderlies shall be confined to their assigned cells when not working.

(7) Visits to Administrative Confinement.

(a) The following staff members ~~are~~ shall be required to officially inspect and tour the administrative confinement unit. All visits by staff, other than the 30-minute ~~30 minute~~ checks described in paragraph (a)1. below, ~~must~~ shall be documented on ~~the Inspection of Special Housing Record~~, Form DC6-228, Inspection of Special Housing Record. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. The staff member must ~~shall~~ also document his or her visit on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, if any discussion of significance, any action or behavior of the inmate occurs, ~~occurs~~ or any important information is obtained that ~~which~~ may have an influence or effect on the inmate's status of confinement. These visits shall be conducted at a minimum of:

1.~~(a)~~ At least every 30 minutes by a correctional officer, but on an irregular schedule. These checks must ~~shall~~ be documented on Form DC6-209, Housing Unit Log.

2.~~(b)~~ Daily by the housing supervisor.

3.~~(c)~~ Daily by the shift supervisor on duty for all shifts except in the case of riot or other institutional emergency.

4.~~(d)~~ Weekly by the Chief of Security (when on duty at the institution or facility), except in the case of riot or other institutional emergency.

5.~~(e)~~ Daily by a clinical health care personnel ~~person~~.

6.~~(f)~~ Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

7.~~(g)~~ Weekly by the warden and assistant wardens.

(b)(h) At least once a week by a classification officer. Classification officers must visit each inmate on his or

her caseload each week and document the visit on the Form DC6-229, Daily Record of Special Housing. The classification officer must record the inmate's status, upcoming reviews, issues, discussions of significance, action or behavior of the inmate, or any other important information that may have an influence or effect on the inmate's status of confinement.

(8) Review of Administrative Confinement.

(a) An ICT member shall ~~also~~ review the cases of inmates in administrative confinement every week. The goal shall be toward returning the inmate to general open population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if determined necessary by the mental health professional staff. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90 days ~~90-day~~ period.

(c) If an inmate is housed in administrative confinement ~~confined~~ for more than 30 days, the ICT shall interview the inmate and ~~shall~~ prepare a formal assessment and evaluation report. A formal assessment and evaluation report must be prepared after each consecutive 30-day ~~30-day~~ period the inmate is housed in administrative confinement. Such reports may be in a brief paragraph form on the Classification Log in OBIS detailing the basis for confinement, what has transpired since the last report, the decision concerning continued administrative confinement, and the basis for that decision.

(d) The ~~SCO State Classification Office (SCO)~~ at the next onsite visit shall review such reports and may interview the inmate before determining the final disposition of the inmate's administrative confinement status.

(9) Administrative Confinement Records.

(a) ~~A Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate as long as the inmate is in administrative confinement. ~~The~~ Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts, and shaves, and ~~also~~ unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative

confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision regarding ~~in regard to~~ the appropriateness of that action no later than the next working day following the action. The housing supervisor shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. ~~The~~ Form DC6-229 shall be maintained in the housing unit for 30 days, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(b) ~~A Daily Record of Special Housing – Supplemental~~, Form DC6-229B, Daily Record of Special Housing – Supplemental, shall be completed and attached to the current ~~Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C.

(c) ~~An Inspection of Special Housing Record~~, Form DC6-228, Inspection of Special Housing Record, shall be maintained in each administrative confinement unit. Each staff person shall sign such record when entering and leaving the confinement unit. Prior to leaving the confinement unit, each staff member shall indicate any specific problems including any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228. Upon completion, ~~the~~ Form DC6-228 shall be maintained in the housing unit and forwarded to the Chief of Security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(d) ~~A Housing Unit Log~~, Form DC6-209, Housing Unit Log, shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, including ~~to include~~ any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(10) Staffing Issues.

(a) Officers assigned to a confinement unit shall be reviewed at least every 18 months. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of ~~the Special Housing Unit Rotation Review~~, Form DC6-295, Special Housing Unit Rotation Review. Form DC6-295 is incorporated by reference in Rule 33-602.222, F.A.C. The ~~required~~ supervisor shall conduct an interview with the officer and

complete section II of ~~the~~ Form DC6-295 and forward the form to the chief of security. The chief of security shall review personnel records, including ~~to include~~ performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance, and; interview the officer and officers' supervisors for the period of review when necessary. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision shall ~~will~~ be documented in section VI of ~~the~~ Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five-day ~~five day~~ assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month ~~18 month~~ period. The regional director of institutions shall review the circumstances for possible reassignment of the officer.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09, 7-5-10, 10-7-12, 3-6-14, 8-17-16, _____.

33-602.221 Protective Management.

(1) Definitions.

(a) Administrative Confinement – refers to the temporary separation ~~removal~~ of an inmate from inmates in the general population in order to provide for security and safety until such time as a more permanent inmate management decision process can be concluded, such as a referral to disciplinary confinement, close management, protective management, or a transfer.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, ~~due to a disability~~ are unable to read books in print due to a disability.

(c) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the

provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d) Classification – refers to the ~~system of processes used to divide which divides~~ inmates into groups for a variety of purposes, including facility placement, custody assessment, work and program assessment and placement, housing assessment and placement, periodic reviews, and community, transition, and special needs assessments.

(e) Clinical Health Care Personnel – refers to a physician, clinical associate, nurse correctional medical technician certified, psychologist, psychology intern, psychology resident, or psychological specialist.

(f) Housing Supervisor – refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.

~~(e) Classification – external, refers to processes related to decisions regarding the custody and facility placement of an inmate outside the secure perimeter of a facility.~~

~~(f) Classification – internal, refers to processes related to decisions regarding housing, work, and program placement of an inmate within the secure perimeter of a facility.~~

~~(g) Housing Supervisor refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.~~

~~(h) Clinical Health Care Personnel – where used herein, refers to a Physician, Clinical Associate, Nurse, Correctional Medical Technician Certified (CMTC), Psychologist, psychology intern, psychology resident, or Psychologist Specialist.~~

~~(g)(i)~~ Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at an institution or a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department’s Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department’s Department of Corrections representative is final.

~~(h)(j)~~ Protective Management – ~~where used herein~~ refers to a special management status for the protection of inmates from other inmates in an environment as representative of that of inmates in ~~the~~ general population as is

safely possible.

(i) Security Pen – refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(j)(~~k~~) Senior Correctional Officer – refers to a staff member with the rank of Correctional Officer Lieutenant or above.

(k)(~~l~~) Special Management – refers to the separation of an inmate from inmates in the general population in a structured environment for purposes of safety, security, and order of the facility.

(l)(~~m~~) Special Risk Inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

(m)(~~n~~) State Classification Office (SCO) – refers to the office or Department office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include the approving, disapproving, or modifying ICT recommendations.

(n)(~~o~~) Review – ~~Review, where used herein,~~ refers to the evaluation of pertinent information or documentation concerning an inmate's protection status to determine if changes or modifications to the status are required or recommended.

(o)(~~p~~) Visit – ~~Visit, where used herein, unless the context dictates otherwise,~~ refers to the official inspection and tour of a protective management unit by a Department staff member.

(2) Procedures for placement in Protective Management.

(a) Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of inmates in the general population as the individual inmate's safety and security concerns permit.

(b) Inmates on death row, in close management, or disciplinary confinement are not eligible for placement in protective management. However, if an inmate in one of these statuses ~~status~~ requests protection, procedures outlined in Rule 33-602.220, F.A.C., shall be followed ~~completed~~.

(c) If it is determined that an inmate on death row, close management, or disciplinary confinement needs protection, the inmate shall ~~will~~ be afforded such protection in his or her current status. Upon completion of that special status, the ICT ~~institutional classification team (ICT)~~ shall review the inmate's need for protection and make recommendations to the SCO, which ~~state classification office (SCO), who~~ shall determine the appropriate action to

resolve the inmate's protection needs.

(d) When the SCO determines that protective management is appropriate for an inmate, the inmate shall be ~~reviewed~~ interviewed by the housing supervisor ~~and a review shall be initiated~~ to assess the inmate's potential risk to or from other inmates in the unit. The completion of this review ~~shall~~ will be documented on Form DC6-235, Record of Protective Management. Form DC6-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-19-03. Form DC6-235 is incorporated by reference in subsection (10) of this rule. If the inmate ~~cannot~~ can not be placed for this reason, the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve the inmate's protection needs.

(3) Protective Management Facilities.

(a) The number of inmates housed in a protective management ~~cell housing units~~ shall not exceed the number of beds in the cell. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director of institutions. Prior to placing inmates in the same cell, a determination shall be made by the housing supervisor that none of the inmates constitute a threat to any of the others, and document such on Form DC6-235, Record of Protective Management.

(b) All protective management housing units shall be equipped with toilet facilities and running water for drinking and other sanitary purposes and other furnishings as are provided to comparable housing cells for inmates ~~in~~ general population ~~inmates~~ at the particular institution.

(c) Prior to placement of an individual in a protective management cell, the cell shall be thoroughly inspected to ensure that the cell is in proper order. The officer conducting the inspection ~~must~~ will complete and sign ~~the Cell Inspection~~, Form DC6-221, Cell Inspection, attesting to the condition ~~conditions~~ of the cell. The inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C.

(d) Whenever possible, ~~The~~ protective management housing units shall be physically separate from other

housing units, ~~whenever possible~~ given the physical design of the facility. ~~The and the~~ number of inmates housed in protective management shall not exceed the number of bunks in the protective housing unit. Whenever such location is not possible, physical barriers shall preclude the cross association of those inmates in protective management with those inmates in other statuses. Protective management housing units shall be built to permit verbal communication with and unobstructed observation by Department ~~the~~ staff.

(4) Conditions and Privileges.

(a) Clothing – inmates in protective management may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise, the clothing for inmates in protective management shall be the same as that issued to and exchanged with inmates in ~~to the~~ general ~~inmate~~ population except when this may create a potential security or health threat, ~~there is an indication of a security or health problem~~ or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6-235, Record of Protective Management, and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, ~~or~~ herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. If an inmate's clothing is removed, a modesty garment shall be immediately ~~obtained and~~ given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances shall ~~will~~ an inmate be left without a means to cover himself ~~him~~ or herself.

(b) Bedding and linen – inmates in protective management shall have bedding and linen issued and exchanged in the same manner as is provided to inmates in general population. ~~bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population.~~ Any exception ~~exceptions~~ shall be based on the potential threat of potential harm to an individual ~~individuals~~ or a potential threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235, Record of Protective Management, and the chief of security shall make the final decision regarding ~~in regard to~~ the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – inmates in protective management shall be allowed to retain the same ~~personal~~ property

as is permitted inmates in general population inmates unless the property poses a potential threat of harm to an individual or a potential threat to the security of the institution. In such case, ~~there is an indication of a security problem, in which case~~ removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded ~~Personal~~ Property List, which must ~~will~~ be completed by security staff and signed by the inmate designating what property was ~~personal items were~~ removed. The original ~~shall be placed~~ ~~will then be placed~~ in the inmate's property file and a copy of the form ~~shall~~ ~~will~~ be given to the inmate for his or her records. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for inmates in general population inmates.

