

May 9, 2018

NOTICE OF CHANGE

**DEPARTMENT OF CORRECTIONS**

RULE NO.:      RULE TITLE:

33-601.722      Visiting Schedule

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 58, March 23, 2018 issue of the Florida Administrative Register.

Changes to the rule are made in response to written comments provided by the Joint Administrative Procedures Committee in their correspondence dated March 29, 2018 and supported by the record of the public hearing conducted on April 3, 2018.

THE CHANGES TO THE TEXT OF THE PROPOSED RULE ARE:

Substantial Rewording of Rule 33-602.210 follows See Florida Administrative Code for present text.

33-601.722 On-Site Visiting Schedule.

(1) The Department will establish an on-site visitation schedule for each institution, as provided in this rule, based upon consideration of the following criteria:

(a) Institutional security;

(b) Institutional staffing;

(c) Safety and security of inmates, visitors, and staff;

(d) Visiting park maximum capacity as defined in Rule 33-601.713(16);

(e) Number of visitors, and

(f) Frequency of introduced contraband.

(2) The Department will designate each institution's on-site visitation schedule as one of the following: "Standard Visitation", "Modified Visitation", or "Emergency/Temporary Visitation". The Department will provide notice of the on-site visitation designation for each institution on the individual facility's web page and Department's website. Each institution will provide notice of the institution's on-site visitation schedule in accordance with Rule 33-601.714(4)(b).

(a) "Standard Visitation" will be allowed 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, Sunday and during the days identified in paragraphs (6) and (7) of this rule.

(b) "Modified Visitation" will be allowed 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 an alternating, odd-even weekend basis determined by the last digit of the inmate's Department of Corrections ("DC") number. The "week number" will be determined as established by the International Organization for Standardization, ISO 8601:2004 Data elements and interchange formats (ISO 8601).

1. Inmates with a DC number ending with an odd-numbered digit will be allowed visitation during odd-numbered weeks and inmates with a DC number ending with an even-numbered digit will be allowed visitation during even-numbered weeks.

2. The visitation period will be each Saturday and Sunday of the corresponding odd or even numbered week.

3. Notwithstanding the odd or even numbered week, all inmates will be allowed visitation on the days as provided in paragraph (6) and (7) of this rule.

(c) "Emergency/Temporary Visitation" will be allowed when the Secretary, or his/her designee, makes the determination that an individual institution, a region(s), or statewide facilities necessitate an "Emergency/Temporary Visitation" schedule. "Emergency/Temporary Visitation" shall include the limitation or suspension of visitation privileges when any one of the criteria set forth below becomes necessary for the safety and welfare of the inmates and staff and will be limited to the duration of the threat or hazard posed. The following criteria will be considered when making a determination whether an "Emergency/Temporary Visitation" schedule is appropriate and the duration of the schedule:

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

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

3. An institution experiencing an influx of contraband that poses a threat to the safety and security of the institution, inmates, staff, and visitors.

4. A declared emergency.

5. An event giving rise 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 creates or poses a threat to the security or safety of the institution, the inmate population, staff or public.

(d) Notwithstanding the Department's on-site visitation schedule designation, each such schedule is subject to the provisions of Rule 33-601.721(9) that may necessitate a limitation, reduction, or termination of visitation.

(3) Notwithstanding the institutions' designated on-site visitation schedule, an inmate's visitation privilege will be subject to any disciplinary sanction that may be imposed pursuant to Rule 33-601.731.

(4) 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).

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

(6) All inmates shall be allowed visitation on:

(a) New Year's Day;

(b) Birthday of Martin Luther King, Jr., third Monday in January;

(c) Memorial Day;

(d) Independence Day;

(e) Labor Day;

(f) Veteran's Day;

(g) Thanksgiving Day and the Friday following Thanksgiving; and

(h) Christmas Day.

(i) If any of the days listed in subparagraphs (a) – (h) falls on Saturday, the preceding Friday shall be observed as an authorized visiting day. If any of the days listed in subparagraphs (a) – (h) falls on Sunday, the following Monday shall be observed as an authorized visiting day.

(j) For institutions designated as a "Modified Visitation" facility, when any of the days identified in subparagraph (a) – (h) falls on a weekend, Monday, or Friday, the inmate will be allowed visits during that Monday or Friday and the adjacent Saturday and Sunday.

(7) All inmates, notwithstanding the facility's visitation designation, shall be allowed visitation on:

(a) Mother's Day; and

(b) Father's Day.

(8) The Secretary, or his/her designee, will consider re-designation of an institution's visitation schedule from "standard visitation" to "modified visitation" or from "modified visitation" to "standard visitation" as set forth in this rule.

(a) Criteria Considered. In considering whether to re-designate an institution's on-site visitation schedule, the Secretary, or his/her designee, will consider the criteria set forth in paragraph (1) of this rule.

(b) When any one or combination of an institution's circumstances, as set forth in paragraph (1) of this rule, have substantially changed to the extent that a change in the visitation designation is warranted, the Warden of the institution, Regional Director, Assistant Deputy Secretary of Institutions, or Deputy Secretary of Institutions shall provide the Secretary, or his/her designee, with sufficient information, data, or criminal intelligence information to determine whether the institution's visitation schedule should be re-designated.

(c) The Secretary, or his/her designee, will determine whether or not to re-designate the institution's on-site visitation schedule. The Department will provide notice of the on-site visitation schedule change for each institution on the individual facility's web page and Department's website. Each institution will provide notice of the institution's on-site visitation schedule change in accordance with Rule 33-601.714(4)(b).