

October 7, 2020

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.308

RULE TITLE: Disciplinary Team, Hearing Officer Findings and Actions

RULE NO.: 33-601.314

RULE TITLE: Rules of Prohibited Conduct and Penalties

RULE NO.: 33-601.735

RULE TITLE: Non-Contact Visiting

RULE NO.: 33-601.800

RULE TITLE: Close Management

RULE NO.: 33-601.820

RULE TITLE: Maximum Management

RULE NO.: 33-601.830

RULE TITLE: Death Row

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

three-hour non-contact visit under certain circumstances, to allow CMIII inmates to have one four-hour non-contact visit under certain circumstances, to clarify the review process prior to placing inmates in close management (CM), to amend the non-contact visitation privileges of inmates in CMII, to amend the contact visitation privileges of inmates in CMIII, to clarify the telephone privileges of inmates in CM, to establish classification officer visitation requirements for inmates in close management, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while in CM, to update Forms DC6-265 and DC6-233C for clarity and consistency, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while in maximum management, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while on death row.

**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, 945.091 FS.

**LAW IMPLEMENTED:** 20.315, 944.09, 944.115, 944.14, 944.23, 944.279, 944.28, 944.8031, 945.04, 945.091, 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:

33-601.308 Disciplinary Team, Hearing Officer Findings and Action.

(1) The disciplinary team or hearing officer's findings shall enumerate the specific facts derived from the disciplinary report, the disciplinary investigative report, or the witness statements, and what specific evidence was used in the disciplinary team's or hearing officer's conclusion.

(2) The disciplinary team or hearing officer shall make one of the following findings:

(a) Dismiss the charge. If the charge is dismissed, the disciplinary report shall not be posted or placed in the inmate file. The dismissal of a disciplinary report may occur due to procedural errors, technical errors, or duplication of charges. A dismissal is without prejudice and may be rewritten and reprocessed.

(b) Find the inmate not guilty. If the inmate is found not guilty, the disciplinary report shall not be posted or placed in the inmate file. The inmate shall be found not guilty when the facts do not support the charge.

(c) No change.

(3) No change.

(4) If the inmate is found guilty, the disciplinary team shall impose any one or a combination of the sanctions set forth below, and the hearing officer shall impose any one or a combination of the sanctions set forth in paragraphs (a) through (j) below: ~~below actions. The hearing officer's authority is limited to paragraphs (a) through (j) below:~~

(a) No change.

(b) Impose ~~The disciplinary team or hearing officer may impose~~ a penalty and then suspend all or any portion of the penalty and place the inmate on a specific term of probation. The maximum probationary period shall not exceed the maximum term of disciplinary confinement possible for the violation ~~a given charge~~. Probation can only be

violated by a guilty finding for a new infraction, including infractions based on non-compliance with the conditions of probation set forth in the original disciplinary report, committed during the term of the probation. Successful completion of the period of probation shall not result in the disciplinary report being expunged;

(c) Suspend any or all routine mail, in person mailing or visitation, kiosk, tablet, eCommunication, or video visitation privileges, for a period not to exceed 180 days. This alternative is available only when the infraction cited is a violation of offense 9-14, 9-15, 9-41, 9-42, 9-43, or 9-44 listed in Rule 33-601.314, F.A.C., Section 9, 9-14 or 9-15 or when the evidence in a disciplinary report related to ~~for~~ another offense infraction clearly indicates that the cited infraction occurred during the inmate's exercise or utilization of routine mail, in person visitation, kiosk, tablet, eCommunication, or video visitation mailing or visiting privileges.

(d) through (e) No change.

(f) Assign the inmate to a disciplinary squad for a period not to exceed the time permitted for confinement for the violation ~~on that charge~~;

(g) Assign the inmate to a restricted labor squad for a period not to exceed the time permitted for confinement for the violation ~~on that charge~~;

(h) through (i) No change.

(j) Require inmates to pay for damaged, destroyed, or misappropriated property or goods, whether state or personal;

1. If two or more inmates are each found to be responsible for the loss or destruction of an item, they each shall be liable for an equal portion of the full amount of the loss. For example, if the total loss is \$75 and three inmates are found to be responsible for the loss, each inmate will be required to pay \$25. The total amount collected shall not exceed the amount of the loss.

2. Payment due for damaged, destroyed, or misappropriated property shall be at the replacement value of the property and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, the disciplinary team chairman or hearing officer shall prepare a memo, forward a copy to the service center, and place a copy in the inmate's record inmate file at the ~~local~~ institution detailing the cost involved. The total cost shall be reflected in the disciplinary report.

3. If an inmate does not have sufficient funds to cover the repair or replacement costs, a notation shall be made on the inmate's trust bank account for possible future payment. Should the inmate ever receive money in his or her

trust account at a facility during the current commitment or during service of continuing consecutive commitments, excepting the release gratuity, the Department department will be paid prior to issuing funds to the inmate.

4. Reimbursement of medical expenses ~~Costs for medical services~~ resulting from injury may not be imposed.

(k) No change.

(l) Place the inmate in disciplinary confinement for a period of time not to exceed the maximum penalty ~~prescribed for the violation as found~~ in Rule 33-601.314, F.A.C. If an inmate has been placed in administrative confinement pending a disciplinary hearing and the team subsequently recommends a term of disciplinary confinement, the disciplinary team shall credit ~~consider~~ the time served in administrative confinement against the disciplinary confinement penalty imposed. Administrative confinement credit shall only be applied once to consecutive disciplinary confinement terms. Administrative confinement credit shall be applied to all concurrent disciplinary confinement terms. in determining the total number of days of recommended disciplinary confinement. Disciplinary confinement shall be utilized only as a last resort and shall end as soon as the purposes of the confinement have been achieved. ~~resort;~~

(m) Recommend loss of accrued gain time up to the maximum penalty prescribed in Rule 33-601.314, F.A.C. A specific number of days recommended for forfeiture shall be indicated. Whenever loss of gain time is recommended, a determination must be made that the inmate has accrued sufficient gain time in order for the forfeiture to be processed unless the recommendation is for a loss of unearned gain time. Even though ~~by definition~~ inmates serving a life term, certain mandatory sentences, or death sentences cannot earn or lose gain time, the team is authorized to recommend loss of gain time for these inmates for two reasons: first, this is an indication of the seriousness of the disciplinary action, and second, it may be applicable if the life or death sentence is eventually converted to a term of years. Pursuant to Section 944.28(2)(b), F.S., forfeiture of unearned gain time shall be considered when the inmate has been involved in misconduct and the inmate has not accrued enough gain time to achieve the desired corrective results.

(n) No change.

(o) Require inmates assigned to work release centers in order to participate in the work release program to pay the costs associated with ~~cost of~~ substance abuse testing whenever a result is ~~analysis test(s) administered when the result(s) are~~ positive.

(5) When multiple disciplinary penalties are imposed, excluding loss of gain time, the written findings of the

~~disciplinary team or hearing officer shall state whether the penalties are to run consecutively or concurrently. Any disciplinary action, except loss of gain time, that is being imposed with any other disciplinary action should be clearly stated in the basis of findings as to the concurrent or consecutive requirements. If the disciplinary team or hearing officer does not specifically state that penalties are to run consecutively, the penalties shall run concurrently. concurrent or consecutive requirements, the disciplinary action shall be considered consecutive.~~

(6) No change.

(7) Pursuant to Rule 33-404.108, F.A.C., when an inmate in an inpatient mental health unit is found guilty of a disciplinary report, the disciplinary team shall refer its findings to the Multidisciplinary Services Team (MDST). The MDST shall review the disciplinary team’s findings and, as necessary, revise the inmate’s Individualized Services Plan to address the behavior and consider modification of privileges in accordance with the Behavioral Management Progress System.

Rulemaking Authority 944.09, 945.091 FS. Law Implemented 20.315, 944.09, 945.04, 945.091 FS. History—New 3-12-84, Formerly 33-22.08, Amended 11-13-84, 12-30-86, 6-25-89, 7-17-90, 10-1-95, 11-25-98, 8-5-99, Formerly 33-22.008, Amended 5-21-00, 2-11-01, \_\_\_\_\_.

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

Section 1 through 11 below show the maximum penalties allowed for the listed offenses. Section 12 shows the penalties that will be imposed for the listed offenses based on the time since an inmate’s last disciplinary infraction absent a statement in the written findings of the disciplinary team or hearing officer justifying an upward deviation. As used in this rule, “DC” means the maximum number of days of disciplinary confinement that may be imposed, and “GT” means the maximum number of days of gain time that may be taken. The imposition of DC and GT penalties are independent of one another and do not have to be imposed together; i.e., an inmate may be placed in DC without losing GT, and vice versa.

~~The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.~~

Maximum Disciplinary Actions

#### SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT

No change.

SECTION 2 – RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES

No change.

SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR  
ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC  
PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

3-1	Possession of or manufacture of weapons, ammunition, or explosives	60 DC + All GT
3-2	Possession of escape paraphernalia	60 DC + All GT
3-3	Possession of narcotics, unauthorized drugs and drug paraphernalia	60 DC + 180 GT
3-4	Trafficking in drugs or unauthorized beverages	60 DC + All GT
3-5	Manufacture of drugs or unauthorized beverages	60 DC + 180 GT
3-6	Possession of unauthorized beverages	<del>10</del> <u>30</u> DC + <u>15</u> 90 GT
3-7	Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.	60 DC + 180 GT
3-8	Possession of negotiables – unauthorized amounts of cash where cash is permitted, cash where cash is not permitted, other inmate’s canteen coupons, other inmate’s cashless canteen or identification cards or gift certificates, checks, credit cards or any other negotiable item which is not authorized	<del>15 DC</del> + 30 GT
3-9	Possession of unauthorized or altered identification – driver’s license, Social security card, cashless canteen identification card, etc.	<del>15 DC</del> + 30 GT
3-10	Possession of unauthorized clothing or linen – State or personal	<del>15 DC</del> + 30 GT
3-11	Possession of stolen property – State or personal	<del>15 DC</del> + 30 GT
3-12	Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband	<del>15 DC</del> + 30 GT
3-13	Introduction of any contraband	60 DC + All GT
3-14	Unauthorized possession or use of a cellular telephone or any other type of wireless communication device, or any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance	

	of possessing or using a communication device prohibited under Section 944.47(1)(a)6., F.S.	60 DC + All GT
3-15	Possession of gang related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang related documents	30 DC + 30 GT
3-16	Non-death row and/or non-community release program inmates – possession, introduction, or trafficking of tobacco or tobacco-related products such as lighters or cigarette papers.	<u>10</u> <del>30</del> DC + <u>15</u> <del>60</del> GT
3-17	Death row inmates – Possession of tobacco, other than authorized smokeless tobacco, or possession of tobacco-related products intended for use with smoking tobacco such as lighters or cigarette papers; introduction of tobacco or tobacco-related products to non-death row housing or trafficking in such products.	<u>10</u> <del>30</del> DC + <u>15</u> <del>60</del> GT
 SECTION 4 – UNAUTHORIZED AREA		
4-1	Escape or escape attempt	60 DC + All GT
4-2	Unauthorized absence from assigned area, including housing, job or any other assigned or designated area	<u>10</u> <del>30</del> DC + <u>15</u> <del>60</del> GT
4-3	Being in unauthorized area, including housing, job, or any other assigned or designated area	<del>15</del> DC + 30 GT
 SECTION 5 – COUNT PROCEDURE VIOLATIONS		
5-1	Missing count	30 DC + 90 GT
5-2	Failure to comply with count procedures	<u>30</u> <del>15</del> DC + 30 GT
 SECTION 6 – DISOBEYING ORDERS		
6-1	Disobeying verbal or written order – any order given to an inmate or inmates by a staff member or other authorized person	30 DC + 60 GT
6-2	Disobeying institutional regulations	<del>15</del> DC + 30 GT