(d) Comfort Items – inmates in protective management shall be permitted the same comfort items, personal hygiene items, and other medically necessary ~~needed~~ or prescribed items as is permitted inmates in general population inmates unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution. ~~If a comfort item is taken from an inmate there is an indication of a security problem. In the event that comfort items are taken from inmates~~ in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. ~~The action~~ ~~Action~~ taken shall be documented on ~~the Record of Protective Management,~~ Form DC6-235, Record of Protective Management, which must be reviewed by the chief of security. As noted above, property ~~Property~~ receipts shall be given for any personal property removed. The following comfort items shall be provided at ~~as~~ a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.

(e) Personal Hygiene – inmates in protective management shall meet the same standards regarding ~~in regard to~~ personal hygiene as required of inmates in the general inmate population, including the following:-

1. At ~~As~~ a minimum, each inmate in protective management shall shower at least three times per week or every day that an inmate works, whichever is greater.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101, ~~subsection 33-602.101(4),~~ F.A.C.

3. Hair care shall be the same as that provided to and required of inmates in the general population inmates.

(f) Diet and Meals – inmates in protective management shall be fed in the dining room unless individual

circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for ~~that the~~ inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell. Inmates in protective management shall receive the same normal institutional meals as are available to inmates in the general population, except that if any item on the regular normal menu poses a potential threat of harm to an individual or a potential threat to the security of the institution, might ~~create a security problem for a particular inmate,~~ then another item of comparable quality and quantity shall be substituted. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Canteen Items – inmates in protective management shall be allowed to make canteen purchases the same as inmates in general population ~~inmates~~. Items sold to protective management inmates shall be restricted only when reasonably necessary for institutional safety and security.

(h) Counseling Interviews – inmates in protective management shall be provided counseling services ~~counseling shall be provided to protective management inmates~~ in-cell or out of cell when deemed necessary by mental health staff.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates in protective management to receive visits. Visiting shall take place in a separate facility from inmates in the general population if a separate facility is available. If a separate facility is not available, the warden or duty warden shall schedule visiting either before or after visiting hours for inmates in general population ~~inmates~~ or on different days from inmates in the general population. Visiting shall be limited by the warden or his or her designee when it is determined ~~concluded~~ that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would pose a potential threat of harm to an individual or a potential threat to the security of the institution, ~~be a threat to security and order.~~ The warden or designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C. Inmates in protective management shall have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) No change.

(k) Kiosks, Kiosk Services, and Tablet Services – inmates in protective management are permitted access to kiosks, kiosk services, and tablet services as provided for in Rule 33-602.900, F.A.C.

~~(l)(4)~~ Legal Access – inmates in protective management shall have access to the law library during evening or other hours when inmates in general population ~~inmates~~ are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate research aide. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and shall ~~will~~ not be permitted in protective management housing units. However, an inmate with disabilities that hinder the preparation of legal correspondence shall ~~will~~ be allowed the use of auxiliary aids (~~writer reader~~). An inmate who is provided an auxiliary aid shall ~~will~~ be allowed access to a certified research aide for the purpose of preparing legal documents or, legal mail, or filing a grievance.

~~(m)(4)~~ Correspondence – inmates in protective management shall have the same opportunities for correspondence and authorized self-improvement correspondence courses that are available to inmates in the general inmate population.

~~(n)(3)~~ Writing utensils – inmates in protective management shall be allowed to possess pens and pencils of the same type and number as inmates those in general population. If it is determined that these items create there is a safety, security, or sanitation risk, these items shall be confiscated and stored until the inmate is released from protective management ~~status~~. In such case, the ~~The~~ inmate shall be issued a security pen. If ~~if~~ a security pen is unavailable, the inmate shall be allowed to sign out a regular pen from the housing officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail, or to file a grievance with the Department ~~department~~ has access to a pen for a time period sufficient to prepare the legal ~~mail~~ documents, legal mail, or grievances. An inmate who has been provided an auxiliary aid ~~a “writer/reader”~~ shall be allowed access to such for the purpose of reading or preparing correspondence.

~~(o)(3)~~ Reading materials – reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., allowed for inmates in general population are allowed for those inmates in protective management unless they pose a potential threat to the safety, security, or sanitation of the institution. ~~units~~. If it is determined that there is a safety, security, or sanitation risk, the items shall ~~will~~ be removed. Such removal shall ~~of reading materials will~~ be documented on Form DC6-235, Record of

Protective Management, in accordance with paragraph (4)(c) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to possess his or her tape player ~~have their tape players~~ and devotional and scriptural materials and any other books on tape that are in compliance with the admissibility requirements set forth in Rule 33-501.401, F.A.C.

~~(p)(e)~~ Library – inmates in protective management shall be allowed to visit the library and check out books at least once weekly. Protective management inmates shall be allowed to check out the same number of books as allowed for inmates in general population ~~inmates~~.

~~(q)(f)~~ Exercise – an exercise schedule shall be implemented for inmates in protective management to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation as defined in Rule 33-602.220, F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on ~~the Record of Protective Management~~, Form DC6-235, Record of Protective Management. Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program shall ~~will~~ have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available to inmates in protective management as is available for inmates in general population ~~inmates for the exercise period~~ provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restriction ~~restrictions~~ shall be documented on ~~the Report of Protective Management~~, Form DC6-235, Report of Protective Management.

~~(r)(g)~~ Religious activities – a weekly non-denominational service shall be held in the chapel for inmates in protective management ~~inmates in the chapel~~. This service shall be held at the protective management housing unit if security reasons prevent a chapel service. When requested, the ~~The~~ chaplain shall arrange for religious consultations between inmates and outside volunteers, counsel with clergy, and the opportunity to receive religious sacraments similar to that afforded to inmates in ~~the~~ general population ~~when requested~~.

~~(s)(h)~~ Self-improvement programs – inmates in protective management shall have access to self-improvement programs ~~shall be available~~ in their housing unit, or in separate locations within the institution that conform with the

need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities, and ~~or~~ letter writing.

~~(t)(s)~~ Any other activities which take place outside the inmate's cell. Inmates in protective management may refuse opportunities for out-of-cell activities, however, such refusals shall count against ~~constitute a portion of~~ the inmate's required minimum hours of out-of-cell time. Refusals shall be documented on Form DC6-235, Record of Protective Management.

~~(u)(t)~~ Other privileges not listed above shall be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order, or effective management of the institution. All such restrictions shall be documented on Form DC6-235, Record of Protective Management, and reported to the ICT. The ICT is authorized to restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The ICT's decision for continuing restriction shall be documented on Form DC6-235, Record of Protective Management.

(5) Work Assignments.

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening, or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall be cancelled for an individual inmate or a work squad when Department staff concludes the work or work assignment would subject the inmate to danger or if adequate ~~staff~~ protection is not available. Each occurrence of work cancellation must ~~will~~ be documented with reasons for the action on Form DC6-210, Incident Report, and shall be reviewed by the warden or ICT the next working day. Refusal of a work assignment shall result in disciplinary action pursuant to Rules 33-601.301-.314, F.A.C. Inmates who refuse work assignments shall ~~will~~ not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to Rule 33-601.101, F.A.C., in the same manner as inmates in general population.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with similar equipment, recreational and otherwise, as those for inmates in general population provided that such equipment does not compromise the safety

or security of the institution.

(6) Restraint and Escort Requirements.

(a) No change.

(b) Protective management inmates shall be subject to searches in the same manner as inmates in general population ~~inmates~~ in accordance with Rule 33-602.204, F.A.C.

(7) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the protective management unit. All visits by staff shall be documented on Form DC6-228, Inspection of Special Housing Record. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. The staff member shall also document his or her visit on ~~the Record of Protective Management~~, Form DC6-235, Record of Protective Management, if, during the visit by staff, any discussion of significance, any action or behavior of the inmate occurs, or any information is obtained that ~~which~~ may have an effect on the inmate's status of protective management status. These visits shall be conducted at a minimum of:

1. through 2. No change.

3. Daily by the shift supervisor on duty for all shifts except in cases ~~ease~~ of riot or other institutional emergency.

4. Daily by a clinical health care personnel ~~person~~.

5. Weekly by the Chief of Security (when on duty at the facility) except in cases ~~ease~~ of riot or other institutional emergency.

6. through 8. No change.

9. At least once a month by a member of the ICT Institutional Classification Team ~~to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.~~

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself ~~him~~ or herself shall be designated as a special risk inmate. If the inmate exhibits ~~demonstrates~~ bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff can provide ~~provides~~ observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in Rule

~~33-602.220, F.A.C.~~ All actions taken by staff ~~regarding with regard to~~ special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and ~~followed with an Incident Report, Form DC6-210, Incident Report.~~ Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. ~~F.A.C.~~ and Form DC4-650 is ~~incorporated by reference in Rule 33-602.220, F.A.C.~~

(8) Review of Protective Management Status.

(a) The ~~ICT Institutional Classification Team~~ shall review inmates in protective management every week for the first 60 days. The goal shall be toward returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. If the decision is to continue protective management, a psychological screening assessment shall be conducted at least every 90 days ~~90-day period~~.

(c) In addition to the ICT's review as outlined in paragraph (8)(a) above, the ICT shall interview each inmate in protective management at least every 30 days and shall prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for protection, what has transpired since the last report, the decision concerning continued protection, and the basis for that decision.

(d) The ~~SCO State Classification Office (SCO)~~ shall review all reports prepared by the ICT concerning an inmate's ~~inmates~~ protective management status and may interview the inmate before determining the final disposition of the inmate's protective management status. However, the State Classification Office shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from protective management status is appropriate.

(e) If the inmate submits a request for release in writing at any time after being placed in protective management, the housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal

Decision. Form DC6-203 is incorporated by reference in Rule 33-602.220, F.A.C. The inmate shall complete Form DC6-203 and return it to the housing supervisor for submission to the ICT along with the inmate's written request. The ICT shall docket and review the inmate's request; and interview the inmate. The ICT shall submit ~~its~~ ~~their~~ recommendation along with ~~the~~ Form DC6-203 and any other relevant documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

(9) Protective Management Records.

(a) A printed copy of Form DC6-235, Record of Protective Management, shall be maintained ~~kept~~ for each inmate placed in protective management.

(b) ~~An Inspection of Special Housing Record~~, Form DC6-228, Inspection of Special Housing Record, shall be maintained in each protective management unit. Each Department staff person shall sign the record when entering and leaving the protective management unit. Prior to leaving the protective management unit, each Department staff member shall ~~will~~ indicate any specific problems including any inmate who requires medical attention. No other unit activities shall be recorded on Form DC6-228.

(c) ~~A Record of Protective Management~~, Form DC6-235, Record of Protective Management, shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 shall ~~will~~ be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks, or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO, and ~~or~~ other Department staff who interacts ~~dealing~~ directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator shall ~~will~~ be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an ~~of~~ equal opportunity as a non-disabled inmate. The items denied or removed shall ~~will~~ be documented on the Form DC6-235 and the chief of security shall ~~will~~ make the final decision regarding ~~in regard to~~ the appropriateness of that action no later than the next working day following ~~the~~ ~~this~~ action. The housing supervisor shall ~~will~~ document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall ~~will~~ also be documented.

