

December 11, 2014

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.301 Inmate Discipline – General Policy

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the Notice of Proposed Rulemaking published in Vol. 40, No. 215 (November 4, 2014) of the Florida Administrative Register. The changes are in response to comments made by the Joint Administrative Procedures Committee in a letter dated November 12, 2014. The changes are as follows:

33-601.301 Inmate Discipline – General Policy.

(1) ~~Inmate~~ In order that inmates might live in a safe and orderly environment, inmates whose behavior that is not in compliance in noncompliance with department rules shall be corrected through ~~preventative discipline techniques~~ of the disciplinary process, which includes informal disciplinary intervention.

~~(2) Discipline is a factor in correctional treatment and control. The objective is the acceptance of the rules of prohibited conduct and specific institutional regulations which are required for the general welfare of the institutional community and serve as a model for law-abiding behavior following release.~~

~~(2)(3) Informal disciplinary intervention~~ Preventive discipline consists of ~~initial orientation and continuing~~ group and individual counseling in lieu of ~~instruction without the necessity of taking~~ formal disciplinary action. These corrective techniques ~~are~~ should be employed when deviations from rules occur due to lack of understanding or ~~as the result of when resulting from~~ carelessness or faulty habits, ~~and are.~~ The employee's counseling of an inmate is designed to eliminate future disciplinary violations and to develop acceptable standards of behavior.

~~(3)(4)~~ The goals and purposes of discipline and informal disciplinary intervention ~~preventive discipline~~, the terms used, as well as the procedures outlined in this rule will be incorporated into the staff training program. A copy of Rules 33-601.301-.314, F.A.C., and all revisions thereto will be made available to all employees.

~~(4)(5)~~ Every inmate shall have access to Rules 33-601.301-.314, F.A.C. Inmates in open population shall have access to these rules from the inmate library, law library, or any other area accessible to inmates as deemed appropriate by the warden. Inmates who are not in open population shall have access to these rules through their

housing officer in the confinement unit. Inmates in institutions or facilities without libraries shall have access to these rules from the classification office, the security shift supervisor's office, or any other area accessible to inmates as deemed appropriate by the warden. Every inmate received by the department will be given a printed copy of Rules 33-601.301-.314, F.A.C. Copies of this rule chapter shall also be available in the institution library. Inmates shall be notified of any change by posting and circulation. These rules shall be translated into any language native to 5 percent or more of the statewide inmate population. These translations shall be made available to inmates. At the time of reception processing, ~~When~~ when a literacy or language problem prevents an inmate from understanding the rules, a staff member or translator shall assist the inmate in understanding the rules. At the time of reception processing, when a literacy or language problem prevents an inmate from understanding the rules of this chapter, a staff member or translator shall assist the inmate in understanding the rules.

(5)(6) The provisions of Rules 33-601.301-.314, F.A.C., shall be applicable to correctional facilities and programs operated by the department and to correctional facilities operated by private vendors under contract with the department.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 3-12-84, Formerly 33-22.01, Amended 12-30-86, 10-1-95, Formerly 33-22.001, Amended _____.