

July 6, 2022

33-601.717 Visitation ~~Visiting~~ Denial.

(1) An applicant will ~~Visitors shall~~ not be denied visitation based on the ~~visiting because of~~ disability, race, creed, color, or national origin of the inmate or applicant visitor. Visitation will ~~Visits shall~~ not be denied based on the ideas or opinions held or expressed by the inmate or applicant visitor or for any reason unrelated to the security, good order, or rehabilitative objectives of an ~~the~~ institution.

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

(3) Visitation will ~~Visiting shall~~ be denied if the applicant visitor 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 ~~and~~ good order of an ~~the~~ institution.

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

(5) An applicant will ~~Any person shall~~ be denied permission to visit based on ~~upon~~ the following criteria:

(a) The applicant's possession, introduction, or attempted introduction of contraband into any facility where the contraband is prohibited as defined in Section 944.47, F.S., into any facility;

(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; ~~Escape or attempting to escape, or assisting or attempting to assist an escape or escape attempt from any facility~~;

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

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

2. A family-member applicant's release ~~Release~~ from incarceration in any jurisdiction for a felony conviction within the last five years if the applicant ~~prospective visitor~~ was incarcerated at any time in the institution where facility in which visitation is requested. ~~If an inmate transfer results in visitation in a facility in which an approved~~

July 6, 2022

~~visitor was previously incarcerated and released within the last five years, the warden shall, on a case by case basis, determine if the approved visitor shall be allowed to visit, if the visitor was released from incarceration within the last five years. Factors to be considered shall include, but are not limited to, the visitor's adjustment during incarceration, the relationship of the inmate to the visitor, institutional security, and public safety.~~

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

4. ~~The applicant's current~~ 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~~ shall be ascertained prior to approval or denial of the application. If additional documentation regarding an arrest of the charge is needed by the Department ~~necessary~~, the applicant will ~~prospective visitor shall~~ be responsible for providing official documentation showing of the disposition and of circumstances of the arrest offense in question.

(d) With the exception of a special visit approved pursuant to Rule 33-601.736, F.A.C., a non-family member applicant previously incarcerated in any jurisdiction for a felony conviction will not be eligible for visitation privileges;

(e)(d) 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. Former department employment, contract employment, or volunteer with a documented work history that raises security concerns;

(f) The applicant is a former Department volunteer with a volunteer history that jeopardizes the safety, security, good order, or effective management of an institution;

(g)(e) The applicant has committed Commission of serious or repeated violations of departmental rules or procedures during one or more visits a previous visit within the previous past five years;

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

July 6, 2022

(i)(g) The applicant individual is a victim of the an 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)(h) The applicant individual is a co-defendant of the inmate in a current or prior offense;

(k)(i) The applicant individual provided testimony, documentation, or physical evidence that which assisted the prosecution in the inmate's conviction or incarceration;

(l)(j) The applicant individual 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 prospective visitor;

(m)(k) The applicant individual 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)(l) The applicant's visitation threatens ~~Other factors related to the~~ safety, security, good order, or effective management of an the institution.

(6) A Department department volunteer or intern will shall not be approved to visit for visiting at an institution ~~or facility~~ to which he or she is assigned. Following termination or assignment to another institution facility, visitation at the former institution ~~or facility~~ will not be approved shall not occur 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 visiting privileges.

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