(d) ~~A Housing Unit Log~~, Form DC6-209, Housing Unit Log, shall be maintained in each protective management unit. Officers shall record all daily unit activities on Form DC6-209, including ~~to include~~ any special

problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C.

~~(10) Form DC6-235, Record of Protective Management, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-19-03.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, ~~944.34~~, 945.04 FS. History—New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09, 7-5-10, 3-6-14, 8-17-16, _____.

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, ~~due to a disability~~ are unable to read books in print due to a disability.

(b) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(c) Clinical Health Care Personnel – ~~where used herein~~, refers to a physician, clinical associate, nurse correctional medical technician certified (CMTTC), psychologist, psychology intern, psychology resident, or psychological specialist.

~~(d) Review, where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's disciplinary confinement status to determine if changes or modifications in the confinement status are required or recommended.~~

~~(e) Visit, where used herein, refers to the official inspection and tour of a confinement unit by a staff member.~~

~~(d)(f)~~ Disciplinary Confinement = refers to a form of punishment in which inmates found guilty of committing violations of Department ~~the department~~ rules are confined for specified periods of time to individual cells based upon authorized penalties for prohibited conduct.

~~(g) Disciplinary Hearing refers to an administrative proceeding in which it is determined if sufficient evidence exists to find an inmate guilty of a rule violation.~~

~~(h) Disciplinary Team refers to a team made up of at least two staff persons appointed by the warden, one of whom shall be a correctional officer lieutenant or above.~~

~~(e) Housing Supervisor – refers to the correctional officer sergeant, or above, who is in charge of the disciplinary confinement unit for a particular shift.~~

~~(f)(i) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at an institution or a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department’s Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignments, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department’s Department of Corrections representative is final.~~

~~(g) Offender Based Information System (OBIS) – refers to an electronic data system used by the Department to record and retrieve offender information.~~

~~(h) Review – refers to the evaluation of pertinent information or documentation concerning an inmate’s disciplinary confinement status to determine if changes or modifications in the confinement status are required or recommended.~~

~~(i)(j) Security Pen – Pens refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.~~

~~(j)(k) Shift Supervisor – refers to the correctional officer in charge of security on any work shift.~~

~~(k) Special Risk Inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself or herself.~~

~~(l)(4) State Classification Office (SCO) – refers to the office or Department office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.~~

~~(m) Housing Supervisor – the correctional officer sergeant, or above, who is in charge of the disciplinary confinement unit for a particular shift.~~

~~(n) Offender Based Information System (OBIS) – refers to an electronic data system used by the Department of~~

~~Corrections to record and retrieve offender information.~~

(m) Visit – unless the context dictates otherwise, refers to the official inspection and tour of a confinement unit by a staff member.

(2) Placement in Confinement. An inmate ~~(a) Inmates~~ shall be given a pre-confinement medical evaluation ~~evaluations~~ by medical staff prior to being placed in disciplinary confinement. Any inmate currently in another confinement status who received a pre-confinement medical assessment shall ~~will~~ not be required to have another prior to placement in disciplinary confinement.

~~(b) Disciplinary confinement cells shall be physically separate from other confinement statuses whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in other housing statuses. The disciplinary confinement cells shall be approximately the same square footage as utilized for general population. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff. Visual inspections shall be conducted of each cell, to include at a minimum, observations for clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.~~

(3) Disciplinary Confinement Cells.

(a) Disciplinary confinement cells shall be physically separated from other confinement cells whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those inmates in disciplinary confinement with those inmates in other housing statuses. Disciplinary confinement cells shall be approximately the same square footage as cells utilized for housing inmates in general population. Disciplinary confinement units shall be built to permit verbal communication with and unobstructed observation by staff. Visual inspections shall be conducted of each cell, including, at a minimum, observations to identify clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes, or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(b)(a) Inmates shall not be housed in a disciplinary confinement cell ~~cells~~ in greater number than there are beds in the cell ~~cells~~. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director of institutions and to the

Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period in such conditions. Prior to placing inmates in the same cell, the inmates shall be reviewed ~~interviewed~~ by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(c)(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant shall ~~will~~ be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is ~~has been~~ incorporated by reference in Rule 33-601.800, F.A.C.

(d)(e) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall ~~will~~ then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C. Routine searches of each cell are authorized at any time, but shall be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Special Housing. All inmates shall be searched prior to entering the disciplinary confinement unit and upon departure from the disciplinary confinement unit. All items entering the disciplinary confinement unit shall be thoroughly searched, including, ~~to include~~ at a minimum, food carts and trays, laundry and linens, and inmate property.

(e)(d) The officers assigned to a disciplinary confinement unit shall exercise care to maintain noise levels in the confinement unit ~~units~~ at a reasonable level so as not to interfere with normal operating activities of the unit or institution.

(4) Conditions and Privileges.

(a) Clothing. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as inmates in the general inmate population. Exceptions shall be made on an individual basis when evidence suggests it would be in the best interest of the inmate or security of the institution. In such cases, the exceptions shall be noted

on the ~~Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, ~~him or herself~~, or to others, or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately ~~obtained and~~ given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself ~~him~~ or herself.

(b) Bedding and Linens ~~linen~~. Inmates in disciplinary confinement shall have bedding and linens ~~linen~~ issued and exchanged in the same manner as is provided to inmates in the general inmate population. Any exception ~~exceptions~~ shall be based on the potential threat of harm to an individual ~~individuals~~ or a potential ~~clear~~ threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. All ~~Such~~ exceptions shall be documented on Form DC6-229, Daily Record of Special Housing, and the Chief of Security shall make the final decision regarding the appropriateness of the action no later than the next working day following the action.

(c) Personal Property. Inmates in disciplinary confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless they pose a potential threat of harm to an individual or a potential threat to the security of the institution ~~there is an indication of a security problem~~. Inmates in disciplinary confinement may also possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. Inmates in disciplinary confinement may not possess a tablet. If removal of any item in the inmate's possession is determined necessary, the correctional staff shall document their actions on the Form DC6-229, Daily Record of Special Housing, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for his or her ~~or his~~ confiscated items by completing the Inmate Impounded Personal Property List, Form DC6-220, Inmate Impounded Property List. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates in disciplinary confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol.

(d) Comfort Items. Inmates in disciplinary confinement shall be afforded, at a minimum, the following comfort items: toothbrush, toothpaste, bar of soap, towel (or paper towels), toilet tissue, and feminine hygiene products for women.

(e) Personal Hygiene. Inmates in disciplinary confinement shall meet the following standards regarding ~~in~~

regards to personal hygiene as required of the general inmate population:

1. At a minimum, each inmate in disciplinary confinement shall shower three times per week.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101 subsection 33-602.101(4), F.A.C. The possession and use of shaving powder in disciplinary confinement is prohibited.

3. Hair care shall be the same as that provided to, and required of, inmates in general population inmates.

(f) Diet and Meals. Inmates in disciplinary confinement shall receive meals representative of the food served to inmates in the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement unit shall be replaced with another item of comparable quality and quantity. Utilization of a the special management meal is authorized for any inmate in disciplinary confinement who uses food or food service equipment in a manner that is hazardous to himself, him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Canteen Items. Inmates in disciplinary confinement shall be allowed to make canteen purchases once every other week. Items sold to inmates in disciplinary confinement shall be restricted for institutional safety and security. Non-indigent inmates shall be allowed to purchase deodorant, shower shoes, stamps, envelopes, security pens, and paper.

(h) Counseling ~~and~~ Interviews. Inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an inmate's ISP unless, ~~within the past four hours~~, the inmate has displayed hostile, threatening, or other behavior during the past four hours that could present a danger to others. For the safety and security of individuals and the institution, security ~~Security~~ staff shall determine the level of restraint required while inmates in disciplinary administrative confinement access services outside their cells.

(i) Visiting ~~Privileges~~.

1. Inmates in disciplinary confinement shall be allowed visits only when specifically authorized by the warden or his or her designee ~~designated representative~~.

2. When an inmate is denied visiting privileges or has special visiting restrictions due to placement in disciplinary confinement, the warden, pursuant to Rule 33-601.733, F.A.C., shall ensure ~~that~~:

a. ~~That the inmate is~~ ~~Inmates are~~ provided the opportunity, at the ~~inmate's inmates~~² expense, to notify at least three approved visitors of the ~~denial prohibitions~~ or restrictions before the next scheduled visiting day if the situation permits the inmate to do so, or that staff notifies visitors by telephone if the inmate is unable to do so.

~~b. Staff makes visitor notifications by phone if the inmate is unable to make them.~~

~~b.e. That notification of visitors on the inmate's behalf by staff is~~ ~~Notification will be~~ documented in the electronic record ~~that the phone calls were made on the inmate's behalf to his/her visitors if time does not permit contact by mail prior to the planned visit.~~

3. Inmates in disciplinary confinement are not allowed video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) Legal visits. Attorney-client visits shall be allowed as provided in Rule 33-601.711, F.A.C., ~~Legal Visitors~~, and shall not be restricted except on evidence that the visit would ~~pose~~ be a potential threat to an individual or the security or order of the institution ~~security and order~~. The warden or his or her designee must approve all legal visits in advance.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and security pens in order to prepare legal papers or notify visitors of confinement status. An inmate with disabilities that hinder the preparation of legal correspondence ~~shall will~~ be allowed the use of auxiliary aids (~~writer/reader~~). An inmate who is provided an auxiliary aid shall also be allowed access to a certified law clerk for the purpose of preparing legal documents or, legal mail, or filing a grievance.

(l) No change.

(m) Correspondence.

1. Inmates in disciplinary confinement shall be allowed routine correspondence privileges unless restricted as provided in Rule 33-601.308, F.A.C., Disciplinary Action. Inmates shall be encouraged to write their families to advise them of their anticipated visiting status. Indigent inmates shall be provided paper, ~~and~~ envelopes, and security pens for this purpose.

2. ~~Form Grievance forms~~, DC6-236, Inmate Request, and ~~Form~~ DC1-303, Request for Administrative Remedy, shall be made available to inmates in disciplinary confinement ~~the inmate~~ at any time, ~~regardless of his or her confinement status~~ and the completed forms shall be transmitted to the addressee without delay. Forms DC6-236 and DC1-303 are incorporated by reference in Rule 33-103.011, F.A.C.

(n) Writing utensils. Inmates in disciplinary confinement may possess a maximum of four ~~(4)~~ security pens. Inmates who are in possession of working pens or pencils when placed in disciplinary confinement shall be issued a security pen. Inmates who are not indigent must purchase additional security pens when needed from the canteen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests a pen has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of his or her confinement status. An inmate who has been provided an auxiliary aid ~~a "writer/reader"~~ shall be allowed access to such for the purpose of reading or preparing correspondence.

