

February 27, 2018

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.722

RULE TITLE: Visiting Schedule

PURPOSE AND EFFECT: To clarify the Department's visitation schedule; when unusual circumstances will be authorized to grant additional visiting hours for regular or special visitors; and circumstances that would require the Secretary to approve or disapprove an institutional or statewide visitation schedule change. The amendments shall improve the security and safety of the inmate, visitor, and staff; reduce the contraband being introduced into the institutions; provide the opportunity for additional visitation during unusual circumstances; and minimize the disruption of regularly established visitation.

SUBJECT AREA TO BE ADDRESSED: Regular Visitation Schedule, Unusual Circumstances where additional visiting hours may be permitted, and requirement of the Secretary to approve or disapprove any institutional or statewide change to visitation schedule.

RULEMAKING AUTHORITY: 944.09, F.S.

LAW IMPLEMENTED: 944.09, 944.151, 944.23, 944.47 F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gregory Hill, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**33-601.722 Visiting Schedule.**

(1) Regular visitation is a privilege extended to inmates. This privilege is not unlimited or without restrictions as security for the institution, inmates, visitors, and staff shall be taken into account in determining a visiting schedule.

(2 ~~4~~) An inmate's ~~Regular~~ visitor(s) shall be allowed to visit at established intervals between the hours

of 9:00 a.m. and 3:00 p.m. Eastern Standard Time (EST) – 8:00 a.m. and 2:00 p.m. Central Standard Time (CST) on each Saturday, and Sunday and/or during a legal holiday as identified in subparagraph (e)1 – 9 of this rule.

(a) “Established intervals” shall be determined based upon institutional security, capacity (e.g., fire marshall restrictions), demand, and the availability to staff the visitors park while providing for the safety of inmates, visitors, and staff.

(b) Inmates shall be provided, subject to any disciplinary sanctions that may be imposed, a minimum of two days per month consisting of no less than two hours each, during which time they are permitted to visit.

(c) Institutions shall initiate the visiting registration process at 8:15 a.m. (EST) and 7:15 a.m. (CST). To better facilitate the registration process, visitors will be allowed to park in designated spaces no earlier than 7:30 a.m. (EST) and 6:30 a.m. (CST).

(d) Visitors shall not be processed after 2:00 p.m. (EST) and 1:00 p.m. (CST) unless authorized by the duty warden.

(e) Regular visiting shall occur on the following holidays:

1. New Year’s Day;
2. Birthday of Martin Luther King, Jr., third Monday in January;
3. Memorial Day;
4. Independence Day;
5. Labor Day;
6. Veteran’s Day, November 11;
7. Thanksgiving Day;
8. Friday after Thanksgiving; and
9. Christmas Day.

(f) If any of the holidays listed in paragraph (e) above falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(g) Where unusual circumstances occur, the warden or his designee shall be authorized to allow an

inmate additional visiting hours for a regular or special visitor. The exception will be based on factors such ~~factoers~~ as great travel distance, infrequency of visits, or death of immediate family member.

~~(3) The secretary or his designee shall approve or disapprove any request for changes to visiting hours or days.~~

(4) The Secretary or his/her designee shall retain the authority to change the visiting hours or days when one or more criteria set forth in paragraph (5)(b)1-5 exists.

(5) The Secretary or his/her designee shall approve or disapprove any request submitted by the Office of Institutions for any change to visiting hours or days.

(a) Any requested change, whether institutional or statewide, shall be made in writing and provide the Secretary, or his/her designee, with sufficient information, data, or criminal intelligence to make a determination on whether to approve or deny the request.

(b) The bases for the requested change shall include any one of the following circumstances:

1. An imminent, current, or immediate aftermath of a disturbance, uprising, strike, or riot.

2. Staffing limitations that pose a potential threat to the safety and security of the inmates, visitors, and/or staff.

3. An institution experiencing an influx of contraband.

4. A declared emergency.

5. Arising prior to, during, or in the aftermath of a natural disaster.

6. Medically related issues that pose a potential health threat.

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

*Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-5-05, 10-12-05, \_\_\_\_\_.*