

October 23, 2009

NOTICE OF PROPOSED RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

CHAPTER NO.: 33-601

RULE:	RULE NO.:
Inmate Visiting – Definitions	33-601.713
Inmate Visiting – General	33-601.714
Visiting Application Initiation Request	33-601.715
Visiting Record Management	33-601.716
Visiting Denial	33-601.717
Permissible Items for Visitors	33-601.725
Revocation or Suspension of Visiting Privileges	33-601.731
Reinstatement of Revoked or Suspended Visiting Privileges	33-601.732
Visiting – Special Status Inmates	33-601.733
Non-contact Visiting	33-601.735
Visiting – Forms	33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is: to amend Rule 33-601.713, F.A.C., to clarify language and add a definition of “major rule violation” for the purpose of visiting privileges suspension; to amend Rule 33-601.714, F.A.C., to clarify the warden’s authority to deny or terminate a visit; to amend Rule 33-601.715, F.A.C., to correct language referring to the wrong form; to amend Rule 33-601.716, F.A.C., to clarify the circumstances under which an individual may be on the visiting list of more than one non-family inmate; to substantially reword Rule 33-601.717, F.A.C., to clarify the circumstances under which an individual may be denied visiting privileges; to amend Rule 33-601.725, F.A.C., to include a photo ID and a copy of a notarized authorization to supervise a minor as permissible items for visitors to possess; to amend Rule 33-601.731, F.A.C., to clarify the circumstances under which an individual’s visiting privileges may be suspended and to incorporate by reference the Visiting Privileges Suspension Matrix, which specifies the time period of suspensions in relation to their underlying infractions; to amend Rule 33-601.732, F.A.C., to clarify the procedure for reinstatement of suspended visiting privileges; to amend Rule 33-601.733, F.A.C., to include language being moved from Rule 33-601.734, F.A.C., concerning the visiting privileges of inmates in confinement and protective management statuses; to amend Rule 33-601.735, F.A.C., to clarify that noncontact visits for confinement and protective management status inmates must be pre-approved by the warden or designee; and to amend Rule 33-601.737, F.A.C., to clarify language on Form DC6-111D, Visitor Screening Matrix, regarding visiting applicants who are former victims of an inmate.

SUBJECT AREA TO BE ADDRESSED: Inmate Visitation

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 FS.

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:

Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting - Definitions.

(1) "Authorized Adult" refers to an approved visitor eighteen years or older who has notarized authorization to escort a minor and represent the minor's parent or legal guardian should the minor need to be questioned or searched for visiting purposes.

(2) "Automated Visiting Record (AVR)" refers to a computer subsystem of the Offender Based Information System (OBIS) that automates visitor facility entry and exit and records visiting information.

(3) "Emancipated Minor" refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to ~~the Request for Visiting Privileges~~, Form DC6-111A, Request for Visiting Privileges. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(4) "Institutional Classification Team (ICT)" refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief 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 a facility and for making other recommendations to the State Classification Office (SCO).

(5) "~~Immediate~~ Family" for the purposes of Rules 33-601.713 through 33-601.737, F.A.C., refers to an inmate's spouse, children, parents, brothers, sisters, grandparents, great-grandparents, grandchildren, step-brothers, step-sisters, step-parents, step-grandparents, aunts, uncles, foster parents, step-children, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.

(6) "Minor" refers to any visitor seventeen years of age or younger who must visit in the company of a parent, legal guardian, or authorized adult who is an approved visitor.

(7) "Non-Contact Visiting" at authorized institutions refers to visual visiting where a structural barrier is used to prevent the inmate and visitor from any form of physical contact, but allows verbal communication.

(8) "Suspension" refers to the withdrawal or voiding ~~suspension~~ of visiting privileges for a specified period of time for an inmate or visitor.

(9) "Regular Visit" refers to any approved visit between an inmate and any approved visitor on the inmate's visiting record that occurs on scheduled visiting days and hours.

(10) "Approved Visitor" refers to any person who is approved by the assigned institutional classification officer, warden or duty warden to visit an inmate and whose approval is documented in the automated visiting record.