(o) Reading Material. Possession of scriptural ~~Scriptural~~ and devotional reading materials that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., shall be permitted by ~~for~~ those inmates in disciplinary confinement units unless they pose a potential ~~there is an indication of a~~ threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security, or sanitation risk, the items shall ~~will~~ be removed. Such removal ~~of reading materials~~ shall be documented on Form DC6-229, Daily Record of Special Housing, in accordance with paragraph (9)(b) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to possess a tape player ~~have their tape players~~ and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. Those inmates confined on a 24-hour ~~twenty-four hour~~ basis, excluding showers and clinic trips, may exercise in their cells. However, if disciplinary confinement extends beyond a 30-day ~~thirty-day~~ period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out-of-doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing.

2. If the inmate requests a copy of the physical fitness program handout, the wellness specialist or confinement unit correctional officer shall provide the inmate with an in-cell exercise guide and document such ~~this action~~ on the Form DC6-229, Daily Record of Special Housing.

3. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in Rule 33-602.220, F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229, Daily Record of Special Housing Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program shall ~~will~~ have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on ~~the Daily Record of Segregation,~~ Form DC6-229.

(q) Weighing. Inmates shall be weighed upon entering disciplinary confinement, at least once a week while in disciplinary confinement, and upon leaving disciplinary confinement. The weight of the inmate shall be documented on Form DC6-229, Daily Record of Special Housing ~~Daily Record of Segregation~~.

(r) If items of clothing, bedding, or property are removed in order to prevent an ~~the~~ inmate from inflicting injury to himself ~~him~~ or herself or others, to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall reassess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, shall ~~will~~ make the final determination on the continued denial or return of the items. The items shall ~~will~~ be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction is occurring ~~has occurred~~.

(s) Inmates in disciplinary confinement are not permitted access to kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

(5) Restrictions.

(a) Any privilege listed in ~~within~~ subsection (4), except access to essential health items (including prescribed medication) and receiving and sending legal mail or grievance forms, shall be subject to restriction when an inmate's conduct and behavior become unmanageable to the point that the inmate is posing a potential threat to the safety and security of himself or herself, others, or the institution.

(b) When any privilege is restricted or any item is removed from an inmate's cell, the action taken must be approved by the shift supervisor or confinement lieutenant. The action taken and the reason for it shall be

documented on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing. A copy of ~~the Inmate Impounded Personal Property List~~, Form DC6-220, Inmate Impounded Property List, shall be issued to the inmate as a receipt for any property taken. This action must be reviewed and approved by the chief of security no later than the next working day following the action.

(6) Restraint and Escort Requirements.

(a) Prior to opening a cell door for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains ~~shall~~ will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.

(b) through (e) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members ~~are shall be~~ required to officially inspect and tour the disciplinary confinement unit. All visits by staff, other than the ~~30-minute~~ 30-minute checks described in subparagraph (a)1. below, ~~must shall~~ be documented on ~~the Inspection of Special Housing Record~~, Form DC6-228, Inspection of Special Housing Record. Form DC6-228 is incorporated in Rule 33-601.800, F.A.C. The staff member ~~must shall~~ also document his or her visit on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, if any discussion of significance, any action or behavior of the inmate occurs, or any ~~other~~ important information is obtained ~~that which~~ may have an influence or effect on the inmate's status of confinement. These visits shall be conducted a minimum of:

1. Every 30 minutes by a correctional officer, but on an irregular schedule. These checks ~~must shall~~ be documented on Form DC6-209, Housing Unit Log.

2. through 3. No change.

4. Weekly by the chief of security, when on duty at the facility, except in the case ~~eases~~ of riot or other institutional emergency.

5. Daily by a clinical health care personnel ~~worker~~.

6. Weekly by the chaplain. The chaplain is also authorized to provide spiritual guidance and counsel to inmates in disciplinary confinement and may distribute religious materials.

7. No change.

~~8. Weekly by a classification officer.~~

~~8.9.~~ As frequently as necessary, but not less than once every 30 days, by a member of the ICT to ensure that the inmate's welfare is properly provided for and to determine the time and method of release.

~~9.10.~~ The SCO shall ~~will~~ visit every inmate housed in disciplinary confinement, longer than sixty consecutive ~~days~~ day, excluding close management inmates, as frequently as necessary to ensure that the inmate's welfare is provided for and to determine if the inmate should be released.

(b) Classification officers must visit each inmate on his or her caseload each week and document the visit on Form DC6-229, Daily Record of Special Housing. The classification officer must record the inmate's status, upcoming reviews, issues, discussions of significance, action or behavior of the inmate, or any other important information that may have an influence or effect on the inmate's status of confinement.

~~(c)(b)~~ Any inmate who has demonstrated behavior that is or could be harmful to himself ~~him~~ or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or ~~the Inmate Suicide Precautions procedure~~ at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in Rule 33-602.220, F.A.C. All actions taken by staff regarding ~~with regard to~~ special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and ~~followed with an incident report~~, Form DC6-210, Incident Report. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(8) Review and Release from Disciplinary Confinement.

(a) A member of the ICT shall review the cases of inmates in disciplinary confinement every week. The goal shall be toward returning an inmate to general ~~the open~~ population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to disciplinary confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the

ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90 days ~~90-day period~~.

(c) If an inmate is housed in disciplinary confinement for more than 60 days, the ICT shall interview the inmate and prepare a formal assessment and evaluation report. A formal assessment and evaluation report must be prepared after each consecutive 60-day ~~60-day~~ period the inmate is housed in disciplinary confinement. Such reports may be in a brief paragraph form on the Classification Log in OBIS detailing the basis for confinement, what has transpired since the last report, the decision concerning continued disciplinary confinement, and the basis for that decision. Close management inmates in disciplinary confinement status must be included in the formal assessment ~~are excluded from this formal assessment as the existing close management review process will include review of the inmate's disciplinary confinement status.~~

(d) The SCO shall review the report prepared by the ICT and the psychologist or psychological specialist concerning the inmate's disciplinary confinement at the next on-site visit, and shall interview the inmate before determining the final disposition of the inmate's disciplinary confinement.

(e) The housing supervisor is authorized to have an inmate released from disciplinary confinement upon completion of his or her disciplinary confinement time, unless the ICT has determined that a need exists to modify the inmate's status to administrative confinement.

(9) Daily Record of Segregation.

(a) ~~A Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate as long as the inmate is in disciplinary confinement.

(b) ~~The~~ Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, weighing of inmates, recreation, haircuts, and shaves, and ~~also~~ unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in disciplinary confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision regarding ~~in regard to~~ the appropriateness of that action no later than the next working day

following the action. The housing supervisor shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing unit for 30 days. After each 30-day review by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(10) ~~A Daily Record of Special Housing – Supplemental~~, Form DC6-229B, Daily Record of Special Housing – Supplemental, shall be completed and attached to the current ~~Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C.

(11) Inspection of Special Housing Record.

(a) through (c) No change.

(12) ~~A Housing Unit Log~~, Form DC6-209, Housing Unit Log, shall be maintained in each disciplinary confinement unit. Officers shall record all daily unit activities on Form DC6-209, including to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(13) Staffing issues.

(a) Officers assigned to a disciplinary confinement unit shall be reviewed at least every 18 months. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of ~~the Special Housing Unit Rotation Review~~, Form DC6-295, Special Housing Unit Rotation Review. Form DC6-295 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is June 25, 2008. Form DC6-295 is incorporated by reference in subsection (14) of this rule. The supervisor shall conduct an interview with the officer and complete section II of Form DC6-295 and forward the form to the chief of security. The chief of security shall review personnel records, including to include performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance; and interview the officer and the officer's supervisors for the period of review when necessary. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another

assignment. The warden's decision shall be documented in section IV of Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a ~~five-day~~ ~~five-day~~ assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The regional director of institutions shall review the circumstances for possible reassignment of the officer.

~~(14) Forms. Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is June 25, 2008.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, 6-25-08, 6-8-09, 7-5-10, 3-6-14, 8-17-16, _____.

33-602.900 Kiosks and Tablets

(1) General Provisions. This rule applies to the possession and use of kiosks, tablets, and related services. The provisions of this rule are supplemental to other Department rules, which remain in full force and effect unless otherwise expressly stated herein. Access to a kiosk, tablet, kiosk services, and tablet services is a privilege and not a right afforded to inmates or others.

(2) Definitions.

(a) “Approved Visitor” – where used herein and as defined in Rule 33-601.713, F.A.C., refers to any person who is approved by the assigned institutional classification officer, warden, or duty warden to visit an inmate and whose approval is documented in the automated visiting record.

(b) “Communications Center” – where used herein, refers to the secure electronic communication portal provided by the vendor that inmates may use to communicate with the vendor or the Department, as designated by the Department.

(c) “Correspondent” – where used herein, refers to any person eighteen years of age or older, who is not restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or conditions of supervision, and who wants to communicate with an inmate in the custody of the Department

through the use of kiosk or tablet services.

(d) “Electronic Card” (eCard) – where used herein, refers to a digital greeting card sent electronically to or from an inmate.

(e) “Electronic Communication” (eCommunication) – where used herein, refers to authorized forms of electronic communication offered through kiosk and tablet services, including secure mail, eCards, photos, and videograms.

(f) “Indefinite Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for an unspecified period.

(g) “Kiosk” – where used herein, refers to a stationary electronic device that is used to provide inmates with access to kiosk services.

(h) “Kiosk Services” – where used herein, refers to Department-approved, electronic-based services provided by the vendor through kiosks, including secure mail, communications center access, eCards, video visitation, education/programming activities, videograms, photos, and the ability to browse the media store and access its content.

(i) “Media Account” – where used herein, refers to an account established by the vendor and funded by the inmate through transfers from an inmate’s trust fund account that is used to purchase kiosk and tablet services.

(j) “Media Store” – where used herein, refers to the contract vendor’s media store where inmates can browse, purchase, and download music, games, news, eBooks, and other digital content.

(k) “Primary Violation” – where used herein, refers to any violation for which the maximum penalty is up to an indefinite suspension of privileges.

(l) “Secondary Violation” – where used herein, refers to any violation for which the maximum penalty that can be imposed is less than or equal a 180-day suspension of privileges.

(m) “Secure Mail” – where used herein, refers to a secure and monitored electronic messaging system that allows an inmate and correspondent to receive and respond to secure electronic messages via a secure web-enabled platform provided by the vendor, and that requires all messages (incoming and outgoing) to be screened and approved before release.

(n) “Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for a specified period.

(o) “Tablet” – where used herein, refers to a Department-approved mobile electronic device that has been configured and formatted for possession and use by an inmate to access and use tablet services. Tablets download content through a connection with the kiosk or by connecting to the secure, wireless network supplied and managed by the vendor.

(p) “Tablet Services” – where used herein, refers to Department-approved, electronic-based services provided by the vendor at no cost or for a fee through secure, corrections-grade tablets, including secure mail, communications center access, eCards, education/programming activities, videograms (incoming only), photographs (incoming only), and the ability to browse the media store and access content downloaded from a kiosk.

(q) “User Account” – where used herein, refers to the account established by the vendor with each inmate who possesses a tablet that provides secure access to kiosk services, tablet services, purchased content, and the inmate’s media account. The term also refers to the account created by the vendor that is used by a correspondent or approved visitor to interact with the inmate.

(r) “User Account Password” – where used herein, refers to a code that is needed to provide access to kiosks and tablets, that is chosen by an inmate, correspondent, or approved visitor, that is known only to that individual, and that when used in conjunction with a user ID verifies the identity of the individual associated with a specific user account.

