

October 13, 2022

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NOS.:RULE TITLES:

- 33-601.713 Inmate Visiting- Definitions
- 33-601.715 Visiting Application Initiation Process
- 33-601.716 Visiting Record Management
- 33-601.717 Visiting Denial
- 33-601.722 Visiting Schedule
- 33-601.723 Visiting Check-In Procedures
- 33-601.725 Permissible Items for Visitors
- 33-601.726 Visitor Searches
- 33-601.727 Visitor Conduct
- 33-601.731 Suspension of Visiting Privileges
- 33-601.732 Reinstatement of Suspended Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modernize visitation procedures and increase efficiency while ensuring the safety and security of visitors, inmates, and staff by: updating definitions related to visitation; clarifying the use of Form DC6-111A; providing guidance and instruction related to visitation lists and visiting records; supplementing bases for visitor denial; providing for the reduction or suspension of visitation during emergencies; requiring visitation to be scheduled through an automated scheduling system on the Department's public website; supplementing visitation check-in procedures; providing for non-cash payments at visiting park canteens and vending machines, where applicable; supplementing rules and procedures related to searches of visitors; supplementing rules and procedures related to suspension of visitation privileges; and clarifying visitation reinstatement waiting periods.

SUMMARY: These rules are being amended to create/revise definitions related to visitation; clarify the use of Form DC6-111A; provide guidance and instruction related to visitation lists and visiting records; supplement bases for visitor denial; provide for the reduction or suspension of visitation during emergencies; require visitation to be scheduled through an automated scheduling system on the Department's public website; supplement visitation check-in procedures; provide for non-cash payments at visiting park canteens and vending machines, where applicable; supplement rules and procedures related to searches of visitors; supplement rules and procedures related to suspension of visitation privileges; clarify visitation reinstatement waiting periods; and make other clean-up revisions as necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or, if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 944.115, F.S.

LAW IMPLEMENTED: 20.315, 944.09, 944.115, 944.23, 944.47, 944.8031, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Office of the General Counsel,

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Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399,
FDCRuleCorrespondence@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 33-601.713, F.A.C., follows. See Florida Administrative Code for present text.

33-601.713 Inmate ~~Visitation~~ Visiting – Definitions.

For purposes of Rules 33-601.713 through 33-601.737, F.A.C., the words and phrases noted below are defined as follows:

- (1) “Actual Possession” refers to physical occupancy or control over property.
- (2) “Approved Visitor” refers to a 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.
- (3) “Authorized Adult” refers to an approved visitor eighteen years of age 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 visitation purposes.
- (4) “Automated Visitation Scheduling System” refers to a Department-approved electronic scheduling service provided by a contracted vendor.
- (5) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Department’s electronic inmate database that automates visitor entry into and exit from institutions and records visitation information.
- (6) “Background Check” refers to a process used by the Department to verify that an individual is the person they claim to be and to determine whether that individual has a criminal record.
- (7) “Constructive Possession” refers to control or dominion over property without actual possession or custody of the property.
- (8) “Criminal Activity” refers to an act that would be a violation of federal or state law if committed in the presence of a law enforcement official, regardless of whether the violation would be a felony or misdemeanor, and notwithstanding any potential penalty.
- (9) “Criminal Intelligence Information” refers to information relating to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.
- (10) “Emancipated Minor” refers to an approved a visitor seventeen years of age or younger who has furnished written proof of emancipation attached to a completed Form DC6-111A, Request for Visiting Privileges. Form DC6-111A is incorporated by reference in Rule 33-601.715, F.A.C.
- (11) “Family” refers to an inmate’s lawful spouse, children, parents, brothers, sisters, grandparents, great-grandparents, grandchildren, stepbrothers, stepsisters, stepparents, step-grandparents, aunts, uncles, nieces, nephews, foster parents, stepchildren, half-brothers, half-sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, sons-in-law, and daughters-in-law.
- (12) “Indefinite Suspension” refers to the withdrawal or voiding of an inmate’s or approved visitor’s visiting privileges for an unspecified period of time pursuant to Rule 33-601.731, F.A.C.
- (13) “Institution” refers to a “state correctional institution” as defined in section 944.02, F.S.
- (14) “Institutional Classification Team (ICT)” refers to the team consisting of the warden or assistant warden, classification supervisor, a chief of security, 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 an institution and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department of Corrections representative is considered a fourth member of the ICT when reviewing all job or program assignment, transfer, and custody recommendations or decisions. If a majority decision by the ICT is not possible, the decision of the Department of Corrections representative is final.
- (15) “Maximum Capacity” refers to the capacity of an inside visiting park as determined by the State Fire Marshal.
- (16) “Minor” refers to a person seventeen years of age or younger who is approved to visit, but who, when visiting, must be accompanied by a parent, legal guardian, or authorized adult who is an approved visitor.
- (17) “Non-Contact Visiting” refers to visitation at authorized institutions where a structural barrier that allows

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verbal communication is used to prevent an inmate and approved visitor from having any form of physical contact while visiting.

(18) “Reasonable Suspicion” refers to a particularized basis for suspecting a person of criminal activity that is supported by specific and articulable facts.

(19) “Regular Visit” refers to an approved visit between an inmate and an approved visitor on the inmate’s automated visiting record that occurs in accordance with Rule 33-601.722, F.A.C.

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

(21) “Scheduled Visiting Days” refers to the specific days and times an inmate is authorized to be visited pursuant to Rule 33-601.722, F.A.C.