(11) "Request for Visiting Privileges" refers to Form DC6-111A, which must be fully completed by all prospective visitors twelve years of age and older and forwarded to the assigned institutional classification officer for resolution.

(12) "Scheduled Visiting Days" refers to the specific days and times an inmate is authorized to visit. This is normally Saturday and Sunday, from 9:00 a.m. until 3:00 p.m. Eastern Standard Time (8:00 a.m. – 2:00 p.m. Central Standard Time).

(13) "Special Status Inmate" refers to an inmate who is not in the general population but is in a special classification status as outlined in Rule 33-601.733, F.A.C., that shall prohibit or restrict visiting based upon the status.

(14) "Special Visit" refers to an authorized visit on a day, at a time or for a duration of time other than an inmate's regularly scheduled

visiting days, or with a person not listed in the inmate's approved visiting record.

(15) "Indefinite Suspension" ~~"Revoked"~~ refers to the ~~withdrawal~~ withdrawing or voiding of visiting privileges of a visitor for an unspecified period of time.

(16) "Maximum Capacity" refers to the capacity of the inside visiting park as determined by the State Fire Marshal.

(17) "Major Rule Violation" – for the purpose of this chapter refers to any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04, _____.

33-601.714 Inmate Visiting – General.

(1) Inmate visiting is a privilege, not a guaranteed right of either the inmate or the visitor. Inmates are not assigned to specific institutions solely for the convenience of visiting privileges.

(2) All visitors are subject to Department rules, procedures, technical instructions and restrictions imposed as a condition of admittance and the directions of institutional staff while on institutional grounds.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit pursuant to Rule 33-601.729, F.A.C ~~if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any disruption or violation shall be entered on the AVR and may shall subject the visitor to revocation or suspension of visiting privileges by the warden or designee and the inmate to disciplinary action.~~

(4) Posting of Policies.

(a) To ensure that all visitors are aware of Section 944.47, F.S., governing contraband, the warden or designee shall post the statute in a conspicuous place at the entrance to the institution or facility.

(b) The warden or designee shall display the visiting rules, procedures, and any technical instructions that do not impede the maintenance of the security of the institution in a manner that allows visitors to read them before they begin the institutional visiting entry process.

(5) Inmates shall be allowed to file grievances concerning visiting privileges in accordance with the provisions of Rule 33-103.005, F.A.C.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, _____.

33-601.715 Visiting Application Initiation Process.

(1) During the reception process, classification staff shall develop and maintain a computerized list of the inmate's immediate family members for placement on the automated visiting record. Placement of a name on the automated visiting record in and of itself is not approval to visit.

(2) The inmate shall be given up to fifteen copies of the Request for Visiting Privileges, Form DC6-111A, and Visitor Information Summary, Form DC6-111B, within 24 hours after arrival at his or her permanent facility. Forms DC6-111A and DC6-111B are incorporated by reference in Rule 33-601.737, F.A.C. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age

or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit a Request for Visiting Privileges, ~~Form DC6-111A DC6-111B~~, until they reach 12 years of age.

(a) Only visitors approved pursuant to Rule 33-601.718, F.A.C., shall be allowed to visit.

(b) The prospective visitor shall be required to complete a Form DC6-111A, Request for Visiting Privileges, by filling in each line or inserting "NA" (not applicable) where appropriate.

(3) The institution classification staff shall conduct criminal history background checks on applicants requesting visiting privileges.

(4) Upon transfer to a permanent institution or facility, each inmate shall be provided with a visitor information letter containing visiting information specific to that institution or facility to be mailed, at the inmate's expense, to each approved visitor.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, _____.

33-601.716 Visiting Record Management.

(1) The Bureau of Classification and Central Records shall develop and maintain computerized inmate-visiting records.

(2) Department staff shall document all requests for visits and decisions made with regard to visiting and pertinent comments on the automated visiting record.

(3) No more than fifteen people, twelve years of age or older, including family and non-family, are allowed on an inmate's approved visiting record.