(s) “Vendor” – where used herein, refers to the contracted vendor who provides kiosks, tablets, kiosk services, and tablet services for use by inmates and those who communicate with them.

(t) “Video Visitation” – where used herein, refers to a monitored and recorded real-time virtual visitation session provided as a kiosk service between an inmate and an approved visitor, where the approved visitor is located at a location other than the location of the inmate.

(u) “Videogram” – where used herein, refers to a short video clip transferred electronically between a correspondent and an inmate.

(v) “Virtual Stamp” – where used herein, refers to electronic tokens sold individually or in bundles at published prices to inmates and correspondents that must accompany any eCommunication for the communication to be delivered.

(3) User Accounts.

(a) To access or use kiosk or tablet services, an inmate, correspondent, or approved visitor must establish and

activate a user account through the vendor. Inmates and correspondents must not provide false information when establishing a user account.

(b) Any technical or account issues relating to the use of a kiosk, a tablet, kiosk services, tablet services, media accounts, or user accounts must be directed to the vendor.

(c) An inmate is only permitted to use his or her own user account.

(d) Inmates must not loan, borrow, barter, or steal another inmate's user account password. Violators will be subject to disciplinary action pursuant to Rule 33-601.314, F.A.C., and may have his or her tablet impounded and access to kiosks, kiosk services, and tablet services suspended or terminated.

(e) The Department is not responsible for the theft or loss of an inmate's user account password, or for any costs associated with an inmate lending his or her user account password or otherwise failing to provide for its safekeeping.

(f) All user account and media account records are maintained by the vendor, and any disputes related to those accounts will be addressed by the vendor. An inmate who has access to a kiosk may view his or her media account balance.

(g) User accounts, media accounts, or particular service offerings such as secure mail, videograms, and access to the vendor's media store are subject to suspension or termination for any violation of law or Department rule. Inmates, correspondents, and approved visitors are responsible for their conduct and for any consequences thereof in connection with their use of their accounts and available services.

(4) Kiosks.

(a) Kiosks will be located at institutions approved by the Department.

(b) Unless otherwise stated in this rule, an inmate will be allowed to access kiosk services in his or her assigned housing unit from 8:00 a.m. until 11:00 p.m. each day, excluding times related to counts, call outs, job assignments, and other required appointments or testing. For security reasons, kiosks designated for inmate use will be rendered inoperable during times when the use of kiosk services would substantially interfere with other institutional activities and during institutional emergencies.

(c) Except as otherwise provided in this rule, kiosk access permissions for inmates in special housing or in a special status are as follows:

1. During the initial reception period, an inmate awaiting transfer to his or her initial permanent facility is

permitted access to kiosks and kiosk services, with the exception of video visitation.

2. Youthful Offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted to access kiosks or kiosk services.

3. Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status have access to kiosks and kiosk services as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830, F.A.C., respectively.

(d) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to kiosks and kiosk services in accordance with Rule 33-404.102, F.A.C.

(e) Unless authorized by the Department to do so, no one is permitted to modify, alter, circumvent, attempt to modify, attempt to alter, or attempt to circumvent any audio or video capabilities or security features of a kiosk or kiosk service, or use such devices or services to engage in any activity that violates Department rules, state law, or federal law. The use or misuse of a kiosk or kiosk service in such manner will subject an inmate to discipline pursuant to Rule 33-601.314, F.A.C., suspension or termination of kiosk and/or tablet privileges, and potential prosecution to the extent provided by law.

(f) Legal mail, as described in Rule 33-210.102, F.A.C., and privileged mail, as described in Rule 33-210.103, F.A.C., must not be sent or received via eCommunications.

(g) Only content authorized by the Department can be downloaded, accessed, used, or stored on a kiosk. Content that negatively impacts the safe, secure, and orderly operation of an institution, or that compromises public safety will not be approved.

(5) Tablets.

(a) Upon arrival at his or her permanent facility, a tablet will be issued to every inmate authorized to possess a tablet at no cost to the inmate. An inmate in a Department-operated institution or facility may not refuse to accept a tablet.

(b) Inmates are authorized to possess one tablet pursuant to Rule 33-602.201, F.A.C., unless otherwise prohibited. Possession of a tablet by an inmate is a privilege that may be forfeited by any inmate who fails to abide by the rules of the Department or any applicable state or federal law.

(c) Unless otherwise stated in this rule, an inmate is permitted to access the secure, wireless network in his or

her assigned housing unit for authorized purposes from 8:00 a.m. until 12:00 a.m. each day. For security reasons, secure, wireless networks designated for inmate use will be rendered inoperable during times when the use of wireless services would substantially interfere with other institutional activities and during institutional emergencies.

(d) Except as otherwise provided in this rule, tablet access permissions for inmates in special housing or a special management status are as follows:

1. During the initial reception period, an inmate awaiting transfer to his or her initial permanent facility is not permitted to possess a tablet or access tablet services.

2. Youthful Offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted to possess a tablet.

3. Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status will have access to tablets and tablet services as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830 F.A.C., respectively.

(e) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to tablets and tablet services in accordance with Rule 33-404.102, F.A.C.

(f) When an inmate is prohibited from retaining possession of his or her tablet due to transfer to a different housing or management status, the tablet will be stored by the Department and returned to the inmate once he or she has been transferred back to a setting where possession of the tablet is allowed by Department rules.

(g) Following the assignment of a tablet to an inmate, Department staff will add the tablet to Form DC6-224 noting the make, model, and serial number of the tablet. Form DC6-224 is incorporated by reference in Rule 33-602.201, F.A.C.

(h) Each inmate is responsible for the care and security of his or her assigned tablet. The Department assumes no responsibility for the loss of, or damage to a tablet caused by the inmate. In cases of intentional loss or damage, the incident will be treated as willful damage to state property. In such cases, the inmate will be required to reimburse the Department for the cost of replacing the lost or damaged tablet from his or her inmate trust fund account. If sufficient funds are not available in the inmate's trust fund account, the Department will place a lien on the inmate's trust fund account for the replacement cost of a tablet. The inmate's media content will be restored on the replacement tablet at no cost to the inmate.

(i) An inmate will not be charged for a replacement tablet when the original tablet is unusable due to normal wear and tear.

(j) If a tablet cannot be located after being stored by the Department, the provisions of Rule 33-602.201, F.A.C., will be followed. When it is substantiated that a tablet is missing for any reason outside the inmate's control, the tablet will be replaced by the Department at no cost to the inmate.

(k) In the event an inmate loses his or her tablet, the inmate must immediately report the loss to the housing officer. The housing officer will complete a Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C. The chief of security will initiate a review of the incident and an attempt will be made to locate the lost property. The review will determine the responsible party for the cost of replacement as outlined within this rule. If the lost property cannot be located, the chief of security will coordinate the replacement of the tablet for the inmate. Inmates who do not report the loss of a tablet within 10 days will be required to reimburse the Department for the cost of replacing the lost tablet from his or her inmate trust fund account. If sufficient funds are not available in the inmate's trust fund account, the Department will place a lien on the inmate's trust fund account for the replacement cost of a tablet. The inmate's media content will be restored on the replacement tablet at no cost to the inmate.

(l) If a tablet is damaged or destroyed by Department or private correctional facility staff during a routine search, an emergency search, or while impounded, the warden or designee will cause an investigation to be made and any necessary action to be taken in accordance with Rule 33-602.203, F.A.C.

(m) A tablet may only be used in an inmate's assigned housing unit and in recreation areas. An inmate's tablet may only be used to access the secure, wireless network in his or her assigned housing unit. The warden may designate other areas for tablet use (including the use of the secure, wireless network) to further an inmate's rehabilitation, that does not interfere with the safety, security, and order of the institution. Use of a tablet in an unauthorized or unapproved area will subject the inmate to discipline pursuant to Rule 33-601.314, F.A.C.

(n) All tablets on the property of a Department institution or facility, including all digital content, are subject to authorized searches at any time pursuant to Rule 33-602.203 and Rule 33-602.204, F.A.C. An inmate's failure to comply with an authorized search will result in the immediate confiscation of the inmate's tablet and will subject the inmate to discipline pursuant to Rule 33-601.314, F.A.C.

(o) Unless authorized by the Department to do so, no one is permitted to modify, alter, circumvent, attempt to

modify, attempt to alter, or attempt to circumvent any audio or video capabilities or security features of a tablet or tablet service, or use such devices or services to engage in any activity that violates Department rules, state law, or federal law. The use or misuse of a tablet or tablet service in such a manner will subject an inmate to discipline pursuant to Rule 33-601.314, F.A.C., suspension or termination of kiosk and/or tablet privileges, and potential prosecution to the extent provided by law.

(p) Only content authorized by the Department can be downloaded, accessed, used, or stored on a tablet.

Content that negatively impacts the safe, secure, and orderly operation of an institution, or that compromises public safety will not be approved.

(q) No devices, other than an inmate's assigned tablet, may connect or attempt to connect to a secure, wireless network. The inmate's assigned tablet must not utilize a secure, wireless network in any manner other than to access Department-approved content or eCommunications.

(r) Each tablet has a mortality lock that tracks the number of days since it was last connected to an authorized kiosk. If a tablet is not connected to an authorized kiosk at least every 30 calendar days, the tablet will lock and become unusable until it is connected to an authorized kiosk.

(s) Upon the expiration of an inmate's sentence, the inmate must return his or her assigned tablet to the Department at the time of the inmate's release from the Department's custody. A former inmate may obtain access to his or her purchased content by contacting the vendor. The Department assumes no responsibility for an inmate's purchased content prior to or upon the inmate's release.

(6) Kiosk Services and Tablet Services.

(a) There is no expectation of privacy while utilizing kiosk or tablet services. All use of such services by any user account holder is subject to recording, monitoring, and record retention.

(b) Any data in any form that is generated or transmitted by or through the use of kiosk or tablet services may be used by the Department in any court or disciplinary proceeding to the fullest extent allowed by law and/or Department rule.

(c) Inmates must not establish or conduct a business, directly or indirectly, using kiosk or tablet services during his or her term of incarceration.

(d) Inmates must not enter contests or sweepstakes, directly or indirectly, using kiosk or tablet services during his or her term of incarceration.

(e) Access to kiosk services and tablet services are subject to suspension or termination for violation of any state law, federal law, or Department rule.

(7) eCommunications.

(a) All eCommunications, incoming and outgoing, are subject to the provisions of this rule.

(b) All eCommunications are subject to screening to ensure compliance with this rule. If at any time the screening system is not functioning properly, access to eCommunications will immediately cease until the issue is corrected.

(c) Any eCommunication that violates state law, federal law, or Department rule will be intercepted without explanation by authorized staff and will not be delivered. The Department or vendor will not be liable to refund or credit any costs associated with an intercepted eCommunication.

(d) Eligibility.

1. A correspondent must send an initial eCommunication to an inmate to establish a link between their accounts. Inmates may then electronically communicate with the correspondent, unless the correspondent or the inmate has blocked communication.