(22) “Secured Facility” refers to any state correctional institution, federal prison, juvenile detention center, municipal jail, or other facility where an individual is confined pursuant to a court order or lawful arrest.

(23) “Security Threat Group (STG)” has the same meaning as set forth in Rule 33-601.800, F.A.C.

(24) “Service Animal” refers to a dog that is individually trained to do work or perform tasks for a person with disabilities. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.

(25) “Special Status Inmate” refers to an inmate who is not housed in the general population but is in a special classification status as outlined in Rule 33-601.733, F.A.C., who is prohibited or restricted from being visited based on their status.

(26) “Special Visit” refers to a visit authorized pursuant to Rule 33-601.722, 33-601.733, or 33-601.736, F.A.C., on a day, at a time, or for a duration of time other than an inmate’s regular visits, or with a person not approved in the inmate’s automated visiting record.

(27) “Suspension” refers to the withdrawal or voiding of an inmate’s or approved visitor’s visiting privileges for a specified period of time pursuant to Rule 33-601.731, F.A.C.

(28) “Unclothed Body Search” refers to the process whereby a person is required to remove some or all of their clothing, including undergarments, in order to have their body and clothing visually inspected for the purpose of finding contraband.

Rulemaking 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, 3-7-04, 12-6-04, 9-8-11, 9-24-12, 2-21-13, 3-6-14, _____.

33-601.715 Visitation ~~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 as defined in Rule 33-601.713, F.A.C., 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 Form DC6-111A, Request for Visitation ~~Visiting~~ Privileges (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00812>), and Form DC6-111B, Visitor Information Summary (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00813>), within 24 hours after arrival at their ~~his or her~~ permanent facility. Forms DC6-111A and DC6-111B are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500; _____ <http://www.flrules.org/Gateway/reference.asp?No=Ref-00812> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-00813>, respectively. The effective date of these forms is XX/XX 12/14. The inmate shall be responsible for sending the forms to each family member or friend aged twelve years ~~of age~~ or older whom the inmate wishes to be placed in their ~~his or her~~ automated ~~approved~~ visiting record. Minors aged eleven years ~~of age~~ and younger are not required to submit Form DC6-111A until they reach twelve years of age.

(a) No change.

(b) The prospective visitor shall be required to complete Form DC6-111A, Request for Visitation ~~Visiting~~ Privileges, by filling in each line or inserting “NA” (not applicable) where appropriate. The prospective visitor can obtain a copy of the form from the inmate or retrieve a copy from the Department’s public website.

(c) The prospective visitor may submit the completed Form DC6-111A, Request for Visitation Privileges, via U.S. Mail to the classification department at the institution where visitation is being requested. Alternatively, the

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prospective visitor may submit the completed Form DC6-111A electronically as an attachment to an e-mail sent to the e-mail address for visitation applications at the institution where visitation is being requested.

(3) The institution classification staff shall conduct criminal history background checks on applicants requesting visiting privileges upon receipt of the visitation application. Subsequent background checks may be conducted by either classification staff or security staff.

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

Rulemaking 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, 1-10-12, 12-21-14, _____.

33-601.716 Visiting Record Management.

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

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

(3) An inmate may have up to fifteen visitors twelve years of age or older on their automated visiting record. This includes visitors in approved or suspended status. No more than five of the visitors listed may be non-family members. No more than fifteen people, twelve years of age or older, including family and non family members, are allowed on an inmate's approved visiting record.

(4) An inmate will ~~Inmates shall~~ be permitted to remove or request to add visitors to their automated their inmate visiting record records by completing Form DC6-111C, Remove/Add Visitor Request, which will be provided by institutional classification staff. Form DC6-111C is hereby incorporated by reference; <https://www.flrules.org/gateway/reference.asp?No=Ref-00674>. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <https://www.flrules.org/gateway/reference.asp?No=Ref-00674>. The effective date is October, 2011.

(a) Additions to an inmate's the visiting record will ~~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 shall not be removed from an inmate's approved visiting list and the inmate shall not be allowed to replace the visitor with another approved visitor.

(b) Removals from an inmate's visiting record will be permitted once every twelve months pursuant to the following schedule:

1. An inmate with a DC number ending in "0" may request a change in January;

2. An inmate with a DC number ending in "1" may request a change in February;

3. An inmate with a DC number ending in "2" may request a change in March;

4. An inmate with a DC number ending in "3" may request a change in April;

5. An inmate with a DC number ending in "4" may request a change in May;

6. An inmate with a DC number ending in "5" may request a change in July;

7. An inmate with a DC number ending in "6" may request a change in August;

8. An inmate with a DC number ending in "7" may request a change in September;

9. An inmate with a DC number ending in "8" may request a change in October;

10. An inmate with a DC number ending in "9" may request a change in November.

(c) Approved changes will become effective during the first week of the month following an inmate's designated month.

(d) An approved visitor whose visitation privileges are suspended will not be removed from an inmate's automated visiting record. The inmate will not be allowed to remove the suspended visitor from their automated visiting record until the expiration of the suspension period or the month designated in paragraph (4)(b).

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

(6) An approved A visitor will ~~shall~~ be permitted to be on the automated ~~approved~~ visiting record of all inmates

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who are family as well as one non-family inmate except as provided in subsection (7) below.