SECTION 7 – DESTRUCTION, MISUSE, OR WASTE OF PROPERTY

7-1	Destruction of State property or property belonging to another	60 DC + All GT
7-2	Altering or defacing State property or property belonging to another	<del>15 DC</del> + 30 GT
7-3	Destruction of State property or property belonging to another due to gross negligence	<del>15 DC</del> + 30 GT
7-4	Misuse of State property or property belonging to another – use for purpose other than the intended purpose	<del>15 DC</del> + 30 GT
7-5	Willful wasting State property or property belonging to another – any waste of edible or usable property	<del>15 DC</del> + 30 GT
7-6	Arson or attempted arson	60 DC + All GT

SECTION 8 – HYGIENE

8-1	Failure to maintain personal hygiene or appearance	<del>10 DC</del> + 15 GT
8-2	Failure to maintain acceptable hygiene or appearance of housing area	<del>15 DC</del> + 15 GT

SECTION 9 – MISCELLANEOUS INFRACTIONS

9-1	Obscene or profane act, gesture, or statement – oral, written, or signified	<u>15</u> <del>30</del> DC + <u>30</u> <del>90</del> GT
9-2	Bribery or attempted bribery	<u>10</u> <del>30</del> DC + <u>15</u> <del>90</del> GT
9-3	Breaking and entering or attempted breaking	<u>10</u> <del>30</del> DC + <u>15</u> <del>90</del> GT
9-4	Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct	<u>10</u> <del>30</del> DC + <u>15</u> <del>90</del> GT
9-5	Theft of property under \$50.00 in value	<u>10</u> <del>30</del> DC + <u>15</u> <del>60</del> GT
9-6	Bartering with others	<del>15 DC</del> + 30 GT
9-7	Sex acts or unauthorized physical contact involving inmates	<u>10</u> <del>30</del> DC + <u>30</u> <del>90</del> GT

9-9	Tattooing, being tattooed, branding or body art to include body piercing	<del>10</del> <del>30</del> DC + <u>30</u> 60 GT
9-10	Lying to staff member or others in official capacity, or falsifying records	<u>30</u> <del>60</del> DC + <u>60</u> All GT
9-11	Feigning illness or malingering as determined by a physician or medical authority	<del>10</del> <del>DC</del> + 15 GT
9-12	Gambling or possession of gambling paraphernalia	<del>10</del> <del>DC</del> + 15 GT
9-13	Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate's physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task	<del>10</del> <del>DC</del> + 15 GT
9-14	Mail regulation violations	<u>10</u> <del>30</del> DC + 30 GT
9-15	Visiting regulation violations	<u>10</u> <del>30</del> DC + 30 GT
9-16	Refusing to work or participate in mandatory programs	<u>10</u> <del>60</del> DC + 90 GT
9-17	Disorderly conduct	30 DC + 60 GT
9-18	Unauthorized physical contact involving non-inmates	60 DC + 90 GT
9-19	Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer	<u>30</u> <del>60</del> DC + <u>60</u> All GT
9-20	Extortion or attempted extortion	60 DC + 60 GT
9-21	Fraud or attempted fraud	30 DC + 90 GT
9-22	Robbery or attempted robbery	60 DC + All GT
9-23	Theft of property exceeding \$50 in value	60 DC + All GT
9-24	Loaning or borrowing money or other valuables	<del>15</del> <del>DC</del> + 30 GT
9-25	Telephone regulation violations	<u>15</u> <del>30</del> DC + 30 GT
9-26	Refusing to submit to substance abuse testing	60 DC + 180 GT

- 9-27 Use of unauthorized drugs – as evidenced by positive results from urinalysis test, or observable behavior 60 DC + 180 GT
- 9-28 Canteen Shortage under ~~\$100.00~~ ~~\$50.00~~ 10 ~~30~~ DC + 60  
GT
- 9-29 Canteen Shortage over \$100.00 ~~\$50.00~~ 30 ~~60~~ DC + 90  
~~All~~ GT
- 9-31 Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior 30 DC + 90 GT
- 9-32 In accordance with Section 944.279(1), F.S., is found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or ~~appeal~~ ~~or appeal~~ in any court, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court ~~court~~. 15 ~~60~~ DC + 30  
~~All~~ GT
- 9-33 Tampering with, defeating or depriving staff of any security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as handcuffs, waist chains, leg irons and handcuff covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the institution ~~institution~~. 60 DC + All GT
- 9-34 Tampering with or defeating any fire or other safety device. Safety devices include: fire, smoke, and carbon dioxide detection devices; alarm systems; fire suppression systems and devices such as fire sprinklers, fire extinguishers, and dry chemical systems; safety and emergency lighting; exit lights; evacuation route and warning placards; self-contained breathing apparatuses; personal protective equipment; first aid kits; eye wash stations; and any other device utilized to ensure the safety of the institution, staff, and inmates ~~and inmates~~. 60 DC + All GT
- 9-35 Establishes or attempts to establish a personal or business relationship with any staff member or volunteer ~~volunteer~~. 30 ~~60~~ DC + 90  
~~180~~ GT
- 9-36 Gang related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation ~~participation~~. 30 DC + 60 GT
- 9-37 Unauthorized use of or tampering with a computer, computer peripheral device, or any other office equipment. Other office equipment includes copying machines, facsimile machines, postage meters, or any

	other device utilized in an office or office-like <del>environment</del> <del>environment</del> .	60 DC + All GT
9-38	In accordance with Section 817.535(4), F.S., is found by the court to have filed or directed a filer to file, with the intent to defraud or harass another, any instrument containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner's interest in the property described in the <del>instrument</del> <del>instrument</del> .	<del>30</del> <del>60</del> DC + <u>90</u> <del>45</del> GT
9-39	Committing, attempting to commit, conspiring to commit, or soliciting another person to commit an unauthorized or illegal financial <del>transaction</del> <del>transaction</del> .	<del>30</del> <del>60</del> DC + <u>60</u> <del>90</del> GT
9-40	Possession of any items or materials that can be used to facilitate an unauthorized or illegal financial transaction, including account numbers, passwords, PINs, or other similar items or materials that an inmate is not authorized to <del>possess</del> <del>possess</del> .	60 DC + 90 GT
9-41	<u>Kiosk regulation violation</u>	<u>10 DC + 30 GT</u>
9-42	<u>Tablet regulation violation</u>	<u>10 DC + 30 GT</u>
9-43	<u>Video visitation regulation violation, including call forwarding, video chatting, three-way video, livestreaming, recording, or other electronic tampering</u>	<u>10 DC + 30 GT</u>
9-44	<u>eCommunication regulation violation</u>	<u>10 DC + 30 GT</u>

SECTION 10 – COMMUNITY RELEASE PROGRAM VIOLATIONS – WORK  
RELEASE, STUDY RELEASE, FURLOUGH AND VOLUNTEER SERVICE

10-1	Failure to directly and promptly proceed to and return from designated area by approved method	<u>15</u> <del>60</del> DC + <u>30</u> <del>180</del> GT
10-2	Failure to remain within designated area of release plan	<u>10</u> <del>30</del> DC + <u>15</u> <del>60</del> GT
10-3	Failure to return if plan terminated prior to scheduled time	<u>10</u> <del>30</del> DC + <u>15</u> <del>30</del> GT
10-4	Making unauthorized contact – personal, telephone, or otherwise – with any individual in behalf of another inmate	<del>10</del> DC + <u>15</u> GT

10-5	Deviating from or changing approved plan without permission	<del>10 DC</del> + 15 GT
10-6	Making purchase or contract without approval	<del>10 DC</del> + 15 GT
10-7	Failure to deposit entire earnings – less authorized deductions – each pay period	<del>10 DC</del> + 15 GT
10-8	Failure to repay advancement of monies as stipulated in the inmate’s financial plan	<del>10 DC</del> + 15 GT
10-9	Tampering with, damaging, losing, or destroying any electronic monitoring equipment.	<u>15</u> <del>60</del> DC + <u>30</u> <del>15</del> GT

**SECTION 11 – SUPERVISED COMMUNITY RELEASE PROGRAM VIOLATIONS**

11-1	Violation of the terms and conditions of the Supervised Community Release Agreement assignment to a designated facility	<u>10</u> <del>30</del> DC + <u>15</u> <del>60</del> GT + removal from the Supervised Community Release Program and assignment to a designated facility
11-2	Absconding from the Supervised Community Release Program	<u>10</u> <del>60</del> DC + <u>15</u> <del>15</del> GT

**SECTION 12 – PENALTY SCALE**

(1) The penalties set forth in subsection (2) below will be imposed for the offenses listed below based on the time since an inmate’s last disciplinary infraction absent a statement in the written findings of the disciplinary team or hearing officer justifying an upward deviation. At no time will the maximum penalties set forth in Sections 1 through 11 above be exceeded. The written findings must be based on the nature of the infraction and its impact on the secure and orderly operation of the institution or facility where the infraction occurred. The time since the last disciplinary infraction is calculated from the date the last infraction was committed during an inmate’s current commitment. The imposition of DC and GT penalties are independent of one another and do not have to be imposed

together; i.e., an inmate may be placed in DC without losing GT, and vice versa.

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

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

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

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

1-4 Disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like

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

2-4 Fighting

3-8 Possession of negotiables – unauthorized amounts of cash where cash is permitted, cash where cash is not permitted, other inmate’s canteen coupons, other inmate’s cashless canteen or identification cards or gift certificates, checks, credit cards or any other negotiable item which is not authorized

3-9 Possession of unauthorized or altered identification – driver’s license, Social security card, cashless canteen identification card, etc.

3-10 Possession of unauthorized clothing or linen – State or personal

3-11 Possession of stolen property – State or personal

3-12 Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband

3-13 Introduction of any contraband

3-16 Non-death row and/or non-community release program inmates – possession, introduction, or trafficking of tobacco or tobacco-related products such as lighters or cigarette papers

4-1 Escape or escape attempt

4-2 Unauthorized absence from assigned area, including housing, job or any other assigned or designated area

- 4-3 Being in unauthorized area, including housing, job, or any other assigned or designated area
- 5-1 Missing count
- 5-2 Failure to comply with count procedures
- 7-2 Altering or defacing State property or property belonging to another
- 7-3 Destruction of State property or property belonging to another due to gross negligence
- 7-4 Misuse of State property or property belonging to another – use for purpose other than the intended purpose
- 7-5 Willful wasting State property or property belonging to another – any waste of edible or usable property
- 8-1 Failure to maintain personal hygiene or appearance
- 8-2 Failure to maintain acceptable hygiene or appearance of housing area
- 9-1 Obscene or profane act, gesture, or statement – oral, written, or signified
- 9-2 Bribery or attempted bribery
- 9-3 Breaking and entering or attempted breaking
- 9-4 Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct
- 9-5 Theft of property under \$50.00 in value
- 9-6 Bartering with others
- 9-7 Sex acts or unauthorized physical contact involving inmates
- 9-9 Tattooing, being tattooed, branding or body art to include body piercing
- 9-10 Lying to staff member or others in official capacity, or falsifying records
- 9-11 Feigning illness or malingering as determined by a physician or medical authority
- 9-12 Gambling or possession of gambling paraphernalia
- 9-13 Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate’s physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task
- 9-14 Mail regulation violations
- 9-15 Visiting regulation violations
- 9-16 Refusing to work or participate in mandatory programs
- 9-17 Disorderly conduct
- 9-18 Unauthorized physical contact involving non-inmates

- 9-19 Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer
- 9-21 Fraud or attempted fraud
- 9-24 Loaning or borrowing money or other valuables
- 9-25 Telephone regulation violations
- 9-28 Canteen Shortage under \$100.00
- 9-31 Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior
- 9-32 In accordance with Section 944.279(1), F.S., is found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court
- 9-41 Kiosk regulation violation
- 9-42 Tablet regulation violation
- 9-43 Video visitation regulation violation, including call forwarding, video chatting, three-way video, livestreaming, recording, or other electronic tampering
- 9-44 eCommunication regulation violation
- 10-1 Failure to directly and promptly proceed to and return from designated area by approved method
- 10-2 Failure to remain within designated area of release plan
- 10-3 Failure to return if plan terminated prior to scheduled time
- 10-4 Making unauthorized contact – personal, telephone, or otherwise – with any individual in behalf of another inmate
- 10-5 Deviating from or changing approved plan without permission
- 10-6 Making purchase or contract without approval
- 10-7 Failure to deposit entire earnings – less authorized deductions – each pay period
- 10-8 Failure to repay advancement of monies as stipulated in the inmate’s financial plan
- 10-9 Tampering with, damaging, losing, or destroying any electronic monitoring equipment
- 11-1 Violation of the terms and conditions of the Supervised Community Release Agreement assignment to a designated facility

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.115, 944.14, 944.279, 944.28 FS.



