



beyond the provided matrix, to add kiosk, tablet, and video visitation penalties, to add a definition of non-contact visiting, to allow CMII inmates to have one three-hour non-contact visit under certain circumstances, to allow CMIII inmates to have one four-hour non-contact visit under certain circumstances, to clarify the review process prior to placing inmates in close management (CM), to amend the non-contact visitation privileges of inmates in CMII, to amend the contact visitation privileges of inmates in CMIII, to clarify the telephone privileges of inmates in CM, to establish classification officer visitation requirements for inmates in close management, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while in CM, to update Forms DC6-265 and DC6-233C for clarity and consistency, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while in maximum management, to establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation while on death row.

**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 a 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, 945.091 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.115, 944.14, 944.23, 944.279, 944.28, 944.8031, 945.04, 945.091, FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, November 4, 2020, at 9:00 a.m. and ending no later than 1:00 p.m.

PLACE: A virtual public hearing will be held via GoToWebinar. Details regarding the virtual public hearing will be published in the Florida Administrative Register at least seven days prior to the virtual public hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Betty Renfroe at Betty.Renfroe@fdc.myflorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, paul.vazquez@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.308 Disciplinary Team, Hearing Officer Findings and Action.

(1) The disciplinary team or hearing officer’s findings shall enumerate the specific facts derived from the disciplinary report, the disciplinary investigative report, or the witness statements, and what specific evidence was used in the disciplinary team’s or hearing officer’s conclusion.

(2) The disciplinary team or hearing officer shall make one of the following findings:

(a) Dismiss the charge. If the charge is dismissed, the disciplinary report shall not be posted or placed in the inmate file. The dismissal of a disciplinary report may occur due to procedural errors, technical errors, or duplication of charges. A dismissal is without prejudice and may be rewritten and reprocessed.

(b) Find the inmate not guilty. If the inmate is found not guilty, the disciplinary report shall not be posted or placed in the inmate file. The inmate shall be found not guilty when the facts do not support the charge.

(c) No change.

(3) No change.

(4) If the inmate is found guilty, the disciplinary team shall impose any one or a combination of the sanctions set forth below, and the hearing officer shall impose any one or a combination of the sanctions set forth in paragraphs (a) through (j) below: below actions. The hearing officer’s authority is limited to paragraphs (a) through (j) below:

(a) No change.

(b) ~~Impose~~ ~~The disciplinary team or hearing officer may~~ ~~impose~~ a penalty and then suspend all or any portion of the penalty and place the inmate on a specific term of probation. The maximum probationary period shall not exceed the maximum term of disciplinary confinement possible for the violation a given charge. Probation can only be violated by a guilty finding for a new infraction, including infractions based on non-compliance with the conditions of probation set forth in the original disciplinary report, committed during the term of the probation. Successful completion of the period of probation shall not result in the disciplinary report being expunged;

(c) Suspend any or all routine mail, in person mailing or visitation, kiosk, tablet, eCommunication, or video visitation privileges, for a period not to exceed 180 days. This alternative is available only when the infraction cited is a violation of offense 9-14, 9-15, 9-41, 9-42, 9-43, or 9-44 listed in Rule 33-601.314, F.A.C., Section 9, 9-14 or 9-15 or when the evidence in a disciplinary report related to ~~for~~ another offense infraction clearly indicates that the cited infraction occurred during the inmate's exercise or utilization of routine mail, in person visitation, kiosk, tablet, eCommunication, or video visitation mailing or visiting privileges.

(d) through (e) No change.

(f) Assign the inmate to a disciplinary squad for a period not to exceed the time permitted for confinement for the violation on that charge;

(g) Assign the inmate to a restricted labor squad for a period not to exceed the time permitted for confinement for the violation on that charge;

(h) through (i) No change.

(j) Require inmates to pay for damaged, destroyed, or misappropriated property or goods, whether state or personal;

1. If two or more inmates are each found to be responsible for the loss or destruction of an item, they each shall be liable for an equal portion of the full amount of the loss. For example, if the total loss is \$75 and three inmates are found to be responsible for the loss, each inmate will be required to pay \$25. The total amount collected shall not exceed the amount of the loss.

2. Payment due for damaged, destroyed, or misappropriated property shall be at the replacement value of the property and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, the disciplinary team chairman or hearing officer shall prepare a memo, forward a copy to the service center, and place a copy in the inmate's record inmate file at the local institution detailing the cost involved. The total cost shall be reflected in the disciplinary report.

3. If an inmate does not have sufficient funds to cover the repair or replacement costs, a notation shall be made on the

inmate's trust bank account for possible future payment. Should the inmate ever receive money in his or her trust account at a facility during the current commitment or during service of continuing consecutive commitments, excepting the release gratuity, the Department department will be paid prior to issuing funds to the inmate.

4. Reimbursement of medical expenses ~~Costs for medical services~~ resulting from injury may not be imposed.

(k) No change.

(l) Place the inmate in disciplinary confinement for a period of time not to exceed the maximum penalty prescribed for the violation as found in Rule 33-601.314, F.A.C. If an inmate has been placed in administrative confinement pending a disciplinary hearing and the team subsequently recommends a term of disciplinary confinement, the disciplinary team shall credit consider the time served in administrative confinement against the disciplinary confinement penalty imposed. Administrative confinement credit shall only be applied once to consecutive disciplinary confinement terms. Administrative confinement credit shall be applied to all concurrent disciplinary confinement terms. in determining the total number of days of recommended disciplinary confinement. Disciplinary confinement shall be utilized only as a last resort and shall end as soon as the purposes of the confinement have been achieved. resort;

(m) Recommend loss of accrued gain time up to the maximum penalty prescribed in Rule 33-601.314, F.A.C. A specific number of days recommended for forfeiture shall be indicated. Whenever loss of gain time is recommended, a determination must be made that the inmate has accrued sufficient gain time in order for the forfeiture to be processed unless the recommendation is for a loss of unearned gain time. Even though by definition inmates serving a life term, certain mandatory sentences, or death sentences cannot earn or lose gain time, the team is authorized to recommend loss of gain time for these inmates for two reasons: first, this is an indication of the seriousness of the disciplinary action, and second, it may be applicable if the life or death sentence is eventually converted to a term of years. Pursuant to Section 944.28(2)(b), F.S., forfeiture of unearned gain time shall be considered when the inmate has been involved in misconduct and the inmate has not accrued enough gain time to achieve the desired corrective results.

(n) No change.

(o) Require inmates assigned to work release centers in order to participate in the work release program to pay the costs associated with ~~cost of~~ substance abuse testing whenever a result is analysis test(s) administered when the result(s) are positive.

(5) When multiple disciplinary penalties are imposed, excluding loss of gain time, the written findings of the

disciplinary team or hearing officer shall state whether the penalties are to run consecutively or concurrently. Any disciplinary action, except loss of gain time, that is being imposed with any other disciplinary action should be clearly stated in the basis of findings as to the concurrent or consecutive requirements. If the disciplinary team or hearing officer does not specifically state that penalties are to run consecutively, the penalties shall run concurrently. ~~concurrent or consecutive requirements, the disciplinary action shall be considered consecutive.~~

(6) No change.

(7) Pursuant to Rule 33-404.108, F.A.C., when an inmate in an inpatient mental health unit is found guilty of a disciplinary report, the disciplinary team shall refer its findings to the Multidisciplinary Services Team (MDST). The MDST shall review the disciplinary team’s findings and, as necessary, revise the inmate’s Individualized Services Plan to address the behavior and consider modification of privileges in accordance with the Behavioral Management Progress System.

Rulemaking Authority 944.09, 945.091 FS. Law Implemented 20.315, 944.09, 945.04, 945.091 FS. History—New 3-12-84, Formerly 33-22.08, Amended 11-13-84, 12-30-86, 6-25-89, 7-17-90, 10-1-95, 11-25-98, 8-5-99, Formerly 33-22.008, Amended 5-21-00, 2-11-01, \_\_\_\_\_.

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

Section 1 through 11 below show the maximum penalties allowed for the listed offenses. Section 12 shows the penalties that will be imposed for the listed offenses based on the time since an inmate’s last disciplinary infraction absent a statement in the written findings of the disciplinary team or hearing officer justifying an upward deviation. As used in this rule, “DC” means the maximum number of days of disciplinary confinement that may be imposed, and “GT” means the maximum number of days of gain time that may be taken. The imposition of DC and GT penalties are independent of one another and do not have to be imposed together; i.e., an inmate may be placed in DC without losing GT, and vice versa.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum  
Disciplinary  
Actions

SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT

No change.

SECTION 2 – RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES

No change.

SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

- 3- Possession of or manufacture of weapons, 60 DC + 1 ammunition, or explosives All GT
- 3- Possession of escape paraphernalia 60 DC + 2 All GT
- 3- Possession of narcotics, unauthorized drugs and 60 DC + 3 drug paraphernalia 180 GT
- 3- Trafficking in drugs or unauthorized beverages 60 DC + 4 All GT
- 3- Manufacture of drugs or unauthorized beverages 60 DC + 5 180 GT
- 3- Possession of unauthorized beverages 10 30 DC + 15 90 GT
- 3- Possession of aromatic stimulants or depressants, 60 DC + 7 such as paint thinner, glue, toluene, etc. 180 GT
- 3- Possession of negotiables – unauthorized amounts 8 of cash where cash is permitted, cash where cash is not permitted, other inmate’s canteen coupons, 15 DC + other inmate’s cashless canteen or identification 30 GT cards or gift certificates, checks, credit cards or any other negotiable item which is not authorized
- 3- Possession of unauthorized or altered identification 9 – driver’s license, Social security card, cashless 15 DC + canteen identification card, etc. 30 GT
- 3- Possession of unauthorized clothing or linen – State 15 DC + 10 or personal 30 GT
- 3- Possession of stolen property – State or personal 15 DC + 11 30 GT
- 3- Possession of any other contraband or transfer of 12 item to another inmate resulting in item becoming 15 DC + contraband 30 GT
- 3- Introduction of any contraband 60 DC + 13 All GT
- 3- Unauthorized possession or use of a cellular 14 telephone or any other type of wireless communication device, or any components or peripherals to such devices, including but not 60 DC + limited to SIM cards, Bluetooth items, batteries, and All GT charging devices; any other technology that is found to be in furtherance

of possessing or using a communication device prohibited under Section 944.47(1)(a)6., F.S.  
 3- Possession of gang related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang related documents 30 DC + 30 GT  
 3- 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. 10 30 DC + 15 GT  
 3- 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. 10 30 DC + 15 GT

SECTION 4 – UNAUTHORIZED AREA

4- Escape or escape attempt 60 DC + 1 All GT  
 4- Unauthorized absence from assigned area, including housing, job or any other assigned or designated area 10 30 DC + 15 GT  
 4- Being in unauthorized area, including housing, job, or any other assigned or designated area 15 DC + 30 GT

SECTION 5 – COUNT PROCEDURE VIOLATIONS

5- Missing count 30 DC + 1 90 GT  
 5- Failure to comply with count procedures 30 15 DC + 30 GT

SECTION 6 – DISOBEYING ORDERS

6- Disobeying verbal or written order – any order given to an inmate or inmates by a staff member or other authorized person 30 DC + 60 GT  
 6- Disobeying institutional regulations 15 DC + 2 30 GT

SECTION 7 – DESTRUCTION, MISUSE, OR WASTE OF PROPERTY

7- Destruction of State property or property belonging to another 60 DC + All GT  
 7- Altering or defacing State property or property belonging to another 15 DC + 30 GT  
 7- Destruction of State property or property belonging to another due to gross negligence 15 DC + 30 GT

7- Misuse of State property or property belonging to another – use for purpose other than the intended purpose 15 DC + 30 GT  
 7- Willful wasting State property or property belonging to another – any waste of edible or usable property 15 DC + 30 GT  
 7- Arson or attempted arson 60 DC + 6 All GT

SECTION 8 – HYGIENE

8- Failure to maintain personal hygiene or appearance 10 DC + 1 15 GT  
 8- Failure to maintain acceptable hygiene or appearance of housing area 15 DC + 2 15 GT

SECTION 9 – MISCELLANEOUS INFRACTIONS

9- Obscene or profane act, gesture, or statement – oral, written, or signified 15 30 DC + 30 GT  
 9- Bribery or attempted bribery 10 30 DC + 15 GT  
 9- Breaking and entering or attempted breaking 10 30 DC + 15 GT  
 9- Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct 10 30 DC + 15 GT  
 9- Theft of property under \$50.00 in value 10 30 DC + 15 GT  
 9- Bartering with others 15 DC + 30 GT  
 9- Sex acts or unauthorized physical contact involving inmates 10 30 DC + 30 GT  
 9- Tattooing, being tattooed, branding or body art to include body piercing 10 30 DC + 30 GT  
 9- Lying to staff member or others in official capacity, or falsifying records 30 60 DC + 60 GT  
 9- Feigning illness or malingering as determined by a physician or medical authority 10 DC + 15 GT  
 9- Gambling or possession of gambling paraphernalia 10 DC + 15 GT  
 9- Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate’s physical condition, the degree of difficulty of assignment, and the average 10 DC + 15 GT

performance by fellow inmates assigned to the same task			reckless disregard for the truth brought false information or evidence before the <del>court court</del> .
9- Mail regulation violations	<u>10</u>	<del>30</del>	9- Tampering with, defeating or depriving staff of any
14	DC + 30		33 security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as
9- Visiting regulation violations	<u>10</u>	<del>30</del>	60 DC +
15	DC + 30		handcuffs, waist chains, leg irons and handcuff
	GT		All GT
9- Refusing to work or participate in mandatory	<u>10</u>	<del>60</del>	covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the <u>institution</u> <del>institution</del> .
16 programs	DC + 90		9- Tampering with or defeating any fire or other safety
	GT		34 device. Safety devices include: fire, smoke, and carbon dioxide detection devices; alarm systems; fire suppression systems and devices such as fire sprinklers, fire extinguishers, and dry chemical
9- Disorderly conduct	30 DC +		60 DC +
17	60 GT		All GT
9- Unauthorized physical contact involving non-	60 DC +		systems; safety and emergency lighting; exit lights; evacuation route and warning placards; self-contained breathing apparatuses; personal protective equipment; first aid kits; eye wash stations; and any other device utilized to ensure the safety of the institution, staff, <u>and inmates</u> <del>and inmates</del> .
18 inmates	90 GT		9- Establishes or attempts to establish a personal or
9- Presenting false testimony or information before	<u>30</u>	<del>60</del>	35 business relationship with any staff member or
19 Disciplinary Team, Hearing Officer, or	DC + <u>60</u>		DC + <u>90</u>
Investigating Officer	All GT		<u>volunteer</u> <del>volunteer</del> . 480 GT
9- Extortion or attempted extortion	60 DC +		9- Gang related activities, including recruitment;
20	60 GT		36 organizing; display of symbols, groups, or group
9- Fraud or attempted fraud	30 DC +		photos; promotion or <u>participation</u> <del>participation</del> . 60 GT
21	90 GT		9- Unauthorized use of or tampering with a computer,
9- Robbery or attempted robbery	60 DC +		37 computer peripheral device, or any other office equipment. Other office equipment includes
22	All GT		60 DC +
9- Theft of property exceeding \$50 in value	60 DC +		All GT
23	All GT		copying machines, facsimile machines, postage
9- Loaning or borrowing money or other valuables	<del>15</del> DC +		meters, or any other device utilized in an office or office-like <u>environment</u> <del>environment</del> .
24	30 GT		9- In accordance with Section 817.535(4), F.S., is
9- Telephone regulation violations	<u>15</u>	<del>30</del>	38 found by the court to have filed or directed a filer to file, with the intent to defraud or harass another, any instrument containing a materially false, fictitious,
25	DC + 30		<u>30</u> <del>60</del>
	GT		or fraudulent statement or representation that
9- Refusing to submit to substance abuse testing	60 DC +		DC + <u>90</u>
26	180 GT		All GT
9- Use of unauthorized drugs – as evidenced by	60 DC +		described in the <u>instrument</u> <del>instrument</del> .
27 positive results from urinalysis test, or observable	180 GT		9- Committing, attempting to commit, conspiring to
behavior			39 commit, or soliciting another person to commit an
9- Canteen Shortage under <u>\$100.00</u> <del>\$50.00</del>	<u>10</u>	<del>30</del>	30 <del>60</del>
28	DC + 60		unauthorized or illegal financial <u>transaction</u> <del>transaction</del> . 90 GT
	GT		
9- Canteen Shortage over <u>\$100.00</u> <del>\$50.00</del>	<u>30</u>	<del>60</del>	9- Possession of any items or materials that can be
29	DC + <u>90</u>		40 used to facilitate an unauthorized or illegal financial
	All GT		transaction, including account numbers, passwords,
9- Use of Alcohol – as evidenced by positive results	30 DC +		60 DC +
31 from authorized tests, or by observable behavior	90 GT		90 GT
9- In accordance with Section 944.279(1), F.S., is			
32 found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or <u>appeal</u>	<u>15</u>	<del>60</del>	
or <del>appeal</del> in any court, or to have brought a frivolous	DC + <u>30</u>		
or malicious collateral criminal proceeding or is	All GT		
found by the court to have knowingly or with			

PINs, or other similar items or materials that an inmate is not authorized to ~~possess~~ possess.

9- <u>Kiosk regulation violation</u>	<u>10 DC +</u>
41	<u>30 GT</u>
9- <u>Tablet regulation violation</u>	<u>10 DC +</u>
42	<u>30 GT</u>
9- <u>Video visitation regulation violation, including</u>	<u>10 DC +</u>
43 <u>call forwarding, video chatting, three-way video,</u>	<u>30 GT</u>
<u>livestreaming, recording, or other electronic</u>	
<u>tampering</u>	
9- <u>eCommunication regulation violation</u>	<u>10 DC +</u>
44	<u>30 GT</u>

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	Release
	Progra
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	facility
11 Absconding from the Supervised Community	<u>10 60</u>
-2 Release Program	DC + <u>15</u>
	<del>A#</del> GT

SECTION 10 – COMMUNITY RELEASE PROGRAM VIOLATIONS – WORK RELEASE, STUDY RELEASE, FURLOUGH AND VOLUNTEER SERVICE

10 Failure to directly and promptly proceed to and	<u>15 60</u>
-1 return from designated area by approved method	DC + <u>30</u>
	<u>480 GT</u>
10 Failure to remain within designated area of release	<u>10 30</u>
-2 plan	DC + <u>15</u>
	<u>60 GT</u>
10 Failure to return if plan terminated prior to	<u>10 30</u>
-3 scheduled time	DC + <u>15</u>
	<u>30 GT</u>
10 Making unauthorized contact – personal, telephone,	
-4 or otherwise – with any individual in behalf of	<u>10 DC +</u>
another inmate	15 GT
10 Deviating from or changing approved plan without	<u>10 DC +</u>
-5 permission	15 GT
10 Making purchase or contract without approval	<u>10 DC +</u>
-6	15 GT
10 Failure to deposit entire earnings – less authorized	<u>10 DC +</u>
-7 deductions – each pay period	15 GT
10 Failure to repay advancement of monies as	<u>10 DC +</u>
-8 stipulated in the inmate’s financial plan	15 GT
10 Tampering with, damaging, losing, or destroying	<u>15 60</u>
-9 any electronic monitoring equipment.	DC + <u>30</u>
	<del>A#</del> GT

SECTION 12 – PENALTY SCALE

(1) The penalties set forth in subsection (2) below will be imposed for the offenses listed below based on the time since an inmate’s last disciplinary infraction absent a statement in the written findings of the disciplinary team or hearing officer justifying an upward deviation. At no time will the maximum penalties set forth in Sections 1 through 11 above be exceeded. The written findings must be based on the nature of the infraction and its impact on the secure and orderly operation of the institution or facility where the infraction occurred. The time since the last disciplinary infraction is calculated from the date the last infraction was committed during an inmate’s current commitment. The imposition of DC and GT penalties are independent of one another and do not have to be imposed together; i.e., an inmate may be placed in DC without losing GT, and vice versa.

(2)(a) If the time since the last disciplinary infraction is 0 to 30 days, the penalty will be up to 30 days in DC and the loss of up to 30 days of GT.

(b) If the time since the last disciplinary infraction is 31 to 60 days, the penalty will be up to 20 days in DC and the loss of up to 20 days of GT.

(c) If the time since the last disciplinary infraction is 61 to 120 days, the penalty will be up to 15 days in DC and the loss of up to 15 days of GT.

(d) If the time since the last disciplinary infraction is more than 120 days or if there is no prior infraction, the penalty will be any sanction authorized by Rule 33-601.308, F.A.C., excluding DC.

SECTION 11 – SUPERVISED COMMUNITY RELEASE PROGRAM VIOLATIONS

11 Violation of the terms and conditions of the	<u>10 30</u>
-1 Supervised Community Release Agreement	DC + <u>15</u>
assignment to a designated facility	<u>60 GT +</u>
	removal
	from the
	Supervi
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1-4 Disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like

1-6 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
- 2-4 Fighting
- 3-8 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
- 3-9 Possession of unauthorized or altered identification – driver’s license, Social security card, cashless canteen identification card, etc.
- 3-10 Possession of unauthorized clothing or linen – State or personal
- 3-11 Possession of stolen property – State or personal
- 3-12 Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband
- 3-13 Introduction of any contraband
- 3-16 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
- 4-1 Escape or escape attempt
- 4-2 Unauthorized absence from assigned area, including housing, job or any other assigned or designated area
- 4-3 Being in unauthorized area, including housing, job, or any other assigned or designated area
- 5-1 Missing count
- 5-2 Failure to comply with count procedures
- 7-2 Altering or defacing State property or property belonging to another
- 7-3 Destruction of State property or property belonging to another due to gross negligence
- 7-4 Misuse of State property or property belonging to another – use for purpose other than the intended purpose
- 7-5 Willful wasting State property or property belonging to another – any waste of edible or usable property
- 8-1 Failure to maintain personal hygiene or appearance
- 8-2 Failure to maintain acceptable hygiene or appearance of housing area
- 9-1 Obscene or profane act, gesture, or statement – oral, written, or signified
- 9-2 Bribery or attempted bribery
- 9-3 Breaking and entering or attempted breaking
- 9-4 Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct
- 9-5 Theft of property under \$50.00 in value
- 9-6 Bartering with others
- 9-7 Sex acts or unauthorized physical contact involving inmates
- 9-9 Tattooing, being tattooed, branding or body art to include body piercing
- 9-10 Lying to staff member or others in official capacity, or falsifying records
- 9-11 Feigning illness or malingering as determined by a physician or medical authority
- 9-12 Gambling or possession of gambling paraphernalia
- 9-13 Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate’s physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task
- 9-14 Mail regulation violations
- 9-15 Visiting regulation violations
- 9-16 Refusing to work or participate in mandatory programs
- 9-17 Disorderly conduct
- 9-18 Unauthorized physical contact involving non-inmates
- 9-19 Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer
- 9-21 Fraud or attempted fraud
- 9-24 Loaning or borrowing money or other valuables
- 9-25 Telephone regulation violations
- 9-28 Canteen Shortage under \$100.00
- 9-31 Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior

- 9-32 In accordance with Section 944.279(1), F.S., is found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court
- 9-41 Kiosk regulation violation
- 9-42 Tablet regulation violation
- 9-43 Video visitation regulation violation, including call forwarding, video chatting, three-way video, livestreaming, recording, or other electronic tampering
- 9-44 eCommunication regulation violation
- 10-1 Failure to directly and promptly proceed to and return from designated area by approved method
- 10-2 Failure to remain within designated area of release plan
- 10-3 Failure to return if plan terminated prior to scheduled time
- 10-4 Making unauthorized contact – personal, telephone, or otherwise – with any individual in behalf of another inmate
- 10-5 Deviating from or changing approved plan without permission
- 10-6 Making purchase or contract without approval
- 10-7 Failure to deposit entire earnings – less authorized deductions – each pay period
- 10-8 Failure to repay advancement of monies as stipulated in the inmate’s financial plan
- 10-9 Tampering with, damaging, losing, or destroying any electronic monitoring equipment
- 11-1 Violation of the terms and conditions of the Supervised Community Release Agreement assignment to a designated facility

05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09, 12-12-10, 10-1-11, 6-18-13, 11-14-13, 11-4-14, \_\_\_\_\_.

33-601.735 Non-Contact Visiting.

(1) For purposes of this rule, non-contact visiting is a form of “in person” visitation and does not include video visitation as defined in Rule 33-602.901, F.A.C.

(2)(~~1~~) When the Institutional Classification Team (ICT) ~~ICT~~ determines that non-contact visiting is necessary in order to maintain the security and good order of the institution, the ICT shall make a recommendation to the warden who shall approve or disapprove the recommendation.

(3)(~~2~~) The ICT shall consider the following factors in determining whether to place an inmate in non-contact status:

(a) through (b) No change.

(c) The inmate’s disciplinary history within the last five years involving drugs, contraband, violence, or visiting policy violations ~~occurring during visiting~~.

(d) Evidence or ~~criminal~~ intelligence reports that an inmate has possessed, sold, or transferred ~~drugs, drugs or~~ alcohol, ~~or money~~.

(e) through (f) No change.

(4)(~~3~~) The ICT shall review non-contact visiting status a minimum of every ~~six~~ 6 months to evaluate whether changes are necessary based upon the following:

(a) through (c) No change.

(d) The inmate’s disciplinary ~~history during pattern within~~ the last year ~~involving related to~~ drugs, contraband ~~involvement~~, violence, or visiting ~~policy rule~~ violations.

(5)(~~4~~) The warden shall ensure that there is sufficient space for non-contact visiting based on space available and allowable visitors.

(a) ~~Except as provided below, non-contact~~ ~~Non-contact~~ visits shall be scheduled for one two-hour visit per week unless an emergency exists or security concerns dictate otherwise. ~~The warden shall determine the level of supervision and restraint required for all non-contact visits.~~

1. A CM II inmate is eligible to receive one three-hour non-contact personal visit by appointment only after each 14-day period during which the inmate has no major rule violations as defined in Rule 33-601.800, F.A.C., unless an emergency exists or security concerns dictate otherwise.

2. A CM III inmate is eligible to receive one four-hour contact visit by appointment only after each 14-day period during which the inmate has no major rule violations as defined in Rule 33-601.800, F.A.C., while in CM III status unless an emergency exists or security concerns dictate otherwise.