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

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

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

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

(8) An approved visitor who is on the automated visiting record ~~list~~ of two or more ~~family-member~~ family-member inmates ~~who are~~ at the same institution may visit the inmates at the same time.

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

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 9-29-03, 10-30-11, _____.

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 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~~ 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 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.

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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 preceding 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.

(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 ~~D~~epartment 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 doing so will to further the inmate's rehabilitation, ~~to~~ ensure consistency with the ~~D~~epartment'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,_____.

Substantial rewording of Rule 33-601.722 follows. See Florida Administrative Code for present text.

33-601.722 On-Site Visitation Visiting Schedule.

Pursuant to the Florida Statutes and case law, the Department has broad discretion in who may be permitted to enter a state correctional institution. In accordance with that discretion, and the Department's statutory authority to

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promulgate rules regarding visitation, the Department provides the following limitations regarding on-site inmate visitation:

(1) Hours of Visitation. Standard visitation hours are defined as visitation between the hours of 9:00 a.m. and 3:00 p.m., Eastern Time (ET), or 8:00 a.m. and 2:00 p.m., Central Time (CT), on each Saturday, Sunday, and the days identified in paragraph (6) of this rule. These hours may be reduced or suspended by the Secretary or Secretary's designee for any reason stated in subsection (2). Additional on-site visitation hours outside of these days and times may be provided at the discretion of the Secretary or Secretary's designee.

(2) Emergency Reduction or Suspension of Visitation. When the Secretary or Secretary's designee determines it necessary, he or she may reduce or suspend visitation for an individual institution, the institutions in one or more regions, or all institutions statewide. The reduction or suspension of visitation privileges may occur only if warranted by the circumstances and required to promote the safety and security of an institution, inmates, staff, or the public. The reduction or suspension of visitation privileges will be limited to the duration of the threat or hazard posed. The Department will provide notice per subsection (7) of the general reason for the reduction or suspension of visitation privileges. The following criteria will be considered when determining whether a reduction or suspension of visitation privileges is appropriate:

(a) An imminent or current disturbance, uprising, strike, or riot, or the immediate aftermath thereof.

(b) An imminent or current institutional staffing limitation that creates or poses a significant threat to the safety and security of the institution, inmates, staff, or the public.

(c) Any incident of contraband introduction resulting in the interruption, cancellation, or modification of routine facility operations.

(d) Any emergency declared pursuant to Chapter 252, F.S.

(e) An imminent or current natural disaster, or the immediate aftermath thereof.

(f) Infection control issues that pose a significant potential health risk to inmates, staff, or the public.

(g) Any other extraordinary circumstance that creates or poses a significant threat to the security or safety of the institution, inmates, staff, or the public.

(3) Visitation at the institution is subject to the provisions of Rule 33-601.721(9), F.A.C., which may necessitate a limitation, reduction, or termination of visitation.

(4) An inmate's visitation privileges are subject to limitation, restriction, or prohibition due to a disciplinary sanction or special status pursuant to Rules 33-601.731 or 33-601.733, F.A.C., respectively.

(5) Approved visitors must request to schedule visitation sessions by accessing the Department's automated visitation scheduling system on the Department's public website. Visitation requests shall be made in advance to the institution where visitation is being requested. Visitation requests must be submitted the Monday, Tuesday, or Wednesday immediately prior to the desired visitation date, during the times published on the Department's public website.

(a) Institutions will initiate the visitation registration process at 8:15 a.m. ET or 7:15 a.m. CT. To better facilitate the registration process, visitors will be allowed to park in designated spaces beginning at 7:30 a.m. ET or 6:30 a.m. CT.

(b) Visitors will not be processed after 2:00 p.m. ET or 1:00 p.m. CT unless authorized by the duty warden.

(6) Absent the Secretary or Secretary's designee's reduction or suspension of visitation, all eligible inmates will be allowed visitation on:

(a) New Year's Day;

(b) Martin Luther King, Jr., Day;

(c) Memorial Day;

(d) Independence Day;

(e) Labor Day;

(f) Veteran's Day;

(g) Thanksgiving Day and the Friday following Thanksgiving;

(h) Christmas Day;

(i) Mother's Day; and

(j) Father's Day.

(k) If any of the days listed in paragraphs (6)(a) through (h) falls on Saturday, the preceding Friday will be

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observed as an authorized visitation day. If any of the days listed in paragraphs (6)(a) through (h) falls on Sunday, the following Monday will be observed as an authorized visitation day.

(7) The Department will provide notice of the on-site visitation schedule for each institution as follows:

1. On the individual institution's web page,
2. On the Department's website,
3. On a bulletin board at each institution accessible and viewable by inmates, or
4. In accordance with Rule 33-601.714(4)(b), F.A.C.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.151, 944.23, 944.47 FS. History—New 11-18-01, Amended 5-5-05, 10-12-05,_____.

33-601.723 Visitation ~~Visiting~~ Check-In Procedures.

(1) Pursuant to Rule 33-601.722, F.A.C., approved visitors must have requested to schedule a visitation session in advance by accessing the Department's automated visitation scheduling system on the Department's public website and have been approved for the current session before arriving at the institution.

(2)(1) No more than ~~Only~~ five approved visitors, ~~twelve~~ 12 years of age or older, ~~at any time~~ may visit an inmate in the visiting area ~~at any one time~~. Children ~~eleven~~ 11 years old and younger do not count against the five approved visitors.