History—New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09, 12-12-10, 10-1-11, 6-18-13, 11-14-13, 11-4-14, \_\_\_\_\_

33-601.735 Non-Contact Visiting.

(1) For purposes of this rule, non-contact visiting is a form of “in person” visitation and does not include video visitation as defined in Rule 33-602.901, F.A.C.

(2)(1) When the Institutional Classification Team (ICT) ~~ICT~~ determines that non-contact visiting is necessary in order to maintain the security and good order of the institution, the ICT shall make a recommendation to the warden who shall approve or disapprove the recommendation.

(3)(2) The ICT shall consider the following factors in determining whether to place an inmate in non-contact status:

(a) through (b) No change.

(c) The inmate’s disciplinary history within the last five years involving drugs, contraband, violence, or visiting policy violations ~~occurring during visiting,~~

(d) Evidence or ~~criminal~~ intelligence reports that an inmate has possessed, sold, or transferred drugs, drugs or alcohol, or money,

(e) through (f) No change.

(4)(3) The ICT shall review non-contact visiting status a minimum of every six ~~6~~ months to evaluate whether changes are necessary based upon the following:

(a) through (c) No change.

(d) The inmate’s disciplinary history during pattern within the last year involving related to drugs, contraband ~~involvement,~~ violence, or visiting policy rule violations.

(5)(4) The warden shall ensure that there is sufficient space for non-contact visiting based on space available and allowable visitors.

(a) Except as provided below, non-contact ~~Non-contact~~ visits shall be scheduled for one two-hour visit per week unless an emergency exists or security concerns dictate otherwise. The warden shall determine the level of supervision and restraint required for all non-contact visits.

1. A CM II inmate is eligible to receive one three-hour non-contact personal visit by appointment only after each 14-day period during which the inmate has no major rule violations as defined in Rule 33-601.800, F.A.C., unless an emergency exists or security concerns dictate otherwise.

2. A CM III inmate is eligible to receive one four-hour contact visit by appointment only after each 14-day period during which the inmate has no major rule violations as defined in Rule 33-601.800, F.A.C., while in CM III status unless an emergency exists or security concerns dictate otherwise.

(b) Non-contact visit attendees ~~visits~~ shall be limited to a maximum of four adult visitors and as many minor visitors ~~children~~ as can be accommodated at one a time.

(c) More than four visitors can be allowed to visit an inmate on a given day, but visiting shall ~~will~~ be on a rotating basis during the visiting ~~two-hour~~ period.

(d) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended \_\_\_\_\_.

33-601.800 Close Management.

(1) Definitions.

~~(a) Housing supervisor—a correctional officer sergeant, or above, who is in charge of the close management unit for a particular shift.~~

~~(b) Medical Staff—a health care professional whose primary responsibility is the provision of physical health care to inmates.~~

~~(c) Mental Health Staff—a health care professional whose primary responsibility is the provision of mental health care to inmates.~~

~~(a)(d)~~ Close Management (CM) – the separation ~~confinement~~ of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, when ~~where~~ the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others.

~~(b)(e)~~ Close Management Levels – the three individual levels (CMI, CMII, and CMIII) associated with CM ~~close management~~, with CMI being the most restrictive single cell housing level and CMIII being the least restrictive housing of the three CM levels.

(c) Critical Event – involvement of a CM inmate in one or more of the following events or behaviors: assignment to suicide observation status, homicide, attempted homicide, escape, attempted escape, physical assault, or attempted physical assault.

(d) Housing Supervisor – a correctional officer sergeant, or above, who is in charge of a CM unit for a particular shift.

~~(e)~~(f) Individualized Service Plan (ISP) – a dynamic, written description of problems, goals, and services that ~~which~~ is developed and implemented by the multi-disciplinary services team ~~(MDST)~~ and the inmate. An ISP shall be developed and implemented for each CM inmate who suffers from mental impairment, or is at significant risk for developing such impairment, as determined by mental health staff.

~~(g) Multi disciplinary Services Team – a team of mental health, program, classification, and security staff which assesses behavioral risk for each CM inmate and develops and implements an individualized service plan for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.~~

~~(h) Critical Event – inmate involvement, after the CM team decision, in one or more of the following events or behaviors: assignment to suicide observation status; homicide; attempted homicide; escape; attempted escape; physical assault; attempted physical assault.~~

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

~~(j) Visit – where used herein, refers to the official tour and inspection of a close management unit by a staff member.~~

(f) Institution – refers to all state correctional institutions as defined in s. 944.02, F.S., and all private correctional facilities as defined in s. 944.710, F.S.

~~(g)~~(k) Institutional Classification Team (ICT) – 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, ~~decisions at a facility~~ and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the 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 of Corrections representative is final. The only exception to the above listed membership of the ICT is the makeup of the ICT at the designated CM facilities when considering the placement, continuance, modification, or removal of inmates from CM close management units. For these purposes, multiple ICTs consisting of the following members can be utilized:

1. Warden, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload; or

2. Assistant Warden of ~~for~~ Operations, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or, in his or her absence from the institution, the acting classification supervisor; or

3. Assistant Warden of ~~for~~ Programs, a chief of security or, in his or her absence from the institution, the acting chief of security, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload.

(h)(4) Institutional Classification Team Docket – the official record of an ICT hearing.

(i) 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.

(j)(m) Major Rule Violation – 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, attempting to incite, or participating in any riot, strike, mutinous act, or disturbance; fighting; possession or trafficking 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.

(k) Medical Staff – a health care professional whose primary responsibility is the provision of physical health care to inmates.

(l) Mental Health Staff – a health care professional whose primary responsibility is the provision of mental

health care to inmates.

(m) Multi-disciplinary Services Team (MDST) – staff representing multiple professions and disciplines responsible for ensuring inmate access to necessary assessment, treatment, continuity of care, and services in accordance with an inmate’s identified mental health needs, and which collaboratively develops, implements, reviews, and revises an inmate’s individualized service plan as necessary.

(n) Offender Based Information System (OBIS) – the ~~Department’s~~ ~~department’s~~ ~~computer~~ offender database system ~~that~~ ~~which~~ is utilized to organize and store security, classification, program, and other offender information.

(o) Restricted Labor Squad – an armed supervision work squad consisting of individually shackled ~~CMII~~ ~~else~~ ~~management~~ ~~II~~ or ~~CMIII~~ ~~III~~ inmates who work outside the secure perimeter on institution grounds.

(p) Review – the evaluation of pertinent information or documentation concerning an inmate’s CM status to determine if changes or modifications are required or recommended.

(q) Security Threat Group (STG) – a formal or informal ongoing inmate/offender group, gang, organization, or association consisting of three or more members who have:

1. A common name or common identifying signs, colors, or symbols;

2. Members or associates who individually or collectively engage in or have engaged in a pattern of gang activity, criminal activity, or Department rule violations; or

3. Potential to act in concert to pose a threat or potential threat to the public, staff, visitors, other inmates or offenders, or the secure and orderly operations of an institution, probation office, other Department property, or Department activity or function.

~~(r)(p)~~ Senior Correctional Officer – a correctional officer lieutenant or above.

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

(t) Visit – an official tour and inspection of a CM unit by a staff member.

~~(r) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:~~

~~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, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.~~

~~(s) Security Threat Group (STG)—refers to formal or informal ongoing inmate/offender groups, gangs, organizations, or associations consisting of three or more members who have:~~

- ~~1. A common name or common identifying signs, colors, or symbols;~~
- ~~2. Members or associates who individually or collectively engage in or have engaged in a pattern of gang activity, criminal activity, or Department rule violations; or~~
- ~~3. Potential to act in concert to pose a threat or potential threat to the public, staff, visitors, other inmates or offenders, or the secure and orderly operations of an institution, probation office, other Department property, or Department activity or function.~~

(2) Levels of Close Management.

(a) Close Management I (CMI).

1. ~~CMI Close Management I~~ is the most restrictive single cell housing level of all the ~~CM close management~~ status designations.

2. An inmate assigned to CMI ~~is will be~~ ineligible for a work assignment. ~~An inmate may be placed in CMI without having previously been in CMII or CMIII III. Any of the following factors constitutes a basis for placement of an inmate in CMI status:~~

3. An inmate may be placed in CMI without having previously been in CMII or CMIII.

4. Any of the following factors constitutes a basis for placement of an inmate in CMI status:

a. No change.

b. An act causing injury or an act ~~that which~~ could have resulted in injury to another;

c. Any physical assault or battery on staff ~~that which~~ caused injury;

d. through f. No change.

g. Participation in or causing further institutional disruption during a riot or disorder during the inmate's current term of incarceration;

h. An escape or escape attempt involving use of a weapon, outside assistance, use of equipment or tools to penetrate a secure perimeter, or violence committed during or while on escape;

i. through j. No change.

k. Possession of weapons, ammunition, explosives, flammables, or initiation of or participation in trafficking of these items ~~or trafficking in drugs~~;

l. Trafficking in drugs;

~~m.1.~~ Participation in a sexual assault or battery;

~~n.m.~~ An inmate who is currently CMII or CMIII and shows an inability to adjust as evidenced by one or more subsequent major rule violation(s);

~~o.n.~~ Documented leadership in a STG security threat group that is certified by the threat assessment review committee in central office.

(b) Close Management II (CMII).

1. CMII is restrictive cell housing that housing, which may or may not be restricted to single cell housing.

2. An inmate may be placed in into CMII without having previously been placed in CMIII. Any of the following factors constitutes a basis for placement of an inmate in CMII status:

a. An act or acts in the community, during other periods of confinement, or any circumstances associated with the current period of incarceration such that safety and security concerns regarding the institution, the staff, or the public safety, security, and public safety concerns suggest further review of the inmate is necessary prior to placement in general open population;

b. A pattern of predatory actions that which makes an inmate a threat to others;

c. An act causing injury or an act that which could have resulted in injury to another;

d. An escape or an escape attempt from within the secure perimeter of an institution a facility without violence, the use of weapons, the taking of hostages, the use of equipment or tools, or outside assistance;

e. Participation in a riot or disorder riots or disorders during any period of incarceration;

f. No change.

g. Initiation or participation Initiated or participated in a contraband trafficking operation involving negotiables, escape paraphernalia (other other than items listed in sub-subparagraph (2)(a)4.h.), (2)(a)2.h.], or other items that present a threat to the safe and secure operation of the institution ~~or facility~~;

h. Presenting Presents a risk to another inmate's safety and well-being well-being in population, as identified by one or more acts that demonstrate an act or acts which demonstrates an inability to live in general population without endangering others;

i. ~~An inmate who is~~ currently CMIII and shows an inability to adjust as evidenced by one or more subsequent major rule violation(s).

(c) Close Management III (CMIII).

1. CMIII is the least restrictive cell housing unit in CM. ~~close management.~~

2. CMIII will only be used as a step-down placement for inmates in CMI or CMII. It will not be used as an entry point into CM.

~~2. Any of the following factors constitutes a basis for placement of an inmate in CMIII Status:~~

~~a. An escape or an escape attempt, or a documented history of escape from a non-secure facility or environment without violence, weapons, outside assistance, or the arrest for any other felony while on escape;~~

~~b. Assisting or aiding in an escape or an escape attempt;~~

~~c. A history of disciplinary action or institutional adjustment reflecting an inability to live in the general inmate population without disrupting the operation of the institution;~~

~~d. Participation in a predatory or aggressive act through the use of force or intimidation;~~

~~e. Participation in a riot or disorder by refusing to follow orders or staff;~~

~~f. Possession of unauthorized drugs, testing positive for drugs on a urinalysis test, possession of negotiables, escape paraphernalia [except items listed in sub-subparagraph (2)(a)2.j.], or other items that present a threat to the safe and secure operation of the institution or facility; and,~~

~~g. Validated membership in a security threat group that has been certified by the threat assessment review committee in central office.~~

(3) Procedures for Placement in Close Management.