(b) Non-contact visit attendees ~~visits~~ shall be limited to a maximum of four adult visitors and as many ~~minor visitors children~~ as can be accommodated at one a time.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.115, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-

(c) More than four visitors can be allowed to visit an inmate on a given day, but visiting ~~shall~~ will be on a rotating basis during the visiting two-hour period.

(d) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended

33-601.800 Close Management.

(1) Definitions.

~~(a) Housing supervisor—a correctional officer sergeant, or above, who is in charge of the close management unit for a particular shift.~~

~~(b) Medical Staff—a health care professional whose primary responsibility is the provision of physical health care to inmates.~~

~~(c) Mental Health Staff—a health care professional whose primary responsibility is the provision of mental health care to inmates.~~

~~(a)(d)~~ Close Management (CM) – the separation ~~confinement~~ of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, when ~~where~~ the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others.

~~(b)(e)~~ Close Management Levels – the three individual levels (CMI, CMII, and CMIII) associated with CM ~~close management~~, with CMI being the most restrictive single cell housing level and CMIII being the least restrictive housing of the three CM levels.

(c) Critical Event – involvement of a CM inmate in one or more of the following events or behaviors: assignment to suicide observation status, homicide, attempted homicide, escape, attempted escape, physical assault, or attempted physical assault.

(d) Housing Supervisor – a correctional officer sergeant, or above, who is in charge of a CM unit for a particular shift.

~~(e)(f)~~ Individualized Service Plan (ISP) – a dynamic, written description of problems, goals, and services that ~~which~~ is developed and implemented by the multi-disciplinary services team ~~(MDST)~~ and the inmate. An ISP shall be developed and implemented for each CM inmate who suffers from mental impairment, or is at significant risk for developing such impairment, as determined by mental health staff.

~~(g) Multi-disciplinary Services Team—a team of mental health, program, classification, and security staff which assesses behavioral risk for each CM inmate and develops and implements an individualized service plan for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.~~

~~(h) Critical Event—inmate involvement, after the CM team decision, in one or more of the following events or behaviors: assignment to suicide observation status; homicide; attempted homicide; escape; attempted escape; physical assault; attempted physical assault.~~

~~(i) Review—where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's close management status to determine if changes or modifications are required or recommended.~~

~~(j) Visit—where used herein, refers to the official tour and inspection of a close management unit by a staff member.~~

(f) Institution – refers to all state correctional institutions as defined in s. 944.02, F.S., and all private correctional facilities as defined in s. 944.710, F.S.

~~(g)(k)~~ Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, 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, decisions at a facility and for making other classification recommendations to the State Classification Office ~~(SCO)~~. At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department of ~~Corrections~~ representative is final. The only exception to the above listed membership of the ICT is the makeup of the ICT at the designated CM facilities when considering the placement, continuance, modification, or removal of inmates from CM ~~close management~~ units. For these purposes, multiple ICTs consisting of the following members can be utilized:

1. Warden, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload; or

2. Assistant Warden of ~~for~~ Operations, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or, in his or her absence from the institution, the acting classification supervisor; or

3. Assistant Warden of ~~for~~ Programs, a chief of security or, in his or her absence from the institution, the acting chief of security, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload.

~~(h)(l)~~ Institutional Classification Team Docket – the official record of an ICT hearing.

(i) Lewd or Lascivious Exhibition – an inmate commits a lewd or lascivious exhibition when the inmate does any of the

following in the presence of a person who is not in the custody of the Department:

1. Intentionally masturbates;
2. Intentionally exposes the genitals without authorization;

or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity.

~~(j)(4)~~ Major Rule Violation – any assault, battery, or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act, or disturbance; fighting; possession or trafficking of weapons, ammunition, explosives, cell phones, unauthorized drugs, escape paraphernalia, or any other item that presents a threat to the safe and secure operation of the institution; and any escape or escape attempt.

(k) Medical Staff – a health care professional whose primary responsibility is the provision of physical health care to inmates.

(l) Mental Health Staff – a health care professional whose primary responsibility is the provision of mental health care to inmates.

(m) Multi-disciplinary Services Team (MDST) – staff representing multiple professions and disciplines responsible for ensuring inmate access to necessary assessment, treatment, continuity of care, and services in accordance with an inmate’s identified mental health needs, and which collaboratively develops, implements, reviews, and revises an inmate’s individualized service plan as necessary.

(n) Offender Based Information System (OBIS) – the Department’s department’s computer offender database system that which is utilized to organize and store security, classification, program, and other offender information.

(o) Restricted Labor Squad – an armed supervision work squad consisting of individually shackled CMII ~~close management II~~ or CMIII ~~III~~ inmates who work outside the secure perimeter on institution grounds.

(p) Review – the evaluation of pertinent information or documentation concerning an inmate’s CM status to determine if changes or modifications are required or recommended.

(q) Security Threat Group (STG) – a formal or informal ongoing inmate/offender group, gang, organization, or association consisting of three or more members who have:

1. A common name or common identifying signs, colors, or symbols;
2. Members or associates who individually or collectively engage in or have engaged in a pattern of gang activity, criminal activity, or Department rule violations; or

3. Potential to act in concert to pose a threat or potential threat to the public, staff, visitors, other inmates or offenders, or the secure and orderly operations of an institution, probation office, other Department property, or Department activity or function.

~~(r)(p)~~ Senior Correctional Officer – a correctional officer lieutenant or above.

~~(s)(q)~~ State Classification Office (SCO) – the office or office staff at the central office level that is responsible for the final review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

(t) Visit – an official tour and inspection of a CM unit by a staff member.

~~(r) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:~~

- ~~1. Intentionally masturbates;~~
- ~~2. Intentionally exposes the genitals without authorization;~~

~~or~~

~~3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.~~

~~(s) Security Threat Group (STG) – refers to formal or informal ongoing inmate/offender groups, gangs, organizations, or associations consisting of three or more members who have:~~

- ~~1. A common name or common identifying signs, colors, or symbols;~~
- ~~2. Members or associates who individually or collectively engage in or have engaged in a pattern of gang activity, criminal activity, or Department rule violations; or~~

~~3. Potential to act in concert to pose a threat or potential threat to the public, staff, visitors, other inmates or offenders, or the secure and orderly operations of an institution, probation office, other Department property, or Department activity or function.~~

(2) Levels of Close Management.

(a) Close Management I (CMI).

1. CMII ~~Close Management I~~ is the most restrictive single cell housing level of all the CM ~~close management~~ status designations.

2. An inmate assigned to CMI ~~is will be~~ ineligible for a work assignment. An inmate may be placed in CMI without having previously been in CMII or CMIII ~~III~~. Any of the following factors constitutes a basis for placement of an inmate in CMI ~~status~~:

3. An inmate may be placed in CMI without having previously been in CMII or CMIII.

4. Any of the following factors constitutes a basis for placement of an inmate in CMI ~~status~~:

- a. No change.
  - b. An act causing injury or an act ~~that which~~ could have resulted in injury to another;
  - c. Any physical assault or battery on staff ~~that which~~ caused injury;
  - d. through f. No change.
  - g. Participation in or causing further institutional disruption during a riot or disorder during the inmate's current term of incarceration;
  - h. An escape or escape attempt involving use of a weapon, outside assistance, use of equipment or tools to penetrate a secure perimeter, or violence committed during or while on escape;
  - i. through j. No change.
  - k. Possession of weapons, ammunition, explosives, flammables, or initiation of or participation in trafficking of these items ~~or trafficking in drugs~~;
  - l. Trafficking in drugs;
  - ~~m.~~ Participation in a sexual assault or battery;
  - ~~n.~~ An inmate who is currently CMII or CMIII and shows an inability to adjust as evidenced by one or more subsequent major rule violation(s);
  - ~~o.~~ Documented leadership in a STG security threat group that is certified by the threat assessment review committee in central office.
- (b) Close Management II (CMII).
1. CMII is restrictive cell housing that housing, which may or may not be restricted to single cell housing.
  2. An inmate may be placed in ~~into~~ CMII without having previously been placed in CMIII. Any of the following factors constitutes a basis for placement of an inmate in CMII status:
    - a. An act or acts in the community, during other periods of confinement, or any circumstances associated with the current period of incarceration such that safety and security concerns regarding the institution, the staff, or the public safety, security, and public safety concerns suggest further review of the inmate is necessary prior to placement in general open population;
    - b. A pattern of predatory actions ~~that which~~ makes an inmate a threat to others;
    - c. An act causing injury or an act ~~that which~~ could have resulted in injury to another;
    - d. An escape or an escape attempt from within the secure perimeter of an institution a facility without violence, the use of weapons, the taking of hostages, the use of equipment or tools, or outside assistance;
    - e. Participation in a riot or disorder ~~riots or disorders~~ during any period of incarceration;
    - f. No change.
    - g. Initiation or participation ~~initiated or participated~~ in a contraband trafficking operation involving negotiables, escape paraphernalia (other ~~other~~ than items listed in sub-

- subparagraph ~~(2)(a)4.h., (2)(a)2.h.]~~, or other items that present a threat to the safe and secure operation of the institution ~~or facility~~;
  - h. Presenting ~~Presents~~ a risk to another inmate's safety and well-being ~~well-being in population~~, as identified by one or more acts that demonstrate ~~an act or acts which demonstrates~~ an inability to live in general population without endangering others;
  - i. An inmate who is ~~Is~~ currently CMIII and shows an inability to adjust as evidenced by one or more subsequent major rule violation(s).
- (c) Close Management III (CMIII).
1. CMIII is the least restrictive cell housing unit in CM. ~~close management~~.
  2. CMIII will only be used as a step-down placement for inmates in CMI or CMII. It will not be used as an entry point into CM.
    2. Any of the following factors constitutes a basis for placement of an inmate in CMIII Status:
      - a. ~~An escape or an escape attempt, or a documented history of escape from a non-secure facility or environment without violence, weapons, outside assistance, or the arrest for any other felony while on escape;~~
      - b. ~~Assisting or aiding in an escape or an escape attempt;~~
      - c. ~~A history of disciplinary action or institutional adjustment reflecting an inability to live in the general inmate population without disrupting the operation of the institution;~~
      - d. ~~Participation in a predatory or aggressive act through the use of force or intimidation;~~
      - e. ~~Participation in a riot or disorder by refusing to follow orders or staff;~~
      - f. ~~Possession of unauthorized drugs, testing positive for drugs on a urinalysis test, possession of negotiables, escape paraphernalia [except items listed in sub-subparagraph (2)(a)2.j.], or other items that present a threat to the safe and secure operation of the institution or facility; and,~~
      - g. ~~Validated membership in a security threat group that has been certified by the threat assessment review committee in central office.~~
- (3) Procedures for Placement in Close Management.
- (a) CM Close management is the separation confinement of an inmate ~~apart~~ from the general population, for reasons of security, or the order and effective management of the institution, when where the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others. The Secretary ~~secretary~~ shall designate which institutions are authorized to house CM inmates ~~close management inmates~~, based on the needs of the Department. ~~department~~.
- (b) When an inmate in general population has committed acts that threaten the safety of others, threaten the security of

the institution, or demonstrate an inability to live in the general population without abusing the rights and privileges of others, the inmate shall be placed in administrative confinement pending ~~CM close management~~ review by the ICT. When an inmate in any other confinement status has committed acts that threaten the safety of others, threaten the security of the institution, or ~~demonstrate demonstrated~~ an inability to live in a segregated population without abusing the rights and privileges of others, the inmate shall be housed in his or her current status pending ~~CM close management~~ review. Inmates being considered for ~~CM close management~~ who have completed disciplinary confinement and the final decision regarding ~~CM close management~~ placement has not been determined will be housed in administrative confinement until the review and decision is made by the SCO.

(c) The classification officer shall complete section I of the Report of Close Management, Form DC6-233C. Form DC6-233C is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is ~~XX/XX 4-8-04~~. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of ~~Form DC6-233C the Report of Close Management, Form DC6-233C~~, to prepare for the ~~CM close management~~ review. ~~The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.~~ The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is ~~XX/XX 2-1-04~~. The inmate may present information verbally or in writing for consideration by the ICT. ~~The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.~~

(d) Prior to docketing an inmate's case for ~~CM close management~~ review by the ICT, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, Form DC6-128. Form DC6-128 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-03418>.

The effective date of the form is 12/13.

(e) Mental health staff will complete ~~Form DC6-128 the close management referral assessment~~ within five working days of receipt and return it to the classification supervisor.

(f) Upon receiving the completed ~~Form DC6-128, the close management referral assessment~~, the classification supervisor will submit the case for ~~placement on the ICT docket, ICT Docket~~.

(g) ICT Hearing. The ICT shall evaluate the recommendations for ~~CM close management~~ placement and the mental health assessment, interview the inmate, and consider ~~all relevant~~ the information provided to the ICT by the inmate. The ICT shall ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by completing a ~~Close Management Waiver~~, Form DC6-265. The ~~ICT team~~ shall document on Form DC6-233C that the inmate was allowed at least 48 hours to prepare for the review. The ICT shall inquire whether ~~or not~~ the inmate ~~needs is in need of~~ staff assistance. A staff ~~member assistant~~ shall be assigned to assist an inmate when the ~~ICT team~~ determines that the inmate is illiterate or does not understand English, has a disability that would hinder the inmate's ability to represent ~~himself him~~ or herself, or when the complexity of the ~~issues issue~~ makes it unlikely that the inmate will be able to properly represent ~~himself him~~ or herself. ~~Assistance This assistance~~ can also be provided at the inmate's request. ~~In the event a staff member is assigned to assist an inmate, such event,~~ it is the responsibility of the staff member to explain the ~~CM close management~~ recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member shall not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the ~~ICT team~~ shall document the postponement on Form DC6-233C. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process, or the inmate waives his or her right to be present at the ~~CM close management~~ hearing. If the inmate waives his or ~~her~~ right to be present at the ~~CM close management~~ hearing ~~Form DC6-265, the Close Management Waiver, Form DC6-265~~, shall be completed. In such cases, the review will be completed without the inmate ~~present~~. The absence, removal, or presence of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and

provide a copy of ~~its the team's~~ decision to the inmate after the conclusion of the hearing. The ICT classification member will ensure that the ~~team~~ results are entered in OBIS.

(h) The SCO will review the recommendations of the ICT, ~~the Close Management Referral Assessment~~, Form DC6-128, and other pertinent information before making the final decision regarding CM close management placement. This review will be on site and the SCO may interview the inmate, except in situations requiring more immediate action. In such case, ~~these cases~~, the SCO will review the documentation in OBIS. The SCO will approve, disapprove, or modify the ICT's recommendation, or obtain further information from the ICT team before reaching a final decision. If the ICT's team's recommendation is disapproved or modified by the SCO, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO approves ~~has approved~~ the ICT's recommendation. After the review is complete, the SCO will document its decision in OBIS. A copy of Form DC6-233C will be kept in the inmate record file.

(4) Transfers ~~from From~~ a Non-Close Management Non-CM Institution.

(a) through (b) No change.

(c) If placement in CM is approved, the SCO will document its decision in OBIS and notify Population Management for future transfer of the inmate to an appropriate CM institution, facility.

(d) If the CM recommendation is disapproved, the SCO will determine if a transfer for other management reasons should be approved. The SCO will document its decision in OBIS. If a transfer is approved, the SCO will notify Population Management for future transfer of the inmate to an appropriate non-CM institution, facility.

(5) Transfers While Inmate Is is in Close Management CM Status.

(a) If an inmate in CM close management is reassigned to another level of CM that close management which requires transfer to another institution, the time spent awaiting transfer will be taken into consideration when setting the schedule of reviews by the ICT at the receiving institution.

(b) To transfer an inmate in CM close management status to another CM institution, close management facility, the following will occur:

1. The ICT from the sending institution will recommend the appropriate level of CM close management based upon the criteria and facts for placement prior to the transfer.

2. Transfers will be limited to those inmates in CM as follows: close management:

a. When an inmate is ~~Who are~~ being recommended for a CM close management level that the sending institution is not capable of providing, based on institutional mission or CM close management stratification issues, or

b. Situations that involve special reviews. Inmates with protection or threat reviews involving inmates housed at the same CM institution facility will be handled within the CM unit and, unless exceptional circumstances exist, will not be transferred from one CM institution to another based solely on these reviews, or

c. Situations that require an inmate to be moved to a higher-level institution, higher level facility.

(c) The recommendation by the ICT to transfer a CM close management inmate will be reviewed ~~decided~~ by the SCO. If approved, the SCO will submit notification to Population Management for transfer of the inmate. The receiving institution shall then place the inmate directly into the approved CM level close management status without completing an additional evaluation.

(d) through (e) No change.

(6) Close Management Institutions and Facilities.

(a) The number of inmates housed in a CM close management cell will not exceed the number of bunks in the cell.

(b) The only exception to paragraph (6)(a) is during an emergency situation as declared by the warden or duty warden. The emergency will be made known to the regional director and to the emergency action center in the central office. If the exception exists in excess of 24 hours, the warden or duty warden must get specific authorization from the regional director to continue to house inmates beyond the 24-hour 24 hour period in such conditions.

(c) Prior to placing inmates in the same cell, the inmate will be reviewed ~~interviewed~~ by the housing supervisor and a review will be initiated to determine if any of the inmates in the CM close management unit are a threat to the inmate being placed, or if the inmate being placed is a threat to other inmates in the unit.

(d) If the inmate cannot be placed for the reasons stated in paragraph (6)(c), ~~these reasons~~, the housing supervisor will place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case will be immediately forwarded to the ICT for review. The ICT will review the case, interview the inmate, and forward recommendations to the SCO. The SCO will review the case and may interview the inmate before making and make a final decision on the inmate's placement.

(e) ~~Water Supply to CM Units~~. All CM close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate that which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to ~~then~~ flood the housing area. It also

includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (~~inmate mixes water with soap or shampoo and applies to the floor or himself or herself to hinder cell extraction~~). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Special Housing, Form DC6-229. Form DC6-229 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <https://www.flrules.org/Gateway/reference.asp?No=Ref-00220>. The effective date of the form is 4-6-11.

(f) Prior to placement of an inmate in a CM ~~close management~~ cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell Inspection. After such time, the inmate housed in that cell will be responsible for the condition of the cell. Form DC6-221 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01968>. The effective date of the form is 12-16-01.

(g) CM ~~The close management~~ cells will be physically separate from other confinement cells whenever possible given the physical design of the institution, ~~facility and the number of inmates housed in a close management cell shall not exceed the number of bunks in the cell~~. Whenever this ~~such location~~ is not possible, physical barriers shall be placed to preclude the cross association of inmates ~~those in CM close management~~ with inmates ~~those in other statuses~~. CM ~~close management~~ cells shall be built to permit verbal communication and unobstructed observation by the staff.

(h) Inmates shall be weighed upon entering CM, ~~close management~~, at least once a week while in CM, ~~close management~~, and upon leaving CM, ~~close management~~. The weight of the inmate shall be documented on Form DC6-229; Daily Record of Special Housing.

(7) Individualized Service Plan (ISP).

(a) The MDST ~~multi-disciplinary services team~~ will develop an ISP on Form DC4-643A ~~ISP, Form DC4-643A~~, when deemed necessary by mental health staff. Form DC4-643A is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-07328>. The effective date of the form is 8/16.

(b) through (e) No change.

(f) The MDST shall review, and if indicated, revise the ISP as needed, but not less frequently than the following:

1. through 2. No change.

3. 120 days after the 30-day ~~initial (30) day~~ review.

4. Every 180 days after the 120-day ~~120-day~~ review, until mental health staff determines that ongoing mental health care is no longer necessary, at which time the ISP will be closed.

(g) No change.

(8) Behavioral Risk Assessment (BRA).

(a) The MDST shall determine the behavioral risk of each CM ~~team decision~~ inmate by completing a BRA on the Behavioral Risk Assessment (BRA), Form DC4-729 or other validated risk assessment instrument. Form DC4-729 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01965>. The effective date of the form is 4-8-04.

(b) Behavioral risk shall be determined as follows:

1. through 2. No change.

3. Within 120 days following the 14-day assessment, ~~of the initial (14 day) assessment~~; and every 180 days thereafter.

(c) The BRA shall be completed at the above intervals regardless of ~~an inmate's~~ S-grade or housing assignment, including, for example, when the CM inmate is housed outside the CM unit in order to access necessary medical or mental health care.

(d) Security shall consider results from the BRA ~~behavioral risk assessment~~ and other information relevant to staff and inmate safety and institutional security in determining the level of restraints required during out-of-cell activities such as individual or group counseling.

(e) The ICT shall consider results from the BRA ~~behavioral risk assessment~~ and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM status.

(f) The SCO shall consider results from all BRAs ~~behavioral risk assessments~~ and all results from mental health evaluations that have been completed since the inmate's last formal assessment and evaluation, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after CM placement.

(9) No change.

(10) Conditions and Privileges in Close Management ~~CM~~ Units.

(a) Clothing – Inmates in CM close management shall be provided the same clothing and clothing exchange as inmates in general ~~the general inmate~~ population unless there are facts to suggest that, on an individual basis, exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself him or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, ~~Daily Record of Special Housing~~. Under no circumstances shall an inmate be left without a means to cover himself him or herself.

(b) Bedding and Linen linen – Bedding and linen for inmates in CM close management shall be issued and exchanged the same as they are for inmates in general ~~is provided to the general inmate~~ population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the exception action initially. Such exceptions shall be documented on Form DC6-229, and the chief of security shall make the final decision regarding the exception in regard to action no later than the next working day following the action.

(c) Personal Property – Inmates in CM shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes, envelopes and health and comfort items unless they pose a threat or potential threat to the public, staff, visitors, other inmates, or the secure and orderly operations of an institution. ~~there is an indication of a security problem.~~ Inmates in CM may close management inmates at all levels shall be allowed to possess a Walkman-type "walkman" type radio with approved headphones in accordance with Rule 33-602.201, F.A.C. as is allowed for general population inmates. Inmates in CMIII may possess a tablet in accordance with Rule 33-602.900, F.A.C. Exceptions or restrictions regarding removal of any item will be documented on ~~the~~ Form DC6-229. An Inmate Impounded ~~Personal~~ Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating any what personal items that are were removed. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. The original Form DC6-220 shall will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding, bedding or personal property are removed in order to prevent the inmate from inflicting injury to himself, herself, him or herself or others, to prevent the destruction of

property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall reassess re-assess the need for continued restriction every 72 hours thereafter. Based on these reassessments, the warden ~~The warden, based on this assessment,~~ will make the final determination regarding on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred during any 72-hour reassessment period. ~~Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.~~

(d) Comfort Items – Inmates in CM may possess close management shall be permitted personal hygiene items and other medically necessary needed or prescribed items such as eye glasses or hearing aids, unless they pose a threat or potential threat to the public, staff, visitors, other inmates, or the secure and orderly operations of an institution. ~~except when security requirements dictate otherwise.~~ Inmates in CM close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in CM close management are not normally prohibited from possessing are restricted, removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Any action Action taken shall be recorded on ~~the Daily Record of Special Housing~~, Form DC6-229, which must be reviewed by the chief of security. When any personal property is removed, Form DC6-220 an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided at as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, ~~and~~ feminine hygiene products for women, and toilet tissue.

(e) Personal Hygiene – Inmates in CM close management shall meet the same personal hygiene standards ~~in regard to personal hygiene~~ as required of inmates in the general inmate population.

1. At a minimum, minimum each inmate in CM close management shall shower three times per week and on days that the inmate works.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101, subsection 33-602.101(4), F.A.C. The possession and use of shaving powder in CM close management is prohibited.

3. Hair care shall be the same as that provided to and required of inmates in the general inmate population.

(f) Diet and Meals – All inmates in CM close management shall receive the same normal institutional meals that as are

available to inmates in general ~~the general inmate~~ population except that if any item on the regular menu would ~~might~~ create a security problem in CM, ~~the close management area~~, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in CM close management who uses food or food service equipment in a manner that is hazardous to himself ~~him~~ or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on ~~the Daily Record of Special Housing~~, Form DC6-229.

(g) Canteen Items.

1. After Inmates in CMI and II, following 30 days in CM with close management status and having no major rule violations during this period, inmates in CMI and CMII will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and CMII ~~II~~ will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens count ~~counts~~ as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII with no major rule violations, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

3. through 4. No change.

(h) Religious Accommodations – Inmates in CM close management status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, CM close management inmates shall be allowed to possess religious publications as defined in Rule 33-503.001, F.A.C., and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden. Religious publications shall not count toward the limit on personal book possession set forth in paragraph (10)(l) of this rule, but are subject to ~~but do fall under~~ the storage space provisions of Rule 33-602.201, F.A.C.

(i) Legal Access – An inmate in CM close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with certified inmate law clerks. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours pursuant to Rule 33-601.711, F.A.C. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen for this purpose pursuant to paragraph (10)(g) of this rule, ~~within the stated time frames.~~ Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of authorized auxiliary aids (writer/reader). An inmate who is provided an authorized auxiliary aid shall also be allowed access to a certified inmate law clerk for the purpose of preparing legal documents, legal mail, or ~~and~~ filing grievances.

(j) Correspondence – Unless otherwise stated in this rule, inmates ~~Inmates in CM close management~~ shall have the same opportunities for correspondence that are available to inmates in general ~~the general inmate~~ population.

(k) Writing Utensils ~~utensils~~ – Inmates in CM close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from CM, close management status. If a security pen is not available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the Department ~~department~~ has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievance. ~~grievances.~~ Inmates shall be allowed to purchase security pens pursuant to paragraph (10)(g) of this rule, within the specified time frames. An inmate who has been provided an authorized auxiliary aid a “writer/reader” will be allowed access to such for the purpose of reading and preparing correspondence.