2. Should a correspondent decide that he or she no longer wishes to receive eCommunications from an inmate, the correspondent must terminate the inmate's ability to communicate with the correspondent through the vendor's system.

3. Unless otherwise stated in this rule, inmates whose eCommunication privileges are not in suspended status are eligible to use eCommunications.

4. Use of eCommunications by a correspondent is open to all eligible individuals who are not restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or conditions of supervision.

5. During the initial reception period, an inmate awaiting transfer to his or her permanent facility is permitted to access eCommunications.

6. Youthful offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted access eCommunications.

7. Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status will have access to eCommunications as set forth in Rules 33-602.220,

33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830 F.A.C., respectively.

8. Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or correctional a mental health treatment facility will have access to eCommunications in accordance with Rule 33-404.102, F.A.C.

(e) Inmates will be permitted to send and receive only the following types of materials through eCommunications:

1. Secure Mail. Communications must be in English, Spanish, or Creole. Inmates who cannot read or write in English, Spanish, or Creole must request approval from the warden to correspond and receive eCommunications in a language that the inmate can read and write using Form DC6-236. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The warden will approve such requests when there are Department staff who can translate the eCommunications or when it is otherwise possible to obtain translation services at a nominal cost to the Department.

2. eCards.

3. Virtual Stamps. Inmates must not use virtual stamps as currency to pay for products or services, or to barter with others.

4. Videograms. Only those videograms meeting the criteria of this rule are authorized to be sent or received through eCommunications. Videograms depicting nudity or revealing genitalia, buttocks, or the female breast will not be permitted.

5. Photographs. Only those photographs meeting the criteria of this rule are authorized to be sent or received through eCommunications. Photographs depicting nudity or revealing genitalia, buttocks, or the female breast will not be permitted.

(f) If photographs printed by the inmate from eCommunications place the inmate over the maximum allowed by Department rule, the inmate will be permitted to send the excess photographs to a non-correctional mailing address at his or her own expense as required by the inmate property provisions found in Rule 33-602.201, F.A.C. Excess photographs found in the inmate's property will be considered contraband and subject the inmate to discipline under Rule 33-601.314, F.A.C.

(g) Inmates are responsible for informing correspondents of the regulations concerning eCommunications.

(h) All eCommunications sent or received by an inmate are subject to review and monitoring by authorized

staff.

(i) If the warden has approved an inmate to receive eCommunications in a language other than English, Spanish, or Creole, the eCommunication will be translated to confirm that it complies with applicable rules. If the language cannot be translated by an employee at the facility, the eCommunication will be rejected or sent to another institution or the central office for translation.

(j) Inmates must not use eCommunications to solicit or otherwise commercially advertise for money, goods, or services, including advertising for pen-pals.

(k) Inmates must not send eCommunications to any person who has advised the warden that he or she does not wish to receive such from the inmate. The parents or legal guardians of a person under the age of 18 may advise that eCommunications are not to be sent to such person.

(l) Outgoing or incoming eCommunications will not be approved to be sent by or to an inmate if any part of it violates the following content standards:

1. The inmate is not appropriately dressed in Class A uniform, with the state issued I.D. card visible.
2. The inmate or individual is not visually identifiable or the face is covered or obscured. Religious headgear is permissible but must not interfere with the verification of a person's identity.
3. It depicts or describes procedures for the construction of or use of a weapon, ammunition, bomb, chemical agent, or incendiary device.
4. It depicts, encourages, or describes methods of escape from correctional institutions or facilities or contains blueprints, drawings, or similar descriptions of Department institutions or facilities, or includes road maps that can facilitate escape from a correctional institution or facility.
5. It depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs or other intoxicants.
6. It is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by authorized staff as to meaning or intent.
7. It depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption.
8. It encourages or instructs in the commission of criminal activity.
9. It is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the

institution, or violation of Department or institution rules.

10. It threatens physical harm, blackmail, or extortion.

11. It pictorially depicts sexual conduct as defined by s. 847.001, F.S., as follows:

a. Actual or simulated sexual intercourse;

b. Sexual bestiality;

c. Masturbation;

d. Sadomasochistic abuse;

e. Actual contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, breast;

f. Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

12. It presents any act or conduct that creates the appearance that sexual conduct is imminent, such as the display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally, or by foreign object, or the display of sexual organs in an aroused state.

13. It depicts nudity.

14. It contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order, or rehabilitative objectives of an inmate or offender, the correctional system, or the safety of any person.

15. It depicts or contains an inmate group photograph or videogram; however, individuals unintentionally appearing behind the subject parties does not constitute a group photograph or videogram.

16. It depicts or contains a photograph or screenshot displaying text of any kind, including internet pages, news clippings, articles, print-outs, material from social media, emails, text messages, or other similar content. However, a screenshot that does not include more than five words of text will not be automatically denied or rejected. Such a screenshot will be treated as a non-textual photograph by authorized staff and will be reviewed using the same standards used for other non-textual photographs to determine suitability and compliance with this rule.

17. It requests that a photograph or information be placed on social media of any kind.

18. It requests that an email be forwarded, sent, or mailed to a third party.

19. It requests or contains information for or about another inmate.

20. It is sent from another inmate's user account.

21. It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than incidental to, the eCommunication, or the advertising is prominent or prevalent throughout the eCommunication:

- a. Three-way calling services;
- b. Pen-pal services;
- c. The purchase of products or services with postage or virtual stamps; or
- d. Conducting a business or profession while incarcerated.

22. It is not in compliance with incoming eCommunications regulations set forth in paragraphs (7)(e) and (7)(f) of this rule (incoming mail only); or

23. It otherwise presents a threat to the security, order, or rehabilitative objectives of the correctional system, or to the safety of any person.

(m) It requests or provides information related to PayPal, Venmo, Cash App, or any other online payment system account.

(8) Violation of Standards – Penalties.

(a) Failure of an inmate or correspondent to adhere to the provisions of any Department rule as it relates to eCommunications will result in the following:

- 1. Rejection and forfeiture of any offending eCommunication;
- 2. Forfeiture of any money paid for an offending eCommunication; and
- 3. Consideration for suspension of eCommunications privileges as noted in this subsection.

(b) Failure of an inmate or correspondent to adhere to the provisions of any Department rule as it relates to the possession or use of kiosks, tablets, kiosk services, or tablet services will result in the suspension of any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services. The warden or designee will consider the following factors when determining whether to suspend any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services:

1. Whether the continued possession or use of kiosks, tablets, kiosk services, or tablet services would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of these privileges;

- 2. The severity of the conduct or offense(s) under consideration;

3. Whether an inmate's placement or pending placement into a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would result in the appropriate kiosk, tablet, kiosk services, or tablet services restriction(s);

4. Whether the suspension of kiosk, tablet, kiosk services, or tablet services privileges would be a significant detriment to the inmate's successful reentry into society by hindering the maintenance of community and family ties.

(c) Inmates or correspondents who commit a secondary violation of any Department rule as it relates to the possession or use of kiosks, tablets, kiosk services, or tablet services will have any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services, suspended by the warden or designee for a period not to exceed 180 days commencing on the date that any such violation occurred. All violations are deemed to be secondary violations unless specifically elevated to a primary violation by the warden or designee or as otherwise set forth in paragraph (8)(e) below.

(d) The warden or designee may elevate a secondary violation to a primary violation based on the following factors:

1. The nature and circumstances of the violation(s) committed;
2. The inmate's or correspondent's previous violation history; and
3. The frequency of violations.

(e) Inmates or correspondents who commit a primary violation of any Department rule related to the possession or use of kiosks, tablets, kiosk services, or tablet services will be considered by the warden or designee for indefinite suspension of any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services.

The following are primary violations:

1. Any criminal activity that utilizes a kiosk or tablet, kiosk services, or tablet services.

2. Any attempt to incite or participate in any riot, strike, mutinous act, or disturbance that utilizes a kiosk or tablet, kiosk services, or tablet services.

3. The use of a kiosk or tablet, kiosk services, or tablet services to possess, introduce, attempt to introduce, conspire, or otherwise agree to introduce contraband or illegal items into or onto the grounds of any Department institution or facility, or to solicit, command, encourage, hire, or request another person to engage in specific conduct that would constitute such offense or an attempt to commit such offense.

4. The use of a kiosk or tablet, kiosk services, or tablet services to employ coercion, threats, or fraud to obtain

money, favors, or anything of value.

5. The use of a kiosk or tablet, kiosk services, or tablet services to depict actual or simulated sexual acts, or any intentional lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act.

6. The use of a kiosk or tablet, kiosk services, or tablet services to commit or engage in sexual misconduct (e.g., nudity, sexual acts with or without others, willful exposure of genitalia or the female breast, or soliciting sexual acts from others).

7. Any verbal or non-verbal lewd, obscene, or sexual behavior involving a minor that utilizes a kiosk or tablet, kiosk services, or tablet services.

8. Physical assault or attempted assault on a Department staff member or another inmate at a kiosk.

9. The use of a kiosk or tablet, kiosk services, or tablet services to commit verbal abuse that evidences the intent or threatens to do harm to Department staff, inmates, or visitors.

10. The use of a kiosk or tablet, kiosk services, or tablet services to promote animosity, hostility, and malice against a person or persons, or against the property of a person or persons, because of race, religion, disability, sexual orientation, ethnicity, or national origin.

11. Disobeying a direct order from Department staff relating to kiosks and tablets, including the use of any kiosk services and tablet services.

12. Acts of violence or display of weapons, including images of, statements regarding, or references to any kind of weapon, utilizing a kiosk, tablet, kiosk services, or tablet services.

13 Use or possession of drugs or drug paraphernalia while utilizing a kiosk, tablet, kiosk services, or tablet services.

14. Assisting, facilitating, aiding or abetting an inmate to escape or attempt to escape utilizing a kiosk, tablet, kiosk services, or tablet services.

15. Modifying, altering, circumventing, attempting to modify, attempting to alter, or attempting to circumvent any audio or video capabilities or security features of any kiosk, tablet, kiosk service, or tablet service, or using a kiosk, tablet, kiosk services, or tablet services, to engage in any activity that violates Department rules, state law, or federal law. This includes relaying, streaming, or re-broadcasting through any medium.

16. Possessing more than one tablet unless authorized to do so.

17. Possessing a tablet belonging to another without authority to do so.

18. Damaging or destroying a tablet by gross negligence or determined intent.

19. Failing to provide a current user account password when directed to do so by Department staff or private correctional facility staff to allow access for an authorized search of the tablet, including its content.

(f) Suspension of an inmate's eCommunications privileges is authorized as part of any disciplinary action taken pursuant to Rule 33-601.308, F.A.C., when the evidence in a disciplinary report clearly indicates that the infraction at issue occurred during the inmate's exercise or utilization of his or her eCommunication privileges.

(g) The warden is authorized to temporarily suspend any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services, of an inmate or correspondent who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

(h) A suspension imposed under this subsection is independent of any suspension of privileges imposed under Rule 33-601.308, F.A.C.

(i) The reinstatement of indefinitely suspended privileges will only be considered by the warden after one calendar year from the date of imposition of the suspension. Should the suspended individual be denied reinstatement, the individual must not make another request for six months from the last decision denying reinstatement.

