

33-601.717 Visitation Denial.

(1) An applicant will not be denied visitation based on the disability, race, creed, color, or national origin of the inmate or applicant. Visitation will not be denied for any reason unrelated to the security, good order, or rehabilitative objectives of an institution.

(2) The assigned institutional classification officer has the authority to refuse to approve visitation for applicants with prior negative visitation behavior based on the security threat the behavior poses to an institution or institution staff, the nature of the behavior, and the time elapsed since the behavior occurred. Denial of visitation will be permanent if the applicant was involved in or assisted in an escape or attempted escape from any secured facility.

(3) Visitation will be denied if the applicant advocates or has advocated violence among inmates or against staff or the violation of any federal or state law or rule, or is a danger to the safety, security, or good order of an institution.

(4) Visitation will be denied during an emergency declared pursuant to Rule 33-601.722, F.A.C.

(5) An applicant will be denied permission to visit based on the following criteria:

(a) The applicant's possession, introduction, or attempted introduction of contraband into any facility where the contraband is prohibited.

(b) The applicant's escape or attempted escape, or their assistance in or attempt to assist in an escape or attempted escape from any secured facility.

(c) The nature and extent of the applicant's criminal record, the consideration of which includes:

1. A family-member applicant's release from incarceration in any jurisdiction for a felony conviction within the last two years if the applicant was not incarcerated at any time in the institution where visitation is requested.

2. A family-member applicant's release from incarceration in any jurisdiction for a felony conviction within the last five years if the applicant was incarcerated at any time in the institution where visitation is requested.

3. The applicant's release from incarceration in any jurisdiction for a misdemeanor conviction within the last year.

4. The applicant's current community supervision status or termination from community supervision in any jurisdiction within the past one year.

5. If the disposition of an applicant's arrest is not reflected in their criminal record, the disposition must be ascertained prior to approval or denial of the application. If additional documentation regarding an arrest is needed by the Department, the applicant will be responsible for providing official documentation showing the disposition and circumstances of the arrest in question.

(d) A non-family member applicant previously incarcerated in any jurisdiction for a felony conviction may be allowed visitation privileges only if the warden determines that the rehabilitative value of visitation outweighs the potential threat to security and any potential negative influence on the inmate. Factors to be considered in making this determination include the adjustment record of the applicant while incarcerated, the relationship of the applicant to the inmate during incarceration, the relationship of the applicant to the inmate prior to and after incarceration, the likelihood that the applicant can assist the inmate in successfully reentering society, and the length of time after release that the applicant has resided in the community without involvement in the criminal justice system. Visitor approval under this paragraph will be subject to the time constraints set forth in subparagraphs (5)(c)1., 2., and 3. of this rule.

(e) The applicant is a former employee of the Department or a Department contractor whose application must be evaluated pursuant to Rule 33-601.719, F.A.C.

(f) The applicant is a former Department volunteer whose conduct as a volunteer violated any Department rule or compromised in any manner the safety, security, or orderly operation of an institution.

(g) The applicant has committed repeated violations of departmental rules or procedures during one or more visits within the preceding five years.

(h) Either the inmate or applicant gave false or misleading information to obtain visitation privileges within the past six months, unless it is determined by the reviewing classification officer that the information was provided as a result of an unintentional error. Discovery of falsification of visitor information after a visitor has been approved for visitation will result in the suspension of the visitor's visitation privileges pursuant to Rule 33-601.731, F.A.C.

(i) The applicant is a victim of the inmate's current or prior offense with consideration of the nature of the inmate's offense, the extent of the victimization, and the relationship of the victim to the inmate.

(j) The applicant is a co-defendant of the inmate in a current or prior offense.

(k) The applicant provided testimony, documentation, or physical evidence that assisted the prosecution in the inmate's

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conviction or incarceration.

(l) The applicant has an active protection order or injunction against the inmate to be visited or the inmate has an active protection order or injunction against the applicant.

(m) The applicant is an illegal alien.

(n) The applicant's visitation privileges with regard to any current inmate are temporarily suspended, suspended, or indefinitely suspended. The applicant will be eligible to request reinstatement upon the expiration of the suspension period, as described in Rule 33-601.732, F.A.C.

(o) The applicant's visitation threatens the safety, security, good order, or effective management of an institution.

(6) A Department volunteer or intern will not be approved to visit at an institution to which he or she is assigned. Following termination or assignment to another institution, visitation at the former institution will not be approved until five years have elapsed.

(7) It is the warden's duty to supervise and enforce the rules relating to the approval or denial of visitation privileges.

(8) The Secretary or designee, who for purposes of this rule will be the Assistant Deputy Secretary of Institutions, has the authority to review and modify the approval or denial of visitation privileges when it has been determined that doing so will further the inmate's rehabilitation, ensure consistency with the Department's rules, enhance public safety, or ensure the security of an institution.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.706, 33-601.707, Amended 5-27-02, 9-29-03, 6-15-06, 1-7-07, 8-6-12, 3-2-23.