(l) Reading Materials ~~materials~~ – Reading materials are allowed in CM close management units unless they pose a threat ~~there is an indication of a threat~~ to the safety, security, or sanitation of the institution. An inmate may possess up to ~~shall be limited to possession of~~ three personal soft cover books. If it is determined that the books pose ~~there is a~~ safety, security, or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229, ~~Daily Record of Special Housing~~. If items are removed in order to prevent the inmate from inflicting injury to himself ~~him~~ or herself or others, ~~others~~ or to prevent the destruction of property or equipment, staff shall reassess ~~re-assess~~ the need for

continued restriction every 72 hours thereafter. ~~Based on these reassessments, the warden~~ ~~The warden, based on this assessment,~~ will make the final determination ~~regarding on~~ the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred ~~during any 72-hour reassessment period~~. An inmate who receives services from the Bureau of Braille and Talking Book Library ~~library~~ will be allowed to ~~possess~~ ~~have~~ his or her tape player, devotional or scriptural material tapes, and other books on tape ~~that which~~ are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the ~~CM close management~~ officer shall provide the inmate with an in-cell exercise guide and document such on ~~the Daily Record of Special Housing~~, Form DC6-229. ~~In addition, However,~~ an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. ~~All outdoor~~ ~~Such~~ exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has a pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on ~~the Daily Record of Special Housing~~, Form DC6-229. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will ~~satisfy~~ ~~accomplish~~ the need for exercise and take into account the particular inmate's limitations. ~~CM close management~~ inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) At a minimum, wellness services for ~~CM close management~~ inmates at all levels shall be provided through cell-front tutoring, wellness puzzles, and the wellness education course.

(11) Programs and Privileges in Close Management Units.

(a) While in ~~CM a close management unit~~, an inmate's movement within the institution and contacts with other individuals will be restricted. ~~An inmate's privileges~~ ~~Privileges~~

will ~~also~~ be limited depending on the specific ~~CM close management level to which the inmate is assigned~~. Privileges will ~~also be limited depending on the specific close management level~~. If an inmate transfers to a less restrictive level due to satisfactory adjustment, the adjustment period required for any privilege shall be waived. Upon placement in CM, inmates shall receive a copy of the Close Management Housing Unit Instructions, Form NI1-046. Form NI1-046 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01973>. The effective date of the form is 3-10-05.

(b) CMI. Privileges for an inmate assigned to CMI are as follows:

1. ~~Inmates in CMI may participate in in-cell educational opportunities and other programs as directed by the inmate's ISP or Individualized Education Programs Form, unless precluded by safety or security concerns. Participation in available approved programs, including in cell educational opportunities, that the inmate can perform within the cell unless precluded by safety or security concerns;~~

2. ~~Inmates in CMI may check~~ ~~Check~~ out three ~~soft cover~~ ~~soft back~~ books from the library at least once per week and possess no more than three ~~soft cover~~ ~~back~~ library books at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out three books in braille or on tape per week and possess no more than three books at any given time, even though the actual number of tapes may be more than three per book. Books ~~in braille or on tape~~ ~~checked out~~ ~~our~~ from the library shall not count toward the limit on personal book possession set forth in paragraph (10)(l) ~~of this rule~~;

3. ~~Inmates in CMI may conduct~~ ~~Conduct~~ routine inmate bank ~~transactions~~ ~~transactions~~;

4. Inmates ~~in CMI~~ may subscribe to, purchase, or receive no more than one periodical ~~that which~~ is printed and distributed more frequently than weekly and four other periodicals ~~that which~~ are printed and distributed weekly or less frequently than ~~weekly~~ ~~an weekly~~; an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a ~~periodical~~ ~~periodical~~;

5. ~~Inmates in CMI may make~~ ~~Make~~ one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 30 days after 30 days in ~~CM with close management status and having no major rule violations during this period~~ ~~period~~ as well as emergency telephone calls and telephone calls to an attorney ~~pursuant to as explained in~~ Rule 33-602.205, F.A.C.

6. Unless restricted pursuant to Rule 33-601.731, F.A.C., ~~CMI~~ inmates in CMI shall be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in CM with close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMI, ~~inmates are the inmate is~~ eligible to be considered for visits 30 days following release from disciplinary confinement or the disciplinary ~~hearing hearing~~, if a penalty other than disciplinary confinement was imposed.

c. ~~Inmates in CMI are The inmate is~~ eligible to receive one two-hour non-contact personal visit by appointment after each subsequent ~~30-day 30-day~~ period with no major rule violations ~~while in the status~~ unless security or safety concerns would preclude a visit.

d. All visits for ~~CMI~~ inmates in CMI will be non-contact personal visits.

7. Inmates in CMI are not permitted to access kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

8. Inmates in CMI do not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(c) CMII. In addition to the programs provided for inmates in CMI inmates and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized for inmates in CMII:

1. Unless restricted pursuant to Rule 33-601.731, F.A.C., ~~CMI~~ inmates in CMII will be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in CM with close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMII, inmates are the inmate is eligible to be considered for visits a visit 30 days following release from disciplinary confinement status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

c. An inmate in CMII is The inmate is eligible to receive one three-hour non-contact personal visit personal visits by appointment only after each 14-day subsequent 14-day period during which the inmate has with no major rule violations while in the status unless an emergency exists or security and safety concerns dictate otherwise. would preclude a visit.

d. All visits for inmates in CMII will be non-contact personal visits.

2. Inmates in CMII may CMII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 14 days after 30 days in CM with close management status and having no major rule violations during this period, as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. ~~Inmates in CMII with CMII inmates, following 30 days in close management status and having~~ no major rule violations ~~during this period~~, shall be allowed access to the day room area for social purposes, including purposes to include watching television programs, for up to two days per week, not to exceed four 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff, as well as staff available for response should a problem develop. Inmates in CMII inmates will be restrained during dayroom activities unless it is the above described dayroom access unless determined by the senior correctional officer that an the inmate can safely participate without restraints.

4. Participation of inmates in CMII in educational and program opportunities shall be in-cell or out-of-cell out of cell as determined by security and programs staff.

5. Inmates in CMII are not permitted to access kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

6. Inmates in CMII do not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(d) CMIII. In addition to the programs provided above for inmates in CMII, CMI inmates, and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized for inmates in CMIII:

1. CMIII inmates will be entitled to:

1.a. Unless restricted pursuant to Rule 33-601.731, F.A.C., ~~CMI~~ inmates in CMIII shall be eligible to receive one two-hour contact personal visit by appointment. appointment after completing 30 days in close management status and having no major rule violations during this period.

a.b. Inmates in CMIII CMIII inmates shall be subject to placement on non-contact visiting status pursuant to as outlined in Rule 33-601.735, F.A.C.

b.e. If found guilty of a major rule violation while assigned to CMIII, inmates in CMIII are the inmate is eligible to be considered for visits 14 days following release from disciplinary confinement status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

c.d. An inmate in CMIII is The inmate is eligible to receive one four-hour two-hour contact personal visit by appointment only after each 14-day subsequent 14-day period during which the inmate has with no major rule violations during this period unless an emergency exists or security concerns dictate otherwise. or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. ~~Inmates in CMIII with no major rule violations CMIII inmates, following 30 days in close management status and having no major rule violations during this period shall be allowed access to the day room area for social purposes, including purposes to include watching television programs, for up to five days per week, not to exceed four 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff, as well as staff available for response should a problem develop. Inmates in CMIII inmates shall not be restrained during for dayroom activities unless security or safety concerns require otherwise.~~

3. ~~Inmates in CMIII with no major rule violations CMIII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every seven days, days after 30 days in close management status and having no major rule violations during this period as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.~~

4. ~~Inmates in CMIII inmates shall be provided with at least the same opportunities for educational and program participation as provided to inmates in CMII inmates.~~

5. ~~Inmates in CMIII are permitted to access kiosks, kiosk services, and tablet services as provided for in Rule 33-602.900, F.A.C.~~

6. ~~Inmates in CMIII do not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.~~

(12) Suspension of Privileges. The ICT shall suspend or limit an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on ~~the Daily Record of Special Housing~~, Form DC6-229. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) Work Assignments.

(a) The decision to make work assignments and the type of assignments made will be determined by the ICT. Inmates shall be provided the opportunity for work assignment consideration as determined by the ICT except when precluded by a doctor's orders for medical reasons.

(b) ~~Inmates in CMI inmates~~ are restricted from all outside cell work activities. ~~Inmates in CMII inmates~~ are only eligible for work assignments on restricted labor squads or in CMI, CMII, H, or death row housing units. ~~Inmates in CMIII are eligible for work assignments at any CM housing unit doing~~

~~work similar to those inmates in general population, and outside CM housing units only on restricted labor squads within the fenced perimeter area. CMIII inmates are eligible for work assignments either inside or outside the close management unit, including restricted labor squads, work assignments within other close management units, and work assignments usually designated for open population inmates.~~

(c) Outside work assignments shall be performed during ~~daylight day light~~ hours.

(14) Restraint and Escort Requirements.

(a) No change.

(b) CMII. The same restraints and escort requirements as provided for ~~inmates in CMI inmates~~ above apply to ~~inmates in CMII inmates~~ with the exception that the senior correctional officer shall be authorized to approve unrestrained participation in group and individual counseling, dayroom access, and inside work assignments.

(c) CMIII. Unless precluded by specific safety and security concerns, ~~inmates in CMIII inmates~~ shall be escorted ~~without restraints~~ within the ~~unit, unit and~~ to exercise areas attached to the ~~unit, and for unit as well as to~~ all program and privilege activity participation ~~without restraints~~. The warden shall base any determination to require restraints on the security and safety needs of his or her individual institution and CM unit.

(d) Due to the unique mission of ~~CM close management~~ units, it is understood that more than one inmate may be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a distance from each other ~~that will which would~~ preclude any unauthorized physical contact. Extreme care shall be exercised when escorting restrained inmates in areas where unrestrained inmates are present. When possible, unrestrained inmates will be returned to their cells, removed from the wing, or, at a minimum, closely supervised by additional staff until the escort of restrained inmates is completed.

(15) Contact by Staff.

(a) The following staff members ~~are shall be~~ required to officially inspect and tour the ~~CM close management~~ unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01969>. The effective date of the form is 2-12-01. The staff member shall also document his or her visit on ~~Form DC6-229 noting the Daily Record of Special Housing, Form DC6-229, if there is any discussion of significance, any action or behavior of the inmate, or any other important evidential information that~~

which may have an influence or effect on the inmate's status of confinement. These visits shall be conducted at a minimum of:

~~1.(a)~~ At least every 30 minutes by a correctional officer, but on an irregular schedule.

~~2.(b)~~ Daily by the housing supervisor.

~~3.(c)~~ Daily by the officer-in-charge on duty for all shifts except in case of riot or other institutional emergency.

~~4.(d)~~ Daily by medical staff.

~~5.(e)~~ Weekly by the chief of security (when on duty at the institution facility) except in case of riot or other institutional emergency.

~~6.(f)~~ Weekly by the chaplain. More frequent visits will shall be made upon request of the inmate if the chaplain's schedule permits.

~~7.(g)~~ Weekly by mental health staff.

~~8.(h)~~ Weekly by the warden and assistant wardens.

~~(b)(i) At least once a week by a classification officer. Classification officers must visit each inmate on his or her caseload each week and document the visit on Form DC6-229. The classification officer must record the inmate's status, upcoming reviews, issues, discussions of significance, action or behavior of the inmate, or any other important information that may have an influence or effect on the inmate's status of confinement.~~

(16) Review of Close Management Status.

(a) An ICT member shall review each inmate inmates in ~~CM close management~~ at least once every week for the first 60 days and once every 30 days thereafter. ~~The For the purpose purposes of this review the ICT member shall be the warden, assistant warden of for operations, assistant warden of or programs, a chief of security, or classification supervisor. The purposes purpose of this review shall be to reduce toward reducing the inmate's status to the lowest management level possible or return returning the inmate to general population as soon as the facts of the case indicate that this can be done safely, and, if applicable, review the inmate's disciplinary confinement status as outlined in subsection 33-602.222(8), F.A.C. If, upon completion of the ICT member's weekly or 30-day review, an ICT review for modification of an inmate's CM status, the close management team decision, release to general population, or release from disciplinary confinement status is indicated upon completion of the ICT member's weekly or 30-day review, the ICT member shall notify the classification supervisor. The classification supervisor shall ensure that the case is placed on the ICT docket for ICT review. During the review, the ICT shall consider the results of the BRAs behavioral risk assessments and mental health evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.~~

(b) All services provided by any mental health or program staff member shall be recorded on ~~the Daily Record of Special Housing, Form DC6-229, which shall be kept in the CM unit.~~

(c) When an inmate has not been released to general population and is in any ~~CM close management~~ status for six months, the classification officer shall interview the inmate and shall prepare a formal assessment and evaluation on ~~Form DC6-233C, the Report of Close Management.~~ Such reports shall include a brief paragraph detailing the basis for the ~~inmate's CM status, the inmate's behavior and activities CM team decision, what has transpired~~ during the six-month period, and whether the inmate should be released, maintained at the current level, or modified to another level of ~~CM, management.~~ The case shall be forwarded to the classification supervisor who shall docket the case for ICT review.

(d) The ICT shall review the ~~Form DC6-233C report of close management~~ prepared by the classification officer, consider the results of ~~BRAs, behavioral risk assessments and mental health evaluations, and any evaluations and~~ other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status. If applicable, the ICT shall review the inmate's disciplinary confinement status in accordance with ~~Rule 33-602.222, subsection 33-602.222(8), F.A.C.~~ The inmate shall be present for ~~the review an interview~~ unless he or she demonstrates disruptive behavior, either before or during the ~~review, hearing,~~ that impedes the process, or the inmate waives his or her right to be present at the ~~review by completing Form DC6-265, close management hearing, the Close Management Waiver, Form DC6 265, shall be completed. In such cases, the review will be completed without the inmate. The presence, absence, or removal absence, removal or presence of the inmate will be documented on Form DC6-233C. The ICT's CM and, if applicable, disciplinary applicable. Disciplinary confinement status recommendations shall be documented in OBIS and on the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issue issues exists for the inmate to remain in CM, close management the ICT shall forward its their recommendation for release to the SCO for review. For an inmate to remain in CM, close management the ICT must shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or modifying the inmate to another level of CM, management.~~

(e) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from ~~CM close management~~ status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's ~~CM status close management~~ and, if applicable, disciplinary confinement status, consider the results of ~~BRAs, behavioral~~

~~risk assessments and mental health evaluations, and any evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.~~ The SCO shall interview the inmate unless exceptional circumstances exist or the inmate is approved for release to general population. If it is determined that no justifiable safety and security issues exist for the inmate to remain in CM, close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in CM, close management, the SCO ~~must shall~~ determine based on all available relevant information ~~the reports and documentation~~ that there are safety and security issues or other circumstances that justify ~~for~~ maintaining the inmate at the current level or at a modified level of CM, management. If applicable and in accordance with Rule 33-602.222, subsection 33-602.222(8), F.A.C., the SCO shall determine whether the inmate is to continue in or be removed from disciplinary confinement status. The SCO's decisions shall be documented in OBIS and on the Report of Close Management, Form DC6-233C. The SCO shall advise the inmate of its decision.

(f) Reviews required by this subsection ~~section~~ shall be completed regardless of the inmate's housing assignment, including when a CM inmate is housed outside the CM unit in order to access medical or mental health care.

(g) Before an inmate is released from CM, written authorization must be obtained by the SCO from the regional director if any of the following apply:

1. The inmate has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, on a staff member that constitutes a felony battery that occurred during the inmate's current period of incarceration, ~~that constitutes a felony on a staff member;~~

2. The inmate has an active detainer as a result of any assault or battery, or any attempted assault or battery, on a staff member that constitutes a felony that occurred during the inmate's current period of incarceration, ~~that constitutes a felony on a staff member;~~ or

3. The inmate is confined in Florida under the Interstate Corrections Compact and has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, on a staff member that constitutes a felony in the state from which he or she was transferred that occurred during the inmate's current period of incarceration, ~~that constitutes a felony on a staff member in the state from which he transferred.~~

(17) Close Management Records.

(a) A Report of Close Management, Form DC6-233C, shall be kept for each inmate placed in CM, close management.

(b) A Daily Record of Special Housing, Form DC6-229, shall be maintained for each inmate as long as the inmate he is in CM, close management. Form DC6-229 shall be utilized to

document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts, and shaves. If items that inmates in CM close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an authorized auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision regarding ~~in regard to~~ the action no later than the next working day following the action. Staff shall reassess ~~re-assess~~ the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The CM close management unit officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing area for 30 days. After each 30-day ~~30-day~~ review of the inmate by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(c) No change.

(d) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each CM close management unit. Each staff person shall sign the record when entering and leaving the CM close management unit. Prior to leaving the CM close management unit, each staff member shall indicate any specific problems. No other unit activities will be recorded on Form DC6-228. Upon completion, Form DC6-228 shall be maintained in the housing area and forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(e) A Housing Unit Log, Form DC6-209, shall be maintained in each CM close management unit. Form DC6-209 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03419>. The effective date of the form is 12/13. Officers shall record all daily unit activities on Form DC6-209, including to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(18) Staffing Issues.

(a) Officers assigned to a CM close management unit shall be reviewed every 18 months by the chief of security to determine whether a rotation is necessary. The chief of security shall review personnel records, including to include performance appraisals, incident reports, uses of force, and any

other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and ~~shall~~ make a recommendation to the warden as to the necessity of a rotation. The warden shall review the recommendation, request additional information, if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. Any officer assigned to a ~~CM close management~~ post shall be authorized a minimum period of five days of annual leave or a ~~five-day five day~~ assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of any officer involved in eight or more use of force incidents in an ~~18-month 18-month~~ period. The regional director shall review the circumstances for possible reassignment.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, 4-6-11, 7-31-11, 1-4-12, 12-9-12, 12-24-13, 3-6-14, 8-17-16,\_\_\_\_\_.

### 33-601.820 Maximum Management.

#### (1) Definitions.

(a) ~~For the purpose of this rule, the~~ Institutional Classification Team (ICT) – ~~refers to the ICT is~~ the team consisting of the warden, assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making inmate status decisions and for making other classification recommendations to the State Classification Office (~~SCO~~), ~~regional director, and warden Regional Director, and Warden~~. At private facilities, the ~~Department's Department of Corrections~~ representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the ~~Department's Department of Corrections~~ representative is final.

#### (b) No change.

(2) Maximum Management Placement Criteria. An inmate shall have, at a minimum, met the criteria for placement in ~~close management Close Management~~ I or death row and participated in a recent incident or series of recent incidents in which the inmate has:

#### (a) through (d) No change.

#### (3) Initial Placement in Maximum Management Housing.

(a) An inmate may only be referred for initial placement in maximum management housing at ~~FSP Florida State Prison~~. If an inmate located at any other facility commits an offense that appears to meet the criteria for maximum management placement outlined in subsection (2) of this rule, the institutional classification officer, senior classification officer,

classification supervisor, or ICT at the facility shall enter into the Offender Based Information System (OBIS) a Pending Close Management Evaluation transfer request to FSP if the inmate is not already in close management. If the inmate is already in close management or death row, the institutional classification officer, senior classification officer, classification supervisor, or ICT of the facility shall enter into OBIS a request for the type of transfer to FSP that reflects the inmate's current CM level or death row status. The ~~warden or regional director Warden or Regional Director~~ is required to send an e-mail to Central Office requesting transfer approval and the immediate scheduling of a direct transport to FSP indicating the inmate's current status and including the request for maximum management placement. A description of the inmate's behavior that warrants review for maximum management placement must be included.

(b) Whenever an inmate housed at FSP or an inmate transferred to FSP pursuant to paragraph (3)(a) ~~above~~ has met at least one of the conditions listed in paragraph (2)(a) ~~above~~, the ~~shift supervisor Shift Supervisor~~ shall place the inmate in maximum management housing. Immediately after placement, the ~~shift supervisor Shift Supervisor~~ at FSP shall enter in OBIS a referral for maximum management detailing the information and circumstances requiring maximum management placement.

(c) Within 24 hours after an inmate is placed in maximum management housing, the ~~warden or duty warden Warden or Duty Warden~~ shall review the ~~shift supervisor's Shift Supervisor's~~ referral for maximum management and document a decision, based on the criteria set forth in subsection (2) ~~above~~, as to whether the inmate's conduct was severe enough to warrant placement in maximum management housing pending completion of the hearing process in subsection (4) ~~below~~. If the ~~warden or duty Warden or Duty~~ warden determines that it is unnecessary to keep the inmate in maximum management housing pending completion of the hearing process, the inmate shall be placed in administrative confinement and the procedure for placement in close management outlined in Rule 33-601.800, F.A.C., shall be followed if the inmate is not already in close management. If the inmate was already in close management or death row status, the inmate shall be returned to that status. If the behavior for which the inmate was referred for maximum management ~~behavior~~ warrants consideration of an upward modification of ~~the inmate's his~~ close management level, that action shall take place after ~~the inmate's his~~ return to close management in accordance with Rule 33-601.800, F.A.C. If the ~~warden or duty warden Warden or Duty Warden~~ determines that maximum management placement is appropriate, the inmate ~~shall will~~ immediately be given a written notice including the reason for the placement referral and informing the inmate that a hearing

to review the placement ~~shall~~ will be held no sooner than 24 hours from the delivery of the notice. The inmate may waive the ~~24-hour~~ 24-hour waiting period or his or her appearance at the hearing by signing ~~the 24 Hour/Refusal to Appear Waiver, Form DC6-104, 24 Hour/Refusal to Appear Waiver.~~ Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services,~~ 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2006.

(d) The ~~classification supervisor~~ Classification Supervisor shall docket the inmate's hearing before the ICT for consideration of placement in maximum management status.

(4) Initial Placement Hearing and Decision Process.

(a) No change.

(b) The inmate shall be present for the hearing unless:

1. The inmate waives his or her right to appear by signing ~~the 24 Hour/Refusal to Appear Waiver, Form DC6-104, 24 Hour/Refusal to Appear Waiver;~~ or

2. No change.

~~(c)3.~~ If the inmate does ~~did~~ not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered in OBIS.

~~(d)(e)~~ If the ICT chairperson determines that the need for staff assistance is needed for the inmate based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

~~(e)(d)~~ The ICT chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

~~(f)(e)~~ The ICT chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, the reasons for postponement shall be entered in OBIS.

~~(g)(f)~~ The ICT shall recommend approval or disapproval of the recommendation for placement in maximum management. The ICT's recommendation and the basis for the recommendations shall be entered in OBIS.

~~(h)(g)~~ The ICT's recommendation shall be forwarded to the warden ~~Warden~~ for review. The warden's ~~Warden's~~ recommendation for approval or disapproval of maximum management placement conditions and the basis for the recommendations shall be entered in OBIS.

~~(i)(h)~~ The warden's ~~Warden's~~ recommendations shall be forwarded to the regional director ~~Regional Director~~ for final review. The regional director's ~~Regional Director's~~ decision to approve or disapprove maximum management placement and the basis for the decision shall be entered in OBIS. If the regional director ~~Regional Director~~ disapproves the placement, the inmate shall immediately be removed from the maximum

management cell and reclassified to the inmate's ~~his~~ original status or placed in administrative confinement pending close management referral.

~~(j)(i)~~ The classification supervisor ~~Classification Supervisor~~ at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status changes approved by the regional director ~~Regional Director~~. The classification supervisor ~~Classification Supervisor~~ shall also ensure that the inmate is informed verbally and in writing of the regional director's ~~Regional Director's~~ decision. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(5) Initial Conditions of Placement in Maximum Management. Inmates shall be subject to the following conditions upon initial placement in maximum management:

(a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the shift supervisor ~~Shift Supervisor~~ may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The shift supervisor ~~Shift Supervisor~~ shall notify the warden of any such action ~~Warden~~. If in agreement with the action, the warden ~~Warden~~ shall notify the regional director ~~Regional Director~~ for final approval no later than the first work day following the shift supervisor's ~~Shift Supervisor's~~ action. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. ~~Form DC6 229 is incorporated by reference in Rule 33-601.800, F.A.C.~~ Under no circumstances shall an inmate be left without a means to cover himself ~~him~~ or herself.

(b) Reading materials – possession is limited to a bible, religious testament, or other reading material specifically related to the inmate's faith only.;

(c) Out-of-doors recreation – limited to two hours once every 30 days for the first 60 days and two hours twice every 30 ~~thirty~~ days thereafter or until the inmate's exercise privileges have been reinstated pursuant to subsection (7) below.;

(d) Possession of legal materials shall be permitted, and excess legal materials shall be stored pursuant to subsection 33-602.201(6), F.A.C.;

(e) Legal visits ~~Visits~~ shall be permitted.;

(f) Routine bank transactions or canteen purchases shall not be allowed, with the exception of stamp, paper, security pen, and envelope purchases for mail, legal work, and inmate requests, and grievances.

(g) Tablets and kiosks – inmates in maximum management are not permitted to possess a tablet or have access to kiosks, kiosk services, or tablet services as provided for in Rule 33-

602.900, F.A.C., and shall not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(6) Review of Maximum Management Status and Conditions.

(a) The ICT shall review the inmate's maximum management status, the conditions set forth in subsection (4) above, and previously modified conditions, weekly for the first 60 ~~sixty~~ days from the date of placement, and at least monthly thereafter.

1. ~~Reviews~~ ~~Weekly reviews~~ by the ICT ~~during the first sixty days of maximum management status and monthly thereafter~~ shall be documented on Form DC6-229, Daily Record of Special Housing.

2. If the ICT recommends the inmate's release from maximum management or a modification of the inmate's conditions during the first 60 ~~sixty~~ days, the ICT shall enter its recommendation in OBIS.

3. All reviews conducted ~~at least monthly~~ by the ICT after the first 60 ~~sixty~~ days of maximum management status shall be entered in OBIS. This documentation shall include any recommendations for modifications of the inmate's conditions.

4. No change.

(b) All ICT reviews entered in OBIS shall be reviewed by the ~~warden~~ Warden. The ~~warden~~ Warden shall document his or her reason for approval, disapproval, or modification of the ICT recommendations in OBIS.

(c) The ~~warden's~~ Warden's recommendations for approval, disapproval, or modification of the inmate's status or conditions shall be reviewed by the regional director ~~Regional Director~~. The regional director ~~Regional Director~~ shall document approval, disapproval, or modification of the warden's ~~Warden's~~ recommendation in OBIS.

(d) If the regional director ~~Regional Director~~ approves the inmate for release from maximum management status, the inmate shall be placed in close management or death row housing. The decision to release the inmate from maximum management status shall be entered in OBIS. An inmate shall not be subjected to modification of conditions until the modifications are approved by the regional director ~~Regional Director~~, except as allowed in paragraph (4)(a) above.