(4) Inmates shall be permitted to remove or request to add visitors to their inmate visiting records by completing a ~~Remove/Add Visitor Request, Form DC6-111C, Remove/Add Visitor Request~~, provided by institutional classification staff. Form DC6-111C is incorporated by reference in Rule 33-601.737, F.A.C. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Removals shall only be permitted every six months. Visitors whose visiting privileges are suspended ~~or revoked~~ shall not be removed from an inmate's approved visiting list, ~~while in the respective status~~ and the inmate shall not be allowed to replace the suspended visitor with an another approved visitor.

(5) A person who requests placement on an inmate's visiting record shall be referred to the inmate concerned. The inmate shall be responsible for notifying prospective visitors of whether they have been approved or disapproved for visitation.

(6) A visitor shall ~~not~~ be permitted to be on ~~more than one inmate's~~ the approved visiting record ~~unless they are of all inmates who are immediate family as well as one non-family inmate members~~ except as provided in subsection ~~33-601.716(7), F.A.C.~~

(7) A visitor who is approved as ~~immediate~~ family on an inmate's visiting record shall not be considered for visitation with a non-~~immediate-family member~~ inmate if both inmates are housed at the same institution unless:

(a) The ~~immediate~~ family member inmate is transferred to another institution or is released from incarceration.

(b) The visitor is already approved to visit a non-~~immediate~~ family inmate prior to the immediate family member inmate being received at the same institution. Visitation shall be allowed, but not on the same day.

(c) The visitor is already approved to visit a non-~~immediate~~ family member inmate prior to being transferred to the same institution housing a an immediate family member inmate. Visitation shall be allowed, but not on the same day.

(8) An approved visitor who is on the visiting list of two or more ~~immediate~~ family member inmates who are at the same institution may

visit the inmates at the same time.

(9) A visitor approved to visit as a non-~~immediate~~ family ~~inmate~~ ~~member~~ shall not be removed from the visiting list of the inmate for purposes of visiting another non-~~immediate~~ family ~~member~~ inmate at the same institution.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 9-29-03,

33-601.717 Visiting Denial (Substantial Rewording Follows)

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

(2) Initial Denial of Visiting Privileges.

(a) In approving or disapproving visiting privileges, the assigned institutional classification officer shall review Form DC6-111A, Request for Visiting Privileges, and shall consider all factors related to the security, order, and effective management of the institution. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(b) The assigned institutional classification officer shall evaluate an applicant's criminal history and visiting background using Form DC6-111D, Visitor Screening Matrix. Form DC6-111D is incorporated by reference in Rule 601.737, F.A.C. Prior criminal records shall not automatically result in disapproval of visiting. The nature, extent, and recentness of the criminal convictions and adjudications withheld combined with the person's relationship to the inmate shall affect approval or disapproval. Consideration of an applicant's criminal history shall include:

1. 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 facility in which visitation is requested;

2. Release from incarceration for a felony conviction within the last five years if the applicant was incarcerated at any time in the facility in which visitation is requested. If an inmate transfer results in visitation in a facility in which an approved 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. 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. Release from incarceration in any jurisdiction for a misdemeanor conviction within the last year;

4. Current community supervision status or termination from community supervision in any jurisdiction within the past year; and

5. The disposition of arrests. If the disposition of an arrest is not reflected, the disposition shall be ascertained prior to approval of the application. If additional documentation of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question.

(c) An application for visiting privileges shall be denied if the applicant:

1. Has possessed, introduced, or attempted to introduce contraband as defined in Section 944.47, F.S., into any facility;

2. Has committed serious or repeated violations of departmental rules or procedures during a previous visit within the past five years;

3. Is a former department employment, contract employment, or volunteer with a documented work history that raises security concerns;

4. Is a victim of 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;

5. Is a co-defendant of the inmate in a current or prior offense;

6. Provided testimony, documentation, or physical evidence which assisted the prosecution in the inmate's conviction or incarceration;

7. 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 prospective visitor;

8. Is an illegal alien;

9. Is a department volunteer or intern at the institution in which visitation is requested or was a volunteer or intern at the institution at any time in the previous five years; or

10. Escaped, attempted to escape, or assisted or attempted to assist an escape or escape attempt from any facility. If visitation is denied based on this paragraph, the denial shall be permanent.