(3)(2) A visitor's initial check-in shall take place in a location that minimizes weather exposure and provides restrooms.

(4)(3) Visitors shall be required to register for ~~the current visitation session~~ ~~visiting~~ through the automated visiting record. ~~Failing~~ ~~The failure~~ to do so or providing false information shall result in denial or termination of the visit and suspension of ~~visitation~~ ~~visiting~~ privileges.

(5)(4) All visitors sixteen years of age or older must present a valid form of picture identification for ~~visitation~~ ~~visiting~~ registration. Acceptable forms of identification are identification cards that contain a photograph, current address, and date of birth and physical characteristics of the individual. Signatures are not required if the identification otherwise complies with all other standards of proper identification.

(6)(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times, ~~including~~ ~~to include~~ when the minor is subject to being searched under the provisions of Rule 33-601.726, F.A.C. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the minor's parent or legal guardian (neither of which may be an inmate except as provided below) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue. In cases where it can be determined that legal custody remains with the incarcerated parent or legal guardian and has not been given to another adult by the court, a notarized statement from the incarcerated parent or guardian shall be acceptable for purposes of authorizing children of the inmate to visit. Any such authorization remains subject to any relevant court orders or relevant departmental rules regarding the inmate's contact with the minor in question. Falsification of a document of guardianship shall result in the person being subject to suspension of ~~visitation~~ ~~visiting~~ privileges pursuant to ~~Rule paragraph~~ 33-601.731(9)(d), F.A.C.

(7) All visitors twelve years of age or older are subject to periodic onsite background checks via fingerprint scan prior to entry into any institution.

(a) Without exception, entry into the institution will be denied if the background check reveals any of the following:

1. The visitor has an active warrant for their arrest;
2. The visitor has an active protective order or injunction against the inmate;
3. The inmate has an active protective order or injunction against the visitor;
4. The visitor has an open criminal case that is pending disposition;
5. The visitor has been arrested since becoming an approved visitor.

(b) If entry is denied pursuant to paragraph (a), the visitor will not immediately be advised of the specifics revealed during the background check and should contact institutional staff on the next business day for assistance.

(8)(6) Should a visitor find it necessary to leave the visiting park prior to completion of the visit, the visitor

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shall not depart until institutional staff have verified the identity of the visitor and the presence and location of the inmate being visited. The visitor will not be allowed reentry unless approved by the shift supervisor or the duty warden. If reentry is approved, the visitor will proceed through the automated visiting record as required in this rule.

~~(9)(7)~~ A visitor is allowed to bring a service animal, as defined in Rule 33-601.713, F.A.C., into institutional visiting parks under the Americans with Disabilities Act (ADA). Under the ADA, a service animal must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the visitor's disability prevents using these devices. In that case, the visitor must maintain control of the animal through voice, signal, or other effective controls.

(a) through (c) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-17-06, 6-28-12, 2-21-13, _____.

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) No change.

(b) One form of payment, as designated by the warden of that institution or facility ~~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 (where available) or vending machines. Where cash is permitted, the total amount shall not exceed \$50.00 per visitor, regardless of age, in denominations of \$1.00, \$5.00, \$10.00, and \$20.00 only or in silver change.~~ All snacks and beverages shall be purchased and consumed in the visiting area. At institutions that operate a visiting park canteen, a small wallet or pouch may be used to contain ~~for containing the an authorized form of payment bills~~ and any change received from the canteen or vending purchases.

(c) No change.

(d) 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 Rule 33-601.723, 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 visitation ~~visiting~~ period.

2. through 3. No change.

(e) through (j) No change.

(2) No change.

Rulemaking 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, 3-29-12, _____.

Substantial rewording of Rule 33-601.726 follows. See Florida Administrative Code for present text.

33-601.726 Visitor Searches.

(1) Visitors, visitors' vehicles, and rental vehicles in visitors' possession are subject to search at any time while on institutional property. A visitor who refuses a search as described below will have their current visit denied and their visitation privileges suspended as set forth in Rule 33-601.731, F.A.C.

(2) Authorized visitor searches include:

(a) Inspection of the interior and exterior of any hand-carried item in a manner that does not damage or destroy the item or impair its use. If the item would be damaged, destroyed, or impaired by the inspection, the visitor will not be permitted to bring the item into the institution.

(b) Manual and visual inspection of the visitor's hair, hair piece, toupee, wig, hair extensions, facial hair, and scalp.

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(c) Visual inspections of the visitor's ears, nose, and mouth without the insertion of any instruments or the officer's fingers.

(d) Removal and inspection of the visitor's shoes.

(e) Removal and inspection of the visitor's exterior layers of clothing and accessories such as gloves, scarves, overcoats, or sweaters.

(f) After removal of any exterior layers of clothing and accessories, manual and visual inspection of the visitor's first layer of clothing worn over the visitor's underwear.

(g) Manual and visual inspection of stockings, socks, and diapers. If it becomes necessary to remove the diaper of an infant or toddler for inspection, written consent from the parent, legal guardian, or authorized adult must be obtained as provided in subsection (4), and the inspection must be done in the privacy of a search room by an officer of the same sex as the infant or toddler with the parent, legal guardian, or authorized adult present.

(h) Manual and visual inspection, including removal, of the harness, leash, or tether of a service animal.

(3) Methods of authorized searches may include:

(a) Manual and visual inspection as noted above.

(b) The use of metal detection devices.