(e) The classification supervisor ~~Classification Supervisor~~ at the maximum management facility shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the regional director ~~Regional Director~~. The classification supervisor ~~Classification Supervisor~~ at the maximum management facility shall ensure the inmate is immediately removed from maximum management housing if approved by the regional director ~~Regional Director~~ and returned to close management or death row housing.

(f) The ICT at the maximum management facility shall ensure that staff adhere to any time frames approved in reference to inmate conditions.

(7) Periodic Modification of Conditions.

(a) If after the following time frames the regional director ~~Regional Director~~ determines an inmate has displayed satisfactory adjustment to maximum management, taking into account the severity of any guilty findings on disciplinary reports created since the inmate's initial placement on maximum management status, and therefore determines that reinstatement of privileges is appropriate, privileges shall be reinstated as follows:

1. After six consecutive months on maximum management and with the approval of the regional director ~~Regional Director~~, the following privileges shall be reinstated:

a. through b. No change.

2. After nine consecutive months on maximum management and with the approval of the ICT, the following privileges shall be reinstated:

a. No change.

b. Canteen privileges limited to one order per week. The inmate is further limited to five non-food items and five food items. In making this determination, with the exception of stamps, security pens, and notebook paper, it is the number of items counted rather than the type of item. With respect to stamps, security pens, and notebook paper, twenty-five stamps or fewer ~~shall~~ count as one item, three security pens or fewer ~~shall~~ count as one item, and two packages or fewer of notebook paper ~~will~~ count as one item.

3. After 12 consecutive months on maximum management and with approval of the ICT, the following privileges shall be reinstated:

a. No change.

b. Ability to purchase a Walkman-type ~~'walkman'~~ type radio, headphones, and batteries or to be issued these items from the inmate's stored property.

(b) If the ICT determines an inmate has displayed unsatisfactory adjustment to maximum management, taking into account the severity of any guilty findings on disciplinary reports created since the inmate has had his or her privileges reinstated, the ICT shall review the reports and make a determination as to whether and to what extent privileges shall be revoked.

(c) Any recommendations by the ICT and/or warden ~~Warden~~ and regional director ~~Regional Director~~ decisions to modify conditions shall be entered in OBIS during weekly or monthly reviews of the inmate's maximum management status. The classification supervisor ~~Classification Supervisor~~ at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the regional director ~~Regional Director~~.

## (8) On-Site Review of Maximum Management.

(a) If an inmate remains in maximum management status for 90 days, the regional director ~~Regional Director~~ or designee shall conduct an on-site review of the inmate's maximum management status and conditions. This on-site review shall take place after every 90-day ~~90-day~~ period of continued maximum management status. The regional director's ~~Regional Director's~~ designee for this purpose shall be the assistant regional director or the regional correctional services administrator, a Regional Assistant Warden, Regional Classification Administrator, or State Classification Officer.

(b) The ICT shall participate in the review of the inmate's adjustment with the regional director ~~Regional Director~~ or his or her designee.

(c) The regional director's ~~Regional Director's~~ decisions made following this on-site review shall ~~will~~ be entered in OBIS as directed in subsection (7) above.

## (9) Security Requirements.

(a) No change.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

1. The inmate shall remove all clothing to allow for an unclothed body search ~~a strip search~~ and pass the clothing to the officers for thorough search before being restrained and exiting the cell. The inmate shall remain under constant visual surveillance during the process.

2. Before exiting the cell, a maximum management inmate shall be restrained in a manner commensurate to his or her ~~their~~ level of threat and in the presence of a minimum of two officers.

3. through 4. No change.

5. When escorting a maximum management inmate past other maximum management inmate cells, the cells shall ~~will~~ have the solid security door and cuff/food port closed and secured.

6. Under no circumstances shall ~~will~~ any two maximum management inmates be out of the cells under escort in the same area at the same time.

7. A maximum management inmate shall submit to an unclothed body ~~a visual strip~~ search and clothing search each time the inmate is returned to the cell from any escort.

## (10) Other Conditions of Confinement.

(a) through (b) No change.

(c) Medication shall be dispensed and administered in accordance with health services ~~Health Services~~ protocols for confinement.

(d) Inmates who are housed in maximum management shall ~~will~~ have mental health and medical care services to the same extent as ~~at~~ close management inmates. Monitoring of inmates shall ~~will~~ be as described in Rule 33-601.800, F.A.C.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06, 4-27-08, 5-18-09, 3-6-14, 7-14-14, 12-13-15, \_\_\_\_\_.

## 33-601.830 Death Row.

(1) Definitions.

(a) No change.

(b) Death Warrant Phases – The three stages of death row housing status that occur after an inmate's death warrant has been signed by the Governor. The three stages are as follows:

1. Phase I begins when an execution date is set.

2. Phase II begins at 8:00 a.m. seven calendar days prior to an inmate's set execution date.

3. Phase III refers to the status of an inmate whose death warrant has been signed by the Governor, but who does not have an execution date due to a stay. Phase III inmates have the same privileges as all other death row inmates except as otherwise provided in this rule.

(c)(b) Institutional Classification Team (ICT) – The the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT that is responsible for making inmate status decisions and for making other classification recommendations to the state classification office, regional director, and warden. At private facilities, the Department's Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department's Department of Corrections representative is final.

(d) Lewd or Lascivious Exhibition – an inmate commits a lewd or lascivious exhibition when the inmate does any of the following in the presence of a person who is not in the custody of the Department:

1. Intentionally masturbates;

2. Intentionally exposes the genitals without authorization;

or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity.

(e) Major Rule Violation – Any assault, battery, or attempted assault or battery; any lewd or lascivious exhibition; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act, or disturbance; fighting; possession or trafficking of weapons, ammunition, explosives, cell phones, unauthorized drugs, escape paraphernalia, or any other item that presents a threat to the safe and secure operation of the institution; and any escape or escape attempt.

~~(c) Death Warrant Phases—The three stages of death row housing status that occur after an inmate’s death warrant has been signed by the Governor. The three stages are as follows:~~

~~1. Phase I begins when an execution date is set.~~

~~2. Phase II begins at 8:00 a.m. seven calendar days prior to an inmate’s set execution date.~~

~~3. Phase III refers to the status of an inmate whose death warrant has been signed by the Governor but who does not have an execution date due to a stay. Phase III inmates will have the same privileges as all other death row inmates except as otherwise provided in this rule.~~

~~(f)(d) State Classification Office (SCO) – The office or Department office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.~~

~~(e) Major Rule Violation—any assault, battery or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession or trafficking of weapons, ammunition, explosives, cell phones, unauthorized drugs, escape paraphernalia, or any other item that presents a threat to the safe and secure operation of the institution; and any escape or escape attempt.~~

(2) An inmate who is not under sentence of death may be housed on death row when:

(a) through (b) No change.

(c) The warden has declared an emergency requiring use of death row housing for inmates not under sentence of death. In this instance, the warden shall notify the Deputy Assistant Secretary of Institutions or designee of the housing arrangement.

(3) Reviews.

(a) Annual Reviews – At least annually ~~annually~~, a death row inmate shall be reviewed by his or her classification officer to determine overall institutional adjustment based on the inmate’s disciplinary history, participation in programming, and cooperation with staff. This review shall be entered into the Department’s electronic inmate database.

(b) ICT Reviews – The ICT shall conduct a review of a death row inmate when the inmate:

1. No change.

2. Has had restrictions placed on his or her outdoor exercise pursuant to subparagraph (7)(j)3 of this rule. This review shall be conducted every six months after imposition of the restriction.

(4) No change.

(5) Restraints and Escort Requirements.

(a) through (b) No change.

(c) Prior to escorting an inmate from a death row cell for any activity within the housing unit, the inmate shall be thoroughly searched. If the inmate is escorted outside the immediate housing unit, the inmate shall be subject to an unclothed body search ~~will be strip searched~~ and restraint devices (handcuffs, waist chain, black box, and leg irons) shall be used.

(d) Once an inmate is properly restrained and searched and his or her cell is secured, only one officer is required to accompany the inmate.

(6) Except for visitation purposes, if more than one inmate is out of his or her cell within the death row unit at a time, there shall be one officer accompanying each inmate, and the inmates shall be kept at a distance from each other to preclude any unauthorized physical contact.

(7) Conditions and Privileges – The following conditions and privileges apply to all death row inmates except Phase I and Phase II inmates.

(a) Clothing – No death row inmate shall ~~will~~ be issued a belt. “Croc” style shoes shall ~~will~~ be provided as regulation foot wear. Death row inmates shall ~~will~~ be distinguished by designated different clothing that must be worn whenever they are out of the death row unit for the purpose of escort or transport. Otherwise, death row inmates shall be provided the same clothing and clothing exchange as inmates in ~~the~~ general ~~inmate~~ population unless there are facts to suggest that on an individual basis, exceptions are necessary for the welfare of the inmate or the security of the institution. If an inmate’s clothing is removed, a modesty garment shall be immediately ~~obtained~~ and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and Linens ~~linen~~ – Bedding and linens ~~linen~~ shall be issued and exchanged for death row inmates in ~~the~~ same manner as is provided to inmates in ~~the~~ general ~~inmate~~ population, and any restrictions shall be based on potential harm to individuals or threat to the security of the institution.

(c) Comfort Items – Unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution, ~~there is a clear indication of a security concern~~, inmates on death row shall be permitted personal hygiene items and other medically necessary ~~needed~~ or prescribed items, such as eye glasses and hearing aids. Death row inmates shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. At a minimum, death row inmates shall ~~will~~ be provided a toothbrush, toothpaste, a bar of soap, a towel or paper towels, toilet tissue, and feminine hygiene products for women.

(d) Personal Property – Inmates on death row shall be allowed to possess ~~personal~~ property such as watches, rings, stamps, envelopes, writing paper, ~~and~~ approved televisions, fans, ~~Walkman-type walkman-type~~ radios, ~~tablets MP3 players,~~ tablet chargers (if approved by the warden), headphones, and earbuds unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution. ~~there is a clear indication of a security concern.~~ Each inmate may possess no more than one approved television, fan, radio, ~~tablet MP3 player,~~ set of headphones, and set of earbuds.

(e) No change.

(f) Writing Utensils – Inmates on death row shall possess only security pens, with a possession limit of four. If no security pens are available, an inmate ~~may will be allowed to~~ sign out a regular pen from the assigned officer, which must be returned upon completion of preparation of the document. Care ~~shall will~~ be taken to ensure that an inmate who requests a pen in order to prepare legal documents or legal mail or to file a grievance with the Department has access to a pen for a time period sufficient to prepare the legal ~~mail,~~ documents, legal mail, or grievances.

(g) Reading Material – Inmates shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless it poses a potential threat to the safety, security, or sanitation of the institution. ~~there is an indication of a threat to the safety, security, or sanitation of the institution.~~ If it is determined that there is such a threat, the material ~~shall will~~ be removed. Removal of reading material shall be documented and reviewed in accordance with paragraph (7)(i) of this rule.

(h) Televisions – An inmate on death row may possess a television in his or her cell. Approved televisions may be purchased from the institutional canteen; otherwise, televisions ~~shall will~~ be provided by the Department, if available, as follows:

1. As inmates are placed on death row, their names ~~shall will~~ be placed in a television logbook. As televisions become available, the televisions ~~shall will~~ be assigned to inmates in the order that their names appear in the logbook.

2. Inmates shall be allowed to operate televisions between the hours of 8:00 a.m. and 11:30 p.m. unless otherwise authorized or restricted by the warden or designee. Televisions ~~shall will~~ be turned off during count procedures.

3. No change.

4. Inmates in disciplinary confinement ~~shall will~~ have their televisions removed. The television ~~shall will~~ then be assigned to the next eligible inmate as indicated in ~~by~~ the television logbook. Inmates who are guilty of a disciplinary infraction and who do not have televisions ~~shall will~~ have their names removed from the logbook eligible list until their disciplinary confinement time is completed. Their names ~~shall will~~ then be added to the bottom of the list.

5. Inmates transferring from the institution for twenty-four hours or longer ~~shall will~~ have their televisions reassigned to the next eligible inmate, as indicated in ~~by~~ the television logbook.

6. Altering the television, earphones, or any parts thereof, including the electrical cord, ~~shall will~~ result in disciplinary action and possible loss of television privileges.

(i) Removal or Denial of Items – Any item may be denied an inmate or removed from a death row cell to prevent the inmate from inflicting injury to himself, herself, or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. The senior correctional officer on duty must initially approve the decision to deny or remove clothing, bedding, or any other items from the cell and document the action on Form DC6-229, Daily Record of Special Housing. Removal of any ~~personal~~ property item ~~shall will~~ also be documented by security staff on Form DC6-220, Inmate Impounded ~~Personal~~ Property List, and signed by the inmate designating what ~~personal~~ items were removed. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. The original Form DC6-220 ~~shall will~~ be placed in the inmate's property file, and a copy of the form ~~shall will~~ be given to the inmate for his or her records. The duty warden shall make a final decision regarding the appropriateness of any removal no later than the next working day. If items are removed from a death row cell pursuant to this paragraph, staff shall re-assess the need for continued restriction every 72 hours thereafter and document the assessment on Form DC6-229. The warden, based on this assessment, ~~shall will~~ make a final determination on the continued denial or return of the items and document the decision on Form DC6-229. The items ~~shall will~~ be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction is present.

(j) Exercise – An exercise schedule shall be implemented to ensure a minimum of six hours per week of exercise out-of-doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing.

1. Medical restrictions can place limitations on an inmate's exercise periods. A disabled inmate who is unable to participate in the normal exercise program ~~shall will~~ have an exercise program developed for him or her that ~~shall will~~ accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be available for such exercise periods provided the equipment does not compromise the safety or security of the institution. The reasons for any medically-based exercise restrictions shall be documented on Form DC6-229.

2. The ICT is authorized to deny exercise for an individual inmate when the inmate is found guilty of a major rule violation

as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide, ~~which, this~~ shall be documented on Form DC6-229.

3. The ICT is authorized to restrict the place and manner of outdoor exercise, such as an inmate's ability to interact with other inmates or use exercise equipment, if the inmate has been convicted of or found guilty through the ~~Department's~~ Department's disciplinary process in Chapter 33-601, F.A.C., or an investigation sufficiently documents that the inmate was involved in:

a. through c. No change.

d. Any major rule violation ~~that which~~ requires heightened security measures to ensure the safety of staff, inmates, and the public, or the security of the institution.

4. Phase III inmates shall be restricted from exercise pursuant to subparagraph (15)(b)8, of this rule.

(k) No change.

(l) Visitation – Death row visits shall be contact visits unless security concerns indicate that a non-contact visit is necessary, in which case the non-contact visit shall be approved by the warden in advance. Visitation shall be on Saturday or Sunday (only one day of visitation per week per inmate) between the hours of 9:00 a.m. and 3:00 p.m. The visitation provisions of Chapter 33-601, F.A.C., otherwise apply. News media visits shall be in accordance with Rule 33-104.203, F.A.C. Death row inmates shall have video visitation privileges pursuant to Rule 33-602.901, F.A.C. Death row inmates are allowed one 15-minute video visit each calendar week, and no extensions shall be permitted. Video visits must be scheduled at least three days in advance.

(m) through (n) No change.

(o) Kiosk, Kiosk Services, and Tablet Services – With the exception of outgoing videograms, inmates on death row are permitted access to kiosks, kiosk services, and tablet services as provided for in Rule 33-602.900, F.A.C.

(8) Personal Hygiene – Inmates on death row shall meet the same personal hygiene standards required of inmates in the general population.

(9) through (10) No change.

(11) Legal Access – Legal access for all death row inmates except those on Phase I and II of an active death warrant shall be as follows:

(a) Inmates shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to their ~~the inmate's~~ cell, and to correspond with inmate law clerks.

Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule, or order of court, including the provision of opportunities to visit a secure, single-person room within the law library at least once per week for up to two hours if security concerns permit. Death row inmates using the law library ~~are will be~~ required to stay in a secure, single-person room in order to conduct research and draft legal documents, ~~and;~~ materials shall will be obtained via non-contact interaction with library staff or inmate law clerks under the supervision of security staff. Inmates may be required to conduct legal business through correspondence rather than a personal visit to the law library if security requirements prevent a personal visit.

(b) Written inmate requests for legal assistance shall be directed to the librarian or designee and shall be responded to within two working days of receipt, not including the day of receipt. Specific requests for cases, statutes, or other reference materials or requests for legal supplies or forms shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or contain styling or content errors that indicate the inmate lacks an understanding of the law or legal research or that he or she may be impaired shall be responded to by personal interview with an inmate law clerk or the librarian or designee.

(c) through (e) No change.

(12) No change.

(13) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each death row unit. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. Each staff person shall sign the form when entering and leaving the death row unit. Prior to departure, each staff member shall indicate any specific problems, including any inmate who requires special attention. Upon completion, Form DC6-228 ~~shall will~~ be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis, where it shall will be maintained on file pursuant to the current retention schedule.

(14) Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate in the death row unit for 30 days, after which the form ~~shall will~~ be forwarded to the warden for review. Once reviewed, these forms shall will be forwarded to classification to be filed in each inmate's respective file. Form DC6-229 shall be utilized to document any and all activities, including cell searches, items removed, showers, recreation, haircuts, and shaves. Form DC6-229B, Daily Record of Special Housing – Supplemental, may be used if further writing space is needed. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C. Additionally, staff shall fully and completely document when:

(a) through (j) No change.

(15) Death Warrants – Upon receipt of a death warrant signed by the Governor authorizing execution, the warden or designee ~~shall will~~ determine the housing location of the inmate. Inmates housed at Union Correctional Institution ~~shall will~~ be immediately transferred to Florida State Prison. Upon arrival, the warden ~~shall will~~ inform the inmate of the death warrant, and the inmate shall be allowed to contact his or her attorney and a family member at state expense. If the inmate is housed at Lowell Correctional Institution, the inmate shall not be transferred to Florida State Prison until Phase II. The warden at Lowell ~~shall will~~ inform the inmate of the death warrant and allow the inmate to contact her attorney and a family member at state expense.

(a) At the initiation of Phase I, the warden of Florida State Prison shall notify the ~~Deputy Assistant~~ Secretary of Institutions or designee and the regional director. Wardens of surrounding institutions shall be informed should circumstances warrant the activation of a rapid response team. Local law enforcement agencies shall also be notified.

(b) Conditions and privileges for Phase I and Phase II inmates.

1. No change.

2. The inmate’s visiting list shall be frozen once an execution date is set. No additional visitors ~~can will~~ be added to a Phase I or Phase II inmate’s approved visiting list. All visits shall be non-contact, except that the inmate may receive a one-hour contact visit on the day of execution.

3. News media visits and interviews ~~shall will~~ be in accordance with Chapter 33-104, F.A.C.

4. No change.

5. Canteen privileges ~~shall will~~ be allowed in accordance with paragraph (7)(e) above but may be restricted or denied if they pose a security threat. Canteen orders shall be reviewed by the administrative lieutenant prior to delivery.

6. Inmates may request in writing to the librarian and receive legal materials from the law library. All such requests are to be routed through the death watch supervisor. Copying services or notary services ~~shall will~~ be handled by staff without the involvement of any inmate.

7. No change.

8. Exercise for all inmates with signed death warrants, including Phase III inmates, shall be suspended. However, an inmate shall be permitted to resume exercise and recreation in accordance with subparagraphs (7)(j)1.-3. above if the inmate ~~he~~ remains in Phase III status longer than 90 days.

(16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 11-22-10, Amended 9-27-11, 9-24-12, 12-9-12, 3-6-14, 8-11-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Comerford, Assistant Deputy Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2020  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 25, 2020

**DEPARTMENT OF CORRECTIONS**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
33-602.220	Administrative Confinement
33-602.221	Protective Management
33-602.222	Disciplinary Confinement
33-602.900	Kiosks and Tablets
33-602.901	Video Visitation

**PURPOSE AND EFFECT:** The proposed rules clarify and organize language, make the rules gender neutral, and establish inmate privileges related to the possession of tablets, the use of kiosks, the use of kiosk services, the use of tablet services, and the use of video visitation.

**SUMMARY:** Rulemaking is necessary to clarify rule language, to make the rules gender neutral, to organize and amend definitions, to establish inmate privileges related to the possession of tablets and to create the parameters for the use of kiosks, kiosk services, tablet services, and video visitation while in administrative confinement, to clarify the responsibility of classification officers to visit inmates in administrative confinement, to amend Form DC4-650 to make it ADA compliant, to establish inmate privileges related to the possession of tablets and create the parameters for the use of kiosks, kiosk services, tablet services, and video visitation while in protective management, to establish inmate privileges related to the possession of tablets and create the parameters for the use of kiosks, kiosk services, tablet services, and video visitation while in disciplinary confinement, to clarify the responsibility of classification officers to visit inmates in disciplinary confinement, to establish a 60-day ICT review for inmates that are designated as close management and housed in disciplinary confinement, to create a new rule to establish and implement the kiosk and tablet program within the Department of Corrections, and to create a new rule to create parameters for the use of video visitation as part of the kiosk and tablet program within the Department of Corrections.

**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 a 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 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.8031, 945.04 FS.  
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, November 4, 2020, at 9:00 a.m. and ending no later than 1:00 p.m.

PLACE: A virtual public hearing will be held via GoToWebinar. Details regarding the virtual public hearing will be published in the Florida Administrative Register at least seven days prior to the virtual public hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Betty Renfroe at Betty.Renfroe@fdc.myflorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, paul.vazquez@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.220 Administrative Confinement.

(1) Definitions.

(a) Administrative Confinement – refers to the temporary separation removal of an inmate from inmates in the general inmate population in order to provide for security and safety until such time as a more permanent inmate management decision process processes can be concluded, such as a referral

to disciplinary confinement, close management, protective management, or a transfer.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, ~~due to a disability~~ are unable to read books in print due to a disability.

(c) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d) Clinical Health Care Personnel – refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified, psychologist, psychology intern, psychology resident, or psychological specialist.

~~(e)(4)~~ Housing Supervisor supervisor – refers to the correctional officer sergeant, or above, who is in charge of the administrative confinement unit for a particular shift.

~~(e) Review~~ ~~where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate’s confinement status to determine if changes or modifications are required or recommended.~~

~~(f) Visit~~ ~~where used herein, refers to the official inspection and tour of a confinement unit by a staff member.~~

~~(g) Clinical health care personnel~~ ~~where used herein, refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist, psychology intern, psychology resident, or psychological specialist.~~

~~(f)(4)~~ Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, 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 or a facility and for making other classification recommendations to the State Classification Office (~~SCO~~). At private facilities, the Department’s Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department’s Department of Corrections representative is final.

(g) Institutional Classification Team Docket – refers to the official record of an Institutional Classification Team hearing.

(h) Lewd or Lascivious Exhibition – an inmate commits a lewd or lascivious exhibition when the inmate does any of the following in the presence of a person who is not in the custody of the Department:

1. Intentionally masturbates;

2. Intentionally exposes the genitals without authorization;  
~~or~~

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity.

(i) Major Rule Violation – refers to any assault, battery, or attempted assault or battery; any lewd or lascivious exhibition; any spoken or written threat towards any person; inciting or attempting to incite, or participating in any riot, strike, mutinous act, or disturbance; fighting; possession of weapons, ammunition, explosives, cell phones, unauthorized drugs, escape paraphernalia, or any other item that presents a threat to the safe and secure operation of the institution; and any escape or escape attempt.

(j) Offender Based Information System (OBIS) – refers to an electronic data system used by the Department to record and retrieve offender information.

(k) Review – refers to the evaluation of pertinent information or documentation concerning an inmate’s administrative confinement status to determine if changes or modifications in the confinement status are required or recommended.

(l)(+) State Classification Office (SCO) – refers to the office or Department office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

(m)(+) Security Pen pen – refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(n)(+) Senior Correctional Officer correctional officer – refers to a staff member with the rank of correctional officer lieutenant or above.

(o)(+) Special Risk Inmate risk inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself him or herself.

(p) Visit – unless the context dictates otherwise, refers to the official inspection and tour of a confinement unit by a staff member.

~~(m) Institutional Classification Team Docket – refers to the official record of an Institutional Classification Team hearing.~~

~~(n) Offender Based Information System (OBIS) – refers to an electronic data system used by the Department of Corrections to record and retrieve offender information.~~

~~(o) Major rule violation – means any assault, battery or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting or attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition,~~

~~explosives or escape paraphernalia; and any escape or escape attempt.~~

(2) Procedures for Placement in Administrative Confinement.

(a) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (5) of this rule as a means of promoting the security, order, and effective management of the institution. Otherwise, the treatment of inmates in administrative confinement shall be as near to that of inmates in the general population as assignment to administrative confinement shall permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment, including to include a physical and mental health evaluation that shall be documented in the inmate’s health care record. Inmates shall be weighed upon admission to administrative confinement, at least once a week while in administrative confinement, and upon leaving administrative confinement. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(c) Pursuant to Rule 33-601.733, F.A.C., upon placement into administrative confinement, the warden shall ensure that an inmate is inmates are provided the opportunity, at the inmate’s inmates’ expense, to notify at least three approved visitors of any visitation denial prohibitions or restrictions before the next scheduled visiting day if the situation permits the inmate to do so, or that staff notifies visitors by telephone if the inmate is unable to do so. makes visitor notifications by phone if the inmate is unable to make them.

(d) When an official places an inmate is placed in administrative confinement, this action shall be documented in the electronic classification contact log in OBIS. This entry shall fully state the circumstances surrounding and the reason reasons for placing the inmate in administrative confinement and a summary of the inmate’s comments. The reason must correspond with one of the criteria for placement provided in subsection (3) of this rule. This electronic entry shall be completed the same day the inmate is placed into administrative confinement, and will establish the ICT 72-hour review appointment, and will as well as document any telephone phone calls made by staff on the inmate’s behalf to his or her his/her visitors if time does not permit contact by mail prior to the planned visit. Any written statements provided by the inmate

shall be forwarded to the ICT for ~~its~~ ~~their~~ consideration prior to ~~during the forthcoming~~ 72-hour review appointment.