(d) Visiting privileges shall be denied if the inmate or the prospective visitor gave false or misleading information to obtain visiting privileges within the past six months, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertent or good faith mistake, omission, or clerical error. Discovery of intentional falsification of visitor information after the visitor has been approved for visitation shall result in the visitor being considered for suspension of visiting privileges pursuant to Rule 33-601.731, F.A.C.

(e) In approving or denying an application for visiting privileges, the institutional classification officer shall consider all other factors related to the security, order, or effective management of the institution.

(f) The Secretary or designee, who for the purpose of this rule shall be the Assistant Secretary of Institutions, has the authority to review and modify the classification officer's approval or denial of visiting privileges.

(3) Denial of Visitation after Initial Approval of Visiting Privileges.

(a) Visiting shall be denied during a declared emergency.

(b) Upon review of Form DC6-111A, the institutional classification officer may deny visiting for individuals approved to visit who subsequently become subject to denial pursuant to any of the criteria set forth in subsection (2) of this rule prior to any official suspension pursuant to Rule 33-601.731, F.A.C.

Rulemaking Specific Authority 944.09 FS, Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Amended 5-27-02, 9-29-03, 6-15-06, 1-7-07, _____.

Editorial Note: Formerly 33-601.706 and 33-601.707, F.A.C.

33-601.725 Permissible Items for Visitors

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) One unopened pack of cigarettes or cigars and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.

(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.

(c) Vehicle keys necessary to operate a motor vehicle. However, keyless entry devices are not permitted unless the duty warden or designee visually inspects the keyless entry device and determines that the device is the only means for the visitor to access a motor vehicle and does not pose a threat to institutional security.

(d) Up to \$50.00, in \$1.00, \$5.00, \$10.00 and \$20.00 denominations only or silver change, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area. A small wallet or pouch may be used for containing the bills and any change received from the canteen or vending purchases.

(e) One (1) photographic identification card.

(f) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. Visitors taking prescription medications are allowed only the dosage necessary for the visiting period.

2. Each prescription medication brought into any institution or facility must be in its original prescribed container. The use of one container for different types of medication will not be allowed.

3. Each container must have a clearly readable prescription label that shows:

a. The type of medication,

b. The dosage requirements, and

c. The individual's name for whom the medication was prescribed.

(g) ~~(h)~~ Feminine hygiene items enclosed in the original individual wrapping may be carried into the visiting park in a small pouch or bag.

(h) ~~(g)~~ Hairbrush and comb.

(i) If applicable, one (1) copy of a notarized authorization to supervise a minor.

(j) ~~(k)~~ Visitors with authorized infants and small children shall be allowed to bring in:

1. Five diapers, three clear plastic baby bottles or two sipper cups for toddlers, one clear plastic baby pacifier and three clear plastic jars of baby food with the original seal intact;

2. Baby wipes or towelettes, provided they are in a clear plastic bag;

3. An infant or baby carrier for each infant. Baby carriers are subject to search before entry into the institution and visitors shall be required to remove the infant from each carrier during the search.

4. One set of infant clothing and a non-quilted blanket for each infant and toddler.

(k) ~~(l)~~ Sunglasses.

(l) ~~(m)~~ Small unopened package of facial tissues in clear plastic.

(2) A visitor who brings any item not listed above that is not considered contraband or illegal, or who brings more than the permissible amounts of authorized items, shall be required to find a secure location to store the items for the duration of their visit.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07, _____.

33-601.731 ~~Revocation or~~ Suspension of Visiting Privileges

(1) Suspension of Inmate Visiting Privileges.

(a) Suspension, including indefinite suspension, of an inmate's visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314, F.A.C.

(b) ~~(2)~~ Indefinite suspension of an inmate's visiting privileges shall be considered by the ICT Institutional Classification Team (ICT) as a management tool only when an inmate is found guilty of the following offenses:

1. Any major rule violation as defined in Rule 33-601.713, F.A.C.

~~(a) Possessing any firearms, dangerous weapons, explosives or explosive devices;~~

~~b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges;~~

2. (e) Possessing or using: a cellular telephone or other portable communication device as defined in Section 944.47(1)(a)6., F.S.; 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 the statute.