(a) CM ~~Close management~~ is the separation ~~confinement~~ of an inmate ~~apart~~ from the general population, for reasons of security; or the order and effective management of the institution, when ~~where~~ the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others. The Secretary ~~secretary~~ shall designate which institutions are authorized to house CM inmates ~~close management inmates~~, based on the needs of the Department. ~~department.~~

(b) When an inmate in general population has committed acts that threaten the safety of others, threaten the security of the institution, or demonstrate an inability to live in the general population without abusing the rights and privileges of others, the inmate shall be placed in administrative confinement pending CM ~~close management~~ review



by the ICT. When an inmate in any other confinement status has committed acts that threaten the safety of others, threaten the security of the institution, or ~~demonstrate~~ demonstrated an inability to live in a segregated population without abusing the rights and privileges of others, the inmate shall be housed in his or her current status pending ~~CM close management~~ review. Inmates being considered for ~~CM close management~~ who have completed disciplinary confinement and the final decision regarding ~~CM close management~~ placement has not been determined will be housed in administrative confinement until the review and decision is made by the SCO.

(c) The classification officer shall complete section I of the Report of Close Management, Form DC6-233C. Form DC6-233C is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is ~~XX/XX 4-8-04~~. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of ~~Form DC6-233C the Report of Close Management, Form DC6-233C~~, to prepare for the ~~CM close management~~ review. The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review. The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is ~~XX/XX 2-1-04~~. The inmate may present information verbally or in writing for consideration by the ICT. ~~The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.~~

(d) Prior to docketing an inmate's case for ~~CM close management~~ review by the ICT, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, Form DC6-128. Form DC6-128 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03418>. The effective date of the form is 12/13.

(e) Mental health staff will complete ~~Form DC6-128 the close management referral assessment~~ within five working days of receipt and return it to the classification supervisor.

(f) Upon receiving the completed Form DC6-128, ~~the close management referral assessment~~, the classification supervisor will submit the case for placement on the ICT docket, ~~ICT Docket~~.

(g) ICT Hearing. The ICT shall evaluate the recommendations for CM close management placement and the mental health assessment, interview the inmate, and consider all relevant ~~the~~ information provided to the ICT by the inmate. The ICT shall ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by completing a ~~Close Management Waiver~~, Form DC6-265. The ICT team shall document on Form DC6-233C that the inmate was allowed at least 48 hours to prepare for the review. The ICT shall inquire whether ~~or not~~ the inmate needs ~~is in need of~~ staff assistance. A staff member ~~assistant~~ shall be assigned to assist an inmate when the ICT team determines that the inmate is illiterate or does not understand English, has a disability that would hinder the inmate's ability to represent himself ~~him~~ or herself, or when the complexity of the issues ~~issue~~ makes it unlikely that the inmate will be able to properly represent himself ~~him~~ or herself. Assistance ~~This assistance~~ can also be provided at the inmate's request. In the event a staff member is assigned to assist an inmate, ~~such event~~, it is the responsibility of the staff member to explain the CM close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member shall not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the ICT team shall document the postponement on Form DC6-233C. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process, or the inmate waives his or her right to be present at the CM close management hearing. If the inmate waives his or her right to be present at the CM close management hearing Form DC6-265, ~~the Close Management Waiver, Form DC6-265~~, shall be completed. In such cases, the review will be completed without the inmate present. The absence, removal, or presence of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and provide a copy of its ~~the team's~~ decision to the inmate after the conclusion of the hearing. The ICT classification member will ensure that the ~~team~~ results are entered in OBIS.

(h) The SCO will review the recommendations of the ICT, ~~the Close Management Referral Assessment~~, Form DC6-128, and other pertinent information before making the final decision regarding CM close management

placement. This review will be on site and the SCO may interview the inmate, except in situations requiring more immediate action. In ~~such case, these cases,~~ the SCO will review the documentation in OBIS. The SCO will approve, disapprove, or modify the ICT's recommendation, or obtain further information from the ~~ICT team~~ before reaching a final decision. If the ~~ICT's team's~~ recommendation is disapproved or modified by the SCO, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO ~~approves has approved~~ the ICT's recommendation. After the review is complete, the SCO will document its decision in OBIS. A copy of Form DC6-233C will be kept in the inmate record file.

(4) Transfers ~~from~~ ~~From~~ a Non-Close Management ~~Non-CM~~ Institution.

(a) through (b) No change.

(c) If placement in CM is approved, the SCO will document its decision in OBIS and notify Population Management for ~~future~~ transfer of the inmate to an appropriate CM institution, facility.

(d) If the CM recommendation is disapproved, the SCO will determine if a transfer for other management reasons should be approved. The SCO will document its decision in OBIS. If a transfer is approved, the SCO will notify Population Management for ~~future~~ transfer of the inmate to an appropriate non-CM institution, facility.

(5) Transfers While Inmate ~~Is~~ ~~is~~ in Close Management ~~CM~~ Status.

(a) If an inmate in CM ~~close management~~ is reassigned to another level of CM ~~that close management which~~ requires transfer to another institution, the time spent awaiting transfer will be taken into consideration when setting the schedule of reviews by the ICT at the receiving institution.

(b) To transfer an inmate in CM ~~close management status~~ to another CM institution, close management facility, the following will occur:

1. The ICT from the sending institution will recommend the appropriate level of CM ~~close management~~ based upon the criteria and facts for placement prior to the transfer.

2. Transfers will be limited to those inmates in CM as follows: ~~close management:~~

a. When an inmate is ~~Who are~~ being recommended for a CM ~~close management~~ level that the sending institution is not capable of providing, based on institutional mission or CM ~~close management~~ stratification issues, or

b. Situations that involve special reviews. Inmates with protection or threat reviews involving inmates housed at the same CM institution facility will be handled within the CM unit and, unless exceptional circumstances exist, will

not be transferred from one CM institution to another based solely on these reviews, or

c. Situations that require an inmate to be moved to a higher-level institution. ~~higher level facility.~~

(c) The recommendation by the ICT to transfer a CM close management inmate will be reviewed ~~decided~~ by the SCO. If approved, the SCO will submit notification to Population Management for transfer of the inmate. The receiving institution shall then place the inmate directly into the approved CM level ~~close management status~~ without completing an additional evaluation.

(d) through (e) No change.

(6) Close Management Institutions and Facilities.

(a) The number of inmates housed in a CM close management cell will not exceed the number of bunks in the cell.

(b) The only exception to paragraph (6)(a) is during an emergency situation as declared by the warden or duty warden. The emergency will be made known to the regional director and to the emergency action center in the central office. If the exception exists in excess of 24 hours, the warden or duty warden must get specific authorization from the regional director to continue to house inmates beyond the 24-hour ~~24 hour~~ period in such conditions.

(c) Prior to placing inmates in the same cell, the inmate will be reviewed ~~interviewed~~ by the housing supervisor ~~and a review will be initiated~~ to determine if any of the inmates in the CM close management unit are a threat to the inmate being placed, or if the inmate being placed is a threat to other inmates in the unit.

(d) If the inmate cannot be placed for the reasons stated in paragraph (6)(c), ~~these reasons~~, the housing supervisor will place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case will be immediately forwarded to the ICT for review. The ICT will review the case, interview the inmate, and forward recommendations to the SCO. The SCO will review the case and may interview the inmate before making ~~and make~~ a final decision on the inmate's placement.

(e) ~~Water Supply to CM Units.~~ All CM close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate that ~~which~~ causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to ~~then~~ flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff

or other inmates, or mixing it with another substance for an unauthorized purpose (~~inmate mixes water with soap or shampoo and applies to the floor or himself or herself to hinder cell extraction~~). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Special Housing, Form DC6-229. Form DC6-229 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <https://www.flrules.org/Gateway/reference.asp?No=Ref-00220>. The effective date of the form is 4-6-11.

(f) Prior to placement of an inmate in a CM ~~close management~~ cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell Inspection. After such time, the inmate housed in that cell will be responsible for the condition of the cell. Form DC6-221 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01968>. The effective date of the form is 12-16-01.

(g) CM ~~The close management~~ cells will be physically separate from other confinement cells whenever possible given the physical design of the institution, facility and the number of inmates housed in a close management cell shall not exceed the number of bunks in the cell. Whenever ~~this such location~~ is not possible, physical barriers shall be placed to preclude the cross association of inmates ~~those in~~ CM ~~close management~~ with inmates ~~those~~ in other statuses. CM ~~close management~~ cells shall be built to permit verbal communication and unobstructed observation by the staff.

(h) Inmates shall be weighed upon entering CM, close management, at least once a week while in CM, close management, and upon leaving CM, close management. The weight of the inmate shall be documented on Form DC6-229, ~~Daily Record of Special Housing~~.

(7) Individualized Service Plan (ISP).

(a) The MDST multi-disciplinary services team will develop an ISP on Form DC4-643A ~~ISP, Form DC4-643A~~, when deemed necessary by mental health staff. Form DC4-643A is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07328>. The effective date of the form is 8/16.

(b) through (e) No change.

(f) The MDST shall review, and if indicated, revise the ISP as needed, but not less frequently than the following:

1. through 2. No change.

3. 120 days after the 30-day initial (30-day) review.

4. Every 180 days after the 120-day 120-day review, until mental health staff determines that ongoing mental health care is no longer necessary, at which time the ISP will be closed.

(g) No change.

(8) Behavioral Risk Assessment (BRA).

(a) The MDST shall determine the behavioral risk of each CM ~~team decision~~ inmate by completing a BRA on the Behavioral Risk Assessment (BRA); Form DC4-729 or other validated risk assessment instrument. Form DC4-729 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01965>. The effective date of the form is 4-8-04.

(b) Behavioral risk shall be determined as follows:

1. through 2. No change.

3. Within 120 days following the 14-day assessment, ~~of the initial (14 day) assessment;~~ and every 180 days thereafter.

(c) The BRA shall be completed at the above intervals regardless of ~~an inmate's~~ S-grade or housing assignment, including, for example, when the CM inmate is housed outside the CM unit in order to access necessary medical or mental health care.

(d) Security shall consider results from the BRA behavioral risk assessment and other information relevant to staff and inmate safety and institutional security in determining the level of restraints required during out-of-cell activities such as individual or group counseling.

(e) The ICT shall consider results from the BRA behavioral risk assessment and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM status.

(f) The SCO shall consider results from all BRAs behavioral risk assessments and all results from mental health

evaluations that have been completed since the inmate's last formal assessment and evaluation, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after CM placement.

(9) No change.

(10) Conditions and Privileges in Close Management ~~CM~~ Units.

(a) Clothing – Inmates in CM ~~close management~~ shall be provided the same clothing and clothing exchange as inmates in general ~~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 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 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, ~~Daily Record of Special Housing~~. Under no circumstances shall an inmate be left without a means to cover himself ~~him~~ or herself.

(b) Bedding and Linen ~~linen~~ – Bedding and linen for inmates in CM ~~close management~~ shall be issued and exchanged the same as they are for inmates in general ~~is provided to the general inmate~~ population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the exception ~~action~~ initially. Such exceptions shall be documented on Form DC6-229, and the chief of security shall make the final decision regarding the exception ~~in regard to action~~ no later than the next working day following the action.