(e)(e) The ~~ICT Institutional Classification Team~~ shall review inmates in administrative confinement within 72 hours. The ICT's findings and decision shall be documented in the electronic classification contact log in OBIS. The only exception to being reviewed within 72 hours is when the ICT cannot complete its review within the allotted timeframe due to a holiday. If the review cannot be completed within 72 hours, the action of the senior correctional officer shall be reviewed within 72 hours by the duty warden, documented on the Form DC6-229, Daily Record of Special Housing, and evaluated within 5 days by the ICT. Inmates placed into administrative confinement shall not be released from this status until approved by the ICT. The classification supervisor shall be responsible for ensuring that the ICT docket is prepared. The ICT Chairperson is responsible for scheduling the ICT hearing date and time. The ICT shall review inmates for release from administrative confinement. During this review the ICT shall consider pending disciplinary hearings and other pending issues or actions. If an inmate has been held in administrative confinement pending a disciplinary hearing and the decision is not to impose disciplinary confinement as a part of the disciplinary action, the disciplinary team or hearing officer shall notify the confinement supervisor who shall coordinate the release of the inmate from administrative confinement. If the confinement supervisor discovers other pending issues or actions, the ICT shall be required to immediately review the case. In the event it is necessary to release an inmate from administrative confinement during weekends or holidays, the duty warden is authorized to approve the release immediately.

(3) Reasons for Placement in Administrative Confinement with Time Limits ~~time limits~~. Placement of an inmate in administrative confinement is authorized for the following reasons:

(a) Disciplinary charges are pending and the inmate needs to be temporarily separated ~~removed~~ from inmates in the ~~inmate~~ general population in order to provide for security or safety until such time as the disciplinary hearing is held. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed seven working days unless the ICT authorizes an extension of five ~~5~~ working days. This extension shall be documented on Form DC6-229, Daily Record of Special Housing.

(b) Outside charges are pending against the inmate and the presence of the inmate in the general population would present a danger to the security or order of the institution. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The

length of time spent in administrative confinement for this reason shall not exceed 15 working days. The ICT shall be authorized to grant an extension of five ~~5~~ working days. If it appears that an inmate should continue to be segregated from inmates in the general population beyond 20 working days, close management procedures shall be initiated pursuant to Rule 33-601.800, F.A.C.

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates pursuant to Rule 33-602.221, F.A.C., ~~(Rule 33-602.221, F.A.C.)~~. The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his or her safety from other inmates, and that the inmate feels there is no other reasonable alternative open to him or her. A senior correctional officer shall place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available. The inmate shall be encouraged to provide information and otherwise cooperate with the investigation of the matter. The protective management process, including the ICT's action, shall be completed within 15 working days from the initial confinement of the inmate.

1. The ~~ICT Institutional Classification Team (ICT)~~ shall complete an OBIS electronic classification contact log entry approving the inmate's continuation in confinement. This entry will initiate an appointment for an investigation to be conducted. The investigator shall enter the results of the investigation in the electronic classification contact log in OBIS, which, ~~this entry~~ will automatically schedule an ICT review appointment.

2. No change.

3. Once the investigation is complete, the ICT shall interview the inmate to determine whether the inmate has a legitimate, verifiable need for protection. The ICT shall review all documentation available concerning the need for protection, including ~~to include~~ any written statements submitted by the inmate. The inmate's written request for release and the DC6-203 ~~shall~~ will also be reviewed. The following elements shall be considered in determining whether protective management is necessary:

a. through f. No change.

g. Other factors such as physical size, build, and age producing a risk from the general inmate population.

4. The ICT shall make recommendations concerning protective management based on the facts within 15 working days from the date of initial confinement. The ICT's findings and recommendations shall be entered in the electronic classification contact log in OBIS, which, ~~this entry~~ will automatically schedule an SCO review appointment. Whether

the ICT recommends protective management or not, the inmate shall remain in administrative confinement at that institution or facility pending review by the SCO. All non-electronic related documentation shall be made available to the SCO by the ICT. The ~~SCO State Classification Office~~ shall approve, disapprove, or return for additional information the recommendation of the ~~ICT Institutional Classification Team~~.

5. The ~~SCO State Classification Office (SCO)~~ shall determine within five working days whether protection is necessary based upon the investigation and any follow-up it deems they deem appropriate. The SCO shall approve or disapprove placement of the inmate in protective management. The SCO's decision shall be documented in the electronic classification contact log in OBIS. If the SCO determines that a need for protection exists, it they shall direct that the inmate ~~shall~~ be placed in a protective management unit or transferred to another institution or facility to resolve the inmate's need for protection. If a decision is made to relocate or transfer the inmate ~~for housing in a protective management unit or~~ to resolve the inmate's need for protection at the inmate's current location, the inmate shall be kept in administrative confinement until the relocation or transfer is completed. Transfers for protection needs shall be effected within five working days. SCO members are authorized to approve transfers. If the SCO determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to Rules 33-103.007 and 33-103.011, F.A.C. The inmate shall be notified of the SCO's decision by the ICT. At the time of notification, the inmate shall be asked if he or she wants to appeal the decision. The inmate's acknowledgement of being informed of the SCO denial and the inmate's decision on whether ~~or not~~ to appeal shall be documented on an the electronically produced ~~Notification of Protective Management Disapproval~~, Form DC6-137, Notification of Protective Management Disapproval, and the electronic contact log in OBIS. Form DC6-137 is hereby incorporated by reference. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01673>. The effective date on the form is 1-19-03. The inmate shall remain in administrative confinement until the appeal process is complete.

6. Within three working days after an inmate has been ~~either~~ received at an institution with a protective management unit facility for the purpose of protective management or after an inmate already housed at an institution a facility with a protective management unit has been approved for protective management by the SCO, a determination shall be made by the ICT as to appropriate housing. The ICT shall ensure that the housing supervisor assesses the inmate being placed into the protective management unit for his or her potential for risk to

or from other inmates in the protective management unit. The inmate shall remain in administrative confinement until this assessment is made.

(d) An inmate who presents ~~Inmates who present~~ a signed written statement to a senior correctional officer alleging that he or she is ~~they are~~ in fear of staff and provides provide specific information to support this claim shall also be placed in administrative confinement. Such These cases shall be reported by the senior correctional officer via e-mail to the Office of the Inspector General for review and possible investigation. After completion of the review and any investigation, the Inspector General inspector general shall submit the case to the ICT or SCO with recommendations for disposition. If the case is submitted to the ICT, the ICT shall docket the case for consideration no later than the next ICT meeting. If the case is submitted to the SCO, the SCO shall coordinate with the ICT regarding recommendations. The timeframes time frames listed in paragraph (3)(e) below shall apply to inmates in administrative confinement due to alleged fear of staff.

(e) An investigation, evaluation for change of status, or transfer is pending and the presence of the inmate in the general population might interfere with that investigation or present a danger to the inmate, other inmates, or to the security and order of the institution. An investigating officer shall have the authority to request that the senior correctional officer place the inmate in administrative confinement for this reason, and the length of time spent in this status shall not exceed 15 working days unless one five 5 working day extension is granted by the ICT. This extension shall be documented on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing. If it is necessary to continue the inmate's confinement beyond this first extension, written authorization must be obtained from the SCO for a 30-day 30 day extension. This authorization shall be attached to the Form DC6-229. The SCO shall have the authority to authorize one additional 30-day 30 day extension. Examples of circumstances justifying the placement of for placing an inmate in administrative confinement for this reason include:

1. No change.
2. Special review against other inmates, disciplinary, program change, or management transfer. Transfers for this reason shall be given priority.
3. Pending an investigation into allegations that the inmate is in fear of a staff member. The protection process outlined in paragraph (3)(d) above shall be utilized for this purpose. Paragraph (3)(c) above shall not apply.
4. Any other reason when the facts indicate that the inmate must be separated removed from inmates in the general inmate population for the safety of any inmate or group of inmates or for the security of the institution.

(f) No change.

## (4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. The regional director of institutions and the emergency action center in central office shall be advised of the emergency. If the emergency situation exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period. Prior to placing inmates in the same cell, the inmates ~~shall will~~ be ~~reviewed interviewed~~ by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

## (b) No change.

(c) Prior to ~~the~~ placement of an inmate into, and after the inmate's removal from, ~~individual in~~ an administrative confinement cell, it shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221, Cell Inspection, shall be used for this purpose. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C. Routine searches of each cell may be conducted at any time, but ~~shall will~~ be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Special Housing. All inmates ~~shall will~~ be searched prior to entering the ~~administrative~~ confinement unit and upon departure ~~from the administrative confinement unit~~. All items entering the ~~administrative~~ confinement unit ~~shall will~~ be thoroughly searched, ~~including, to include~~ at a minimum, food carts ~~cart~~ and trays, laundry and linens, and inmate property.

(d) ~~Administrative~~ The administrative confinement cells shall be physically ~~separated~~ ~~separate~~ from other confinement cells ~~whenever possible~~. ~~Whenever such location is not possible, physical barriers shall preclude the cross association of those inmates in administrative confinement with those inmates in other housing statuses. The and the cell doors in administrative confinement shall will~~ feature remotely controlled locking devices, whenever possible given the physical design of the institution or facility, ~~and the number of inmates housed in administrative confinement shall not exceed the number of bunks in the cell. Whenever such location is not possible, physical barriers shall preclude the cross association of those in administrative confinement with those in other status confinement.~~ Administrative confinement cells shall be built to permit verbal communication and unobstructed observation by the staff. The officers assigned to an administrative confinement unit shall ~~will~~ exercise care to maintain the noise within the unit to a reasonable level ~~so as not to interfere with normal operating activities of the unit or institution~~. Visual

inspections shall be conducted of each cell, ~~including, to include~~ at a minimum, observations to identify ~~for~~ clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes, or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

## (5) Conditions and Privileges.

(a) Clothing – inmates in administrative confinement shall be provided the same clothing and clothing exchange as ~~inmates in the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229, Daily Record of Special Housing, and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, or herself, or others, or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.~~

(b) Bedding and ~~Linens linen~~ – bedding and ~~linens linen~~ for ~~inmates those~~ in administrative confinement shall be issued and exchanged ~~in the same manner as is provided to inmates in the general inmate population. Any exception exceptions shall be based on the potential threat of harm to an individual individuals or a potential threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. All Such exceptions shall be documented on Form DC6-229, Daily Record of Special Housing, and the Chief of Security shall make the final decision regarding in regard to the appropriateness of the action no later than the next working day following the action.~~

(c) Personal Property – ~~except as otherwise stated herein,~~ inmates shall be allowed to ~~possess retain~~ the same ~~personal property as is permitted inmates in general population inmates unless there is an a indication that possession of such property poses a security risk of a security problem, in which case removal or denial of any property item shall be documented on Form DC6-229, Daily Record of Special Housing. An inmate in administrative confinement may not possess a tablet. An Inmate Impounded Personal Property List, Form DC6-220, Inmate Impounded Property List, designating what property was removed personal items were removed, shall be completed by security staff and signed by the inmate. The original shall will be placed in the inmate's property file and a copy of the form shall will be given to the inmate. Form DC6-220 is~~

incorporated by reference in Rule 33-602.201, F.A.C. Inmates shall be allowed to possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. All property retained by the inmate must fit into the storage area provided.

(d) Comfort Items – inmates in administrative confinement shall be permitted the same personal hygiene items and other medically ~~necessary~~ ~~needed~~ or prescribed items as is permitted ~~inmates in general population inmates unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution, there is an indication of a security problem.~~ Inmates in administrative confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in administrative confinement are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. ~~Any action~~ ~~Action~~ taken shall be recorded on ~~the Daily Record of Special Housing, Form DC6-229, Daily Record of Special Housing,~~ Form DC6-229, Daily Record of Special Housing, which must be reviewed by the Chief of Security. ~~As noted above, property~~ ~~Property~~ receipts shall be given for any personal property removed. The following comfort items shall be provided ~~at~~ as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women, ~~and toilet tissue.~~

(e) Personal Hygiene – inmates in administrative confinement shall meet the same standards ~~regarding~~ ~~in regard~~ ~~to~~ personal hygiene as required of inmates in the general inmate population.

1. At a minimum, each inmate in administrative confinement shall shower three times per week and on days that an inmate works.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101, subsection 33-602.101(4), F.A.C. The possession and use of shaving powder in administrative confinement is prohibited.

3. Hair care shall be the same as that provided to and required of inmates in the general population inmates.

(f) Diet and Meals – all inmates in administrative confinement shall receive the same normal institutional meals as are available to inmates in the general inmate population, except that if any item on the regular normal menu poses a potential threat of harm to an individual or a potential threat to the security of the institution, might create a security problem in the confinement unit, then another item of comparable quality and quantity shall be substituted. Utilization of the special management meal is authorized for any inmate in administrative confinement who uses food or food service equipment in a manner that is hazardous to himself ~~him~~ or

herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) No change.

1. No change.

2. Inmates in administrative confinement shall be allowed to purchase a maximum of five non-food canteen items. Stamps, envelopes, security pens, and notebook paper, each count as one item. For example, three security pens shall count as one item. Twenty-five stamps or fewer shall count as one item. ~~Two and two~~ packages or less of notebook paper shall count as one item.

(h) Counseling Interviews – inmates in administrative confinement inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an inmate's ISP unless, ~~within the past four hours,~~ the inmate has displayed hostile, threatening, or other behavior during the past four hours that could present a danger to others. For the safety and security of individuals and the institution, security ~~Security~~ staff shall determine the level of restraint required while inmates in administrative confinement access services outside their cells.

(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, be a threat to security and order. The warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all ~~of~~ the criteria set forth in ~~subsection (2) of~~ Rule 33-601.735, F.A.C. Inmates in administrative confinement are not allow video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) No change.

(k) Legal Access – legal materials shall be as accessible to inmates in administrative confinement as they are to inmates in general population as long as security concerns permit. An inmate in administrative confinement may be required to conduct legal business by correspondence rather than by a personal visit to the law library if security requirements prevent

a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in administrative confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper, security pens, and envelopes for this purpose through a canteen order. An inmate with disabilities that hinder the preparation of legal correspondence shall will be allowed the use of auxiliary aids (~~writer/reader~~). An inmate who is provided an auxiliary aid shall ~~also~~ be allowed access to a certified research aide for the purpose of preparing legal documents or, legal mail, or filing a grievance.

(l) Correspondence – inmates in administrative confinement shall have the same opportunities for correspondence that are available to inmates in the general inmate population.

(m) Writing utensils – inmates in administrative confinement may possess a maximum of four (~~4~~) security pens. Other types of pens and pencils shall be confiscated and stored until the inmate is released from administrative confinement status. Inmates who are in possession of working pens or pencils when placed in administrative confinement shall will be issued a security pen. Inmates who are not indigent must purchase additional pens when needed from the canteen. If security pens are unavailable, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail, or to file a grievance with the Department department has access to a pen for a time period sufficient to prepare the legal documents, legal mail, documents, or grievances. An inmate who has been provided an auxiliary aid a "writer/reader" shall be allowed access to such for the purpose of reading or preparing correspondence.

(n) Reading materials – inmates in administrative confinement shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless it poses a potential threat to the safety, security, or sanitation of the institution. there is an indication of a threat to the safety, security or sanitation of the institution. If it is determined that there is a safety, security, or sanitation risk, the items shall will be removed. Such removal of reading materials shall be documented on Form DC6-229, Daily Record of Special Housing, in accordance with paragraph (9)(c) of this rule.

(o) Library – only one soft-back book at a time may be checked out by inmates in administrative confinement. Books shall be checked out once weekly, and inmates may possess no more than one ~~soft-back~~ book at any given time. An inmate who

receives services from the Bureau of Braille and Talking Book Library shall be allowed to possess have his or her tape player and devotional and scriptural materials and any other books on tape that are in compliance with the admissibility requirements in Rule 33-501.401, F.A.C. Inmates shall will be allowed to check out one book on tape per week and possess no more than one at any given time. The actual number of tapes may be more than one per book.

(p) Exercise – those inmates housed in administrative confinement confined on a 24-hour basis, excluding showers and clinic trips, may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in Rule 33-601.800 F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing. Medical restrictions may can also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program shall will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on ~~the Daily Record of Special Housing~~, Form DC6-229.

(q) If items of clothing, bedding, or property are removed in order to prevent an the inmate from inflicting injury to himself or herself or others, to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, shall will make the final determination on the continued denial or return of the items. The items shall will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction is occurring has occurred.

(r) Inmates in administrative confinement are not permitted access to kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

## (6) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains ~~shall~~ will be used in addition to the handcuffs.

(b) through (e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to ~~himself him~~ or herself shall be designated as a special risk inmate. If the inmate ~~exhibits demonstrates~~ bizarre, mentally, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff ~~can provide provides~~ observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is hereby incorporated by reference. A copy ~~of this 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-XXXXX>. The effective date of the form is XX/XX. All actions taken by staff ~~regarding with regard to~~ special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and ~~followed with an Incident Report~~, Form DC6-210, Incident Report. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Inmates in administrative confinement utilized as ~~housemen house men~~ or orderlies shall be confined to their assigned cells when not working.

## (7) Visits to Administrative Confinement.

(a) The following staff members ~~are shall be~~ required to officially inspect and tour the administrative confinement unit. All visits by staff, other than the ~~30-minute 30 minute~~ checks described in paragraph (a) ~~1~~, below, ~~must shall~~ be documented on ~~the Inspection of Special Housing Record~~, Form DC6-228, Inspection of Special Housing Record. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. The staff member ~~must shall~~ also document his or her visit on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, if any discussion of significance, any action or behavior of the inmate ~~occurs, occurs~~ or any important information is obtained ~~that which~~ may have an influence or effect on the inmate's status of confinement. These visits shall be conducted at a minimum of:

~~1.(a)~~ At least every 30 minutes by a correctional officer, but on an irregular schedule. These checks ~~must shall~~ be documented on Form DC6-209, Housing Unit Log.

~~2.(b)~~ Daily by the housing supervisor.

~~3.(c)~~ Daily by the shift supervisor on duty for all shifts except in the case of riot or other institutional emergency.

~~4.(d)~~ Weekly by the Chief of Security (when on duty at the institution or facility), except in the case of riot or other institutional emergency.

~~5.(e)~~ Daily by a clinical health care ~~personnel person~~.

~~6.(f)~~ Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

~~7.(g)~~ Weekly by the warden and assistant wardens.

~~(b)(h) At least once a week by a classification officer.~~ Classification officers must visit each inmate on his or her caseload each week and document the visit on the Form DC6-229, Daily Record of Special Housing. The classification officer must record the inmate's status, upcoming reviews, issues, discussions of significance, action or behavior of the inmate, or any other important information that may have an influence or effect on the inmate's status of confinement.

## (8) Review of Administrative Confinement.

(a) An ICT member shall ~~also~~ review the cases of inmates in administrative confinement every week. The goal shall be toward returning the inmate to general open population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if determined necessary by the mental health ~~professional staff~~. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90 days 90 day period.

(c) If an inmate is housed in administrative confinement ~~confined~~ for more than 30 days, the ICT shall interview the inmate and ~~shall~~ prepare a formal assessment and evaluation report. A formal assessment and evaluation report must be prepared after each consecutive 30-day 30 day period the inmate is housed in administrative confinement. Such reports may be in a brief paragraph form on the Classification Log in OBIS detailing the basis for confinement, what has transpired since the last report, the decision concerning continued administrative confinement, and the basis for that decision.

(d) The ~~SCO State Classification Office (SCO)~~ at the next onsite visit shall review such reports and may interview the inmate before determining the final disposition of the inmate's administrative confinement status.

(9) Administrative Confinement Records.

(a) ~~A Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate as long as the inmate is in administrative confinement. ~~The~~ Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts, and shaves, and ~~also~~ unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision regarding ~~in regard to~~ the appropriateness of that action no later than the next working day following the action. The housing supervisor shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. ~~The~~ Form DC6-229 shall be maintained in the housing unit for 30 days, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(b) ~~A Daily Record of Special Housing – Supplemental~~, Form DC6-229B, Daily Record of Special Housing – Supplemental, shall be completed and attached to the current ~~Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C.

(c) ~~An Inspection of Special Housing Record~~, Form DC6-228, Inspection of Special Housing Record, shall be maintained in each administrative confinement unit. Each staff person shall sign such record when entering and leaving the confinement unit. Prior to leaving the confinement unit, each staff member shall indicate any specific problems including any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228. Upon completion, ~~the~~ Form DC6-228 shall be maintained in the housing unit and forwarded to the Chief of Security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(d) ~~A Housing Unit Log~~, Form DC6-209, Housing Unit Log, shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, including ~~to include~~ any special problems or discrepancies

noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(10) Staffing Issues.

(a) Officers assigned to a confinement unit shall be reviewed at least every 18 months. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of ~~the Special Housing Unit Rotation Review~~, Form DC6-295, Special Housing Unit Rotation Review. Form DC6-295 is incorporated by reference in Rule 33-602.222, F.A.C. The ~~required~~ supervisor shall conduct an interview with the officer and complete section II of ~~the~~ Form DC6-295 and forward the form to the chief of security. The chief of security shall review personnel records, including ~~to include~~ performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance, and; interview the officer and officers' supervisors for the period of review when necessary. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision shall ~~will~~ be documented in section VI of ~~the~~ Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five-day ~~five-day~~ assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month ~~18-month~~ period. The regional director of institutions shall review the circumstances for possible reassignment of the officer.

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, \_\_\_\_\_.

33-602.221 Protective Management.

(1) Definitions.

(a) Administrative Confinement – refers to the temporary separation ~~removal~~ of an inmate from inmates in ~~the~~ general population in order to provide for security and safety until such time as a more permanent inmate management decision process can be concluded, such as a referral to disciplinary confinement, close management, protective management, or a transfer.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other

auxiliary aids for individuals who, ~~due to a disability~~ are unable to read books in print due to a disability.

(c) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d) Classification – refers to the ~~system of~~ processes used to divide ~~which divides~~ inmates into groups for a variety of purposes, including facility placement, custody assessment, work and program assessment and placement, housing assessment and placement, periodic reviews, and community, transition, and special needs assessments.

(e) Clinical Health Care Personnel – refers to a physician, clinical associate, nurse correctional medical technician certified, psychologist, psychology intern, psychology resident, or psychological specialist.

(f) Housing Supervisor – refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.

~~(e) Classification – external, refers to processes related to decisions regarding the custody and facility placement of an inmate outside the secure perimeter of a facility.~~

~~(f) Classification – internal, refers to processes related to decisions regarding housing, work, and program placement of an inmate within the secure perimeter of a facility.~~

~~(g) Housing Supervisor refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.~~

~~(h) Clinical Health Care Personnel – where used herein, refers to a Physician, Clinical Associate, Nurse, Correctional Medical Technician Certified (CMTC), Psychologist, psychology intern, psychology resident, or Psychologist Specialist.~~

(g)(4) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, 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 or a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department's Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department's Department of Corrections representative is final.

(h)(j) Protective Management – ~~where used herein~~ refers to a special management status for the protection of inmates from

other inmates in an environment as representative of that of inmates in the general population as is safely possible.

(i) Security Pen – refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

~~(j)(4)~~ Senior Correctional Officer – refers to a staff member with the rank of Correctional Officer Lieutenant or above.

(k)(4) Special Management – refers to the separation of an inmate from inmates in the general population in a structured environment for purposes of safety, security, and order of the facility.

~~(l)(4)~~ Special Risk Inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

~~(m)(4)~~ State Classification Office (SCO) – refers to the office or Department office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include the approving, disapproving, or modifying ICT recommendations.

~~(n)(6)~~ Review – ~~Review, where used herein,~~ refers to the evaluation of pertinent information or documentation concerning an inmate's protection status to determine if changes or modifications to the status are required or recommended.

~~(o)(p)~~ Visit – ~~Visit, where used herein,~~ unless the context dictates otherwise, refers to the official inspection and tour of a protective management unit by a Department staff member.

(2) Procedures for placement in Protective Management.

(a) Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of inmates in the general population as the individual inmate's safety and security concerns permit.

(b) Inmates on death row, in close management, or disciplinary confinement are not eligible for placement in protective management. However, if an inmate in one of these statuses ~~statutes~~ requests protection, procedures outlined in Rule 33-602.220, F.A.C., shall be followed ~~completed~~.

(c) If it is determined that an inmate on death row, close management, or disciplinary confinement needs protection, the inmate shall ~~will~~ be afforded such protection in his or her current status. Upon completion of that special status, the ICT ~~institutional classification team (ICT)~~ shall review the inmate's need for protection and make recommendations to the SCO, ~~which state classification office (SCO), who~~ shall determine the appropriate action to resolve the inmate's protection needs.

(d) When the SCO determines that protective management is appropriate for an inmate, the inmate shall be reviewed ~~interviewed~~ by the housing supervisor and a review shall be initiated ~~and a review shall be initiated~~ to assess the inmate's potential risk to or from other

inmates in the unit. The completion of this review ~~shall will~~ be documented on Form DC6-235, Record of Protective Management. Form DC6-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-19-03. Form DC6-235 is incorporated by reference in subsection (10) of this rule. If the inmate ~~cannot can~~ not be placed for this reason, the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve the inmate's protection needs.

(3) Protective Management Facilities.

(a) The number of inmates housed in a protective management cell housing units shall not exceed the number of beds in the cell. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director of institutions. Prior to placing inmates in the same cell, a determination shall be made by the housing supervisor that none of the inmates constitute a threat to any of the others, and document such on Form DC6-235, Record of Protective Management.

(b) All protective management housing units shall be equipped with toilet facilities and running water for drinking and other sanitary purposes and other furnishings as are provided to comparable housing cells for inmates in general population inmates at the particular institution.

(c) Prior to placement of an individual in a protective management cell, the cell shall be thoroughly inspected to ensure that the cell is in proper order. The officer conducting the inspection ~~must will~~ complete and sign ~~the Cell Inspection, Form DC6-221, Cell Inspection,~~ attesting to the condition conditions of the cell. The inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C.

(d) Whenever possible, The protective management housing units shall be physically separate from other housing units, ~~whenever possible~~ given the physical design of the facility. The and the number of inmates housed in protective management shall not exceed the number of bunks in the protective housing unit. Whenever such location is not possible, physical barriers shall preclude the cross association of those inmates in protective management with those inmates in other statuses. Protective management housing units shall be built to

permit verbal communication with and unobstructed observation by Department the staff.

(4) Conditions and Privileges.