(c) (3) An inmate shall be subject to suspension of visiting privileges ~~for up to two years~~ by the ICT as a management tool when the inmate is found guilty of the following disciplinary offenses: ~~in paragraphs (a) through (d) below. In determining the length of suspension, the ICT shall consider the extent of the sexual misconduct, the amount and type of drugs, the amount of money, the type of article or instrument, the inmate's prior disciplinary history, and the inmate's prior visiting record.~~

1. (a) Committing or engaging in sexual misconduct, (i.e., nudity, sexual acts with or without others, willful exposure of private body parts, or soliciting sexual acts from others).

2. (b) Possessing or passing money.

3. (e) Possessing or using drugs.

4. Possessing or using intoxicating beverages.

5. Refusing to participate in or being removed from a mandatory program due to negative behavior.

6. Possessing a recording device.

7. Visiting rule violation.

~~(d) Possessing any article or instrument that aids in escape or attempted escape.~~

~~(4) An inmate shall be subject to suspension of visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, by the ICT as a management tool when an inmate is found guilty of possessing any of the following contraband or illegal items:~~

~~(a) Intoxicating beverages;~~

~~(b) Recording devices.~~

~~(5) An inmate shall be subject to suspension of visiting privileges for three months by the ICT as a management tool when an inmate is rated "unsatisfactory" for the work or program performance rating, including part time assignment or security assessment. Such three month suspension shall begin with the month the rating was entered and run consecutively for each unsatisfactory rating.~~

~~(6) Inmates shall be suspended from receiving visits for three months beginning with the next visiting period for refusing to participate or being removed from a mandatory program due to negative behavior.~~

~~(7) The ICT shall consider suspending the inmate's visiting privileges for each subsequent offense described in subsections 33-601.731(1) through (5), F.A.C.~~

~~(d) The ICT shall suspend the visiting privileges of any inmate subject to a pending investigation for escape, attempted escape, or possession of escape paraphernalia until the investigation is complete. If the inmate is found guilty, the ICT shall consider indefinite suspension of the inmate's visiting privileges pursuant to paragraph (1)(b) of this Rule. If the inmate is not found guilty, the ICT shall immediately reinstate the inmate's visiting privileges.~~

~~(e) If an inmate is found guilty of an offense listed in subsection (1)(c), the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form DC6-XXX, Visiting Privileges Suspension Matrix. Form DC6-XXX is hereby incorporated by reference. If an inmate's visiting privileges are suspended pursuant to this Rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(c), the inmate is subject to an increased period of suspension as follows:~~

~~1. If the subsequent offense occurs within two years of a guilty finding for the same offense, the inmate's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.~~

~~2. If the subsequent offense is different from the previous offense, the inmate's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.~~

~~(e) (8) In lieu of suspending an inmate's visiting privileges, the ICT is authorized to consider placement of an inmate in non-contact visitation status as provided in paragraph 33-601.735(2)(c), F.A.C., for offenses listed in paragraph (1)(c) subsections 33-601.731(1) through (6), F.A.C.~~

~~(2) (9) Suspension of Visitor's Visiting Privileges.~~

~~(a) A visitor's visiting privileges shall be indefinitely suspended revoked by the warden or designee when the visitor:~~

~~1. Is found in possession of an illegal drug (controlled substances) or drug paraphernalia when on the property of any department facility, when entering or exiting any department facility, or is found passing, attempting to pass, accepting, or attempting to accept such items to or from an inmate.~~

~~2. Is found in possession of a firearm, ammunition or explosive device, articles, or instrument, or is found attempting to pass or passing such items to an inmate. Staff will secure the weapons for the law enforcement officers.~~

~~3. Assists, facilitates, aids or abets an inmate to escape or attempt to escape or is found in possession of or passing or attempting to pass to an inmate any item or instrument that is capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in this instance.~~

~~a. All visiting privileges of the escapee shall be suspended upon his or her return to department's custody.~~

~~b. Visiting privileges shall be suspended pending completion of the Inspector General's investigation if an attempted escape is alleged.~~

~~4. Commits repeated visiting rule or procedure infractions.~~

5. Visits or attempts to visit an inmate work area or walks or drives along the perimeter road or the grounds of the institution except in those areas designated specifically for inmate visitation or visitor parking.