(j) Inmates and correspondents are responsible for their conduct and for any consequences thereof in connection with their use of the vendor's services.

(9) Video visitation will be administered and conducted in accordance with Rule 33-602.901, F.A.C.

(10) Funding a Media Account.

(a) An inmate may add money to his or her media account directly from his or her inmate trust fund account up to a maximum authorized balance of \$150.00. Upon the transition from an inmate-owned tablet program to state-issued tablet program, the maximum authorized balance will be reduced to \$100.00. Any obligations owed by the inmate pursuant to Rule 33-203.201, F.A.C., must be satisfied prior to funding the inmate's media account. The Department will supervise the transfer of an inmate's funds into his or her media account.

(b) Media account balances, purchase records, and accounting disputes are maintained and addressed by the vendor.

(c) Money deposited in a media account can only be spent on kiosk services, tablet services, or approved tablet

accessories and cannot be transferred to another account.

(d) Inmates must use the kiosk to check media account balances and to receive notice of media account deposits.

(11) Hardware, Programs, and Technical Issues.

(a) Each correspondent is responsible for providing and maintaining his or her own equipment and technology to access the eCommunications system. Individuals must use equipment and technology with the appropriate capabilities as determined and recommended by the vendor.

(b) Customer support for kiosks, tablets, kiosk services, tablet services, media accounts, user accounts, and eCommunications will be provided by the vendor. If an inmate identifies an issue with his or her the assigned tablet, the inmate must submit a support ticket identifying the issue to the vendor's customer service center through the Communication Center.

(c) Correspondents who experience issues with the vendor's website, mobile application, or any of the services provided by the vendor must contact the vendor's customer service center through the Communications Center for assistance.

(d) An inmate who is subject to post-release supervision or to any court order related to computer or internet possession, access, or use is responsible for ensuring that he or she fully complies with all terms and conditions of the supervision or order. As necessary, the inmate must report to his or her supervising agency, law enforcement agency, court, or other entity as provided in the order, that he or she possesses, has access to, or is using a tablet.

(12) The Secretary and Deputy Secretary of Institutions have the authority to review and modify the kiosk and/or tablet privileges associated with any user account, including the use of any or all kiosk services or tablet services, when it is determined that the modification will further an inmate's rehabilitation, ensure consistency with Department's rules, enhance public safety, or ensure the security of a correctional institution.

(13) During an emergency or extended disruption of normal Department, regional, or institutional operations, the Secretary or Deputy Secretary of Institutions may modify the access to any or all privileges authorized under this rule. Normal access will be restored as soon as a safe return to normal operations is permitted by the circumstances.

A modification may be instituted for any or the following reasons:

(a) An imminent, a current, or the immediate aftermath of a disturbance, uprising, strike, or riot.

(b) Staffing limitations that pose a significant threat to the safety and security of Department staff, inmates, or

the public.

(c) When an institution is locked down based on the scope and severity of the precipitating incident or event.

(d) During a declared emergency.

(e) Prior to, during, or in the immediate aftermath of a natural disaster.

(f) A medically-related incident that poses a significant health threat to inmates or Department staff.

(g) Any other extraordinary circumstance that poses a potential threat to the safety or security of the institution,

Department staff, the inmate population, or the public.

Rulemaking Authority 944.09 FS. Law Implemented 20.315. 944.09 FS. History–New

33-602.901 Video Visitation

(1) Definitions.

(a) “Approved Visitor” – where used herein and as defined in Rule 33-601.713, F.A.C., refers to any person who is approved by the assigned institutional classification officer, warden, or duty warden to visit an inmate and whose approval is documented in the automated visiting record.

(b) “Automated Visiting Record” (AVR) – where used herein, refers to a computer subsystem of the Department’s electronic offender database that records visiting information. The AVR is maintained pursuant to Rule 33-601.716, F.A.C.

(c) “Indefinite Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for an unspecified period.

(d) “Kiosk” – where used herein, refers to a stationary electronic device that is used to provide inmates with access to kiosk services.

(e) “Kiosk Services” – where used herein, refers to Department-approved, electronic-based services provided by the vendor through kiosks, including secure mail, communications center access, eCards, video visitation, education/programming activities, videograms, photos, and the ability to browse the media store and access its content.

(f) “Primary Violation” – where used herein, refers to any violation for which the maximum penalty is up to an indefinite suspension of privileges.

(g) “Secondary Violation” – where used herein, refers to any violation for which the maximum penalty that can be imposed is less than or equal a 180-day suspension of privileges.

(h) “Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for a specified period.

(i) “User Account” – where used herein, refers to the account established by the vendor with each inmate who possesses a tablet that provides secure access to kiosk services, tablet services, purchased content, and the inmate’s media account. The term also refers to the account created by the vendor that is used by a correspondent or approved visitor to interact with the inmate.

(j) “Vendor” – where used herein, refers to the contracted vendor who provides kiosks, tablets, kiosk services, and tablet services for use by inmates and those who communicate with them.

(k) “Video Visitation” – where used herein, refers to a monitored and recorded real-time virtual visitation session provided as a kiosk service between an inmate and an approved visitor, where the approved visitor is located at a location other than the location of the inmate.

(2) Video visitation is a privilege and not a right afforded to inmates or approved visitors.

(3) Video visitation is available to inmates and approved visitors at a cost established by the vendor in its contract with the Department.

(4) All inmates and approved visitors are subject to state law, federal law, and Department rules while participating in video visitation.

(5) The warden, assistant warden, duty warden, or assigned Department or vendor monitoring staff is authorized to deny or terminate a video visit if the visit in any way violates state law, federal law, or Department rule. Any such violation will subject an inmate to disciplinary action and suspension of video visitation privileges and will subject an approved visitor to suspension or termination of his or her video visitation privileges.

(6) The Department is not responsible for technical issues that impact kiosk availability or video visitation functionality.

(7) Eligibility.

(a) Inmates are permitted to participate in video visitation with approved visitors who are not in a suspended status as recorded on the inmate’s AVR.

(b) Except as otherwise stated herein, inmates whose visitation privileges are not suspended pursuant to Rule 33-601.731, F.A.C., including those inmates placed in non-contact visiting status pursuant to Rule 33-601.735, F.A.C., are eligible to participate in video visitation.

(c) Inmates and approved visitors whose visiting privileges have been suspended pursuant to Rule 33-601.731, F.A.C., are not eligible to participate in video visitation unless otherwise authorized by the warden or designee.

(d) During the initial reception period, an inmate awaiting transfer to his or her permanent facility is not eligible to participate in video visitation.

(e) Youthful offenders participating in the Basic Training Program describe in Rule 33-601.237, F.A.C., are not permitted access to video visitation.

(f) Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, and death row status are eligible to participate in video visitation as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830, F.A.C., respectively.

(g) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to video visitation privileges in accordance with Rule 33-404.102, F.A.C.

(h) Use of the video visitation system is open to all eligible individuals eighteen years of age or older who are not restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or conditions of supervision. Approved minors as defined in Rule 33-601.713, F.A.C., are permitted to participate in video visitation only under the supervision of an eligible visitor, provided the inmate participating in the video visit is not restricted or suspended from contacting or being contacted by any minor by statute, rule, procedure, court order, or conditions of supervision.

(i) An individual seventeen years old or younger who cannot furnish proof of emancipation must be supervised during a video visit by an authorized parent, legal guardian, or authorized adult as defined in Rule 33-601.713, F.A.C., and must remain under the supervision of that person at all times during the video visitation session.

(j) An inmate is not authorized to participate in video visitation with any person seventeen years of age or younger if the inmate is subject to visitation restrictions pursuant to Rule 33-601.720, F.A.C.

(k) Falsification of any visitor information provided to the Department will result in an individual being subject to having his or her video visitation privileges suspended pursuant to subsection (13) of this rule.

(8) Scheduling.

(a) Video visitation sessions can only be scheduled by approved visitors. Sessions must be scheduled in advance through the approved visitor's user account.

(b) Unless otherwise stated in Rule 33-602.900, F.A.C., an inmate will be allowed to access kiosk services in his or her assigned housing unit from 8:00 a.m. until 11:00 p.m. each day, excluding times related to counts, call outs, job assignments, and other required appointments or testing. For security reasons, kiosks designated for inmate use will be rendered inoperable during times when the use of kiosk services would interfere with other institutional activities and during institutional emergencies. The warden will determine the available times during which inmates are allowed to video visit within these parameters while ensuring the maximum availability of video visitation.

(c) Inmates in death row status pursuant to Rule 33-601.830, F.A.C., will only be permitted one scheduled video visitation session per calendar week.

(d) A video visitation session will be limited to fifteen minutes. A one-time, fifteen-minute extension per video visit is permitted if selected during the video visit. The option of an extension is not available for inmates in death row status.

(e) Video visits are scheduled for and assigned to a specific kiosk based on an inmate's housing assignment. The assigned kiosk will reserve the timeslot for the inmate with a scheduled video visit. The kiosk will notify any other inmate that he or she they will be logged off the kiosk due to an upcoming scheduled video visit.

(f) The number of video visits scheduled at any one time at an institution or facility may be limited due to infrastructure issues, available bandwidth, other system limitations, or to promote the safety, security, or good order of the institution or facility.

(9) Accessing the Session.

(a) Each inmate and approved visitor must establish a user account prior to participating in video visitation.

(b) Each approved visitor is responsible for providing and maintaining his or her own equipment and technology to access the video visitation system. Individuals must use equipment and technology with the appropriate capabilities as determined and recommended by the vendor.

(c) A video visit will not be initiated until both the approved visitor and the inmate engage the system within five minutes of the scheduled visitation start time.

(d) Customer support for video visitation will be provided by the vendor.

1. If an inmate identifies an issue with the video visitation system, the inmate must submit a support ticket identifying the issue to the vendor's customer service center through the Communications Center.

2. Approved visitors who experience issues with the vendor's website, mobile application, or any of the services

provided by the vendor must contact the vendor's customer service center through the Communications Center for assistance.

3. If a video visit is unable to occur due to an issue affecting the video visitation system, the vendor will credit the approved visitor's account.

(10) Cancelling a Session. A scheduled video visit will be canceled due to any one of the following reasons:

(a) The approved visitor cancels the video visit prior to the time of the scheduled event.

(b) The inmate cancels the video visit prior to the time of the scheduled event.

(c) The approved visitor is suspended or otherwise removed from an approved or authorized status by the Department or the vendor prior to the time of the scheduled event.

(d) The inmate's video visitation privileges are suspended, or his or her video visitation eligibility status is changed due to a change in the inmate's management or housing status prior to the time of the scheduled event.

(e) The Department determines the scheduled video visit presents a threat to institutional security or the safety of any person.

(f) The Department-approved video visitation schedule changes and the scheduled timeslot is no longer available.