(a) Clothing – inmates in protective management may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise, the clothing for inmates in protective management shall be the same as that issued to and exchanged with inmates in to the general inmate population except when this may create a potential security or health threat, there is an indication of a security or health problem or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6-235, Record of Protective Management, and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, ~~or~~ herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. If an inmate's clothing is removed, a modesty garment shall be immediately ~~obtained and~~ given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances ~~shall will~~ an inmate be left without a means to cover himself him or herself.

(b) Bedding and linen – inmates in protective management shall have bedding and linen issued and exchanged in the same manner as is provided to inmates in general population, bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population. Any exception exceptions shall be based on the potential threat of potential harm to an individual individuals or a potential threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235, Record of Protective Management, and the chief of security shall make the final decision regarding in regard to the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – inmates in protective management shall be allowed to retain the same personal property as is permitted inmates in general population inmates unless the property poses a potential threat of harm to an individual or a potential threat to the security of the institution. In such case, the there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded Personal Property List, which must will be completed by security staff and signed by the inmate designating what property was personal items were removed.

The original ~~shall be placed will then be placed~~ in the inmate's property file and a copy of the form ~~shall will~~ be given to the inmate for his or her records. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for inmates in general population inmates.

(d) Comfort Items – inmates in protective management shall be permitted the same comfort items, personal hygiene items, and other medically necessary needed or prescribed items as is permitted inmates in general population inmates unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution. If a comfort item is taken from an inmate there is an indication of a security problem. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. The action Action taken shall be documented on the Record of Protective Management, Form DC6-235, Record of Protective Management, which must be reviewed by the chief of security. As noted above, property Property receipts shall be given for any personal property removed. The following comfort items shall be provided at as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.

(e) Personal Hygiene – inmates in protective management shall meet the same standards regarding in regard to personal hygiene as required of inmates in the general inmate population, including the following:-

1. At As a minimum, each inmate in protective management shall shower at least three times per week or every day that an inmate works, whichever is greater.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101, subsection 33-602.101(4), F.A.C.

3. Hair care shall be the same as that provided to and required of inmates in the general population inmates.

(f) Diet and Meals – inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for that the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell. Inmates in protective management shall receive the same normal institutional meals as are available to inmates in the general population, except that if any item on the regular normal menu poses a potential threat of harm to an individual or a potential threat to the security of the institution, might create a security problem for a particular inmate, then

another item of comparable quality and quantity shall be substituted. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Canteen Items – inmates in protective management shall be allowed to make canteen purchases the same as inmates in general population inmates. Items sold to protective management inmates shall be restricted only when reasonably necessary for institutional safety and security.

(h) Counseling Interviews – inmates in protective management shall be provided counseling services counseling shall be provided to protective management inmates in-cell or out of cell when deemed necessary by mental health staff.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates in protective management to receive visits. Visiting shall take place in a separate facility from inmates in the general population if a separate facility is available. If a separate facility is not available, the warden or duty warden shall schedule visiting either before or after visiting hours for inmates in general population inmates or on different days from inmates in the general population. Visiting shall be limited by the warden or his or her designee when it is determined concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. 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. be a threat to security and order. The warden or designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C. Inmates in protective management shall have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) No change.

(k) Kiosks, Kiosk Services, and Tablet Services – inmates in protective management are permitted access to kiosks, kiosk services, and tablet services as provided for in Rule 33-602.900, F.A.C.

~~(l)(4)~~ Legal Access – inmates in protective management shall have access to the law library during evening or other hours when inmates in general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate research aide. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to

prepare legal papers. Typewriters or typing services are not considered required items and ~~shall will~~ not be permitted in protective management housing units. However, an inmate with disabilities that hinder the preparation of legal correspondence ~~shall will~~ be allowed the use of auxiliary aids (~~writer-reader~~). An inmate who is provided an auxiliary aid ~~shall will~~ be allowed access to a certified research aide for the purpose of preparing legal documents ~~or~~, legal mail, or filing a grievance.

~~(m)(4)~~ Correspondence – inmates in protective management shall have the same opportunities for correspondence and authorized self-improvement correspondence courses that are available to inmates in the general inmate population.

~~(n)(m)~~ Writing utensils – inmates in protective management shall be allowed to possess pens and pencils of the same type and number as inmates these in general population. If it is determined that these items create there is a safety, security, or sanitation risk, these items shall be confiscated and stored until the inmate is released from protective management ~~status~~. In such case, the The inmate shall be issued a security pen. ~~If~~ ~~;~~ ~~if~~ a security pen is unavailable, the inmate shall be allowed to sign out a regular pen from the housing officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail, or to file a grievance with the Department department has access to a pen for a time period sufficient to prepare the legal ~~mail~~ documents, legal mail, or grievances. An inmate who has been provided an auxiliary aid a “writer/reader” shall be allowed access to such for the purpose of reading or preparing correspondence.

~~(o)(n)~~ Reading materials – reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., allowed for inmates in general population are allowed for those inmates in protective management unless they pose a potential threat to the safety, security, or sanitation of the institution, units. If it is determined that there is a safety, security, or sanitation risk, the items ~~shall will~~ be removed. Such removal ~~shall of reading materials will~~ be documented on Form DC6-235, Record of Protective Management, in accordance with paragraph (4)(c) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to possess his or her tape player have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with the admissibility requirements set forth in Rule 33-501.401, F.A.C.

~~(p)(o)~~ Library – inmates in protective management shall be allowed to visit the library and check out books at least once weekly. Protective management inmates shall be allowed to check out the same number of books as allowed for inmates in general population inmates.

~~(q)(p)~~ Exercise – an exercise schedule shall be implemented for inmates in protective management to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation as defined in Rule 33-602.220, F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on ~~the Record of Protective Management, Form DC6-235, Record of Protective Management~~. Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program ~~shall will~~ have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate’s limitations. Similar recreational equipment shall be available to inmates in protective management as is available for inmates in general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restriction restrictions shall be documented on ~~the Report of Protective Management, Form DC6-235, Report of Protective Management~~.

~~(r)(q)~~ Religious activities – a weekly non-denominational service shall be held in the chapel for inmates in protective management inmates in the chapel. This service shall be held at the protective management housing unit if security reasons prevent a chapel service. When requested, the ~~The~~ chaplain shall arrange for religious consultations between inmates and outside volunteers, counsel with clergy, and the opportunity to receive religious sacraments similar to that afforded to inmates in the general population when requested.

~~(s)(r)~~ Self-improvement programs – inmates in protective management shall have access to self-improvement programs shall be available in their housing unit, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities, and ~~or~~ letter writing.

~~(t)(s)~~ ~~Any other activities which take place outside the inmate’s cell~~. Inmates in protective management may refuse opportunities for out-of-cell activities, however, such refusals shall count against ~~constitute a portion of the inmate’s~~ required minimum hours of out-of-cell time. Refusals shall be documented on Form DC6-235, Record of Protective Management.

(u)(t) Other privileges not listed above shall be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order, or effective management of the institution. All such restrictions shall be documented on Form DC6-235, Record of Protective Management, and reported to the ICT. The ICT is authorized to restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The ICT's decision for continuing restriction shall be documented on Form DC6-235, Record of Protective Management.

(5) Work Assignments.

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening, or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall be cancelled for an individual inmate or a work squad when Department staff concludes the work or work assignment would subject the inmate to danger or if adequate staff protection is not available. Each occurrence of work cancellation must will be documented with reasons for the action on Form DC6-210, Incident Report, and shall be reviewed by the warden or ICT the next working day. Refusal of a work assignment shall result in disciplinary action pursuant to Rules 33-601.301-.314, F.A.C. Inmates who refuse work assignments shall will not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to Rule 33-601.101, F.A.C., in the same manner as inmates in general population.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with similar equipment, recreational and otherwise, as those for inmates in general population provided that such equipment does not compromise the safety or security of the institution.

(6) Restraint and Escort Requirements.

(a) No change.

(b) Protective management inmates shall be subject to searches in the same manner as inmates in general population ~~inmates~~ in accordance with Rule 33-602.204, F.A.C.

(7) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the protective management unit. All visits by staff shall be documented on Form DC6-228, Inspection of Special Housing Record. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. The staff member shall also document his or her visit on ~~the Record of~~

~~Protective Management~~, Form DC6-235, Record of Protective Management, if, during the visit by staff, any discussion of significance, any action or behavior of the inmate occurs, or any information is obtained that which may have an effect on the inmate's status of protective management status. These visits shall be conducted at a minimum of:

1. through 2. No change.

3. Daily by the shift supervisor on duty for all shifts except in cases ease of riot or other institutional emergency.

4. Daily by a clinical health care personnel person.

5. Weekly by the Chief of Security (when on duty at the facility) except in cases ease of riot or other institutional emergency.

6. through 8. No change.

9. At least once a month by a member of the ICT Institutional Classification Team to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself him or herself shall be designated as a special risk inmate. If the inmate exhibits demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff can provide provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in Rule 33-602.220, F.A.C. All actions taken by staff regarding with regard to special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and followed with an Incident Report, Form DC6-210, Incident Report. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. F.A.C and Form DC4-650 is incorporated by reference in Rule 33-602.220, F.A.C.

(8) Review of Protective Management Status.

(a) The ICT Institutional Classification Team shall review inmates in protective management every week for the first 60 days. The goal shall be toward returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological

specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. If the decision is to continue protective management, a psychological screening assessment shall be conducted at least every 90 days ~~90-day period~~.

(c) In addition to the ICT's review as outlined in paragraph (8)(a) above, the ICT shall interview each inmate in protective management at least every 30 days and shall prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for protection, what has transpired since the last report, the decision concerning continued protection, and the basis for that decision.

(d) The ~~SCO State Classification Office (SCO)~~ shall review all reports prepared by the ICT concerning an inmate's ~~inmates~~ protective management status and may interview the inmate before determining the final disposition of the inmate's protective management status. However, the State Classification Office shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from protective management status is appropriate.

(e) If the inmate submits a request for release in writing at any time after being placed in protective management, the housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision. Form DC6-203 is incorporated by reference in Rule 33-602.220, F.A.C. The inmate shall complete Form DC6-203 and return it to the housing supervisor for submission to the ICT along with the inmate's written request. The ICT shall docket and review the inmate's request, and interview the inmate. The ICT shall submit its ~~their~~ recommendation along with ~~the~~ Form DC6-203 and any other relevant documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

(9) Protective Management Records.

(a) A printed copy of Form DC6-235, Record of Protective Management, shall be maintained ~~kept~~ for each inmate placed in protective management.

(b) ~~An Inspection of Special Housing Record~~, Form DC6-228, Inspection of Special Housing Record, shall be maintained in each protective management unit. Each Department staff person shall sign the record when entering and leaving the protective management unit. Prior to leaving the protective management unit, each Department staff member shall ~~will~~ indicate any specific problems including any inmate who requires medical attention. No other unit activities shall be recorded on Form DC6-228.

(c) ~~A Record of Protective Management~~, Form DC6-235, Record of Protective Management, shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 shall ~~will~~ be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks, or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO, ~~and~~ ~~or~~ other Department staff who interacts ~~dealing~~ directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator shall ~~will~~ be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an ~~of~~ equal opportunity as a non-disabled inmate. The items denied or removed shall ~~will~~ be documented on the Form DC6-235 and the chief of security shall ~~will~~ make the final decision regarding ~~in regard to~~ the appropriateness of that action no later than the next working day following the ~~this~~ action. The housing supervisor shall ~~will~~ document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall ~~will~~ also be documented.

(d) ~~A Housing Unit Log~~, Form DC6-209, Housing Unit Log, shall be maintained in each protective management unit. Officers shall record all daily unit activities on Form DC6-209, including ~~to include~~ any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C.

~~(10) Form DC6-235, Record of Protective Management, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-19-03.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09, 7-5-10, 3-6-14, 8-17-16, \_\_\_\_\_.

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, ~~due to a disability~~ are unable to read books in print due to a disability.

(b) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(c) ~~Clinical Health Care Personnel – where used herein,~~ refers to a physician, clinical associate, nurse correctional medical technician certified (CMTC), psychologist, psychology intern, psychology resident, or psychological specialist.

~~(d) Review, where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's disciplinary confinement status to determine if changes or modifications in the confinement status are required or recommended.~~

~~(e) Visit, where used herein, refers to the official inspection and tour of a confinement unit by a staff member.~~

~~(d)(f) Disciplinary Confinement –~~ refers to a form of punishment in which inmates found guilty of committing violations of Department ~~the department~~ rules are confined for specified periods of time to individual cells based upon authorized penalties for prohibited conduct.

~~(g) Disciplinary Hearing refers to an administrative proceeding in which it is determined if sufficient evidence exists to find an inmate guilty of a rule violation.~~

~~(h) Disciplinary Team refers to a team made up of at least two staff persons appointed by the warden, one of whom shall be a correctional officer lieutenant or above.~~

(e) Housing Supervisor – refers to the correctional officer sergeant, or above, who is in charge of the disciplinary confinement unit for a particular shift.

(f)(4) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, 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 or a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department's Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignments, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department's Department of Corrections representative is final.

(g) Offender Based Information System (OBIS) – refers to an electronic data system used by the Department to record and retrieve offender information.

(h) Review – refers to the evaluation of pertinent information or documentation concerning an inmate's disciplinary confinement status to determine if changes or modifications in the confinement status are required or recommended.

(i)(j) Security Pen – Pens refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

~~(j)(k) Shift Supervisor –~~ refers to the correctional officer in charge of security on any work shift.

(k) Special Risk Inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

(l)(4) State Classification Office (SCO) – refers to the office or Department office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

~~(m) Housing Supervisor –~~ the correctional officer sergeant, or above, who is in charge of the disciplinary confinement unit for a particular shift.

~~(n) Offender Based Information System (OBIS) –~~ refers to an electronic data system used by the Department of Corrections to record and retrieve offender information.

(m) Visit – unless the context dictates otherwise, refers to the official inspection and tour of a confinement unit by a staff member.

(2) Placement in Confinement. An inmate ~~(a) Inmates~~ shall be given a pre-confinement medical evaluation ~~evaluations~~ by medical staff prior to being placed in disciplinary confinement. Any inmate currently in another confinement status who received a pre-confinement medical assessment shall ~~will~~ not be required to have another prior to placement in disciplinary confinement.

~~(b) Disciplinary confinement cells shall be physically separate from other confinement statuses whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in other housing statuses. The disciplinary confinement cells shall be approximately the same square footage as utilized for general population. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff. Visual inspections shall be conducted of each cell, to include at a minimum, observations for clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.~~

(3) Disciplinary Confinement Cells.

(a) Disciplinary confinement cells shall be physically separated from other confinement cells whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those inmates in disciplinary confinement with those inmates in other housing statuses. Disciplinary confinement cells shall be approximately the same square footage as cells utilized for housing inmates in general population. Disciplinary confinement units shall be built to permit verbal communication with and unobstructed

observation by staff. Visual inspections shall be conducted of each cell, including, at a minimum, observations to identify clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes, or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(b)(a) Inmates shall not be housed in a disciplinary confinement cell ~~cells~~ in greater number than there are beds in the cell ~~cells~~. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director of institutions and to the Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period in such conditions. Prior to placing inmates in the same cell, the inmates shall be reviewed ~~interviewed~~ by the housing supervisor to ensure that none of the inmates constitute a threat to any of the others.

(c)(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant shall ~~will~~ be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Special Housing, Form DC6-229 ~~is has been~~ incorporated by reference in Rule 33-601.800, F.A.C.

(d)(e) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall ~~will~~ then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C. Routine searches of each cell are authorized at any time, but shall be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Special Housing. All inmates shall be searched prior to entering the disciplinary confinement unit and upon departure from the disciplinary confinement unit. All items entering the disciplinary confinement unit shall be thoroughly searched, including, ~~to include~~ at a minimum, food carts and trays, laundry and linens, and inmate property.

(e)(d) The officers assigned to a disciplinary confinement unit shall exercise care to maintain noise levels in the confinement unit ~~units~~ at a reasonable level so as not to interfere with normal operating activities of the unit or institution.

(4) Conditions and Privileges.

(a) Clothing. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as inmates ~~in the general inmate population~~. Exceptions shall be made on an individual basis when evidence suggests it would be in the best interest of the inmate or security of the institution. In such cases, the exceptions shall be noted on the ~~Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, him or herself, or to others, or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately ~~obtained and~~ given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself him or herself.

(b) Bedding and Linens ~~linen~~. Inmates in disciplinary confinement shall have bedding and linens ~~linen~~ issued and exchanged in the same manner as is provided to inmates in the general inmate population. Any exception ~~exceptions~~ shall be based on the potential threat of harm to an individual individual or a potential ~~clear~~ threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. All such exceptions shall be documented on Form DC6-229, Daily Record of Special Housing, and the Chief of Security shall make the final decision regarding the appropriateness of the action no later than the next working day following the action.

(c) Personal Property. Inmates in disciplinary confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless they pose a potential threat of harm to an individual or a potential threat to the security of the institution ~~there is an indication of a security problem~~. Inmates in disciplinary confinement may also possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. Inmates in disciplinary confinement may not possess a tablet. If removal of any item in the inmate's possession is determined necessary, the correctional staff shall document their actions on the Form DC6-229, Daily Record of Special Housing, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for his or her ~~or his~~ confiscated items by completing ~~the Inmate Impounded Personal Property List~~, Form DC6-220, Inmate Impounded Property List. Form DC6-220 is incorporated by reference in Rule 33-602.201,

F.A.C. Inmates in disciplinary confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol.

(d) Comfort Items. Inmates in disciplinary confinement shall be afforded, at a minimum, the following comfort items: toothbrush, toothpaste, bar of soap, towel (or paper towels), toilet tissue, and feminine hygiene products for women.

(e) Personal Hygiene. Inmates in disciplinary confinement shall meet the following standards regarding in regards to personal hygiene as required of the general inmate population:

1. At a minimum, each inmate in disciplinary confinement shall shower three times per week.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101 subsection 33-602.101(4), F.A.C. The possession and use of shaving powder in disciplinary confinement is prohibited.

3. Hair care shall be the same as that provided to, and required of, inmates in general population inmates.

(f) Diet and Meals. Inmates in disciplinary confinement shall receive meals representative of the food served to inmates in the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement unit shall be replaced with another item of comparable quality and quantity. Utilization of a the special management meal is authorized for any inmate in disciplinary confinement who uses food or food service equipment in a manner that is hazardous to himself, him or herself, staff, or other inmates. The issuance of a special management meal shall be in accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Canteen Items. Inmates in disciplinary confinement shall be allowed to make canteen purchases once every other week. Items sold to inmates in disciplinary confinement shall be restricted for institutional safety and security. Non-indigent inmates shall be allowed to purchase deodorant, shower shoes, stamps, envelopes, security pens, and paper.

(h) Counseling and Interviews. Inmates shall be allowed out of their cells to receive regularly scheduled mental health services as specified in an inmate's ISP unless, within the past four hours, the inmate has displayed hostile, threatening, or other behavior during the past four hours that could present a danger to others. For the safety and security of individuals and the institution, security ~~Security~~ staff shall determine the level of restraint required while inmates in disciplinary administrative confinement access services outside their cells.

(i) Visiting ~~Privileges~~.

1. Inmates in disciplinary confinement shall be allowed visits only when specifically authorized by the warden or his or her designee designated representative.

2. When an inmate is denied visiting privileges or has special visiting restrictions due to placement in disciplinary confinement, the warden, pursuant to Rule 33-601.733, F.A.C., shall ensure ~~that~~:

a. ~~That the inmate is~~ Inmates are provided the opportunity, at the inmate's inmates' expense, to notify at least three approved visitors of the denial prohibitions or restrictions before the next scheduled visiting day if the situation permits the inmate to do so, or that staff notifies visitors by telephone if the inmate is unable to do so.

b. ~~Staff makes visitor notifications by phone if the inmate is unable to make them.~~

b.e. ~~That notification of visitors on the inmate's behalf by staff is~~ Notification will be documented in the electronic record that the phone calls were made on the inmate's behalf to his/her visitors if time does not permit contact by mail prior to the planned visit.

3. Inmates in disciplinary confinement are not allowed video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) Legal visits. Attorney-client visits shall be allowed as provided in Rule 33-601.711, F.A.C., ~~Legal Visitors~~, and shall not be restricted except on evidence that the visit would pose be a potential threat to an individual or the security or order of the institution security and order. The warden or his or her designee must approve all legal visits in advance.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and security pens in order to prepare legal papers or notify visitors of confinement status. An inmate with disabilities that hinder the preparation of legal correspondence shall will be allowed the use of auxiliary aids (~~writer/reader~~). An inmate who is provided an auxiliary aid shall also be allowed access to a certified law clerk for the purpose of preparing legal documents or, legal mail, or filing a grievance.

(l) No change.

(m) Correspondence.

1. Inmates in disciplinary confinement shall be allowed routine correspondence privileges unless restricted as provided in Rule 33-601.308, F.A.C., Disciplinary Action. Inmates shall be encouraged to write their families to advise them of their anticipated visiting status. Indigent inmates shall be provided paper, ~~and~~ envelopes, and security pens for this purpose.

2. Form Grievance forms, DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy, shall be made available to inmates in disciplinary confinement the

~~inmate~~ at any time, ~~regardless of his or her confinement status~~ and the completed forms shall be transmitted to the addressee without delay. Forms DC6-236 and DC1-303 are incorporated by reference in Rule 33-103.011, F.A.C.

(n) Writing utensils. Inmates in disciplinary confinement may possess a maximum of four (4) security pens. Inmates who are in possession of working pens or pencils when placed in disciplinary confinement shall be issued a security pen. Inmates who are not indigent must purchase additional security pens when needed from the canteen. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests a pen has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of his or her confinement status. An inmate who has been provided an auxiliary aid a ~~“writer/reader”~~ shall be allowed access to such for the purpose of reading or preparing correspondence.

(o) Reading Material. Possession of scriptural ~~Scriptural~~ and devotional reading materials that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., shall be permitted ~~by~~ for those inmates in disciplinary confinement units unless they pose a potential ~~there is an indication of a~~ threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security, or sanitation risk, the items ~~shall~~ will be removed. Such removal ~~of reading materials~~ shall be documented on Form DC6-229, Daily Record of Special Housing, in accordance with paragraph (9)(b) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to possess a tape player ~~have their tape players~~ and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. Those inmates confined on a 24-hour ~~twenty-four hour~~ basis, excluding showers and clinic trips, may exercise in their cells. However, if disciplinary confinement extends beyond a 30-day ~~thirty day~~ period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out-of-doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing.

2. If the inmate requests a copy of the physical fitness program handout, the wellness specialist or confinement unit correctional officer shall provide the inmate with an in-cell exercise guide and document such ~~this action~~ on the Form DC6-229, Daily Record of Special Housing.

3. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in Rule 33-602.220, F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise

shall be for no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229, Daily Record of Special Housing Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program ~~shall~~ will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on ~~the Daily Record of Segregation~~, Form DC6-229.

(q) Weighing. Inmates shall be weighed upon entering disciplinary confinement, at least once a week while in disciplinary confinement, and upon leaving disciplinary confinement. The weight of the inmate shall be documented on Form DC6-229, Daily Record of Special Housing ~~Daily Record of Segregation~~.

(r) If items of clothing, bedding, or property are removed in order to prevent an ~~the~~ inmate from inflicting injury to himself ~~him~~ or herself or others, to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, ~~shall~~ will make the final determination on the continued denial or return of the items. The items ~~shall~~ will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction is occurring ~~has occurred~~.

(s) Inmates in disciplinary confinement are not permitted access to kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C.

(5) Restrictions.

(a) Any privilege listed in ~~within~~ subsection (4), except access to essential health items (including prescribed medication) and receiving and sending legal mail or grievance forms, shall be subject to restriction when an inmate's conduct and behavior become unmanageable to the point that the inmate is posing a potential threat to the safety and security of himself or herself, others, or the institution.

(b) When any privilege is restricted or any item is removed from an inmate's cell, the action taken must be approved by the shift supervisor or confinement lieutenant. The action taken and the reason for it shall be documented on ~~the Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing. A copy of ~~the Inmate Impounded Personal Property List~~, Form DC6-220, Inmate Impounded Property List, shall be issued to the inmate as a receipt for any property taken. This

action must be reviewed and approved by the chief of security no later than the next working day following the action.

(6) Restraint and Escort Requirements.

(a) Prior to opening a cell door for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains ~~shall~~ will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.

(b) through (e) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members ~~are shall be~~ required to officially inspect and tour the disciplinary confinement unit. All visits by staff, other than the 30-minute ~~30-minute~~ checks described in subparagraph (a)1. below, ~~must shall~~ be documented on ~~the Inspection of Special Housing Record, Form DC6-228, Inspection of Special Housing Record.~~ Form DC6-228 is incorporated in Rule 33-601.800, F.A.C. The staff member ~~must shall~~ also document his or her visit on ~~the Daily Record of Special Housing, Form DC6-229, Daily Record of Special Housing,~~ if any discussion of significance, any action or behavior of the inmate occurs, or any ~~other~~ important information is obtained that which may have an influence or effect on the inmate's status of confinement. These visits shall be conducted a minimum of:

1. Every 30 minutes by a correctional officer, but on an irregular schedule. These checks ~~must shall~~ be documented on Form DC6-209, Housing Unit Log.

2. through 3. No change.

4. Weekly by the chief of security, when on duty at the facility, except in the case ~~eases~~ of riot or other institutional emergency.

5. Daily by a clinical health care personnel ~~worker~~.

6. Weekly by the chaplain. The chaplain is also authorized to provide spiritual guidance and counsel to inmates in disciplinary confinement and may distribute religious materials.

7. No change.

~~8. Weekly by a classification officer.~~

~~8.9.~~ As frequently as necessary, but not less than once every 30 days, by a member of the ICT to ensure that the inmate's welfare is properly provided for and to determine the time and method of release.

~~9.10.~~ The SCO ~~shall will~~ visit every inmate housed in disciplinary confinement, longer than sixty consecutive days ~~day~~, excluding close management inmates, as frequently as necessary to ensure that the inmate's welfare is provided for and to determine if the inmate should be released.

(b) Classification officers must visit each inmate on his or her caseload each week and document the visit on Form DC6-

229, Daily Record of Special Housing. The classification officer must record the inmate's status, upcoming reviews, issues, discussions of significance, action or behavior of the inmate, or any other important information that may have an influence or effect on the inmate's status of confinement.