(c) The use of K-9s.

(d) The use of drug ion scanner devices.

(e) Unclothed body searches after visitor consent and with supervisory approval.

(f) Body scanners operated in compliance with Florida Department of Health regulations.

(g) X-ray property/package scanners.

(4) Unclothed Body Searches.

(a) When security staff has a reasonable suspicion that a visitor is in possession of, or is attempting to introduce, any item of contraband into an institution, and the suspicion cannot be dispelled through less intrusive authorized search methods, security staff will request consent and approval for an unclothed body search.

(b) The visitor will be informed of the suspicion and asked to sign Form DC6-1018, Unclothed Body Search Consent. The visitor will be informed that refusal to consent to an unclothed body search will result in the denial of entry into the institution and the suspension of visitation privileges. Form DC6-1018 is hereby incorporated by reference. A copy of the form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00793>. The effective date of the form is XX/XX.

(c) The parent, legal guardian, or authorized adult will sign the consent form and will be present if a minor is to be subject to an unclothed body search. The parent, legal guardian, or authorized adult will be informed that their refusal to consent to the unclothed body search will result in the denial of the minor's entry into the institution.

(d) The warden or duty warden must approve an unclothed body search prior to the search being conducted. Approval will be given only after careful evaluation of the factual grounds that justify the search.

(e) Security staff of the same sex as the visitor must conduct approved unclothed body searches.

(f) Body cavity searches of visitors are not authorized. If a reasonable suspicion cannot be dispelled by a less intrusive search, the visitor will be denied entry into the institution.

(5) Visitor Vehicle Searches. When security staff possesses a reasonable suspicion that a visitor's vehicle, or a rental vehicle in the visitor's possession, contains or has been used to transport any item of contraband, the visitor will be informed of the suspicion and asked to sign Form DC6-1019, Consent to or Notification of Search. The visitor will be informed that refusal to consent to the requested search will result in the denial of entry into the institution and the suspension of visitation privileges. Form DC6-1019 is hereby incorporated by reference. A copy of the form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00794>. The effective date of the form is XX/XX.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 1-25-05, 1-4-12, 6-28-12, 2-21-13, _____.

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on Department

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property.

(a) through (b) No change.

(c) Visitors shall not possess, introduce, attempt to introduce, conspire or otherwise agree to introduce contraband or illegal items into or onto the grounds of any Department institution or facility nor shall they solicit, command, encourage, hire or request another person to engage in specific conduct which would constitute such offense or an attempt to commit such offense. Violations shall result in the suspension of visitation ~~visiting~~ privileges by the warden or designee. Contraband items not of an illegal nature shall be seized by staff when found and shall be returned only on the approval of the duty warden.

(d) through (i) No change.

(j) Visitors shall not give to or receive from the inmate any item of any description nor take any article whatsoever from the visiting area or grounds of the institution unless authorization is first obtained from the warden or duty warden. The only exceptions are food and beverage items purchased by visitors from vending machines or canteens (where applicable) and photographs purchased through the inmate photo project. The visitor may pass the food or beverage only to the inmate he or she is visiting. However, all food and beverages shall be purchased and consumed in the visiting area. The visitor shall not give cash, ~~or~~ currency, or any other form of payment directly to an inmate.

(k) through (l) No change.

(2) through (3) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Formerly 33-601.708, Amended 5-27-02, 9-29-03, 3-29-07, 2-21-13, 6-18-13, 8-12-13, _____.

Substantial rewording of Rule 33-601.731, F.A.C., follows. See Florida Administrative Code for present text.

33-601.731 Suspension of Visitation ~~Visiting~~ Privileges.

(1) Suspension of Inmate Visitation Privileges.

(a) Suspension of an inmate's visitation privileges pursuant to paragraphs (1)(b)-(e) below will be considered by the ICT as a management tool independent of any disciplinary action or close management placement resulting from a listed infraction or incident. The ICT will consider the following factors when contemplating a suspension of an inmate's visitation privileges:

1. The severity of the precipitating conduct/offense(s);

2. Whether allowing continued visitation privileges would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of the visiting area;

3. Whether the inmate's placement or pending placement in a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would, on its own, result in an appropriate visitation restriction;

4. Whether the suspension of visitation privileges would be a significant detriment to the inmate's successful reentry into society by hindering maintenance of community and family ties.

(b) Suspension of an inmate's visitation privileges will be considered by the ICT as a management tool when an inmate is found guilty of one or more of the following enumerated offenses set forth in Rule 33-601.314, F.A.C.:

1. Sexual battery or attempted sexual battery;

2. Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member, or visitor;

3. Aggravated battery or attempted aggravated battery on a correctional officer;

4. Aggravated battery or attempted aggravated battery on staff other than correctional officer;

5. Aggravated assault or attempted aggravated assault on a correctional officer;

6. Aggravated assault or attempted aggravated assault on staff other than correctional officer;

7. Possession of or manufacture of weapons, ammunition, or explosives;

8. Possession of escape paraphernalia;

9. Possession of narcotics, unauthorized drugs, and drug paraphernalia;

10. Trafficking in drugs or unauthorized beverages;

11. Manufacture of drugs or unauthorized beverages;

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12. Possession of unauthorized beverages;

13. Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.;

14. Possession of negotiables – unauthorized amounts of cash where cash is permitted, cash where cash is not permitted, other inmate’s canteen coupons, other inmate’s cashless canteen or identification cards or gift certificates, checks, credit cards, or any other negotiable item which is not authorized;

