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33-602.205 Inmate Telephone Use.

(1) This rule sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers. All inmate calls, with the exception of those calls placed to attorneys pursuant to paragraph (3)(a), and to foreign consulates pursuant to paragraph (5)(a) shall be subject to monitoring and recording. Due to the high level of security needs on death row, the only telephone privileges available to death row inmates – except those inmates in Phase I or Phase II, as those phases are described in Rule 33-601.830, F.A.C. – are those set forth in paragraph (3)(a), private calls to attorneys; subsection (4), calls to the courts; paragraph (5)(a), private calls to foreign consulates; subsection (6), calls made in the event of family crisis; and subsection (18), other monthly telephone calls. The only telephone privileges available to death row inmates in Phase I and Phase II are those set forth in paragraph (3)(a), calls to attorneys; paragraph (5)(a), private calls to foreign consulates; and subsection (6), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) Inmates shall be allowed to telephone any authorized person and those outlined in paragraph (3)(a), subsection (4), and subsection (5) of this rule. For purposes of this rule, an authorized person is any person the inmate is not prohibited from calling pursuant to statute, court order, or paragraph (14)(a) of this rule. Inmates shall not make three-way telephone calls, conference calls, or calls to numbers which are then transferred or merged to other telephone numbers. Collect calls to personal cell phone numbers will be allowed as follows:

1. The cell phone must be contracted through a wireless telecommunications company licensed by the Federal Communications Commission;

2. The inmate will be responsible for advising family/friends that they must contact the contractor for the inmate telephone system to establish a payment account for calls made to the cell phone number;

(b) The reception center classification staff shall assign the inmate a Personal Identification Number (PIN) upon reception. The PIN assigned during the reception process will be the same PIN the inmate will use throughout their incarceration.

(c) Upon the first call attempt, the inmate is required to complete the telephone system's inmate biometric PIN confirmation process.

(d) 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 the PIN confirmation process or any security features of the telephone system or to use such privileges to engage in any activity that violates Department rules, state law, or federal law. The use or misuse of the telephone system or privileges in such manner will cause the PIN to be disabled by institutional staff, subject the inmate to discipline pursuant to Rule 33-601.314, F.A.C., and have the inmate's telephone privileges restricted or revoked due to misuse of telephone privileges as outlined in subsection (14) of this rule.

(e) Each inmate will only use their specifically assigned PIN, which allows them access to the telephone calling services.

(f) Individual PINs may be disabled by institutional staff due to misuse of telephone privileges as outlined in subsection (14) of this rule.

(g) All calls will require PIN usage unless otherwise provided within this rule.

(h) Except for calls to attorneys as provided in paragraph (3)(a), calls to foreign consulates as provided in paragraph (5)(a), or calls during family crisis as provided in subsection (6), calls shall be limited to 30 minutes. Calls to attorneys as provided in paragraph (3)(a), calls to foreign consulates provided in paragraph (5)(a), and calls in time of family crisis as provided in subsection (6), shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(i) The warden shall determine the frequency with which inmates are allowed to use the monitored telephones based on population to telephone ratios and institutional needs.

(j) All calls from the monitored telephones shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. The prompt will advise the inmate and the party who is called that the call is subject to being monitored and recorded by the Department of Corrections.

2. The prompt shall clearly identify the caller on a prerecorded message which is input at the time of the inmate's first call.

3. The system requires the inmate caller to key in their PIN on the key pad before gaining access to an outside line.

4. The system will detect conference calls or three-way calling activity and terminate the call when such activity is detected.

(k) Each institution where monitoring and recording is conducted shall ensure that signs are posted which state that telephone calls are subject to being monitored or recorded. These signs shall be posted on or beside each telephone subject to monitoring and

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shall remain posted at all times. Stolen or defaced signs shall be replaced promptly upon discovery.

(l) At each institution where telephone calls are monitored or recorded, the warden or designee will be the individual primarily responsible for the monitoring equipment, maintenance of records, and review of conversations.

(m) Wardens are authorized to designate additional staff who will be responsible for monitoring telephone calls and reviewing records and recordings of monitored calls.

(n) Records and recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings of monitored calls shall be retained for a minimum of one year. Access to records and recordings shall be limited to the following persons:

1. Secretary;
2. Deputy Secretary;
3. Assistant Deputy Secretary of Institutions or their designee;
4. Regional directors or designees;
5. Inspector General or designee;
6. The warden of each institution or their designee;
7. Director of Institutional Operations and Intelligence or their designee;
8. Deputy Director of Institutional Operations;
9. Chief of Bureau of Intelligence or their designee(s);
10. Chief of Bureau of Security Operations or their designee(s); and
11. Chief of Bureau of Classification Management or their designee(s).