~~(c)(b)~~ Any inmate who has demonstrated behavior that is or could be harmful to himself ~~him~~ or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or ~~the Inmate Suicide Precautions procedure~~ at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in Rule 33-602.220, F.A.C. All actions taken by staff ~~regarding with regard~~ to special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and ~~followed with an incident report,~~ Form DC6-210, Incident Report. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(8) Review and Release from Disciplinary Confinement.

(a) A member of the ICT shall review the cases of inmates in disciplinary confinement every week. The goal shall be toward returning an inmate to general ~~the open~~ population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to disciplinary confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90 days ~~90-day~~ period.

(c) If an inmate is housed in disciplinary confinement for more than 60 days, the ICT shall interview the inmate and prepare a formal assessment and evaluation report. A formal assessment and evaluation report must be prepared after each consecutive 60-day ~~60-day~~ period the inmate is housed in disciplinary confinement. Such reports may be in a brief paragraph form on the Classification Log in OBIS detailing the basis for confinement, what has transpired since the last report, the decision concerning continued disciplinary confinement,

and the basis for that decision. Close management inmates in disciplinary confinement status must be included in the formal assessment ~~are excluded from this formal assessment as the existing close management review process will include review of the inmate's disciplinary confinement status.~~

(d) The SCO shall review the report prepared by the ICT and the psychologist or psychological specialist concerning the inmate's disciplinary confinement at the next on-site visit; and shall interview the inmate before determining the final disposition of the inmate's disciplinary confinement.

(e) The housing supervisor is authorized to have an inmate released from disciplinary confinement upon completion of his or her disciplinary confinement time, unless the ICT has determined that a need exists to modify the inmate's status to administrative confinement.

(9) Daily Record of Segregation.

(a) ~~A Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate as long as the inmate is in disciplinary confinement.

(b) ~~The~~ Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, weighing of inmates, recreation, haircuts, and shaves, and ~~also~~ unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in disciplinary confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision regarding ~~in regard to~~ the appropriateness of that action no later than the next working day following the action. The housing supervisor shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing unit for 30 days. After each 30-day review by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(10) ~~A Daily Record of Special Housing – Supplemental~~, Form DC6-229B, Daily Record of Special Housing – Supplemental, shall be completed and attached to the current ~~Daily Record of Special Housing~~, Form DC6-229, Daily Record of Special Housing, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C.

(11) Inspection of Special Housing Record.

(a) through (c) No change.

(12) ~~A Housing Unit Log~~, Form DC6-209, Housing Unit Log, shall be maintained in each disciplinary confinement unit. Officers shall record all daily unit activities on Form DC6-209, including to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(13) Staffing issues.

(a) Officers assigned to a disciplinary confinement unit shall be reviewed at least every 18 months. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of ~~the Special Housing Unit Rotation Review~~, Form DC6-295, Special Housing Unit Rotation Review. Form DC6-295 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is June 25, 2008. Form DC6-295 is incorporated by reference in subsection (14) of this rule. The supervisor shall conduct an interview with the officer and complete section II of Form DC6-295 and forward the form to the chief of security. The chief of security shall review personnel records, including to include performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance, and interview the officer and the officer's supervisors for the period of review when necessary. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision shall be documented in section IV of Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five-day five-day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The regional director of institutions shall review the circumstances for possible reassignment of the officer.

(14) ~~Forms. Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is June 25, 2008.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, 6-25-08, 6-8-09, 7-5-10, 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) Definitions.

(a) “Approved Visitor” – where used herein and as defined in Rule 33-601.713, F.A.C., refers to any 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.

(b) “Communications Center” – where used herein, refers to the secure electronic communication portal provided by the vendor that inmates may use to communicate with the vendor or the Department, as designated by the Department.

(c) “Correspondent” – where used herein, refers to any person eighteen years of age or older, who is not restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or conditions of supervision, and who wants to communicate with an inmate in the custody of the Department through the use of kiosk or tablet services.

(d) “Electronic Card” (eCard) – where used herein, refers to a digital greeting card sent electronically to or from an inmate.

(e) “Electronic Communication” (eCommunication) – where used herein, refers to authorized forms of electronic communication offered through kiosk and tablet services, including secure mail, eCards, photos, and videograms.

(f) “Indefinite Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for an unspecified period.

(g) “Kiosk” – where used herein, refers to a stationary electronic device that is used to provide inmates with access to kiosk services.

(h) “Kiosk Services” – where used herein, refers to Department-approved, electronic-based services provided by the vendor through kiosks, including secure mail, communications center access, eCards, video visitation, education/programming activities, videograms, photos, and the ability to browse the media store and access its content.

(i) “Media Account” – where used herein, refers to an account established by the vendor and funded by the inmate

through transfers from an inmate’s trust fund account that is used to purchase kiosk and tablet services.

(j) “Media Store” – where used herein, refers to the contract vendor’s media store where inmates can browse, purchase, and download music, games, news, eBooks, and other digital content.

(k) “Primary Violation” – where used herein, refers to any violation for which the maximum penalty is up to an indefinite suspension of privileges.

(l) “Secondary Violation” – where used herein, refers to any violation for which the maximum penalty that can be imposed is less than or equal a 180-day suspension of privileges.

(m) “Secure Mail” – where used herein, refers to a secure and monitored electronic messaging system that allows an inmate and correspondent to receive and respond to secure electronic messages via a secure web-enabled platform provided by the vendor, and that requires all messages (incoming and outgoing) to be screened and approved before release.

(n) “Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for a specified period.

(o) “Tablet” – where used herein, refers to a Department-approved mobile electronic device that has been configured and formatted for possession and use by an inmate to access and use tablet services. Tablets download content through a connection with the kiosk or by connecting to the secure, wireless network supplied and managed by the vendor.

(p) “Tablet Services” – where used herein, refers to Department-approved, electronic-based services provided by the vendor at no cost or for a fee through secure, corrections-grade tablets, including secure mail, communications center access, eCards, education/programming activities, videograms (incoming only), photographs (incoming only), and the ability to browse the media store and access content downloaded from a kiosk.

(q) “User Account” – where used herein, refers to the account established by the vendor with each inmate who possesses a tablet that provides secure access to kiosk services, tablet services, purchased content, and the inmate’s media account. The term also refers to the account created by the vendor that is used by a correspondent or approved visitor to interact with the inmate.

(r) “User Account Password” – where used herein, refers to a code that is needed to provide access to kiosks and tablets, that is chosen by an inmate, correspondent, or approved visitor, that is known only to that individual, and that when used in conjunction with a user ID verifies the identity of the individual associated with a specific user account.

(s) “Vendor” – where used herein, refers to the contracted vendor who provides kiosks, tablets, kiosk services, and tablet services for use by inmates and those who communicate with them.

(t) “Video Visitation” – where used herein, refers to a monitored and recorded real-time virtual visitation session provided as a kiosk service between an inmate and an approved visitor, where the approved visitor is located at a location other than the location of the inmate.

(u) “Videogram” – where used herein, refers to a short video clip transferred electronically between a correspondent and an inmate.

(v) “Virtual Stamp” – where used herein, refers to electronic tokens sold individually or in bundles at published prices to inmates and correspondents that must accompany any eCommunication for the communication to be delivered.

#### (3) User Accounts.

(a) To access or use kiosk or tablet services, an inmate, correspondent, or approved visitor must establish and activate a user account through the vendor. Inmates and correspondents must not provide false information when establishing a user account.

(b) Any technical or account issues relating to the use of a kiosk, a tablet, kiosk services, tablet services, media accounts, or user accounts must be directed to the vendor.

(c) An inmate is only permitted to use his or her own user account.

(d) Inmates must not loan, borrow, barter, or steal another inmate’s user account password. Violators will be subject to disciplinary action pursuant to Rule 33-601.314, F.A.C., and may have his or her tablet impounded and access to kiosks, kiosk services, and tablet services suspended or terminated.

(e) The Department is not responsible for the theft or loss of an inmate’s user account password, or for any costs associated with an inmate lending his or her user account password or otherwise failing to provide for its safekeeping.

(f) All user account and media account records are maintained by the vendor, and any disputes related to those accounts will be addressed by the vendor. An inmate who has access to a kiosk may view his or her media account balance.

(g) User accounts, media accounts, or particular service offerings such as secure mail, videograms, and access to the vendor’s media store are subject to suspension or termination for any violation of law or Department rule. Inmates, correspondents, and approved visitors are responsible for their conduct and for any consequences thereof in connection with their use of their accounts and available services.

#### (4) Kiosks.

(a) Kiosks will be located at institutions approved by the Department.

(b) Unless otherwise stated in this rule, an inmate will be allowed to access kiosk services in his or her assigned housing unit from 8:00 a.m. until 11:00 p.m. each day, excluding times related to counts, call outs, job assignments, and other required appointments or testing. For security reasons, kiosks designated for inmate use will be rendered inoperable during times when the use of kiosk services would substantially interfere with other institutional activities and during institutional emergencies.

(c) Except as otherwise provided in this rule, kiosk access permissions for inmates in special housing or in a special status are as follows:

1. During the initial reception period, an inmate awaiting transfer to his or her initial permanent facility is permitted access to kiosks and kiosk services, with the exception of video visitation.

2. Youthful Offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted to access kiosks or kiosk services.

3. Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status have access to kiosks and kiosk services as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830, F.A.C., respectively.

(d) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to kiosks and kiosk services in accordance with Rule 33-404.102, F.A.C.

(e) Unless authorized by the Department to do so, no one is permitted to modify, alter, circumvent, attempt to modify, attempt to alter, or attempt to circumvent any audio or video capabilities or security features of a kiosk or kiosk service, or use such devices or services to engage in any activity that violates Department rules, state law, or federal law. The use or misuse of a kiosk or kiosk service in such manner will subject an inmate to discipline pursuant to Rule 33-601.314, F.A.C., suspension or termination of kiosk and/or tablet privileges, and potential prosecution to the extent provided by law.

(f) Legal mail, as described in Rule 33-210.102, F.A.C., and privileged mail, as described in Rule 33-210.103, F.A.C., must not be sent or received via eCommunications.

(g) Only content authorized by the Department can be downloaded, accessed, used, or stored on a kiosk. Content that negatively impacts the safe, secure, and orderly operation of an institution, or that compromises public safety will not be approved.

#### (5) Tablets.

(a) Upon arrival at his or her permanent facility, a tablet 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 accept a tablet.

(b) Inmates are authorized to possess one tablet pursuant to Rule 33-602.201, F.A.C., unless otherwise prohibited. Possession of a tablet by an inmate is a privilege that may be forfeited by any inmate who fails to abide by the rules of the Department or any applicable state or federal law.

(c) Unless otherwise stated in this rule, an inmate is permitted to access the secure, wireless network in his or her assigned housing unit for authorized purposes from 8:00 a.m. until 12:00 a.m. each day. For security reasons, secure, wireless networks designated for inmate use will be rendered inoperable during times when the use of wireless services would substantially interfere with other institutional activities and during institutional emergencies.

(d) Except as otherwise provided in this rule, tablet access permissions for inmates in special housing or a special management status are as follows:

1. During the initial reception period, an inmate awaiting transfer to his or her initial permanent facility is not permitted to possess a tablet or access tablet services.

2. Youthful Offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted to possess a tablet.

3. Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status will have access to tablets and tablet services as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830 F.A.C., respectively.

(e) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to tablets and tablet services in accordance with Rule 33-404.102, F.A.C.

(f) When an inmate is prohibited from retaining possession of his or her tablet due to transfer to a different housing or management status, the tablet will be stored by the Department and returned to the inmate once he or she has been transferred back to a setting where possession of the tablet is allowed by Department rules.

(g) Following the assignment of a tablet to an inmate, Department staff will add the tablet to Form DC6-224 noting the make, model, and serial number of the tablet. Form DC6-224 is incorporated by reference in Rule 33-602.201, F.A.C.

(h) Each inmate is responsible for the care and security of his or her assigned tablet. The Department assumes no responsibility for the loss of, or damage to a tablet caused by the inmate. In cases of intentional loss or damage, the incident will be treated as willful damage to state property. In such cases, the inmate will be required to reimburse the Department for the

cost of replacing the lost or damaged tablet from his or her inmate trust fund account. If sufficient funds are not available in the inmate's trust fund account, the Department will place a lien on the inmate's trust fund account for the replacement cost of a tablet. The inmate's media content will be restored on the replacement tablet at no cost to the inmate.

(i) An inmate will not be charged for a replacement tablet when the original tablet is unusable due to normal wear and tear.

(j) If a tablet cannot be located after being stored by the Department, the provisions of Rule 33-602.201, F.A.C., will be followed. When it is substantiated that a tablet is missing for any reason outside the inmate's control, the tablet will be replaced by the Department at no cost to the inmate.

(k) In the event an inmate loses his or her tablet, the inmate must immediately report the loss to the housing officer. The housing officer will complete a Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C. The chief of security will initiate a review of the incident and an attempt will be made to locate the lost property. The review will determine the responsible party for the cost of replacement as outlined within this rule. If the lost property cannot be located, the chief of security will coordinate the replacement of the tablet for the inmate. Inmates who do not report the loss of a tablet within 10 days will be required to reimburse the Department for the cost of replacing the lost tablet from his or her inmate trust fund account. If sufficient funds are not available in the inmate's trust fund account, the Department will place a lien on the inmate's trust fund account for the replacement cost of a tablet. The inmate's media content will be restored on the replacement tablet at no cost to the inmate.

(l) If a tablet is damaged or destroyed by Department or private correctional facility staff during a routine search, an emergency search, or while impounded, the warden or designee will cause an investigation to be made and any necessary action to be taken in accordance with Rule 33-602.203, F.A.C.

(m) A tablet may only be used in an inmate's assigned housing unit and in recreation areas. An inmate's tablet may only be used to access the secure, wireless network in his or her assigned housing unit. The warden may designate other areas for tablet use (including the use of the secure, wireless network) to further an inmate's rehabilitation, that does not interfere with the safety, security, and order of the institution. Use of a tablet in an unauthorized or unapproved area will subject the inmate to discipline pursuant to Rule 33-601.314, F.A.C.

(n) All tablets on the property of a Department institution or facility, including all digital content, are subject to authorized searches at any time pursuant to Rule 33-602.203 and Rule 33-602.204, F.A.C. An inmate's failure to comply with an authorized search will result in the immediate confiscation of the inmate's tablet and will subject the inmate to discipline pursuant to Rule 33-601.314, F.A.C.

(o) Unless authorized by the Department to do so, no one is permitted to modify, alter, circumvent, attempt to modify, attempt to alter, or attempt to circumvent any audio or video capabilities or security features of a tablet or tablet service, or use such devices or services to engage in any activity that violates Department rules, state law, or federal law. The use or misuse of a tablet or tablet service in such a manner will subject an inmate to discipline pursuant to Rule 33-601.314, F.A.C., suspension or termination of kiosk and/or tablet privileges, and potential prosecution to the extent provided by law.

(p) Only content authorized by the Department can be downloaded, accessed, used, or stored on a tablet. Content that negatively impacts the safe, secure, and orderly operation of an institution, or that compromises public safety will not be approved.

(q) No devices, other than an inmate's assigned tablet, may connect or attempt to connect to a secure, wireless network. The inmate's assigned tablet must not utilize a secure, wireless network in any manner other than to access Department-approved content or eCommunications.

(r) Each tablet has a mortality lock that tracks the number of days since it was last connected to an authorized kiosk. If a tablet is not connected to an authorized kiosk at least every 30 calendar days, the tablet will lock and become unusable until it is connected to an authorized kiosk.

(s) Upon the expiration of an inmate's sentence, the inmate must return his or her assigned tablet to the Department at the time of the inmate's release from the Department's custody. A former inmate may obtain access to his or her purchased content by contacting the vendor. The Department assumes no responsibility for an inmate's purchased content prior to or upon the inmate's release.

(6) Kiosk Services and Tablet Services.

(a) There is no expectation of privacy while utilizing kiosk or tablet services. All use of such services by any user account holder is subject to recording, monitoring, and record retention.

(b) Any data in any form that is generated or transmitted by or through the use of kiosk or tablet services may be used by the Department in any court or disciplinary proceeding to the fullest extent allowed by law and/or Department rule.

(c) Inmates must not establish or conduct a business, directly or indirectly, using kiosk or tablet services during his or her term of incarceration.

(d) Inmates must not enter contests or sweepstakes, directly or indirectly, using kiosk or tablet services during his or her term of incarceration.

(e) Access to kiosk services and tablet services are subject to suspension or termination for violation of any state law, federal law, or Department rule.

(7) eCommunications.

(a) All eCommunications, incoming and outgoing, are subject to the provisions of this rule.

(b) All eCommunications are subject to screening to ensure compliance with this rule. If at any time the screening system is not functioning properly, access to eCommunications will immediately cease until the issue is corrected.

(c) Any eCommunication that violates state law, federal law, or Department rule will be intercepted without explanation by authorized staff and will not be delivered. The Department or vendor will not be liable to refund or credit any costs associated with an intercepted eCommunication.

(d) Eligibility.

1. A correspondent must send an initial eCommunication to an inmate to establish a link between their accounts. Inmates may then electronically communicate with the correspondent, unless the correspondent or the inmate has blocked communication.

2. Should a correspondent decide that he or she no longer wishes to receive eCommunications from an inmate, the correspondent must terminate the inmate's ability to communicate with the correspondent through the vendor's system.

3. Unless otherwise stated in this rule, inmates whose eCommunication privileges are not in suspended status are eligible to use eCommunications.

4. Use of eCommunications by a correspondent is open to all eligible individuals who are not restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or conditions of supervision.

5. During the initial reception period, an inmate awaiting transfer to his or her permanent facility is permitted to access eCommunications.

6. Youthful offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted access eCommunications.

7. Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status will have access to eCommunications as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830 F.A.C., respectively.

8. Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or correctional a mental health treatment facility will have access to eCommunications in accordance with Rule 33-404.102, F.A.C.

(e) Inmates will be permitted to send and receive only the following types of materials through eCommunications:

1. Secure Mail. Communications must be in English, Spanish, or Creole. Inmates who cannot read or write in English, Spanish, or Creole must request approval from the

warden to correspond and receive eCommunications in a language that the inmate can read and write using Form DC6-236. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The warden will approve such requests when there are Department staff who can translate the eCommunications or when it is otherwise possible to obtain translation services at a nominal cost to the Department.

2. eCards.

3. Virtual Stamps. Inmates must not use virtual stamps as currency to pay for products or services, or to barter with others.

4. Videograms. Only those videograms meeting the criteria of this rule are authorized to be sent or received through eCommunications. Videograms depicting nudity or revealing genitalia, buttocks, or the female breast will not be permitted.

5. Photographs. Only those photographs meeting the criteria of this rule are authorized to be sent or received through eCommunications. Photographs depicting nudity or revealing genitalia, buttocks, or the female breast will not be permitted.

(f) If photographs printed by the inmate from eCommunications place the inmate over the maximum allowed by Department rule, the inmate will be permitted to send the excess photographs to a non-correctional mailing address at his or her own expense as required by the inmate property provisions found in Rule 33-602.201, F.A.C. Excess photographs found in the inmate's property will be considered contraband and subject the inmate to discipline under Rule 33-601.314, F.A.C.

(g) Inmates are responsible for informing correspondents of the regulations concerning eCommunications.

(h) All eCommunications sent or received by an inmate are subject to review and monitoring by authorized staff.

(i) If the warden has approved an inmate to receive eCommunications in a language other than English, Spanish, or Creole, the eCommunication will be translated to confirm that it complies with applicable rules. If the language cannot be translated by an employee at the facility, the eCommunication will be rejected or sent to another institution or the central office for translation.

(j) Inmates must not use eCommunications to solicit or otherwise commercially advertise for money, goods, or services, including advertising for pen-pals.

(k) Inmates must not send eCommunications to any person who has advised the warden that he or she does not wish to receive such from the inmate. The parents or legal guardians of a person under the age of 18 may advise that eCommunications are not to be sent to such person.

(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. The inmate is not appropriately dressed in Class A uniform, with the state issued I.D. card visible.

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. It depicts or describes procedures for the construction of or use of a weapon, ammunition, bomb, chemical agent, or incendiary device.

4. It depicts, encourages, or describes methods of escape from correctional institutions or facilities or contains blueprints, drawings, or similar descriptions of Department institutions or facilities, or includes road maps that can facilitate escape from a correctional institution or facility.

5. It depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs or other intoxicants.

6. It is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by authorized staff as to meaning or intent.

7. It depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption.

8. It encourages or instructs in the commission of criminal activity.

9. It is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, or violation of Department or institution rules.

10. It threatens physical harm, blackmail, or extortion.

11. It pictorially depicts sexual conduct as defined by s. 847.001, F.S., as follows:

a. Actual or simulated sexual intercourse;

b. Sexual bestiality;

c. Masturbation;

d. Sadoomasochistic abuse;

e. Actual contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, breast;

f. Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

12. It presents any act or conduct that creates the appearance that sexual conduct is imminent, such as the display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally, or by foreign object, or the display of sexual organs in an aroused state.

13. It depicts nudity.

14. It contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order, or rehabilitative objectives of an inmate or offender, the correctional system, or the safety of any person.

15. It depicts or contains an inmate group photograph or videogram; however, individuals unintentionally appearing behind the subject parties does not constitute a group photograph or videogram.

16. It depicts or contains a photograph or screenshot displaying text of any kind, including internet pages, news clippings, articles, print-outs, material from social media, emails, text messages, or other similar content. However, a screenshot that does not include more than five words of text will not be automatically denied or rejected. Such a screenshot will be treated as a non-textual photograph by authorized staff and will be reviewed using the same standards used for other non-textual photographs to determine suitability and compliance with this rule.

17. It requests that a photograph or information be placed on social media of any kind.

18. It requests that an email be forwarded, sent, or mailed to a third party.

19. It requests or contains information for or about another inmate.

20. It is sent from another inmate's user account.

21. It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than incidental to, the eCommunication, or the advertising is prominent or prevalent throughout the eCommunication:

a. Three-way calling services;

b. Pen-pal services;

c. The purchase of products or services with postage or virtual stamps; or

d. Conducting a business or profession while incarcerated.

22. It is not in compliance with incoming eCommunications regulations set forth in paragraphs (7)(e) and (7)(f) of this rule (incoming mail only); or

23. It otherwise presents a threat to the security, order, or rehabilitative objectives of the correctional system, or to the safety of any person.

(m) It requests or provides information related to PayPal, Venmo, Cash App, or any other online payment system account.

(8) Violation of Standards – Penalties.

(a) Failure of an inmate or correspondent to adhere to the provisions of any Department rule as it relates to eCommunications will result in the following:

1. Rejection and forfeiture of any offending eCommunication;

2. Forfeiture of any money paid for an offending eCommunication; and

3. Consideration for suspension of eCommunications privileges as noted in this subsection.

(b) Failure of an inmate or correspondent to adhere to the provisions of any Department rule as it relates to the possession or use of kiosks, tablets, kiosk services, or tablet services will result in the suspension of any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services. The warden or designee will consider the following factors

when determining whether to suspend any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services:

1. Whether the continued possession or use of kiosks, tablets, kiosk services, or tablet services would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of these privileges;

2. The severity of the conduct or offense(s) under consideration;

3. Whether an inmate's placement or pending placement into a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would result in the appropriate kiosk, tablet, kiosk services, or tablet services restriction(s);

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

(c) Inmates or correspondents who commit a secondary violation of any Department rule as it relates to the possession or use of kiosks, tablets, kiosk services, or tablet services will have any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services, suspended by the warden or designee for a period not to exceed 180 days commencing on the date that any such violation occurred. All violations are deemed to be secondary violations unless specifically elevated to a primary violation by the warden or designee or as otherwise set forth in paragraph (8)(e) below.

(d) The warden or designee may elevate a secondary violation to a primary violation based on the following factors:

1. The nature and circumstances of the violation(s) committed;

2. The inmate's or correspondent's previous violation history; and

3. The frequency of violations.

(e) Inmates or correspondents who commit a primary violation of any Department rule related to the possession or use of kiosks, tablets, kiosk services, or tablet services will be considered by the warden or designee for indefinite suspension of any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services. The following are primary violations:

1. Any criminal activity that utilizes a kiosk or tablet, kiosk services, or tablet services.

2. Any attempt to incite or participate in any riot, strike, mutinous act, or disturbance that utilizes a kiosk or tablet, kiosk services, or tablet services.

3. The use of a kiosk or tablet, kiosk services, or tablet services to 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, or to

solicit, command, encourage, hire, or request another person to engage in specific conduct that would constitute such offense or an attempt to commit such offense.

4. The use of a kiosk or tablet, kiosk services, or tablet services to employ coercion, threats, or fraud to obtain money, favors, or anything of value.

5. The use of a kiosk or tablet, kiosk services, or tablet services to depict actual or simulated sexual acts, or any intentional lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act.

6. The use of a kiosk or tablet, kiosk services, or tablet services to commit or engage in sexual misconduct (e.g., nudity, sexual acts with or without others, willful exposure of genitalia or the female breast, or soliciting sexual acts from others).

7. Any verbal or non-verbal lewd, obscene, or sexual behavior involving a minor that utilizes a kiosk or tablet, kiosk services, or tablet services.

8. Physical assault or attempted assault on a Department staff member or another inmate at a kiosk.

9. The use of a kiosk or tablet, kiosk services, or tablet services to commit verbal abuse that evidences the intent or threatens to do harm to Department staff, inmates, or visitors.

10. The use of a kiosk or tablet, kiosk services, or tablet services to promote animosity, hostility, and malice against a person or persons, or against the property of a person or persons, because of race, religion, disability, sexual orientation, ethnicity, or national origin.

11. Disobeying a direct order from Department staff relating to kiosks and tablets, including the use of any kiosk services and tablet services.

12. Acts of violence or display of weapons, including images of, statements regarding, or references to any kind of weapon, utilizing a kiosk, tablet, kiosk services, or tablet services.

13 Use or possession of drugs or drug paraphernalia while utilizing a kiosk, tablet, kiosk services, or tablet services.

14. Assisting, facilitating, aiding or abetting an inmate to escape or attempt to escape utilizing a kiosk, tablet, kiosk services, or tablet services.