15. Unauthorized possession or use of a cellular telephone or any other type of wireless communication device or 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 portable communication device prohibited under statute;

16. Possession of gang-related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang-related documents;

17. Non-death row and/or non-community release program inmates – possession, introduction, or trafficking of tobacco or tobacco-related products such as lighters or cigarette papers;

18. Death row inmates – possession of tobacco, other than authorized smokeless tobacco, or possession of tobacco-related products intended for use with smoking tobacco such as lighters or cigarette papers; introduction of tobacco or tobacco-related products to non-death row housing, or trafficking in such products;

19. Escape or escape attempt;

20. Sex acts or unauthorized physical contact involving inmates;

21. Unauthorized physical contact involving non-inmates;

22. Refusing to submit to substance abuse testing;

23. Use of unauthorized drugs, as evidenced by positive results from urinalysis test or observable behavior;

24. Gang-related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation.

(c) Suspension of an inmate’s visitation privileges will be considered by the ICT as a management tool when an inmate is found guilty of any infraction listed in Rule 33-601.314, F.A.C., that occurs during visitation, is reasonably connected to the visitation process, or is connected to a documented STG-related incident.

(d) Suspension of an inmate’s visitation privileges will be considered by the ICT as a management tool when an inmate is placed in close management for one or more of the following:

1. An incident causing death;

2. A pattern of predatory actions which makes an inmate a threat to others;

3. An act causing injury or an act which could have resulted in injury to another;

4. Any physical assault or battery on staff which caused injury;

5. The taking of a hostage or an attempt to take a hostage;

6. An escape or escape attempt from a secure perimeter;

7. An escape or escape attempt while under armed supervision while outside the perimeter of the institution;

8. The initiation or participation in a contraband trafficking operation involving negotiables, escape paraphernalia, or other items that present a threat to the safe and secure operation of the institution or facility;

9. Possession of unauthorized drugs, testing positive for drugs on a urinalysis test, possession of negotiables, escape paraphernalia, or other items that present a threat to the safe and secure operation of the institution or facility;

10. Documented leadership in a security threat group that is certified by the threat assessment review committee in central office.

11. Validated membership in a security threat group that has been certified by the threat assessment review committee in central office.

(e) Suspension of an inmate’s visitation privileges will be considered by the ICT as a management tool when an inmate is placed in close management for any incident listed in Rule 33-601.800, F.A.C., that occurs during visitation or is reasonably connected to the visitation process.

(f) The ICT will temporarily suspend the visitation 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 in a disciplinary proceeding or is placed in close management, the ICT will consider suspension of the inmate’s visitation privileges pursuant to paragraphs (1)(b)-(e) of this rule. If the inmate is not found guilty or is not placed in close management, the ICT will immediately reinstate the inmate’s visitation privileges.

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(g) If an inmate is found guilty in a disciplinary proceeding or is placed in close management for one or more of the offenses or incidents listed in paragraphs (1)(b)-(e) of this rule, the ICT will consider suspending the inmate's visitation privileges for the length of time specified on Form N11-102, Visitation Privileges Suspension Matrix. Form N11-102 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is XX/XX.

(h) If an inmate's visitation privileges are suspended pursuant to this rule and the inmate is subsequently found guilty in a disciplinary proceeding or is placed in close management for one or more of the offenses or incidents listed in paragraphs (1)(b)-(e) of this rule, the inmate will be subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of a guilty finding or placement in close management for the same offense, the inmate's visitation privileges will be suspended for the length of time specified on Form N11-102 for subsequent offenses. This period of suspension will run concurrently with any period of suspension remaining as a result of the previous offense.

2. If the subsequent offense occurs within two years of a guilty finding or placement in close management for a different offense, the inmate's visitation privileges will be suspended for the length of time specified on Form N11-102 for an initial violation. This period of suspension will run concurrently with any period of suspension remaining as a result of the previous offense.

(i) In lieu of suspending an inmate's visitation privileges when the inmate is found guilty of an offense listed in paragraph (1)(b) or (c) or is placed in close management for an incident listed in the paragraph (1)(d) or (e) of this rule, the ICT is authorized to consider placement of an inmate in non-contact visitation status as provided in Rule 33-601.735, F.A.C.

(j) When the suspension of an inmate's visitation privileges is authorized pursuant to paragraphs (1)(b)-(e) above, the ICT may recommend to the regional director, as a management tool, a visitation suspension outside the time frames set forth in Form N11-102, up to and including an indefinite suspension. An enhanced suspension will only be considered for those inmates who have demonstrated through documented behavior that they are a chronic and recurring management problem that threatens the safety of others or threatens the safety, security, order, or effective management of the institution. The ICT will submit a detailed recommendation to the regional director outlining the justification for an enhanced suspension. The recommendation and the regional director's decision will be recorded in the Department's electronic inmate database, and the inmate will be notified accordingly by institutional staff.

(2) Suspension of Visitor Visitation privileges.

(a) A visitor's visitation privileges will be indefinitely suspended by the warden or designee when the visitor:

1. Is found to be in actual or constructive possession of unauthorized drugs or substances, including narcotics, depressants, stimulants, aromatic stimulants, hallucinogens, cannabis, any other type of intoxicant (excluding intoxicating beverages), or drug paraphernalia when on the property of an institution or when entering or exiting an institution, or is found passing, attempting to pass, accepting, or attempting to accept such items to or from an inmate.