(c) Personal Property – Inmates in CM shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes, ~~envelopes~~ and health and comfort items unless they pose a threat or potential threat to the public, staff, visitors, other inmates, or the secure and orderly operations of an institution. ~~there is an indication of a security problem.~~ Inmates in CM ~~close management inmates at all levels~~ shall be allowed to possess a Walkman-type ~~“walkman” type~~ radio with approved headphones in accordance with Rule 33-602.201, F.A.C. as is allowed for general population inmates. Inmates in CMIII may possess a tablet in accordance with Rule 33-602.900, F.A.C. Exceptions or restrictions regarding ~~removal of~~ any item will be documented on ~~the~~ Form DC6-

229. An Inmate Impounded ~~Personal~~ Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating any what personal items that are were removed. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. The original Form DC6-220 shall will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding, bedding or personal property are removed in order to prevent the inmate from inflicting injury to himself, herself, him 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, staff shall reassess re- assess the need for continued restriction every 72 hours thereafter. Based on these reassessments, the warden The warden, based on this assessment, will make the final determination regarding on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred during any 72-hour reassessment period. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Comfort Items – Inmates in CM may possess ~~close management shall be permitted~~ personal hygiene items and other medically necessary needed or prescribed items such as eye glasses or hearing aids, unless they pose a threat or potential threat to the public, staff, visitors, other inmates, or the secure and orderly operations of an institution, except when security requirements dictate otherwise. Inmates in CM ~~close management~~ shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event ~~certain~~ items that inmates in CM ~~close management~~ are not normally prohibited from possessing are restricted, 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, which must be reviewed by the chief of security. When any personal property is removed, Form DC6-220 an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided at as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) Personal Hygiene – Inmates in CM ~~close management~~ shall meet the same personal hygiene standards in regard to personal hygiene as required of inmates in the general inmate population.

1. At a minimum, minimum each inmate in CM ~~close management~~ shall shower three times per week and on days that the 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 CM close management is prohibited.

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

(f) Diet and Meals – All inmates in CM close management shall receive the same normal institutional meals that as are available to inmates in general the general inmate population except that if any item on the regular menu would might create a security problem in CM, the close management area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in CM close management 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 will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the Daily Record of Special Housing, Form DC6-229.

(g) Canteen Items.

1. After Inmates in CMI and II, following 30 days in CM with close management status and having no major rule violations during this period, inmates in CMI and CMII will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and CMII H will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens count counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII with no major rule violations, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

3. through 4. No change.

(h) Religious Accommodations – Inmates in CM close management status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, CM close management inmates shall be allowed to possess religious publications as defined in Rule 33-503.001, F.A.C., and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden. Religious publications shall not count toward the limit on personal book possession set forth in paragraph (10)(l) of this rule, but are subject to ~~but do fall under~~ the storage space provisions of Rule 33-602.201, F.A.C.

(i) Legal Access – An inmate in CM close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate’s cell, and access to visits with certified inmate law clerks. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours pursuant to Rule 33-601.711, F.A.C. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen for this purpose pursuant to paragraph (10)(g) of this rule, ~~within the stated time frames.~~ Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of authorized auxiliary aids ~~(writer/reader)~~. An inmate who is provided an authorized auxiliary aid shall also be allowed access to a certified inmate law clerk for the purpose of preparing legal documents, legal mail, or ~~and~~ filing grievances.

(j) Correspondence – Unless otherwise stated in this rule, inmates ~~Inmates in CM close management~~ shall have the same opportunities for correspondence that are available to inmates in general ~~the general inmate~~ population.

(k) Writing Utensils ~~utensils~~ – Inmates in CM close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from CM, close management status. If a security pen is not available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an 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, or grievance. ~~grievances.~~ Inmates shall be allowed to purchase security pens pursuant to paragraph (10)(g) of this rule, ~~within the specified time frames.~~ An inmate who has been provided an authorized auxiliary aid ~~a “writer/reader”~~ will be allowed access to such for the purpose of reading and

preparing correspondence.

(l) Reading ~~Materials~~ ~~materials~~ – Reading materials are allowed in ~~CM close management units~~ unless they pose a threat ~~there is an indication of a threat~~ to the safety, security, or sanitation of the institution. An inmate may possess up to ~~shall be limited to possession of~~ three personal soft cover books. If it is determined that the books pose ~~there is a~~ safety, security, or sanitation risk, the items will be removed. Such removal ~~of reading materials~~ will be documented on Form DC6-229, ~~Daily Record of Special Housing~~. If items are removed in order to prevent the inmate from inflicting injury to himself ~~him~~ or herself or others, ~~others~~ or to prevent the destruction of property or equipment, staff shall reassess ~~re-assess~~ the need for continued restriction every 72 hours thereafter. Based on these reassessments, the warden ~~The warden, based on this assessment,~~ will make the final determination regarding ~~on~~ the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred during any 72-hour reassessment period. An inmate who receives services from the Bureau of Braille and Talking Book Library ~~library~~ will be allowed to possess ~~have~~ his or her tape player, devotional or scriptural material tapes, and other books on tape that ~~which~~ are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the ~~CM close management~~ officer shall provide the inmate with an in-cell exercise guide and document such on ~~the Daily Record of Special Housing~~, Form DC6-229. In addition, ~~However~~, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. All outdoor ~~Such~~ exercise periods shall be documented on Form DC6-229. 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 this rule, or if the inmate has a pending ~~a~~ disciplinary hearing for a major rule violation as defined in this rule. 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. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on ~~the Daily Record of Special Housing~~, Form DC6-229. A disabled inmate who is unable to

participate in the normal exercise program will have an exercise program developed for him or her that will satisfy ~~accomplish~~ the need for exercise and take into account the particular inmate's limitations. ~~CM close management~~ inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) At a minimum, wellness services for ~~CM close management~~ inmates at all levels shall be provided through cell-front tutoring, wellness puzzles, and the wellness education course.

(11) Programs and Privileges in Close Management Units.

(a) While in ~~CM a close management unit~~, an inmate's movement within the institution and contacts with other individuals will be restricted. An inmate's privileges ~~Privileges~~ will also be limited depending on the specific ~~CM close management level to which the inmate is assigned. Privileges will also be limited depending on the specific close management level.~~ If an inmate transfers to a less restrictive level due to satisfactory adjustment, the adjustment period required for any privilege shall be waived. Upon placement in CM, inmates shall receive a copy of the Close Management Housing Unit Instructions, Form NII-046. Form NII-046 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01973>. The effective date of the form is 3-10-05.

(b) CMI. Privileges for an inmate assigned to CMI are as follows:

1. Inmates in CMI may participate in in-cell educational opportunities and other programs as directed by the inmate's ISP or Individualized Education Programs Form, unless precluded by safety or security concerns.

~~Participation in available approved programs, including in-cell educational opportunities, that the inmate can perform within the cell unless precluded by safety or security concerns;~~

2. Inmates in CMI may check ~~Check~~ out three soft cover ~~soft back~~ books from the library at least once per week and possess no more than three soft cover ~~back~~ library books at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out three books in braille or on tape per week and possess no more than three books at any given time, even though the actual number of tapes may be more than three per book. Books in braille or on tape checked out ~~out~~ from the library shall not count toward the limit on personal book possession set forth in paragraph (10)(l) of this rule.;

3. Inmates in CMI may conduct ~~Conduct~~ routine inmate bank transactions. ~~transactions;~~

4. Inmates in CMI may subscribe to, purchase, or receive no more than one periodical that ~~which~~ is printed and distributed more frequently than weekly and four other periodicals that ~~which~~ are printed and distributed weekly or

less frequently than weekly. ~~An weekly; an~~ inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a periodical. ~~periodical;~~

5. Inmates in CMI may make ~~Make~~ one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 30 days after 30 days in CM with ~~close management status and having~~ no major rule violations during this period, ~~period~~ as well as emergency telephone calls and telephone calls to an attorney pursuant to ~~as explained in~~ Rule 33-602.205, F.A.C.

6. Unless restricted pursuant to Rule 33-601.731, F.A.C., ~~CMI~~ inmates in CMI shall be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in CM with ~~close management status and having~~ no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMI, inmates are ~~the inmate is~~ eligible to be considered for visits 30 days following release from disciplinary confinement or the disciplinary hearing ~~hearing~~, if a penalty other than disciplinary confinement was imposed.

c. Inmates in CMI are ~~The inmate is~~ eligible to receive one two-hour non-contact personal visit by appointment after each subsequent 30-day ~~30 day~~ period with no major rule violations ~~while in the status~~ unless security or safety concerns would preclude a visit.

d. All visits for ~~CMI~~ inmates in CMI will be non-contact personal visits.

7. Inmates in CMI are not permitted to access kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

8. Inmates in CMI do not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(c) CMII. In addition to the programs provided for inmates in CMI ~~inmates~~ and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized for inmates in CMII:

1. Unless restricted pursuant to Rule 33-601.731, F.A.C., ~~CMII~~ inmates in CMII will be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in CM with ~~close management status and having~~ no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMII, inmates are ~~the inmate is~~ eligible to be considered for visits ~~a visit~~ 30 days following release from disciplinary confinement ~~status~~ or the disciplinary

hearing if a penalty other than disciplinary confinement was imposed.

c. An inmate in CMII is eligible to receive one three-hour non-contact personal visit ~~The inmate is eligible to receive one three-hour non-contact personal visit~~ personal visits by appointment only after each 14-day subsequent 14-day period during which the inmate has with no major rule violations while in the status unless an emergency exists or security and safety concerns dictate otherwise. ~~would preclude a visit.~~

d. All visits for inmates in CMII will be non-contact personal visits.

2. Inmates in CMII may ~~CMII inmates shall be allowed to~~ make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 14 days after 30 days in CM with ~~close management status and having~~ no major rule violations during this period, as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. Inmates in CMII with ~~CMII inmates, following 30 days in close management status and having~~ no major rule violations ~~during this period,~~ shall be allowed access to the day room area for social purposes, including purposes to include ~~include~~ watching television programs, for up to two days per week, not to exceed four ~~4~~ hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff, as well as staff available for response should a problem develop. Inmates in CMII ~~inmates~~ will be restrained during dayroom activities unless it is the ~~above described dayroom access unless~~ determined by the senior correctional officer that an ~~the~~ inmate can safely participate without restraints.

4. Participation of inmates in CMII in educational and program opportunities shall be in-cell or out-of-cell ~~out of cell~~ as determined by security and programs staff.

5. Inmates in CMII are not permitted to access kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

6. Inmates in CMII do not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(d) CMIII. In addition to the programs provided above for inmates in CMII, CMII inmates, and those privileges outlined in subparagraphs (11)(b)1. 4. of this rule, the following privileges are authorized for inmates in CMIII:

1. CMIII inmates will be entitled to:

~~1.a.~~ Unless restricted pursuant to Rule 33-601.731, F.A.C., ~~CMIII inmates in CMIII~~ shall be eligible to receive one two-hour contact personal visit by appointment, ~~appointment after completing 30 days in close management status and having no major rule violations during this period.~~

~~a.b.~~ Inmates in CMIII ~~CMIII inmates~~ shall be subject to placement on non-contact visiting status pursuant to as ~~outlined in~~ Rule 33-601.735, F.A.C.

~~b.e.~~ If found guilty of a major rule violation while assigned to CMIII, ~~inmates in CMIII are the inmate is~~ eligible to be considered for visits 14 days following release from disciplinary confinement status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

~~c.d.~~ An inmate in CMIII is ~~The inmate is~~ eligible to receive one four-hour ~~two-hour~~ contact ~~personal~~ visit by appointment only after each 14-day ~~subsequent 14 day~~ period during which the inmate has ~~with~~ no major rule violations ~~during this period~~ unless an emergency exists or security concerns dictate otherwise. ~~or safety concern would preclude a visit.~~ The warden will determine the level of supervision and restraint required.

2. Inmates in CMIII with no major rule violations ~~CMIII inmates, following 30 days in close management status and having no major rule violations during this period~~ shall be allowed access to the day room area for social purposes, including ~~purposes to include~~ watching television programs, for up to five days per week, not to exceed four ~~4~~ hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff, as well as staff available for response should a problem develop. Inmates in CMIII ~~inmates~~ shall not be restrained during ~~for~~ dayroom activities unless security or safety concerns require otherwise.

3. Inmates in CMIII with no major rule violations ~~CMIII inmates~~ shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every seven days, ~~days after 30 days in close management status and having no major rule violations during this period~~ as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

4. Inmates in CMIII ~~inmates~~ shall be provided with at least the same opportunities for educational and program participation as provided to inmates in CMII ~~inmates~~.

5. Inmates in CMIII are permitted to access kiosks, kiosk services, and tablet services as provided for in Rule

33-602.900, F.A.C.

6. Inmates in CMIII do not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(12) Suspension of Privileges. The ICT shall suspend or limit an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on ~~the Daily Record of Special Housing~~, Form DC6-229. Privileges suspended by the ICT in excess of 30 days ~~will~~ require the review and approval of the SCO.