(g) The Department cancels a scheduled video visit or temporarily deactivates an inmate's user account upon approval of the warden or designee for any of the following reasons:

1. It is 48-hours or less before an inmate's transfer;

2. It is 48-hours or less before an inmate's outside medical appointment; or

3. It is 48-hours or less before an inmate's outside court appearance.

(h) Mandatory activities are scheduled for the inmate by the Department at the same time as a video visit. Mandatory activities include count, medical appointments, classification appointments, programming such as education, vocation, or substance use disorder treatment, or similar mandatory activities. If a video visit is scheduled at the same time as one of these activities or during an emergency that threatens the security or order of an institution, the approved visitor will be notified when the inmate does not join the video visitation session within five minutes, and the vendor will credit the approved visitor's account for the cost of the video visit.

(11) Monitoring.

(a) All video visits are subject to monitoring and recording. Video visits may be immediately terminated for any

detected violation of state law, federal law, or Department rule. In addition, restrictions or suspensions may be issued that affect in-person visits whenever a violation related to video visitation is detected. If at any time the Department or the vendor is unable to monitor or record any video visitation session, all access to video visitation will immediately cease until the issue can be corrected.

(b) The vendor and Department staff will monitor all video visits to ensure compliance with this rule, including all video visitation conduct and content standards as set forth in subsection (12) of this rule.

(c) No expectation of privacy exists regarding an inmate's or approved visitor's use of the video visitation system. Video visitation must not be used to conduct private or confidential communications with attorneys, foreign consulates, or the courts.

(d) Each institution will ensure that inmates are notified that video visits are subject to monitoring and recording through the use of a sign posted on or beside each kiosk, or via an electronic pop-up window on the kiosk. Upon discovery, stolen or defaced signs will be promptly replaced.

(12) Inmates and approved visitors are subject to having video visitation sessions immediately terminated with no credit for the session, and having their video visitation privileges suspended under subsection (13) of this rule for violations of the following video visitation conduct and content standards:

(a) Proper Attire Standards.

1. An inmate must be appropriately dressed in his or her Class A uniform, with the inmate's state-issued I.D. card visible throughout the entire video visit.

2. All approved visitors must wear clothing that is in good condition (no excessive holes and rips).

3. Approved visitors must not wear shirts or clothing that exposes any part of the female breast, including spaghetti straps or strapless clothing.

4. Approved visitors must not wear sleeveless clothing, including tank tops, shirts, dresses, rompers, or similar clothing, if the clothing exposes the bra or the female breast through the sleeve opening.

5. Approved visitors must not wear clothing that reveals the midriff, including bras or sports bras (unless an appropriate garment is worn to cover the midriff), halter tops, crop tops, and tube tops.

6. Approved visitors must not wear dresses, skirts, shorts, or similar clothing with hems, slits, or splits that are less than three inches above mid-knee, or that go above mid-thigh when seated. No clothing that reveals the upper thighs, buttocks, or genitalia is permitted.

7. Approved visitors must not wear tight-fitting, see-through, low-cut, short, provocative, or revealing clothing of any kind. Clothing made of spandex, see-through material, sheer material, or netting, bathing suits, and body suits are prohibited. See-through or sheer garments are permitted if appropriate clothing is worn underneath the see-through or sheer garment that covers the body in accordance with this rule.

8. Approved visitors must not wear pajamas or lingerie.

9. Approved visitors must wear appropriate undergarments at all times, including bras for females. Undergarments must not be visible.

10. Approved visitors must not wear clothing that has symbols, signs, or words containing inappropriate or vulgar language or graphics, including gang symbols, racist pictures or comments, inflammatory pictures or communications, profanity, sexually explicit pictures or language, or similar material.

11. Any removal of clothing by an inmate or approved visitor will result in immediate termination of the video visit. An outer garment such as a jacket or sweater may be removed, provided the clothing under the outer garment complies with this rule.

12. An approved visitor who is nursing may breastfeed her child(ren) during a video visit. In the interests of safety and security, a nursing mother must cover her breast(s) with a blanket while nursing. The nipple of a mother's breast must not be uncovered or exposed at any time.

13. Nudity of any kind is not permitted. Children must be fully clothed at all times for their safety.

14. The inmate and approved visitor must be visually identifiable during a video visit, and their faces must not be covered or obscured. Religious headgear is permissible, but it must not interfere with the verification of a person's identity.

(b) The following are primary violations when they occur during a video visit:

1. Any criminal activity.

2. Any attempt to incite or participate in a riot, strike, mutinous act, or disturbance.

3. Possessing, introducing, attempting to introduce, conspiring, or otherwise agreeing to introduce contraband or illegal items into or onto the grounds of any Department institution or facility, or soliciting, commanding, encouraging, hiring, or requesting another person to engage in specific conduct that would constitute such offense or an attempt to commit such offense.

4. Using coercion, threats, or fraud to obtain money, favors, or anything of value.

5. Depicting actual or simulated sexual acts, or any intentional lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act.

6. Committing or engaging in sexual misconduct (i.e., nudity, sexual acts with or without others, willful exposure of genitalia or the female breast, or soliciting sexual acts from others).

7. Any verbal or non-verbal lewd, obscene, or sexual behavior involving a minor.

8. Physical assault or attempted assault of a Department staff member or another inmate at a kiosk or while participating in a video visit.

9. Verbal abuse that evidences the intent or threatens to do harm to staff, inmates, or visitors.

10. Promoting animosity, hostility, and malice against a person or persons or against the property of a person, or persons because of race, religion, disability, sexual orientation, ethnicity, or national origin.

11. Disobeying a direct order from Department staff during or in relation to a video visit.

12. Acts of violence or display of weapons, including images of, statements regarding, or references to any kind of weapon.

13. Use or possession of drugs or drug paraphernalia.

14. Assisting, facilitating, aiding, or abetting an inmate to escape or attempt to escape.

15. Group video visits allowing more than one inmate or one approved visitor to participate in a video visit. An approved visitor may only video visit with the inmate with whom he or she is scheduled to video visit. If an individual unintentionally appears behind either party in the process of video visiting but does not participate in the video visit it does not constitute a group video visit.

16. Modifying, altering, circumventing, attempting to modify, attempting to alter, or attempting to circumvent any audio or video capabilities or security features of a kiosk, tablet, or video visitation system. This includes relaying, streaming, or re-broadcasting through any medium.

(c) The following are secondary violations when they occur during a video visit:

1. Failure to conform with the proper attire standards.

2. The approved visitor fails to position himself or herself in such a manner as to be video and audio monitored.

3. A minor participating in a video visit unaccompanied by an approved parent, legal guardian, or authorized adult.

4. Participation in a video visit with an unauthorized or unscheduled person.

5. Scheduling video visits for another inmate and allowing that inmate to converse with a party not on that inmate's AVR.

6. The approved visitor or the inmate fails to conduct themselves in an orderly and respectable fashion or to remain seated throughout the entire video visit.

7. Use of profanity, or loud or hostile communication by an approved visitor or inmate.

8. The approved visitor or inmate speaks in an unidentifiable code.

9. The display of gang signs or symbols. However, the use of American Sign Language is permissible by both hearing impaired inmates and approved visitors.

10. The inmate or approved visitor appearing to be intoxicated or under the influence of drugs or alcohol.

11. The consumption of alcohol or the prominent display of an alcohol container (i.e., in the foreground of the video frame).

12. Any disturbances or emotionally disruptive behavior.

13. Any attempt to conduct or participating in a media interview.

14. Establishing or conducting a business enterprise, directly or indirectly.

15. The recording of audio or video or the archival of a video visit in any form by anyone except for the Department or the vendor's recording and archiving system.

16. Falsification of any visitor information, including user account information.

17. Other factors related to the security, order, or effective management of the institution.

(d) The Department is not responsible for repairing or maintaining kiosks damaged by inmate abuse or for providing video visitation to inmates or approved visitors if the vendor discontinues service for any reason.

(13) Violation of Standards – Penalties.

(a) Failure of an inmate or approved visitor to adhere to the provisions of any Department rule as it relates to video visitation will result in the suspension of video visitation privileges. The warden or designee will consider the following factors when determining whether to suspend video visitation privileges:

1. Whether continued video visitation privileges would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of the video visiting process;

2. The severity of the conduct or offense(s) under consideration;

3. Whether an inmate's placement or pending placement into a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would result in the appropriate video visitation restriction;

4. Whether the suspension of video visitation privileges would be a significant detriment to the inmate's successful reentry into society by hindering the maintenance of community and family ties.

(b) An inmate or approved visitor who violates any Department rule pertaining to the use of video visitation will have his or her video visitation privileges suspended by the warden or designee for a period not to exceed 180 days from the date of the infraction.

(c) The warden or designee may elevate a secondary violation to a primary violation based on the following factors:

1. The nature and circumstances of the violation(s) committed;
2. The inmate's or approved visitor's previous violation history; and
3. The frequency of violations.

(d) If an inmate or approved visitor commits a primary violation of any Department rule related to video visitation as noted in paragraph (12)(b) of this rule, he or she will be considered by the warden or designee for a one-year suspension of video visitation privileges. If a subsequent primary violation is committed within one year of the reinstatement of privileges, the inmate or approved visitor will be referred by the warden to the regional director for consideration of an indefinite suspension of video visitation privileges. Upon referral, the warden must submit a detailed recommendation to the regional director outlining the reasons for his or her recommendation. The recommendation and the regional director's decision will be recorded in the Department's electronic inmate database and the inmate or approved visitor will be notified accordingly.

(e) A suspension imposed under this subsection is independent of any suspension of privileges imposed under Rule 33-601.308, F.A.C. Suspension of an inmate's video visitation privileges is authorized as part of any disciplinary action when the evidence in a disciplinary report clearly indicates that the cited infraction occurred during the inmate's exercise or utilization of video visitation privileges.

(f) A suspension imposed under this subsection is to be served concurrent with any suspension of regular visitation privileges imposed under Rule 33-601.731, F.A.C.

(g) The reinstatement of indefinitely suspended video visitation privileges will only be considered by the

regional director after two calendar years from the date of imposition of the suspension. Should the suspended individual be denied reinstatement, the individual must not make another request for six months from the last decision denying reinstatement.

(h) Inmates and approved visitors are responsible for their conduct and for any consequences thereof in connection with their use of the video visitation system.

(14) The warden is authorized to temporarily suspend the video visitation privileges of an inmate or approved visitor who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

(15) The Secretary and Deputy Secretary of Institutions have the authority to review and modify the video visitation privileges any inmate or approved visitor when it is determined that the modification will further an inmate's rehabilitation, ensure consistency with the Department's rules, enhance public safety, or ensure the security of a correctional institution.

(16) During an emergency or extended disruption of Department, regional, or institutional operations, the Secretary or Deputy Secretary of Institutions may modify the access to any or all privileges authorized under this rule. Normal access will be restored as soon as a return to safe operations is permitted by the circumstances. A modification may be instituted for any of the following reasons:

(a) An imminent, a current, or the immediate aftermath of a disturbance, uprising, strike, or riot.

(b) Staffing limitations that pose a significant threat to the safety and security of inmates, staff, or the public.

(c) When an institution is locked down based on the scope and severity of the precipitating incident or event.

(d) During a declared emergency.

(e) Prior to, during, or in the immediate aftermath of a natural disaster.

(f) A medically-related incident that poses a significant health threat to inmates or staff.

(g) Any other extraordinary circumstance that poses a potential threat to the safety or security of the institution, the inmate population, staff, or the public.

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