2. Is found to be in actual or constructive possession of a firearm, ammunition, dangerous weapon, explosive, or explosive device, or is found passing or attempting to pass such items to an inmate.

3. Assists, facilitates, aids, or abets an inmate in escape or attempt to escape, or is found to be in actual or constructive 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 will be called in this instance.

4. Commits repeated visitation rule or procedure violations during one or more visits.

5. Visits or attempts to visit an inmate work area or walks or drives along the perimeter road or the grounds of an 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 to be in actual or constructive possession of or is found passing or attempting to pass any of the following 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 SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a portable communication device prohibited under the statute.

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(b) A visitor's visitation privileges will be suspended by the warden or designee when the visitor:

1. Passes or attempts to pass money or other form of currency to an inmate.
2. Is intoxicated or has consumed intoxicating beverages or is found in actual or constructive possession of intoxicating beverages on the grounds of an institution or is found passing or attempting to pass such items to an inmate.
3. Violates the visitor conduct standards set forth in Rule 33-601.727, F.A.C.
4. Is found to have had unauthorized communication with an inmate on a cellular telephone or other portable communication device as defined in section 944.47(1)(a)6., F.S.
5. Participates in any criminal activity.
6. Falsifies information to obtain visitation privileges, including falsification of guardianship documents, unless it is determined that the information was provided as a result of an unintentional error.

(c) If a visitor is determined to have committed an offense listed in paragraph (2)(b), the warden or designee will suspend the visitor's visitation privileges for the period of time specified on Form NI1-102, Visitation privileges Suspension Matrix. If a visitor's visitation 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 visitation privileges will be suspended for the length of time specified on Form NI1-102 for subsequent offenses. This period of suspension will run concurrently with any period of suspension remaining as a result of the previous offense.

2. If the subsequent offense occurs within two years of the commission of a different offense, the visitor's visitation privileges will be suspended for the length of time specified on Form NI1-102 for an initial violation. This period of suspension will run concurrently with any period of suspension remaining as a result of the previous offense.

(d) The warden or designee may impose a length of suspension less than the maximum allowed by rule by considering the type of violation committed, the impact of the violation on the overall safety, security, or good order of the institution, and the number of prior visits without incident.

(e) Refusal of Consent to Be Searched Pursuant to Rule 33-601.726, F.A.C.

1. Pre-Entry Search First Refusal. A visitor who refuses to be searched prior to entry beyond the secured perimeter of an institution will have that visit denied. The visitor will also have their visitation privileges suspended for a period of up to 24 months from the date of the refusal. At the conclusion of the suspension period, the visitor will be eligible to apply for reinstatement in accordance with Rule 33-601.732, F.A.C.

2. Pre-Entry Search Second and Subsequent Refusal. A visitor who refuses to be searched prior to entry beyond the secured perimeter of an institution within one year of having their visitation privileges reinstated following a prior refusal will have that visit denied. The visitor will also have their visitation privileges indefinitely suspended from the date of the refusal. The visitor will be eligible to apply for reinstatement in accordance with the timeframes set forth in Rule 33-601.732, F.A.C.

3. Post-Entry Search Refusal. A visitor who refuses to be searched after entering beyond the secured perimeter of an institution will have their visit immediately terminated. The visitor will also have their visitation privileges indefinitely suspended from the date of the refusal. The visitor will be eligible to apply for reinstatement in accordance with the timeframes set forth in Rule 33-601.732, F.A.C.

4. Vehicle Search Refusal. A visitor who refuses a search of their vehicle, or of a rental vehicle in their possession, while the vehicle is on institutional property will have the current visit denied. The visitor will also have their visitation privileges indefinitely suspended from the date of the refusal. The visitor will be eligible to apply for reinstatement in accordance with the timeframes set forth in Rule 33-601.732, F.A.C.

(f) Active Warrant/Open Criminal Charges/Arrests Since Becoming an Approved Visitor Discovered Upon Entry. If a visitor's background check conducted upon entry into an institution reveals an active warrant, an open criminal charge, or an arrest since becoming an approved visitor, the current visit will be denied, and the visitor's visitation privileges will be temporarily suspended pending the outcome of any unresolved issues revealed by the background check. If the Department requires additional documentation regarding any arrests, open charges, convictions, injunctions, or warrants discovered in the background check, the visitor shall be responsible for

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providing official documentation showing the circumstances and disposition of any element of the background check that is in question.

(3) A suspended visitor will be notified in writing at their last known address via the U.S. Postal Service by the warden of the suspending institution utilizing Form DC6-1010, Notice of Suspension of Visitation privileges. Form DC6-1010 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is XX/XX.

(4) The regional director will serve as the reviewing authority for all suspensions in which the warden or designee indefinitely suspends a visitor's visitation privileges. The regional director will review the circumstances and evidence relevant to the suspension and decide whether to uphold, modify, or overturn the suspension. The regional director's decision will be recorded in the Department's electronic inmate database. The regional director will notify the warden of the suspending institution and the visitor in writing of their decision. A request for review by the regional director must be:

(a) made in writing by the visitor;

(b) postmarked no later than 30 days from the date of the postmark on Form DC6-1010; and

(c) sent via the U.S. Postal Service to the regional director's office in the region where the suspending institution is located.