6. Evidences intent to do harm to staff, inmates or visitors.

7. Is found in possession of or is found passing or attempting to pass to an inmate: a cellular telephone or other portable communication device, as defined in Section 944.47(1)(a)6., F.S.; 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 the statute.

(b) ~~A visitor's visiting~~ Visiting privileges shall be suspended by the warden or designee ~~for up to two years~~ when the visitor:

1. Attempts to pass or passes money to an inmate,;

2. Is intoxicated or has consumed intoxicating beverages or is found in possession of intoxicating beverages on the grounds of any department facility, or is found passing or attempting to pass such items to an inmate,;

3. Violates visitor conduct standards in subsection 33-601.727(1)(~~i~~) ~~through (k)~~, F.A.C.

4. Commits criminal activity, ~~serious rule violations or infractions or any security breach.~~

5. ~~Falsifies~~ As a former employee, contract employee, or vendor falsifies information to obtain visiting privileges, including falsification of guardianship documents, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertant or good faith mistake, omission, or clerical error.

(c) If a visitor is found guilty of an offense listed in paragraph (2)(b), the warden or designee shall suspend the visitor's visiting privileges for the period of time specified in the Visiting Privileges Suspension Matrix (Appendix One). If a visitor's visiting privileges are suspended pursuant to this Rule and the visitor subsequently commits one of the offenses listed in paragraph (2)(b), the visitor is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of the commission of the same offense, the visitor's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the visitor's visiting privileges shall be suspended for the length of time specified in the Visiting Privileges Suspension Matrix for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense

~~Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. — falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(2), F.A.C. — visitor attire, Rule 33-601.726, F.A.C. — visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a) through (h), F.A.C., shall have visiting privileges suspended by the warden or designee supervisor for up to one year.~~

(3) ~~(4)~~ The warden or designee shall have the discretion to impose a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, _____.

Editorial Note: Formerly 33-601.707 and 33-601.708, F.A.C.

33-601.732 Reinstatement of ~~Revoked or~~ Suspended Visiting Privileges.

(1) Reinstatement of Inmate Visiting Privileges. The warden or designee shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) Reinstatement of indefinitely suspended privileges ~~suspended for more than two years~~ shall only be considered after two years from imposition of the indefinite suspension.

1. The warden or designee shall review the request, render a final decision and notify the inmate concerned.

2. Should the inmate be denied reinstatement, the inmate may not make another request for six months ~~one year~~ from the last decision requesting reinstatement.

(b) Reinstatement of suspended privileges ~~suspended for two years or less~~ shall not be considered ~~for reinstatement~~ for a period of one year from the imposition of the most recent suspension. Should the inmate be denied, the inmate may not make another request for six months from the last decision requesting reinstatement.

~~(c) Early reinstatement of suspensions of one year or less shall not be considered for reinstatement until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.~~

(2) Reinstatement of Visitor Visiting Privileges. The warden or designee shall approve or deny requests for reinstatement of a visitor's revoked or suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the assigned institutional classification officer. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of indefinitely suspended ~~revoked~~ privileges shall only be considered after two years from imposition of the indefinite suspension.

1. The warden or designee shall review the request, render a final decision and notify the visitor concerned.

2. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for six months ~~one year~~ from the last decision requesting reinstatement.

(b) Reinstatement of suspended privileges ~~suspended for two years or less~~ shall not be considered for reinstatement for a period of one year from the imposition of the most recent suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for six months from the last decision requesting reinstatement.

~~(c) Early reinstatement of suspensions of one year and under shall not be considered for reinstatement until at least six months from the date of suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request.~~

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, _____.

33-601.733 Visiting – Special Status Inmates

(1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden or duty warden shall grant special visits, as outlined in Rule 33-601.736, F.A.C., if the inmate remains at the reception center more than 45 days.

