

NOTICE OF CHANGE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.220

RULE TITLE: Administrative Confinement

RULE NO.: 33-602.900

RULE TITLE: Kiosks and Tablets

RULE NO.: 33-602.901

RULE TITLE: Video Visitation

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. 46 No. 196, October 7, 2020 issue of the Florida Administrative Register.

The following changes were precipitated by comments received from the Joint Administrative Procedures Committee in a letter dated October 27, 2020, and comments received at a public hearing held on November 12, 2020.

33-602.220 Administrative Confinement.

(1) through (4) No change.

(5) Conditions and Privileges.

(a) through (h) No change.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the warden or designee. The warden or designee shall notify the control room in writing when approval is given in advance of the visitor arriving at the institution. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges.

Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would pose a potential threat of harm to an individual or a potential threat to the security of the institution. The warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all the criteria set forth in Rule 33-601.735, F.A.C. Inmates in administrative confinement are not ~~allowed~~ allow video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) through (r) No change.

(6) through (10) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09, 7-5-10, 10-7-12, 3-6-14, 8-17-16, _____.

33-602.900 Kiosks and Tablets

(1) General Provisions. This rule applies to the possession and use of kiosks, tablets, and related services. ~~The provisions of this rule are supplemental to other Department rules, which remain in full force and effect unless otherwise expressly stated herein.~~ Access to a kiosk, tablet, kiosk services, and tablet services is a privilege and not a right afforded to inmates or others.

(2) through (4) No change.

(5) Tablets.

(a) Upon arrival at his or her permanent facility, a tablet may be obtained from the vendor by an ~~will be issued to every~~ inmate authorized to possess a tablet at no cost to the inmate. An inmate in a Department-operated institution or facility may ~~not~~ refuse to obtain ~~accept~~ a tablet.

(b) through (s) No change.

(6) No change.

(7) eCommunications.

(a) through (k) No change.

(l) Outgoing or incoming eCommunications will not be approved to be sent by or to an inmate if any part of it violates the following content standards:

1. No change.

2. The inmate or individual is not visually identifiable, or the face is covered or obscured. Religious headgear is permissible but must not interfere with the verification of a person's identity.

3. through 23. No change.

(m) No change.

(8) through (10) No change.

(11) Hardware, Programs, and Technical Issues.

(a) No change.

(b) Customer support for kiosks, tablets, kiosk services, tablet services, media accounts, user accounts, and eCommunications will be provided by the vendor. If an inmate identifies an issue with his or her ~~the~~ assigned tablet, the inmate must submit a support ticket identifying the issue to the vendor's customer service center through the Communication Center.

(c) through (d) No change.

(12) The Secretary and Deputy Secretary ~~of Institutions~~ have the authority to review and modify the kiosk and/or tablet privileges associated with any user account, including the use of any or all kiosk services or tablet services, when it is determined that the modification will further an inmate's rehabilitation, ensure consistency with Department's rules, enhance public safety, or ensure the security of a correctional institution.

(13) During an emergency or extended disruption of normal Department, regional, or institutional operations, the Secretary or Deputy Secretary ~~of Institutions~~ may modify the access to any or all privileges authorized under this rule. Normal access will be restored as soon as a safe return to normal operations is permitted by the circumstances.

A modification may be instituted for any or the following reasons:

(a) through (g) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315. 944.09 FS. History--New _____.

33-602.901 Video Visitation

(1) through (11) No change.

(12) Inmates and approved visitors are subject to having video visitation sessions immediately terminated with no credit for the session, and having their video visitation privileges suspended under subsection (13) of this rule for violations of the following video visitation conduct and content standards:

(a) Proper Attire Standards.

1. through 9. No change.

10. Approved visitors must not wear clothing that has symbols, signs, pictures, or words that present a potential threat to the security or order of the institution, ~~containing inappropriate or vulgar language or graphics~~, including gang symbols, racist pictures or comments, ~~inflammatory pictures or communications~~, profanity, sexually explicit

pictures or language, or similar material.

11. through 14. No change.

(b) No change.

(c) The following are secondary violations when they occur during a video visit:

1. through 6. No change.

7. Use of ~~profanity, or~~ loud or hostile communication by an approved visitor or inmate.

8. through 12. No change.

13. Any attempt to conduct or participating in an unauthorized a media interview. Media interviews must be authorized and conducted pursuant to the processes outlined in Chapter 33-104, F.A.C.

14. through 17. No change.

(d) No change.

(13) through (14) No change.

(15) The Secretary and Deputy Secretary ~~of Institutions~~ have the authority to review and modify the video visitation privileges any inmate or approved visitor when it is determined that the modification will further an inmate's rehabilitation, ensure consistency with the Department's rules, enhance public safety, or ensure the security of a correctional institution.

(16) During an emergency or extended disruption of Department, regional, or institutional operations, the Secretary or Deputy Secretary ~~of Institutions~~ may modify the access to any or all privileges authorized under this rule. Normal access will be restored as soon as a return to safe operations is permitted by the circumstances. A modification may be instituted for any of the following reasons:

(a) through (g) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.8031 FS. History–New _____

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