(o) The department's contract manager or designee and wardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(p) The Department shall have the ability to immediately temporarily deactivate any inmate's telephone account established under paragraph (2)(a), upon approval of the Warden/Duty Warden, for any of the following reasons:

1. 48-hours prior to any transfer;
2. 48-hours prior to any outside medical appointment;
3. 48-hours prior to any outside court appointment.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. The letter shall be on attorney letterhead, signed by the attorney requesting the telephone call, and include the bar association number of the attorney. Alternatively, an attorney shall be permitted to request prior arrangements be made with the warden or warden's designee to have an inmate receive a private telephone call from the attorney on an unmonitored telephone by submitting a signed copy of form DC6-20001 and a copy of the attorney's bar admission card along with the request letter, email with attached required documents, or FAX. Form DC6-20001 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. <http://www.flrules.org/Gateway/reference.asp?No=Ref-14204>. The effective date of this form is 05/22. Unmonitored calls shall be limited to those which are necessary and cannot reasonably be accomplished through other available means of communication. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) If an inmate places a call to their attorney's telephone number outside of the parameters above, it will be collect, subject to monitoring and recording, and limited to 30 minutes, in accordance with subsection (2) of this rule. If the inmate and the attorney want to have non-monitored conversations, the procedures in paragraph (3)(a) must be followed.

(4) Court Calls.

(a) When an inmate is required to appear or participate in a hearing or other court-scheduled proceeding, and a telephonic appearance is being utilized for the inmate to participate:

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1. The inmate or their legal representative will be responsible for making arrangements with the court to appear telephonically; and,

2. The inmate or their legal representative must provide notice of the call to the inmate's classification officer at least five business days prior to the scheduled hearing to facilitate telephone access except in the case of extenuating circumstances (e.g., emergency order issued from the court requiring a telephonic appearance by the inmate the following day).

a. Such notice shall include the date, time, estimated duration, case number, presiding judge (if known), telephone number, and whether the call is to be incoming (i.e., court calling in) or outgoing (i.e., dialed by staff) for the telephonic appearance. Any other requirements necessary for the telephonic appearance shall be included in the notice (e.g., whether a Notary Public is requested to witness and notarize legal material).

b. Inmates shall provide such notice by submitting Form DC6-236, Inmate Request, to his or her classification officer and shall include any directive received from the court or legal representative (e.g., an order or notice of hearing). Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

c. Inmate legal representatives shall provide advance written notice to the inmate's classification officer. Notices shall include or attach any orders or directives issued by the court.

3. To not impair or disrupt the normal operations or security of the facility, and taking into consideration schedules of institutional staff, telephonic appearances should be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding paid state holidays. Telephonic appearances shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(5) Calls to Foreign Consulates.

(a) A foreign national inmate shall be allowed to make private telephone calls to their respective consulate upon presentation to the warden or his designee of evidence that the call is necessary and that the inmate is a native of the country represented by the consulate as verified by Immigration and Custody Enforcement. Such evidence shall be a letter from the consulate (transmission by FAX is acceptable) requesting the return call. A consulate shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate receive a private telephone call from the consulate on an unmonitored telephone.

(b) Except as authorized by warrant or court order, telephone calls to consulates made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(6) An inmate may be authorized by the warden or the warden's designee to make telephone calls in cases of family crisis, including death or serious illness in the immediate family, or serious marital or other family problems. The warden or the warden's designee shall consider each request for such a call and shall authorize such a call only if, after considering the totality of the circumstances, they determine that authorizing the call would be consistent with their duty to maintain the safety, security, and effective management of their institution.

(7) Unless otherwise outlined in this rule, inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status have telephone use privileges set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-602.820, and 33-601.830, F.A.C., respectively.

(8) Inmates may not receive incoming telephone calls because it is disruptive to normal operating and program functions of an institution. Inmates may receive incoming voicemails which are recorded and subject to the same monitoring as telephone calls. These messages will be stored, reviewed, and retained for a minimum of one year to allow called inmates to access the messages.

(9) All long distance calls shall be "collect" calls except those authorized in response to family crisis in subsection (6) or calls to courts when the inmate is required to participate in a hearing as outlined in subsection(4).

(10) For security and control purposes, telephones designated for inmate use will be designed to be rendered inoperable during times when telephone usage would interfere with other institutional activities and during institutional emergencies.

(11) No inmate shall establish or conduct a business through use of the telephone, or any other avenue of communication, during their period of incarceration.

(12) Any request to make a telephone call may be denied if the call would present a threat to institution security or order or to the safety of any person.