(13) Work Assignments.

(a) The decision to make work assignments and the type of assignments made will be determined by the ICT. Inmates shall be provided the opportunity for work assignment consideration as determined by the ICT except when precluded by a doctor's orders for medical reasons.

(b) Inmates in CMI inmates are restricted from all outside cell work activities. Inmates in CMII inmates are only eligible for work assignments on restricted labor squads or in CMI, CMII, H, or death row housing units. Inmates in CMIII are eligible for work assignments at any CM housing unit doing work similar to those inmates in general population, and outside CM housing units only on restricted labor squads within the fenced perimeter area. ~~CMIII inmates are eligible for work assignments either inside or outside the close management unit, including restricted labor squads, work assignments within other close management units, and work assignments usually designated for open population inmates.~~

(c) Outside work assignments shall be performed during daylight ~~day-light~~ hours.

(14) Restraint and Escort Requirements.

(a) No change.

(b) CMII. The same restraints and escort requirements as provided for inmates in CMI inmates above apply to inmates in CMII inmates with the exception that the senior correctional officer shall be authorized to approve unrestrained participation in group and individual counseling, dayroom access, and inside work assignments.

(c) CMIII. Unless precluded by specific safety and security concerns, inmates in CMIII inmates shall be escorted without restraints within the unit, unit and to exercise areas attached to the unit, and for unit as well as to all program and privilege activity participation ~~without restraints~~. The warden shall base any determination to require restraints on the security and safety needs of his or her individual institution and CM unit.

(d) Due to the unique mission of CM close management units, it is understood that more than one inmate may



be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a distance from each other that will ~~which would~~ preclude any unauthorized physical contact. Extreme care shall be exercised when escorting restrained inmates in areas where unrestrained inmates are present. When possible, unrestrained inmates will be returned to their cells, removed from the wing, or, at a minimum, closely supervised by additional staff until the escort of restrained inmates is completed.

(15) Contact by Staff.

(a) The following staff members are ~~shall be~~ required to officially inspect and tour the CM close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01969>. The effective date of the form is 2-12-01. The staff member shall also document his or her visit on Form DC6-229 ~~noting the Daily Record of Special Housing, Form DC6-229, if there is~~ any discussion of significance, any action or behavior of the inmate, or any other important ~~evidential~~ information 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.

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

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

~~4.(d)~~ Daily by medical staff.

~~5.(e)~~ Weekly by the chief of security (when on duty at the institution facility) except in case of riot or other institutional emergency.

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

~~7.(g)~~ Weekly by mental health staff.

~~8.(h)~~ Weekly by the warden and assistant wardens.

~~(b)(i) 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 Form DC6-229. 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.

(16) Review of Close Management Status.

(a) An ICT member shall review each inmate inmates in CM close management at least once every week for the first 60 days and once every 30 days thereafter. ~~The For the purpose purposes of this review the~~ ICT member shall be the warden, assistant warden ~~of for~~ operations, ~~assistant warden of or~~ programs, a chief of security, or classification supervisor. The ~~purposes purpose~~ of this review shall be ~~to reduce toward reducing~~ the inmate's status to the lowest management level possible or return returning the inmate to general population as soon as the facts of the case indicate that this can be done safely, and, if applicable, review the inmate's disciplinary confinement status as outlined in subsection 33-602.222(8), F.A.C. ~~If, upon completion of the ICT member's weekly or 30-day review,~~ an ICT review for modification of an inmate's CM status, the close management team decision, release to general population, or release from disciplinary confinement ~~status is indicated~~ upon completion of the ICT member's weekly or 30-day review, the ICT member shall notify the classification supervisor. The classification supervisor shall ensure that the case is placed on the ICT docket for ~~ICT~~ review. During the review, the ICT shall consider the results of the BRAs behavioral risk assessments and mental health evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.

(b) All services provided by any mental health or program staff member shall be recorded on ~~the Daily Record of Special Housing,~~ Form DC6-229, which shall be kept in the CM unit.

(c) When an inmate has not been released to general population and is in any CM close management status for six months, the classification officer shall interview the inmate and shall prepare a formal assessment and evaluation on Form DC6-233C, the Report of Close Management. Such reports shall include a brief paragraph detailing the basis for the inmate's CM status, the inmate's behavior and activities CM team decision, ~~what has transpired~~ during the six-month period, and whether the inmate should be released, maintained at the current level, or modified to another level of CM, management. The case shall be forwarded to the classification supervisor who shall docket the case for ICT review.

(d) The ICT shall review the Form DC6-233C report of close management prepared by the classification officer, consider the results of BRAs, behavioral risk assessments and mental health evaluations, and any evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status. If applicable, the ICT shall review the

inmate's disciplinary confinement status in accordance with Rule 33-602.222, subsection 33-602.222(8), F.A.C. The inmate shall be present for the review ~~an interview~~ unless he or she demonstrates disruptive behavior, either before or during the review, hearing, that impedes the process, or the inmate waives his or her right to be present at the review by completing Form DC6-265. ~~close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate.~~ The presence, absence, or removal ~~absence, removal or presence~~ of the inmate will be documented on Form DC6-233C. The ICT's CM and, if applicable, disciplinary ~~applicable. Disciplinary~~ confinement status recommendations shall be documented in OBIS and on the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issue ~~issues~~ exists for the inmate to remain in CM, close management the ICT shall forward its ~~their~~ recommendation for release to the SCO for review. For an inmate to remain in CM, close management the ICT must ~~shall~~ justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or modifying the inmate to another level of CM, management.

(e) The SCO 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 CM ~~close management~~ status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's CM status ~~close management~~ and, if applicable, disciplinary confinement status, consider the results of BRAs, behavioral risk assessments and mental health evaluations, and any ~~evaluations and~~ other information relevant to institutional adjustment, staff and inmate safety, and institutional security. The SCO shall interview the inmate unless exceptional circumstances exist or the inmate is approved for release to general population. If it is determined that no justifiable safety and security issues exist for the inmate to remain in CM, close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in CM, close management, the SCO must ~~shall~~ determine based on all available relevant information ~~the reports and documentation~~ that there are safety and security issues or other circumstances that justify ~~for~~ maintaining the inmate at the current level or at a modified level of CM, management. If applicable and in accordance with Rule 33-602.222, subsection 33-602.222(8), F.A.C., the SCO shall determine whether the inmate is to continue in or be removed from disciplinary confinement status. The SCO's decisions shall be documented in OBIS and on the Report of Close Management, Form DC6-233C. The SCO shall advise the inmate of its decision.

(f) Reviews required by this subsection ~~section~~ shall be completed regardless of the inmate's housing assignment, including when a CM inmate is housed outside the CM unit in order to access medical or mental health

care.

(g) Before an inmate is released from CM, written authorization must be obtained by the SCO from the regional director if any of the following apply:

1. The inmate has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or ~~battery, on a staff member that constitutes a felony~~ ~~battery~~ that occurred during the inmate's current period of incarceration, ~~that constitutes a felony on a staff member;~~

2. The inmate has an active detainer as a result of any assault or battery, or any attempted assault or battery, on a staff member that constitutes a felony that occurred during the inmate's current period of incarceration, ~~that constitutes a felony on a staff member;~~ or

3. The inmate is confined in Florida under the Interstate Corrections Compact and has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, on a staff member that constitutes a felony in the state from which he or she was transferred that occurred during the inmate's current period of incarceration, ~~that constitutes a felony on a staff member in the state from which he transferred.~~

(17) Close Management Records.

(a) A Report of Close Management, Form DC6-233C, shall be kept for each inmate placed in CM, close ~~management.~~

(b) A Daily Record of Special Housing, Form DC6-229, shall be maintained for each inmate as long as the inmate ~~he~~ is in CM, close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts, and shaves. If items that inmates in CM close ~~management~~ are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer 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 authorized 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 action no later than the next working day following the action. Staff shall reassess ~~re-assess~~ the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The CM close management ~~unit~~ officer 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 area for 30 days. After each ~~30-day~~ 30-day review of the inmate by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(c) No change.

(d) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each ~~CM close management~~ CM close unit. Each staff person shall sign the record when entering and leaving the ~~CM close management~~ CM close unit. Prior to leaving the ~~CM close management~~ CM close unit, each staff member shall indicate any specific problems. No other unit activities will be recorded on Form DC6-228. Upon completion, Form DC6-228 shall be maintained in the housing area and forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(e) A Housing Unit Log, Form DC6-209, shall be maintained in each ~~CM close management~~ CM close unit. Form DC6-209 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03419>. The effective date of the form is 12/13. 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.

(18) Staffing Issues.

(a) Officers assigned to a ~~CM close management~~ CM close unit shall be reviewed every 18 months by the chief of security to determine whether a rotation is necessary. The chief of security shall review personnel records, including ~~to include~~ performance appraisals, incident reports, uses of force, and any other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and ~~shall~~ make a recommendation to the warden as to the necessity of a rotation. 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. Any officer assigned to a ~~CM close management~~ CM close post shall be authorized a minimum period of five days of 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 any officer involved in eight or more use of force incidents in an ~~18-month~~ 18-month period. The regional director shall review the circumstances for

possible reassignment.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, 4-6-11, 7-31-11, 1-4-12, 12-9-12, 12-24-13, 3-6-14, 8-17-16, \_\_\_\_\_.

33-601.820 Maximum Management.

(1) Definitions.

(a) ~~For the purpose of this rule, the~~ Institutional Classification Team (ICT) – refers to the ICT is the team consisting of the warden, 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 inmate status decisions and for making other classification recommendations to the State Classification Office (~~SCO~~), regional director, and warden ~~Regional Director, and Warden~~. 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.

(b) No change.

(2) Maximum Management Placement Criteria. An inmate shall have, at a minimum, met the criteria for placement in close management ~~Close Management~~ I or death row and participated in a recent incident or series of recent incidents in which the inmate has:

(a) through (d) No change.

(3) Initial Placement in Maximum Management Housing.

(a) An inmate may only be referred for initial placement in maximum management housing at FSP ~~Florida State Prison~~. If an inmate located at any other facility commits an offense that appears to meet the criteria for maximum management placement outlined in subsection (2) of this rule, the institutional classification officer, senior classification officer, classification supervisor, or ICT at the facility shall enter into the Offender Based Information System (OBIS) a Pending Close Management Evaluation transfer request to FSP if the inmate is not already in close management. If the inmate is already in close management or death row, the institutional classification officer, senior classification officer, classification supervisor, or ICT of the facility shall enter into OBIS a request for the type of transfer to FSP that reflects the inmate's current CM level or death row status. The warden or regional

~~director~~ ~~Warden or Regional Director~~ is required to send an e-mail to Central Office requesting transfer approval and the immediate scheduling of a direct transport to FSP indicating the inmate's current status and including the request for maximum management placement. A description of the inmate's behavior that warrants review for maximum management placement must be included.

(b) Whenever an inmate housed at FSP or an inmate transferred to FSP pursuant to paragraph (3)(a) above has met at least one of the conditions listed in paragraph (2)(a) above, the shift supervisor ~~Shift Supervisor~~ shall place the inmate in maximum management housing. Immediately after placement, the shift supervisor ~~Shift Supervisor~~ at FSP shall enter in OBIS a referral for maximum management detailing the information and circumstances requiring maximum management placement.

(c) Within 24 hours after an inmate is placed in maximum management housing, the warden or duty warden ~~Warden or Duty Warden~~ shall review the shift supervisor's ~~Shift Supervisor's~~ referral for maximum management and document a decision, based on the criteria set forth in subsection (2) above, as to whether the inmate's conduct was severe enough to warrant placement in maximum management housing pending completion of the hearing process in subsection (4) below. If the warden or duty ~~Warden or Duty~~ warden determines that it is unnecessary to keep the inmate in maximum management housing pending completion of the hearing process, the inmate shall be placed in administrative confinement and the procedure for placement in close management outlined in Rule 33-601.800, F.A.C., shall be followed if the inmate is not already in close management. If the inmate was already in close management or death row status, the inmate shall be returned to that status. If the behavior for which the inmate was referred for maximum management ~~behavior~~ warrants consideration of an upward modification of the inmate's ~~his~~ close management level, that action shall take place after the inmate's ~~his~~ return to close management in accordance with Rule 33-601.800, F.A.C. If the warden or duty warden ~~Warden or Duty Warden~~ determines that maximum management placement is appropriate, the inmate shall ~~will~~ immediately be given a written notice including the reason for the placement referral and informing the inmate that a hearing to review the placement shall ~~will~~ be held no sooner than 24 hours from the delivery of the notice. The inmate may waive the 24-hour ~~24 hour~~ waiting period or his or her appearance at the hearing by signing ~~the 24 Hour/Refusal to Appear Waiver~~, Form DC6-104, 24 Hour/Refusal to Appear Waiver. Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2006.

