

July 10, 2020

NOTICE OF CHANGE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.260

RULE TITLE: Administrative Management Units

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 46, No. 71, April 10, 2020 issue of the Florida Administrative Register.

33-601.260 Administrative Management Units.

(1) through (2) No change.

(3) Any of the following acts by an inmate will result in the inmate being considered for placement in an AMU:

(a) through (b) No change.

(c) Two or more disciplinary reports for drug-related behavior as described in Rule 33-601.314, F.A.C.:

~~possession of unauthorized drugs or testing positive for drugs;~~

(d) through (j) No change.

(4) Procedures for Placement in an AMU.

(a) through (d) No change.

(e) The ICT will evaluate the recommendation for AMU placement, interview the inmate being reviewed, and consider all information provided by the inmate. The inmate may present information verbally or in writing for consideration by the ICT. The ICT must ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by the inmate. The ICT must document on Form DC6-233D that the inmate was allowed 48 hours to prepare for the review or that the time was waived by the inmate completing Form DC6-265D. The ICT must inquire whether the inmate needs staff assistance during the review. A staff member will be assigned to assist an inmate when the team determines that the inmate is illiterate, does not understand English, has a disability that would likely hinder the inmate's ability to properly represent himself or herself, or when the complexity of the issues makes it unlikely that the inmate will be able to properly represent himself or herself. Assistance can also be provided at the inmate's request. In the event a staff member is assigned to assist the inmate, it is the responsibility of the staff member to explain the recommendation for AMU placement and the review process to the inmate. Even though the staff member will be authorized to assist an inmate during the review and aid the inmate in presenting his

or her position, the staff assistant must not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the review to allow an inmate additional time to prepare. If the review is postponed, the team must document the postponement on Form DC6-233D. The inmate may appear at the AMU review unless disruptive behavior is exhibited by the inmate before or during the review that impedes the process, or the inmate waives the right to be present at the review. ~~he or she is disruptive either before or during the review, impedes the process of the review, or waives his or her right to be present at the review.~~ If the inmate waives his or her right to be present at the review, Form DC6-265D must be completed. If the inmate is precluded from attending the review, is removed from the review, or waives his or her right to appear at the review, the review will be conducted without the inmate present. The presence, removal, or absence of the inmate will be documented on Form DC6-233D. After the interview and review of all relevant information, the ICT will make an AMU placement recommendation and provide it to the SCO. This recommendation will be documented on Form DC6-233D. The ICT will inform the inmate of the basis for its decision and provide a copy of its decision to the inmate after the conclusion of its review. The ICT classification member will ensure that the results of the ICT review are entered in OBIS.

(f) The SCO will consider the recommendations of the ICT and all information reviewed by the ICT before making a final decision regarding the inmate's placement in an AMU. As part of its review, the SCO may interview the inmate or rely on the documentation available in OBIS. The SCO may request that the ICT obtain and submit additional information before reaching a final decision. At the conclusion of its review, the SCO will approve or disapprove the ICT's recommendation. The SCO's final decision will be rendered in a reasonable time, not to exceed 45 days, barring any delays created by pending investigations or exigent circumstances impacting the SCO's ability to render a final decision. If the ICT's recommendation is disapproved, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO approves the ICT's recommendation. After its review is complete, the SCO will document its final decision in OBIS.

(5) through (6) No change.

(7) Privilege Restrictions While Housed in an AMU.

(a) Visitation – Unless otherwise restricted pursuant to Rule 33-601.731, F.A.C., an inmate housed in an AMU is eligible to receive one three-hour ~~two-hour~~ personal visit once each weekend on the days and during the hours set forth in Rule 33-601.722, F.A.C. every 14 days provided the inmate has no major rule violations during the 14 day period. ~~Unless otherwise restricted pursuant to Rule 33-601.731, F.A.C., inmates housed in an AMU are also~~

eligible to receive one three-hour personal visit on the visitation holidays identified in Rule 33-601.722, F.A.C.

Visiting will be restricted by the warden or his or her designee when it is determined that a threat to institutional security would be created by allowing visitation due to limitations associated with the visiting area or visitation supervision. Attorney visits will be permitted in accordance with Rule 33-601.711, F.A.C., and will not be restricted except when it is determined that the visit would be a threat to the safety or security of the institution.

(b) Canteen – An inmate housed in an AMU will be permitted to make canteen purchases in an amount up to ~~\$50~~ \$35 once each week provided the inmate has no major rule violations as defined in Rule 33-601.800, F.A.C., during that period and unless otherwise restricted by disciplinary action.

(8) Review of ~~Inmates~~ Inmate's Housed in AMU.

(a) No change.

(b) The purpose of the ICT review is to determine whether the inmate should remain housed in the AMU due to safety and security concerns. The ICT will evaluate the DC6-233D prepared by the classification officer, as well as any other relevant information relating to staff and inmate safety and institutional security. The inmate may appear at ~~will be present for~~ the review unless disruptive behavior is exhibited by the inmate before or during the review that impedes the process, or the inmate waives the right to be present at the review by completing Form DC6-265D. The presence, absence, or removal of the inmate will be documented on Form DC6-233D. For this review, the ICT will consist of the warden or assistant warden, classification supervisor, and chief of security only. For an inmate to remain in an AMU, the ICT must state those safety and security issues or circumstances that can only be met by the inmate's continued placement in the AMU. The recommendation of the ICT will be documented on Form DC6-233D, recorded in OBIS, and forwarded to the SCO.

(c) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.17, 944.1905, 944.801 FS. History–New XX-XX-XX.