(b) ~~Inmates in administrative confinement, protective management, or disciplinary confinement status shall have visiting privileges as outlined in Rules 33-602.220, 33-601.221, and 33-602.222, F.A.C., respectively. The warden or designee shall determine whether an approved visit for inmates in one of the above statuses will be non-contact pursuant to Rule 33-601.735, F.A.C. In disciplinary confinement, administrative confinement, or protective management status, inmates shall have visiting privileges as outlined in Rules 33-602.222, 33-602.220, and 33-602.221. Rule 33-601.734, F.A.C.~~

(c) Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-601.237, F.A.C.

(2) Upon placement in a special classification status where visiting privileges are prohibited or restricted, the warden shall ensure:

(a) That inmates are provided the opportunity, at the inmates' expense, to notify at least three approved visitors of the prohibition or restriction before the next scheduled visiting day if the situation permits the inmate to do so, or

(b) That staff makes visitor notifications by phone if the inmate is unable to make them.

(3) Visitation for inmates in prolonged hospitalization ~~or~~ with serious medical conditions or terminal illnesses shall be allowed ~~visits~~ unless security or medical issues as determined by the warden and chief health officer preclude visitation. A decision shall be made on a case-by-case basis. If visitation is authorized, the warden, in consultation with the chief health officer, shall determine the visitation schedule and shall inform at least three members of the inmate's immediate family. The regional director shall be informed in high notoriety cases before allowing visiting.

(4) An inmate housed in a mental health unit shall be permitted visits except as prohibited by the warden upon the advice of the chief health officer on a case-by-case basis.

(a) The warden shall prohibit an inmate housed in a mental health unit from receiving visitation where the warden determines that allowing the visit creates a substantial risk to the security of the institution, inmate, or visitor. In determining whether an inmate should be prohibited from receiving visitation the warden shall consider the custody level, special status, disciplinary history, and any other factors related to the security, order, or effective management of the institution.

(b) The chief health officer shall recommend prohibiting an inmate housed in a mental health unit from receiving visitation where the chief health officer has made or relied on a doctor's determination that visitation with a particular individual or visitation in general is likely to cause substantial harm to the inmate or the individual visiting the inmate.

(5) A maximum management inmate shall be allowed to receive non-contact visits from approved visitors in accordance with Rule 33-601.820, F.A.C.

(6) An inmate in close management shall be allowed to receive visits from approved visitors in accordance with Rule 33-601.800, F.A.C.
~~Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 12-25-08, _____.~~

Editorial Note: Formerly 33-601.704, F.A.C.

33-601.735 Non-Contact Visiting.

(1) When the 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.

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

(a) Whether the inmate is a threat to the security of the institution,

(b) The inmate's and his or her visitors' past behavior during visiting,

(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 or alcohol,

(e) Whether the inmate has a confirmed membership in a security threat group, and

(f) A positive drug or alcohol urine test.

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

(a) The seriousness of the incident or circumstances resulting in placement in non-contact status,

(b) The inmate's history of repeated placement on non-contact status,

(c) The inmate's overall adjustment history since placement in non-contact status, and

(d) The inmate's disciplinary pattern within the last year related to drugs, contraband involvement, violence, or visiting rule violations.

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

(a) Non-contact visits shall be scheduled for one two-hour visit per week unless an emergency exists or security concerns dictate otherwise.

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

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

(d) Inmates are responsible for notifying visitors of their placement on non-contact visiting status.

(5) For inmates in Administrative Confinement, Protective Management, or Disciplinary Confinement, the warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all of the criteria set forth in subsection (2).

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, _____.

33-601.737 Visiting - Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) DC1-803, Unclothed Body Search Consent, effective 11-18-01.

(2) DC1-804, Consent to or Notification of Search, effective 11-18-01.

(3) DC6-111A, Request for Visiting Privileges, effective 8-23-07.

(4) DC6-111B, Visitor Information Summary, effective 8-23-07.

(5) DC6-111C, Remove/Add Visitor Request, effective 11-18-01.

(6) DC6-111D, Visitor Screening Matrix, effective _____ ~~8-23-07~~.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, 3-21-06, 3-29-07, 8-23-07, _____.