(5) The Assistant Deputy Secretary of Institutions will serve as the final reviewing authority for decisions made by a regional director to uphold a warden or designee's indefinite suspension of a visitor's visitation privileges. The Assistant Deputy Secretary of Institutions will review the circumstances and evidence relevant to the suspension and decide whether to uphold, modify, or overturn the regional director's decision. The Assistant Deputy Secretary of Institutions' decision will be recorded in the Department's electronic inmate database. The Assistant Deputy Secretary of Institutions' office will notify the regional director and the visitor in writing of their decision. A request for review by the Assistant Deputy Secretary of Institutions must be:

(a) made in writing by the visitor;

(b) postmarked no later than 30 days from the date of the postmark on the regional director's correspondence notifying the visitor of their decision; and

(c) sent via the U.S. Postal Service to the Florida Department of Corrections, Attn: Assistant Deputy Secretary of Institutions, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

(6) The Inspector General's Office is authorized to temporarily suspend the visitation privileges of an approved visitor who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

(7) The suspension of a visitor's visitation privileges at any institution will automatically result in a suspension of the visitor's visitation privileges at all institutions for the duration of the suspension.

Rulemaking Authority 944.09, 944.115 FS. Law Implemented 944.09, 944.115, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Formerly 33-601.707, 33-601.708, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, 10-23-11, 9-24-12, 12-9-12, 6-18-13, 11-4-14, 8-7-17,_____.

Substantial rewording of Rule 33-601.732 follows. See Florida Administrative Code for the current text of the rule.

33-601.732 Reinstatement of Suspended Visitation Visiting Privileges.

(1) General Provisions.

(a) The suspending authority (i.e., warden, warden's designee, or Regional Director) will serve as the reviewing authority for all requests for reinstatement of visitation privileges.

(b) All requests for reinstatement must be legibly handwritten or typed.

(c) An inmate must use Form DC6-236, Inmate Request Form, to submit their request for reinstatement to the suspending authority who issued the suspension pursuant to Rule 33-601.731, F.A.C. Form DC6-236 is incorporated by reference in Rule 33-103.055, F.A.C.

(d) A visitor must use Form DC6-111A, Request for Visitation privileges, to submit their request for reinstatement to the classification officer where the inmate is currently housed. Form DC6-111A is incorporated by reference in Rule 33-601.715, F.A.C.

(e) A request for reinstatement may not be submitted more than ten calendar days prior to the expiration of the applicable waiting period as provided in this rule.

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(f) All reinstatement decisions will be made in writing and will be provided to the inmate via institutional mail and sent to the visitor via the U.S. Postal Service to the visitor's last known address.

(2) Criteria Considered for Reinstatement.

The warden, warden's designee, or Regional Director, as the reviewing authority, will consider the following criteria when determining whether to grant or deny reinstatement of visitation privileges:

(a) The severity and circumstances surrounding the offense(s) for which visitation privileges were suspended;

(b) Whether reinstatement will pose a threat to the security of visitation operations, based upon the inmate's disciplinary record and classification status as determined by Rule 33-601.210, F.A.C.;

(c) Whether the inmate or visitor have previously documented visitation-related incidents, disciplinary reports, or suspension of visitation privileges;

(d) Whether reinstatement of visitation privileges will benefit the inmate's successful reentry into society by facilitating maintenance of community or family ties;

(e) The relationship between the visitor and the inmate;

(f) Whether the visitor has refused to consent to a visitor search pursuant to Rule 33-601.726, F.A.C.; and

(g) Any extenuating circumstances provided by the inmate or the visitor that would support the reinstatement of visitation privileges.

(3) Inmates and visitors whose visitation privileges are suspended for any reason other than refusing to consent to a search pursuant to Rule 33-601.726, F.A.C., are eligible to seek reinstatement of visitation privileges as follows:

<u>Original or Modified Suspension Period</u>		<u>Required Waiting Period before Submitting a Request for Reinstatement</u>		<u>Required Waiting Period before Submitting a Subsequent Request for Reinstatement Following Disapproval of a Request for Reinstatement</u>
<u>1 year or less</u>	→	<u>6 months</u>	→	<u>Ineligible</u>
<u>More than 1 year up to 2 years</u>	→	<u>1 year</u>	→	<u>6 months</u>
<u>More than 2 years</u>	→	<u>2 years</u>	→	<u>1 year</u>

(4) A visitor whose visitation privileges are suspended for refusing to consent to a search pursuant to Rule 33-601.726, F.A.C., is eligible to seek reinstatement of visitation privileges as follows:

<u>Original or Modified Suspension Period</u>		<u>Required Waiting Period before Submitting a Request for Reinstatement</u>		<u>Required Waiting Period before Submitting a Subsequent Request for Reinstatement Following Disapproval of a Request for Reinstatement</u>
<u>Up to 24 months for a Pre-Entry 1st Refusal</u>	→	<u>Ineligible</u>	→	<u>Ineligible</u>

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<u>Indefinite for a Pre-Entry 2nd or Subsequent Refusal</u>	→	<u>3 years</u>	→	<u>1 year</u>
<u>Indefinite for a Post-Entry Refusal</u>	→	<u>3 years</u>	→	<u>1 year</u>

(5) In the event that an original suspension period is modified, the modified suspension period will be used to establish the required waiting period before submitting a request for reinstatement.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 2-13-12, 9-24-12, 8-7-17,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hope Gartman, Assistant Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ricky D. Dixon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 6, 2022