(d) The ~~classification supervisor~~ Classification Supervisor shall docket the inmate's hearing before the ICT for consideration of placement in maximum management status.

(4) Initial Placement Hearing and Decision Process.

(a) No change.

(b) The inmate shall be present for the hearing unless:

1. The inmate waives his or her right to appear by signing the ~~24 Hour/Refusal to Appear Waiver~~, Form DC6-104, 24 Hour/Refusal to Appear Waiver; or

2. No change.

~~(c)3-~~ If the inmate does ~~did~~ not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered in OBIS.

~~(d)(e)~~ If the ICT chairperson determines that the need for staff assistance is needed for the inmate based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

~~(e)(d)~~ The ICT chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

~~(f)(e)~~ The ICT chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, the reasons for postponement shall be entered in OBIS.

~~(g)(f)~~ The ICT shall recommend approval or disapproval of the recommendation for placement in maximum management. The ICT's recommendation and the basis for the recommendations shall be entered in OBIS.

~~(h)(g)~~ The ICT's recommendation shall be forwarded to the warden ~~Warden~~ for review. The warden's ~~Warden's~~ recommendation for approval or disapproval of maximum management placement conditions and the basis for the recommendations shall be entered in OBIS.

~~(i)(h)~~ The warden's ~~Warden's~~ recommendations shall be forwarded to the regional director ~~Regional Director~~ for final review. The regional director's ~~Regional Director's~~ decision to approve or disapprove maximum management placement and the basis for the decision shall be entered in OBIS. If the regional director ~~Regional Director~~ disapproves the placement, the inmate shall immediately be removed from the maximum management cell and reclassified to the inmate's ~~his~~ original status or placed in administrative confinement pending close management referral.



(j)(4) The ~~classification supervisor~~ Classification Supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status changes approved by the ~~regional director~~ Regional Director. The ~~classification supervisor~~ Classification Supervisor shall also ensure that the inmate is informed verbally and in writing of the ~~regional director's~~ Regional Director's decision. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(5) Initial Conditions of Placement in Maximum Management. Inmates shall be subject to the following conditions upon initial placement in maximum management:

(a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the ~~shift supervisor~~ Shift Supervisor may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The ~~shift supervisor~~ Shift Supervisor shall notify the ~~warden of any such action~~ Warden. If in agreement with the action, the ~~warden~~ Warden shall notify the ~~regional director~~ Regional Director for final approval no later than the first work day following the ~~shift supervisor's~~ Shift Supervisor's action. If an inmate's clothing is removed, a modesty garment shall be immediately 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, Daily Record of Special Housing. ~~Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.~~ Under no circumstances shall an inmate be left without a means to cover ~~himself~~ him or herself.

(b) Reading materials – possession is limited to a bible, religious testament, or other reading material specifically related to the inmate's faith only.;

(c) Out-of-doors recreation – limited to two hours once every 30 days for the first 60 days and two hours twice every ~~30~~ thirty days thereafter or until the inmate's exercise privileges have been reinstated pursuant to subsection (7) below.;

(d) Possession of legal materials shall be permitted, and excess legal materials shall be stored pursuant to subsection 33-602.201(6), F.A.C.;

(e) Legal visits ~~Visits~~ shall be permitted, ~~and~~

(f) Routine bank transactions or canteen purchases shall not be allowed, with the exception of stamp, paper, security pen, and envelope purchases for mail, legal work, and inmate requests, and grievances.

(g) Tablets and kiosks – inmates in maximum management are not permitted to possess a tablet or have access

to kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C., and shall not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(6) Review of Maximum Management Status and Conditions.

(a) The ICT shall review the inmate's maximum management status, the conditions set forth in subsection (4) above, and previously modified conditions, weekly for the first 60 ~~sixty~~ days from the date of placement, and at least monthly thereafter.

1. Reviews ~~Weekly reviews~~ by the ICT ~~during the first sixty days of maximum management status and monthly thereafter~~ shall be documented on Form DC6-229, Daily Record of Special Housing.

2. If the ICT recommends the inmate's release from maximum management or a modification of the inmate's conditions during the first 60 ~~sixty~~ days, the ICT shall enter its recommendation in OBIS.

3. All reviews conducted ~~at least monthly~~ by the ICT after the first 60 ~~sixty~~ days of maximum management status shall be entered in OBIS. This documentation shall include any recommendations for modifications of the inmate's conditions.

4. No change.

(b) All ICT reviews entered in OBIS shall be reviewed by the warden ~~Warden~~. The warden ~~Warden~~ shall document his or her reason for approval, disapproval, or modification of the ICT recommendations in OBIS.

(c) The warden's ~~Warden's~~ recommendations for approval, disapproval, or modification of the inmate's status or conditions shall be reviewed by the regional director ~~Regional Director~~. The regional director ~~Regional Director~~ shall document approval, disapproval, or modification of the warden's ~~Warden's~~ recommendation in OBIS.

(d) If the regional director ~~Regional Director~~ approves the inmate for release from maximum management status, the inmate shall be placed in close management or death row housing. The decision to release the inmate from maximum management status shall be entered in OBIS. An inmate shall not be subjected to modification of conditions until the modifications are approved by the regional director ~~Regional Director~~, except as allowed in paragraph (4)(a) above.

(e) The classification supervisor ~~Classification Supervisor~~ at the maximum management facility shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the regional director ~~Regional Director~~. The classification supervisor ~~Classification Supervisor~~ at the maximum

management facility shall ensure the inmate is immediately removed from maximum management housing if approved by the regional director ~~Regional Director~~ and returned to close management or death row housing.

(f) The ICT at the maximum management facility shall ensure that staff adhere to any time frames approved in reference to inmate conditions.

(7) Periodic Modification of Conditions.

(a) If after the following time frames the regional director ~~Regional Director~~ determines an inmate has displayed satisfactory adjustment to maximum management, taking into account the severity of any guilty findings on disciplinary reports created since the inmate's initial placement on maximum management status, and therefore determines that reinstatement of privileges is appropriate, privileges shall be reinstated as follows:

1. After six consecutive months on maximum management and with the approval of the regional director ~~Regional Director~~, the following privileges shall be reinstated:

a. through b. No change.

2. After nine consecutive months on maximum management and with the approval of the ICT, the following privileges shall be reinstated:

a. No change.

b. Canteen privileges limited to one order per week. The inmate is further limited to five non-food items and five food items. In making this determination, with the exception of stamps, security pens, and notebook paper, it is the number of items counted rather than the type of item. With respect to stamps, security pens, and notebook paper, twenty-five stamps or fewer ~~shall~~ count as one item, three security pens or fewer ~~shall~~ count as one item, and two packages or fewer of notebook paper ~~will~~ count as one item.

3. After 12 consecutive months on maximum management and with approval of the ICT, the following privileges shall be reinstated:

a. No change.

b. Ability to purchase a Walkman-type ~~'walkman' type~~ radio, headphones, and batteries or to be issued these items from the inmate's stored property.

(b) If the ICT determines an inmate has displayed unsatisfactory adjustment to maximum management, taking into account the severity of any guilty findings on disciplinary reports created since the inmate has had his or her

privileges reinstated, the ICT shall review the reports and make a determination as to whether and to what extent privileges shall be revoked.

(c) Any recommendations by the ICT and/or ~~warden~~ Warden and ~~regional director~~ Regional Director decisions to modify conditions shall be entered in OBIS during weekly or monthly reviews of the inmate's maximum management status. The ~~classification supervisor~~ Classification Supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the ~~regional director~~ Regional Director.

(8) On-Site Review of Maximum Management.

(a) If an inmate remains in maximum management status for 90 days, the ~~regional director~~ Regional Director or designee shall conduct an on-site review of the inmate's maximum management status and conditions. This on-site review shall take place after every ~~90-day~~ 90-day period of continued maximum management status. The ~~regional director's~~ Regional Director's designee for this purpose shall be the assistant regional director or the regional correctional services administrator, a Regional Assistant Warden, Regional Classification Administrator, or State Classification Officer.

(b) The ICT shall participate in the review of the inmate's adjustment with the ~~regional director~~ Regional Director or his or her designee.

(c) The ~~regional director's~~ Regional Director's decisions made following this on-site review ~~shall~~ will be entered in OBIS as directed in subsection (7) above.

(9) Security Requirements.

(a) No change.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

1. The inmate shall remove all clothing to allow for an unclothed body search ~~a strip search~~ and pass the clothing to the officers for thorough search before being restrained and exiting the cell. The inmate shall remain under constant visual surveillance during the process.

2. Before exiting the cell, a maximum management inmate shall be restrained in a manner commensurate to his or her ~~their~~ level of threat and in the presence of a minimum of two officers.

3. through 4. No change.

5. When escorting a maximum management inmate past other maximum management inmate cells, the cells

~~shall will~~ have the solid security door and cuff/food port closed and secured.

6. Under no circumstances ~~shall will~~ any two maximum management inmates be out of the cells under escort in the same area at the same time.

7. A maximum management inmate shall submit to an unclothed body ~~a visual strip~~ search and clothing search each time the inmate is returned to the cell from any escort.

(10) Other Conditions of Confinement.

(a) through (b) No change.

(c) Medication shall be dispensed and administered in accordance with health services ~~Health Services~~ protocols for confinement.

(d) Inmates who are housed in maximum management ~~shall will~~ have mental health and medical care services to the same extent as ~~all~~ close management inmates. Monitoring of inmates ~~shall will~~ be as described in Rule 33-601.800, F.A.C.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06, 4-27-08, 5-18-09, 3-6-14, 7-14-14, 12-13-15, \_\_\_\_\_.

33-601.830 Death Row.

(1) Definitions.

(a) No change.

(b) Death Warrant Phases – The three stages of death row housing status that occur after an inmate’s death warrant has been signed by the Governor. The three stages are as follows:

1. Phase I begins when an execution date is set.

2. Phase II begins at 8:00 a.m. seven calendar days prior to an inmate’s set execution date.

3. Phase III refers to the status of an inmate whose death warrant has been signed by the Governor, but who does not have an execution date due to a stay. Phase III inmates have the same privileges as all other death row inmates except as otherwise provided in this rule.

~~(c)(b)~~ Institutional Classification Team (ICT) – The ~~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 ~~that~~ is responsible for making inmate status decisions and for making other classification recommendations to the state classification office, regional director, and warden. 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.

(d) 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.

(e) Major Rule Violation – Any assault, battery, or attempted assault or battery; any lewd or lascivious exhibition; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act, or disturbance; fighting; possession or trafficking 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.

~~(e) Death Warrant Phases – The three stages of death row housing status that occur after an inmate's death warrant has been signed by the Governor. The three stages are as follows:~~

~~1. Phase I begins when an execution date is set.~~

~~2. Phase II begins at 8:00 a.m. seven calendar days prior to an inmate's set execution date.~~

~~3. Phase III refers to the status of an inmate whose death warrant has been signed by the Governor but who does not have an execution date due to a stay. Phase III inmates will have the same privileges as all other death row inmates except as otherwise provided in this rule.~~

~~(f)(d) State Classification Office (SCO) – 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.~~

~~(e) Major Rule Violation – 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, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession or trafficking 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.~~

(2) An inmate who is not under sentence of death may be housed on death row when:

(a) through (b) No change.

(c) The warden has declared an emergency requiring use of death row housing for inmates not under sentence of death. In this instance, the warden shall notify the Deputy Assistant Secretary of Institutions or designee of the housing arrangement.

(3) Reviews.