(13) The Department is not responsible for maintaining telephone equipment damaged by inmate abuse or for providing telephone service if the telephone company discontinues service as a result of inmate abuse.

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(14) Misuse of telephone privileges.

(a) An inmate shall not contact by telephone any person who has advised the warden's office that he does not wish to receive telephone calls from the inmate. Once the inmate is notified of this restriction, any further attempt to communicate by telephone will be considered a violation of this rule and will subject the inmate to disciplinary action.

(b) Inmates shall be subject to having telephone privileges restricted or revoked for abuse of telephone communication services.

Examples of abuse include:

1. Making harassing or unwelcome calls;
2. Making a threatening, obscene or nuisance telephone call;
3. Making a call which is in any way a violation of state or federal law, telephone company regulations or department or institution rules or regulations;
4. Damaging or destroying telephone equipment;
5. Making three-way or conference calls. This includes calls that are placed and then transferred to another telephone number and calls that are merged. The telephone system automatically detects any such call. For purposes of this rule, a three-way call includes any call where a third telephone line or other device has been added or merged to the conversation without the assistance of a telephone operator. This rule does not prohibit a called party from allowing other persons in the same room to speak with the inmate on the called telephone line.

a. The warden or assistant warden shall have the authority to reinstate a blocked number after the warden or assistant warden has determined that there was no illicit intent and after advising the party that further occurrences will not be tolerated.

b. The warden or assistant warden shall notify the contractor's on-site staff of the reinstatement of any blocked telephone number on an inmate's telephone list.

c. Any subsequent violations of the three-way or conference call or merged call prohibition will result in a permanent block being placed on the telephone number involved.

6. Using another inmate's PIN number or providing a PIN number to another inmate;

7. Using a telephone to conduct a business enterprise;

8. Speaking in an unidentifiable code;

9. Modifying, altering, circumventing, attempting to modify, attempting to alter, or attempting to circumvent the PIN confirmation process or any security features of the telephone system or using or misusing such privileges to engage in any activity that violates Department rules, state law, or federal law; and

10. Sharing calls or placing calls for another inmate and allowing him or her to converse with the called party.

(c) Inmates found to have abused telephone privileges shall be subject to disciplinary action in accordance with Rules 33-601.301-.314, F.A.C. In addition, wardens are authorized to suspend an inmate's telephone privileges, other than calls to attorneys as outlined in paragraph (3)(a), calls to courts as outlined in subsection (4), and calls to foreign consultates as outlined in paragraph (5)(a), during an investigation for abuse of telephone privileges.

(d) Inmates shall also be subject to suspension of telephone privileges, other than calls to attorneys as outlined in paragraph (3)(a), calls to courts as outlined in subsection (4), and calls to foreign consultates as outlined in paragraph (5)(a), as a result of other disciplinary infractions unrelated to telephone procedure violations.

(15) Inmates will not be allowed to possess or use telephone calling cards or prepaid phone cards.

(16) Telephone devices for the deaf.

(a) Each institution shall have at least one telephone device for the deaf.

(b) Usage of telephone devices for the deaf shall be limited to sixty minutes per call.

(c) Inmates who can hear, but wish to call persons who are deaf or hearing impaired must provide or cause to be provided documentation that the person being called is deaf or hearing impaired. This documentation shall be used only for the purpose of verifying the need for use of telephone devices for the deaf or hearing impaired. The following documentation will be considered acceptable and will be placed in the inmate's institutional file and marked confidential:

1. Letter from the person's medical doctor stating the impairment;

2. Letter from the Social Security Administration recognizing the impairment.

(d) All inmates using telephone devices for the deaf will be informed, before the call is made, that the call will be monitored.

(e) The call will be recorded and transcribed within the telephone system so as to be available for access and review by the designated security staff.

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(17) Prison Tips Hotline.

(a) A free speed-dial number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.

(b) The inmate will not have to enter their PIN to access the prison tips hotline.

(c) Calls to the prison tips hotline will be limited to three minutes and will be recorded and retained for one year.

(18) In addition to the other telephone privileges set forth in this rule for death row inmates, and according to the capabilities of the facility, such inmates shall be allowed to coordinate and schedule a minimum of one thirty-minute telephone call per month. The call shall be subject to the same Department telephone monitoring and recording as that to which non-death row inmate calls placed to persons or entities other than attorneys and foreign consulates are subject.

(19) Inmates who violate any Department rule pertaining to the use of telephones shall be prohibited from making any telephone call, except private calls to attorneys as set forth in paragraph (3)(a), calls to courts as outlined in subsection (4), or calls to foreign consulates as outlined in paragraph (5)(a), for the 30-day period immediately following the date of any such violation.

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