(a) Annual Reviews – At least annually ~~annually~~, a death row inmate shall be reviewed by his or her classification officer to determine overall institutional adjustment based on the inmate's disciplinary history, participation in programming, and cooperation with staff. This review shall be entered into the Department's electronic inmate database.

(b) ICT Reviews – The ICT shall conduct a review of a death row inmate when the inmate:

1. No change.

2. Has had restrictions placed on his or her outdoor exercise pursuant to subparagraph (7)(j)3 of this rule. This review shall be conducted every six months after imposition of the restriction.

(4) No change.

(5) Restraints and Escort Requirements.

(a) through (b) No change.

(c) Prior to escorting an inmate from a death row cell for any activity within the housing unit, the inmate shall be thoroughly searched. If the inmate is escorted outside the immediate housing unit, the inmate shall be subject to an unclothed body search ~~will be strip searched~~ and restraint devices (handcuffs, waist chain, black box, and leg irons) shall be used.

(d) Once an inmate is properly restrained and searched and his or her cell is secured, only one officer is required to accompany the inmate.

(6) Except for visitation purposes, if more than one inmate is out of his or her cell within the death row unit at a time, there shall be one officer accompanying each inmate, and the inmates shall be kept at a distance from each other to preclude any unauthorized physical contact.

(7) Conditions and Privileges – The following conditions and privileges apply to all death row inmates except Phase I and Phase II inmates.

(a) Clothing – No death row inmate ~~shall will~~ be issued a belt. “Croc” style shoes ~~shall will~~ be provided as regulation foot wear. Death row inmates ~~shall will~~ be distinguished by designated different clothing that must be worn whenever they are out of the death row unit for the purpose of escort or transport. Otherwise, death row inmates 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. 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, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. 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~~ shall be issued and exchanged for death row inmates in the same manner as is provided to inmates in the general inmate population, and any restrictions shall be based on potential harm to individuals or threat to the security of the institution.

(c) Comfort Items – Unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution, there is a clear indication of a security concern, inmates on death row shall be permitted personal hygiene items and other medically necessary ~~needed~~ or prescribed items, such as eye glasses and hearing aids. Death row inmates shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. At a minimum, death row inmates ~~shall will~~ be provided a toothbrush, toothpaste, a bar of soap, a towel or paper towels, toilet tissue, and feminine hygiene products for women.

(d) Personal Property – Inmates on death row shall be allowed to possess ~~personal~~ property such as watches, rings, stamps, envelopes, writing paper, ~~and~~ approved televisions, fans, Walkman-type ~~walkman-type~~ radios, tablets ~~MP3-players~~, tablet chargers (if approved by the warden), headphones, and earbuds unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution, there is a clear indication of a security concern. Each inmate may possess no more than one approved television, fan, radio, tablet ~~MP3-player~~, set of headphones, and set of earbuds.



(e) No change.

(f) Writing Utensils – Inmates on death row shall possess only security pens, with a possession limit of four. If no security pens are available, an inmate ~~may~~ will be allowed to sign out a regular pen from the assigned officer, which must be returned upon completion of preparation of the document. Care ~~shall~~ will be taken to ensure that an inmate who requests a pen in order to prepare legal documents or legal mail or to file a grievance with the Department has access to a pen for a time period sufficient to prepare the legal ~~mail~~, documents, legal mail, or grievances.

(g) Reading Material – Inmates 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 such a threat, the material ~~shall~~ will be removed. Removal of reading material shall be documented and reviewed in accordance with paragraph (7)(i) of this rule.

(h) Televisions – An inmate on death row may possess a television in his or her cell. Approved televisions may be purchased from the institutional canteen; otherwise, televisions ~~shall~~ will be provided by the Department, if available, as follows:

1. As inmates are placed on death row, their names ~~shall~~ will be placed in a television logbook. As televisions become available, the televisions ~~shall~~ will be assigned to inmates in the order that their names appear in the logbook.

2. Inmates shall be allowed to operate televisions between the hours of 8:00 a.m. and 11:30 p.m. unless otherwise authorized or restricted by the warden or designee. Televisions ~~shall~~ will be turned off during count procedures.

3. No change.

4. Inmates in disciplinary confinement ~~shall~~ will have their televisions removed. The television ~~shall~~ will then be assigned to the next eligible inmate as indicated ~~in~~ by the television logbook. Inmates who are guilty of a disciplinary infraction and who do not have televisions ~~shall~~ will have their names removed from the logbook ~~eligible list~~ until their disciplinary confinement time is completed. Their names ~~shall~~ will then be added to the bottom of the list.

5. Inmates transferring from the institution for twenty-four hours or longer ~~shall will~~ have their televisions reassigned to the next eligible inmate, as indicated ~~in by~~ the television logbook.

6. Altering the television, earphones, or any parts thereof, including the electrical cord, ~~shall will~~ result in disciplinary action and possible loss of television privileges.

(i) Removal or Denial of Items – Any item may be denied an inmate or removed from a death row cell to prevent the inmate from inflicting injury to himself, 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. The senior correctional officer on duty must initially approve the decision to deny or remove clothing, bedding, or any other items from the cell and document the action on Form DC6-229, Daily Record of Special Housing. Removal of any ~~personal~~ property item ~~shall will~~ also be documented by security staff on Form DC6-220, Inmate Impounded ~~Personal~~ Property List, and signed by the inmate designating what ~~personal~~ items were removed. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. The original Form DC6-220 ~~shall will~~ 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. The duty warden shall make a final decision regarding the appropriateness of any removal no later than the next working day. If items are removed from a death row cell pursuant to this paragraph, staff shall reassess the need for continued restriction every 72 hours thereafter and document the assessment on Form DC6-229. The warden, based on this assessment, ~~shall will~~ make a final determination on the continued denial or return of the items and document the decision on Form DC6-229. 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 present.

(j) Exercise – An exercise schedule shall be implemented to ensure a minimum of six hours per week of exercise out-of-doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing.

1. Medical restrictions can place limitations on an inmate's 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 ~~shall will~~ accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be available for such exercise periods provided the equipment does not compromise the safety or security of the institution. The reasons for any medically-based exercise restrictions shall be documented on Form DC6-229.

2. The ICT is authorized to deny exercise for an individual inmate when the inmate is found guilty of a major rule violation as defined in this rule. 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, which; ~~this~~ shall be documented on Form DC6-229.

3. The ICT is authorized to restrict the place and manner of outdoor exercise, such as an inmate's ability to interact with other inmates or use exercise equipment, if the inmate has been convicted of or found guilty through the Department's ~~department's~~ disciplinary process in Chapter 33-601, F.A.C., or an investigation sufficiently documents that the inmate was involved in:

a. through c. No change.

d. Any major rule violation that ~~which~~ requires heightened security measures to ensure the safety of staff, inmates, and the public, or the security of the institution.

4. Phase III inmates shall be restricted from exercise pursuant to subparagraph (15)(b)8. of this rule.

(k) No change.

(l) Visitation – Death row visits shall be contact visits unless security concerns indicate that a non-contact visit is necessary, in which case the non-contact visit shall be approved by the warden in advance. Visitation shall be on Saturday or Sunday (only one day of visitation per week per inmate) between the hours of 9:00 a.m. and 3:00 p.m. The visitation provisions of Chapter 33-601, F.A.C., otherwise apply. News media visits shall be in accordance with Rule 33-104.203, F.A.C. Death row inmates shall have video visitation privileges pursuant to Rule 33-602.901, F.A.C. Death row inmates are allowed one 15-minute video visit each calendar week, and no extensions shall be permitted. Video visits must be scheduled at least three days in advance.

(m) through (n) No change.

(o) Kiosk, Kiosk Services, and Tablet Services – With the exception of outgoing videograms, inmates on death row are permitted access to kiosks, kiosk services, and tablet services as provided for in Rule 33-602.900, F.A.C.

(8) Personal Hygiene – Inmates on death row shall meet the same personal hygiene standards required of inmates in the general population.

(9) though (10) No change.

(11) Legal Access – Legal access for all death row inmates except those on Phase I and II of an active death warrant shall be as follows:

(a) Inmates shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to ~~their~~ the inmate's cell, and to correspond with inmate law clerks. Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule, or order of court, including the provision of opportunities to visit a secure, single-person room within the law library at least once per week for up to two hours if security concerns permit. Death row inmates using the law library ~~are~~ will be required to stay in a secure, single-person room in order to conduct research and draft legal documents, ~~and~~; materials ~~shall~~ will be obtained via non-contact interaction with library staff or inmate law clerks under the supervision of security staff. Inmates may be required to conduct legal business through correspondence rather than a personal visit to the law library if security requirements prevent a personal visit.

(b) Written inmate requests for legal assistance shall be directed to the librarian or designee and shall be responded to within two working days of receipt, not including the day of receipt. Specific requests for cases, statutes, or other reference materials or requests for legal supplies or forms shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or contain styling or content errors that indicate the inmate lacks an understanding of the law or legal research or that he or she may be impaired shall be responded to by personal interview with an inmate law clerk or the librarian or designee.

(c) through (e) No change.

(12) No change.

(13) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each death row unit. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. Each staff person shall sign the form when entering and leaving the death row unit. Prior to departure, each staff member shall indicate any specific problems, including any inmate who requires special attention. Upon completion, Form DC6-228 ~~shall~~ will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis, where it ~~shall~~ will be maintained on file pursuant to the current retention schedule.

(14) Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate in the death row unit for 30 days, after which the form shall ~~will~~ be forwarded to the warden for review. Once reviewed, these forms shall ~~will~~ be forwarded to classification to be filed in each inmate's respective file. Form DC6-229 shall be utilized to document any and all activities, including cell searches, items removed, showers, recreation, haircuts, and shaves. Form DC6-229B, Daily Record of Special Housing – Supplemental, may be used if further writing space is needed. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C. Additionally, staff shall fully and completely document when:

(a) through (j) No change.

(15) Death Warrants – Upon receipt of a death warrant signed by the Governor authorizing execution, the warden or designee shall ~~will~~ determine the housing location of the inmate. Inmates housed at Union Correctional Institution shall ~~will~~ be immediately transferred to Florida State Prison. Upon arrival, the warden shall ~~will~~ inform the inmate of the death warrant, and the inmate shall be allowed to contact his or her attorney and a family member at state expense. If the inmate is housed at Lowell Correctional Institution, the inmate shall not be transferred to Florida State Prison until Phase II. The warden at Lowell shall ~~will~~ inform the inmate of the death warrant and allow the inmate to contact her attorney and a family member at state expense.

(a) At the initiation of Phase I, the warden of Florida State Prison shall notify the Deputy ~~Assistant~~ Secretary of Institutions or designee and the regional director. Wardens of surrounding institutions shall be informed should circumstances warrant the activation of a rapid response team. Local law enforcement agencies shall also be notified.

(b) Conditions and privileges for Phase I and Phase II inmates.

1. No change.

2. The inmate's visiting list shall be frozen once an execution date is set. No additional visitors can ~~will~~ be added to a Phase I or Phase II inmate's approved visiting list. All visits shall be non-contact, except that the inmate may receive a one-hour contact visit on the day of execution.

3. News media visits and interviews shall ~~will~~ be in accordance with Chapter 33-104, F.A.C.

4. No change.

5. Canteen privileges ~~shall~~ ~~will~~ be allowed in accordance with paragraph (7)(e) above but may be restricted or denied if they pose a security threat. Canteen orders shall be reviewed by the administrative lieutenant prior to delivery.

6. Inmates may request in writing to the librarian and receive legal materials from the law library. All such requests are to be routed through the death watch supervisor. Copying services or notary services ~~shall~~ ~~will~~ be handled by staff without the involvement of any inmate.

7. No change.

8. Exercise for all inmates with signed death warrants, including Phase III inmates, shall be suspended. However, an inmate shall be permitted to resume exercise and recreation in accordance with subparagraphs (7)(j)1.-3. ~~above~~ if ~~the inmate~~ ~~he~~ remains in Phase III status longer than 90 days.

(16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 11-22-10, Amended 9-27-11, 9-24-12, 12-9-12, 3-6-14, 8-11-16,\_\_\_\_\_.

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NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

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