15. Modifying, altering, circumventing, attempting to modify, attempting to alter, or attempting to circumvent any audio or video capabilities or security features of any kiosk, tablet, kiosk service, or tablet service, or using a kiosk, tablet, kiosk services, or tablet services, to engage in any activity that violates Department rules, state law, or federal law. This includes relaying, streaming, or re-broadcasting through any medium.

16. Possessing more than one tablet unless authorized to do so.

17. Possessing a tablet belonging to another without authority to do so.

18. Damaging or destroying a tablet by gross negligence or determined intent.

19. Failing to provide a current user account password when directed to do so by Department staff or private correctional facility staff to allow access for an authorized search of the tablet, including its content.

(f) Suspension of an inmate's eCommunications privileges is authorized as part of any disciplinary action taken pursuant to Rule 33-601.308, F.A.C., when the evidence in a disciplinary report clearly indicates that the infraction at issue occurred during the inmate's exercise or utilization of his or her eCommunication privileges.

(g) The warden is authorized to temporarily suspend any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services, of an inmate or correspondent who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

(h) A suspension imposed under this subsection is independent of any suspension of privileges imposed under Rule 33-601.308, F.A.C.

(i) The reinstatement of indefinitely suspended privileges will only be considered by the warden after one calendar year from the date of imposition of the suspension. Should the suspended individual be denied reinstatement, the individual must not make another request for six months from the last decision denying reinstatement.

(j) Inmates and correspondents are responsible for their conduct and for any consequences thereof in connection with their use of the vendor's services.

(9) Video visitation will be administered and conducted in accordance with Rule 33-602.901, F.A.C.

(10) Funding a Media Account.

(a) An inmate may add money to his or her media account directly from his or her inmate trust fund account up to a maximum authorized balance of \$150.00. Upon the transition from an inmate-owned tablet program to state-issued tablet program, the maximum authorized balance will be reduced to \$100.00. Any obligations owed by the inmate pursuant to Rule 33-203.201, F.A.C., must be satisfied prior to funding the inmate's media account. The Department will supervise the transfer of an inmate's funds into his or her media account.

(b) Media account balances, purchase records, and accounting disputes are maintained and addressed by the vendor.

(c) Money deposited in a media account can only be spent on kiosk services, tablet services, or approved tablet accessories and cannot be transferred to another account.

(d) Inmates must use the kiosk to check media account balances and to receive notice of media account deposits.

(11) Hardware, Programs, and Technical Issues.

(a) Each correspondent is responsible for providing and maintaining his or her own equipment and technology to access the eCommunications system. Individuals must use equipment and technology with the appropriate capabilities as determined and recommended by the vendor.

(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) Correspondents who experience issues with the vendor's website, mobile application, or any of the services provided by the vendor must contact the vendor's customer service center through the Communications Center for assistance.

(d) An inmate who is subject to post-release supervision or to any court order related to computer or internet possession, access, or use is responsible for ensuring that he or she fully complies with all terms and conditions of the supervision or order. As necessary, the inmate must report to his or her supervising agency, law enforcement agency, court, or other entity as provided in the order, that he or she possesses, has access to, or is using a tablet.

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

(b) Staffing limitations that pose a significant threat to the safety and security of Department staff, inmates, or the public.

(c) When an institution is locked down based on the scope and severity of the precipitating incident or event.

(d) During a declared emergency.

(e) Prior to, during, or in the immediate aftermath of a natural disaster.

(f) A medically-related incident that poses a significant health threat to inmates or Department staff.

(g) Any other extraordinary circumstance that poses a potential threat to the safety or security of the institution, Department staff, the inmate population, or the public.

Rulemaking Authority 944.09 FS. Law Implemented 20.315. 944.09 FS. History—New \_\_\_\_\_.

33-602.901 Video Visitation(1) Definitions.

(a) "Approved Visitor" – where used herein and as defined in Rule 33-601.713, F.A.C., refers to any 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.

(b) "Automated Visiting Record" (AVR) – where used herein, refers to a computer subsystem of the Department's electronic offender database that records visiting information. The AVR is maintained pursuant to Rule 33-601.716, F.A.C.

(c) "Indefinite Suspension" – where used herein, refers to the withdrawal or removal of an inmate's or individual's privileges for an unspecified period.

(d) "Kiosk" – where used herein, refers to a stationary electronic device that is used to provide inmates with access to kiosk services.

(e) "Kiosk Services" – where used herein, refers to Department-approved, electronic-based services provided by the vendor through kiosks, including secure mail, communications center access, eCards, video visitation, education/programming activities, videograms, photos, and the ability to browse the media store and access its content.

(f) "Primary Violation" – where used herein, refers to any violation for which the maximum penalty is up to an indefinite suspension of privileges.

(g) "Secondary Violation" – where used herein, refers to any violation for which the maximum penalty that can be imposed is less than or equal a 180-day suspension of privileges.

(h) "Suspension" – where used herein, refers to the withdrawal or removal of an inmate's or individual's privileges for a specified period.

(i) "User Account" – where used herein, refers to the account established by the vendor with each inmate who possesses a tablet that provides secure access to kiosk services, tablet services, purchased content, and the inmate's media account. The term also refers to the account created by the vendor that is used by a correspondent or approved visitor to interact with the inmate.

(j) "Vendor" – where used herein, refers to the contracted vendor who provides kiosks, tablets, kiosk services, and tablet

services for use by inmates and those who communicate with them.

(k) "Video Visitation" – where used herein, refers to a monitored and recorded real-time virtual visitation session provided as a kiosk service between an inmate and an approved visitor, where the approved visitor is located at a location other than the location of the inmate.

(2) Video visitation is a privilege and not a right afforded to inmates or approved visitors.

(3) Video visitation is available to inmates and approved visitors at a cost established by the vendor in its contract with the Department.

(4) All inmates and approved visitors are subject to state law, federal law, and Department rules while participating in video visitation.

(5) The warden, assistant warden, duty warden, or assigned Department or vendor monitoring staff is authorized to deny or terminate a video visit if the visit in any way violates state law, federal law, or Department rule. Any such violation will subject an inmate to disciplinary action and suspension of video visitation privileges and will subject an approved visitor to suspension or termination of his or her video visitation privileges.

(6) The Department is not responsible for technical issues that impact kiosk availability or video visitation functionality.

(7) Eligibility.

(a) Inmates are permitted to participate in video visitation with approved visitors who are not in a suspended status as recorded on the inmate's AVR.

(b) Except as otherwise stated herein, inmates whose visitation privileges are not suspended pursuant to Rule 33-601.731, F.A.C., including those inmates placed in non-contact visiting status pursuant to Rule 33-601.735, F.A.C., are eligible to participate in video visitation.

(c) Inmates and approved visitors whose visiting privileges have been suspended pursuant to Rule 33-601.731, F.A.C., are not eligible to participate in video visitation unless otherwise authorized by the warden or designee.

(d) During the initial reception period, an inmate awaiting transfer to his or her permanent facility is not eligible to participate in video visitation.

(e) Youthful offenders participating in the Basic Training Program describe in Rule 33-601.237, F.A.C., are not permitted access to video visitation.

(f) Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, and death row status are eligible to participate in video visitation as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830, F.A.C., respectively.

(g) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to video visitation privileges in accordance with Rule 33-404.102, F.A.C.

(h) Use of the video visitation system is open to all eligible individuals eighteen years of age or older who are not restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or conditions of supervision. Approved minors as defined in Rule 33-601.713, F.A.C., are permitted to participate in video visitation only under the supervision of an eligible visitor, provided the inmate participating in the video visit is not restricted or suspended from contacting or being contacted by any minor by statute, rule, procedure, court order, or conditions of supervision.

(i) An individual seventeen years old or younger who cannot furnish proof of emancipation must be supervised during a video visit by an authorized parent, legal guardian, or authorized adult as defined in Rule 33-601.713, F.A.C., and must remain under the supervision of that person at all times during the video visitation session.

(j) An inmate is not authorized to participate in video visitation with any person seventeen years of age or younger if the inmate is subject to visitation restrictions pursuant to Rule 33-601.720, F.A.C.

(k) Falsification of any visitor information provided to the Department will result in an individual being subject to having his or her video visitation privileges suspended pursuant to subsection (13) of this rule.

(8) Scheduling.

(a) Video visitation sessions can only be scheduled by approved visitors. Sessions must be scheduled in advance through the approved visitor's user account.

(b) Unless otherwise stated in Rule 33-602.900, F.A.C., an inmate will be allowed to access kiosk services in his or her assigned housing unit from 8:00 a.m. until 11:00 p.m. each day, excluding times related to counts, call outs, job assignments, and other required appointments or testing. For security reasons, kiosks designated for inmate use will be rendered inoperable during times when the use of kiosk services would interfere with other institutional activities and during institutional emergencies. The warden will determine the available times during which inmates are allowed to video visit within these parameters while ensuring the maximum availability of video visitation.

(c) Inmates in death row status pursuant to Rule 33-601.830, F.A.C., will only be permitted one scheduled video visitation session per calendar week.

(d) A video visitation session will be limited to fifteen minutes. A one-time, fifteen-minute extension per video visit is

permitted if selected during the video visit. The option of an extension is not available for inmates in death row status.

(e) Video visits are scheduled for and assigned to a specific kiosk based on an inmate's housing assignment. The assigned kiosk will reserve the timeslot for the inmate with a scheduled video visit. The kiosk will notify any other inmate that he or she they will be logged off the kiosk due to an upcoming scheduled video visit.

(f) The number of video visits scheduled at any one time at an institution or facility may be limited due to infrastructure issues, available bandwidth, other system limitations, or to promote the safety, security, or good order of the institution or facility.

(9) Accessing the Session.

(a) Each inmate and approved visitor must establish a user account prior to participating in video visitation.

(b) Each approved visitor is responsible for providing and maintaining his or her own equipment and technology to access the video visitation system. Individuals must use equipment and technology with the appropriate capabilities as determined and recommended by the vendor.

(c) A video visit will not be initiated until both the approved visitor and the inmate engage the system within five minutes of the scheduled visitation start time.

(d) Customer support for video visitation will be provided by the vendor.

1. If an inmate identifies an issue with the video visitation system, the inmate must submit a support ticket identifying the issue to the vendor's customer service center through the Communications Center.

2. Approved visitors who experience issues with the vendor's website, mobile application, or any of the services provided by the vendor must contact the vendor's customer service center through the Communications Center for assistance.

3. If a video visit is unable to occur due to an issue affecting the video visitation system, the vendor will credit the approved visitor's account.

(10) Cancelling a Session. A scheduled video visit will be canceled due to any one of the following reasons:

(a) The approved visitor cancels the video visit prior to the time of the scheduled event.

(b) The inmate cancels the video visit prior to the time of the scheduled event.

(c) The approved visitor is suspended or otherwise removed from an approved or authorized status by the Department or the vendor prior to the time of the scheduled event.

(d) The inmate's video visitation privileges are suspended, or his or her video visitation eligibility status is changed due to

a change in the inmate's management or housing status prior to the time of the scheduled event.

(e) The Department determines the scheduled video visit presents a threat to institutional security or the safety of any person.

(f) The Department-approved video visitation schedule changes and the scheduled timeslot is no longer available.

(g) The Department cancels a scheduled video visit or temporarily deactivates an inmate's user account upon approval of the warden or designee for any of the following reasons:

1. It is 48-hours or less before an inmate's transfer;

2. It is 48-hours or less before an inmate's outside medical appointment; or

3. It is 48-hours or less before an inmate's outside court appearance.

(h) Mandatory activities are scheduled for the inmate by the Department at the same time as a video visit. Mandatory activities include count, medical appointments, classification appointments, programming such as education, vocation, or substance use disorder treatment, or similar mandatory activities. If a video visit is scheduled at the same time as one of these activities or during an emergency that threatens the security or order of an institution, the approved visitor will be notified when the inmate does not join the video visitation session within five minutes, and the vendor will credit the approved visitor's account for the cost of the video visit.

(11) Monitoring.

(a) All video visits are subject to monitoring and recording. Video visits may be immediately terminated for any detected violation of state law, federal law, or Department rule. In addition, restrictions or suspensions may be issued that affect in-person visits whenever a violation related to video visitation is detected. If at any time the Department or the vendor is unable to monitor or record any video visitation session, all access to video visitation will immediately cease until the issue can be corrected.

(b) The vendor and Department staff will monitor all video visits to ensure compliance with this rule, including all video visitation conduct and content standards as set forth in subsection (12) of this rule.

(c) No expectation of privacy exists regarding an inmate's or approved visitor's use of the video visitation system. Video visitation must not be used to conduct private or confidential communications with attorneys, foreign consulates, or the courts.

(d) Each institution will ensure that inmates are notified that video visits are subject to monitoring and recording through the use of a sign posted on or beside each kiosk, or via an electronic pop-up window on the kiosk. Upon discovery, stolen or defaced signs will be promptly replaced.

(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. An inmate must be appropriately dressed in his or her Class A uniform, with the inmate's state-issued I.D. card visible throughout the entire video visit.

2. All approved visitors must wear clothing that is in good condition (no excessive holes and rips).

3. Approved visitors must not wear shirts or clothing that exposes any part of the female breast, including spaghetti straps or strapless clothing.

4. Approved visitors must not wear sleeveless clothing, including tank tops, shirts, dresses, rompers, or similar clothing, if the clothing exposes the bra or the female breast through the sleeve opening.

5. Approved visitors must not wear clothing that reveals the midriff, including bras or sports bras (unless an appropriate garment is worn to cover the midriff), halter tops, crop tops, and tube tops.

6. Approved visitors must not wear dresses, skirts, shorts, or similar clothing with hems, slits, or splits that are less than three inches above mid-knee, or that go above mid-thigh when seated. No clothing that reveals the upper thighs, buttocks, or genitalia is permitted.

7. Approved visitors must not wear tight-fitting, see-through, low-cut, short, provocative, or revealing clothing of any kind. Clothing made of spandex, see-through material, sheer material, or netting, bathing suits, and body suits are prohibited. See-through or sheer garments are permitted if appropriate clothing is worn underneath the see-through or sheer garment that covers the body in accordance with this rule.

8. Approved visitors must not wear pajamas or lingerie.

9. Approved visitors must wear appropriate undergarments at all times, including bras for females. Undergarments must not be visible.

10. Approved visitors must not wear clothing that has symbols, signs, or words 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. Any removal of clothing by an inmate or approved visitor will result in immediate termination of the video visit. An outer garment such as a jacket or sweater may be removed, provided the clothing under the outer garment complies with this rule.

12. An approved visitor who is nursing may breastfeed her child(ren) during a video visit. In the interests of safety and

security, a nursing mother must cover her breast(s) with a blanket while nursing. The nipple of a mother's breast must not be uncovered or exposed at any time.

13. Nudity of any kind is not permitted. Children must be fully clothed at all times for their safety.

14. The inmate and approved visitor must be visually identifiable during a video visit, and their faces must not be covered or obscured. Religious headgear is permissible, but it must not interfere with the verification of a person's identity.

(b) The following are primary violations when they occur during a video visit:

1. Any criminal activity.

2. Any attempt to incite or participate in a riot, strike, mutinous act, or disturbance.

3. Possessing, introducing, attempting to introduce, conspiring, or otherwise agreeing to introduce contraband or illegal items into or onto the grounds of any Department institution or facility, or soliciting, commanding, encouraging, hiring, or requesting another person to engage in specific conduct that would constitute such offense or an attempt to commit such offense.

4. Using coercion, threats, or fraud to obtain money, favors, or anything of value.

5. Depicting actual or simulated sexual acts, or any intentional lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act.

6. Committing or engaging in sexual misconduct (i.e., nudity, sexual acts with or without others, willful exposure of genitalia or the female breast, or soliciting sexual acts from others).

7. Any verbal or non-verbal lewd, obscene, or sexual behavior involving a minor.

8. Physical assault or attempted assault of a Department staff member or another inmate at a kiosk or while participating in a video visit.

9. Verbal abuse that evidences the intent or threatens to do harm to staff, inmates, or visitors.

10. Promoting animosity, hostility, and malice against a person or persons or against the property of a person, or persons because of race, religion, disability, sexual orientation, ethnicity, or national origin.

11. Disobeying a direct order from Department staff during or in relation to a video visit.

12. Acts of violence or display of weapons, including images of, statements regarding, or references to any kind of weapon.

13. Use or possession of drugs or drug paraphernalia.

14. Assisting, facilitating, aiding, or abetting an inmate to escape or attempt to escape.

15. Group video visits allowing more than one inmate or one approved visitor to participate in a video visit. An approved visitor may only video visit with the inmate with whom he or she is scheduled to video visit. If an individual unintentionally appears behind either party in the process of video visiting but does not participate in the video visit it does not constitute a group video visit.

16. Modifying, altering, circumventing, attempting to modify, attempting to alter, or attempting to circumvent any audio or video capabilities or security features of a kiosk, tablet, or video visitation system. This includes relaying, streaming, or re-broadcasting through any medium.

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

1. Failure to conform with the proper attire standards.

2. The approved visitor fails to position himself or herself in such a manner as to be video and audio monitored.

3. A minor participating in a video visit unaccompanied by an approved parent, legal guardian, or authorized adult.

4. Participation in a video visit with an unauthorized or unscheduled person.

5. Scheduling video visits for another inmate and allowing that inmate to converse with a party not on that inmate's AVR.

6. The approved visitor or the inmate fails to conduct themselves in an orderly and respectable fashion or to remain seated throughout the entire video visit.

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

8. The approved visitor or inmate speaks in an unidentifiable code.

9. The display of gang signs or symbols. However, the use of American Sign Language is permissible by both hearing impaired inmates and approved visitors.

10. The inmate or approved visitor appearing to be intoxicated or under the influence of drugs or alcohol.

11. The consumption of alcohol or the prominent display of an alcohol container (i.e., in the foreground of the video frame).

12. Any disturbances or emotionally disruptive behavior.

13. Any attempt to conduct or participating in a media interview.

14. Establishing or conducting a business enterprise, directly or indirectly.

15. The recording of audio or video or the archival of a video visit in any form by anyone except for the Department or the vendor's recording and archiving system.

16. Falsification of any visitor information, including user account information.

17. Other factors related to the security, order, or effective management of the institution.

(d) The Department is not responsible for repairing or maintaining kiosks damaged by inmate abuse or for providing video visitation to inmates or approved visitors if the vendor discontinues service for any reason.

(13) Violation of Standards – Penalties.

(a) Failure of an inmate or approved visitor to adhere to the provisions of any Department rule as it relates to video visitation will result in the suspension of video visitation privileges. The warden or designee will consider the following factors when determining whether to suspend video visitation privileges:

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

2. The severity of the conduct or offense(s) under consideration;

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

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

(b) An inmate or approved visitor who violates any Department rule pertaining to the use of video visitation will have his or her video visitation privileges suspended by the warden or designee for a period not to exceed 180 days from the date of the infraction.

(c) The warden or designee may elevate a secondary violation to a primary violation based on the following factors:

1. The nature and circumstances of the violation(s) committed;

2. The inmate's or approved visitor's previous violation history; and

3. The frequency of violations.

(d) If an inmate or approved visitor commits a primary violation of any Department rule related to video visitation as noted in paragraph (12)(b) of this rule, he or she will be considered by the warden or designee for a one-year suspension of video visitation privileges. If a subsequent primary violation is committed within one year of the reinstatement of privileges, the inmate or approved visitor will be referred by the warden to the regional director for consideration of an indefinite suspension of video visitation privileges. Upon referral, the warden must submit a detailed recommendation to the regional director outlining the reasons for his or her recommendation. The recommendation and the regional director's decision will

be recorded in the Department's electronic inmate database and the inmate or approved visitor will be notified accordingly.

(e) A suspension imposed under this subsection is independent of any suspension of privileges imposed under Rule 33-601.308, F.A.C. Suspension of an inmate's video visitation privileges is authorized as part of any disciplinary action when the evidence in a disciplinary report clearly indicates that the cited infraction occurred during the inmate's exercise or utilization of video visitation privileges.

(f) A suspension imposed under this subsection is to be served concurrent with any suspension of regular visitation privileges imposed under Rule 33-601.731, F.A.C.

(g) The reinstatement of indefinitely suspended video visitation privileges will only be considered by the regional director after two calendar years from the date of imposition of the suspension. Should the suspended individual be denied reinstatement, the individual must not make another request for six months from the last decision denying reinstatement.

(h) Inmates and approved visitors are responsible for their conduct and for any consequences thereof in connection with their use of the video visitation system.

(14) The warden is authorized to temporarily suspend the video visitation privileges of an inmate or approved visitor who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

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

(b) Staffing limitations that pose a significant threat to the safety and security of inmates, staff, or the public.

(c) When an institution is locked down based on the scope and severity of the precipitating incident or event.

(d) During a declared emergency.

(e) Prior to, during, or in the immediate aftermath of a natural disaster.

(f) A medically-related incident that poses a significant health threat to inmates or staff.

(g) Any other extraordinary circumstance that poses a potential threat to the safety or security of the institution, the inmate population, staff, or the public.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Comerford, Assistant Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Mark S. Inch, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 16, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: August 25, 2020

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE NO.: RULE TITLE:

64B16-27.120 Ordering and Evaluation of Laboratory  
Tests

PURPOSE AND EFFECT: The Board proposes the repeal of the rule to delete unnecessary or outdated language.

SUMMARY: The rule will be repealed due to unnecessary or outdated language.

### 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a 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: 465.0125(3) FS.

LAW IMPLEMENTED: 465.0125(2) FS.

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: Jessica Sapp, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.120 Ordering and Evaluation of Laboratory Tests.  
 Rulemaking Authority 465.0125(3) FS. Law Implemented 465.0125(2) FS. History—New 2-23-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Pharmacy  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2020

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
 65C-45.001 Background Screening Requirements for all Levels of Licensure

PURPOSE AND EFFECT: The Department intends to amend rule 65C-45.001, F.A.C., Background Screening Requirements for all Levels of Licensure, to update an incorporated form.

SUMMARY: The “Affidavit of Good Moral Character” form section relating to applicants for substance use and mental health disorder positions is amended to include new groups that are required to screen under section 408.809, F.S.

**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 a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding a 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: 39.012, 39.0121, 409.175(5), 435.01(2) FS.

LAW IMPLEMENTED: 39.0121, 39.0138, 409.175(5), 435.04, 435.05 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jodi Abramowitz. Jodi can be reached at (850)717-4470 or Jodi.abramowitz@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-45.001 Background Screening Requirements for all Levels of Licensure.

(1) through (3) No change.

(4) Each applicant and adult household member being screened shall sign an “Affidavit of Good Moral Character,” CF 1649, (insert date) Nov 2018, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXX11810>, and a “Release of Information,” CF-FSP 5090, April 2020, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11814>.

(5) through (9) No change.

Rulemaking Authority 39.012, 39.0121, 409.175(5), 435.01(2) FS. Law Implemented 39.0121, 39.0138, 409.175(5), 435.04, 435.05 FS. History—New 4-26-20, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Teanna Houston  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2020  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 6, 2020

**Section III  
 Notice of Changes, Corrections and  
 Withdrawals**

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Family Safety and Preservation Program**

RULE NO.: RULE TITLE:  
 65C-28.011 Criminal, Delinquency and Abuse/Neglect History Checks for Release to a Parent, Placement with a Relative and Non-Relative and Approval of Informal Safety Management Providers  
 NOTICE OF CHANGE

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. 150, August 3, 2020 issue of the Florida Administrative Register.

65C-28.011 Criminal, Delinquency and Abuse/Neglect History Checks for Release to a Parent, Placement with a Relative and Non-Relative and Approval of Informal Safety Management Providers.

(1) The following criminal, delinquency and abuse/neglect history checks shall be performed when a child is initially placed or remains with a relative or non-relative:

(a) through (h) No change.

(i) For all household members age 12 and older, a Clerk of Court Search in the household member's county of residence or a search of the CCIS must be conducted by the child protection investigator for ongoing services.

(j) No change.

(2) through (9) No change.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER20-76 FLORIDA LOTTO®

SUMMARY: This emergency rule sets forth the provisions for the conduct of the Draw game, FLORIDA LOTTO®, and modifies provisions of Rule 53ER20-42 to reflect changes to the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER20-76 FLORIDA LOTTO®.

(1) This rule describes the Draw Game (also known as an online game or a terminal game), FLORIDA LOTTO®.

(2) Definitions. The following words and terms, when used in this rule, have the following meanings:

(a) Double Play™- Double Play is an add-on feature in which players use the same six (6) numbers and Multiplier played in the FLORIDA LOTTO Base Game to play in a separate Double Play Drawing for a chance to win Double Play prizes.

(b) Double Play Drawing- refers to the formal draw event to determine the number of winners for each prize level of Double Play.

(c) Double Play Play – means the same six (6) player or Quick Pick selected numbers and Multiplier played in the FLORIDA LOTTO Base game played by a player.

(d) Double Play Winning Numbers- means the game results selected during a Double Play drawing to determine the six (6) winning numbers used to determine winning Double Play Plays contained on a game ticket.

(e) EZmatch- EZmatch is an add-on, instant-win option in which players are provided six (6) EZmatch numbers chosen randomly by the terminal at the time of ticket purchase to match to the FLORIDA LOTTO Base Game Numbers on the ticket for a chance to win instantly corresponding EZmatch prizes shown on the ticket.

(f) FLORIDA LOTTO Base Game- means the primary part of the FLORIDA LOTTO game in which six (6) player or Quick Pick-selected numbers from a field of one (1) to fifty-three (53) are used by the player to match the FLORIDA LOTTO Base Game Winning Numbers, and one (1) Multiplier chosen randomly by the terminal at time of ticket purchase.

(g) FLORIDA LOTTO Base Game Numbers- refers to the six (6) player or Quick Pick-selected numbers from a field of one (1) to fifty-three (53) that are used to play the FLORIDA LOTTO Base Game and Double Play.

(h) FLORIDA LOTTO Base Game Drawing- refers to the formal draw event for randomly selecting the winning numbers that determine the number of winners for each prize level of the FLORIDA LOTTO Base Game.

(i) FLORIDA LOTTO Base Game Play- means the six (6) player or Quick Pick-selected numbers from a field of one (1) to fifty-three (53) that appear on a ticket in a single horizontal row (or panel) and one (1) Multiplier that are to be played by a player in the FLORIDA LOTTO Base Game.

(j) Multiplier - refers to the one symbol (2X, 3X, 4X, 5X or 10X) chosen randomly by the terminal at time of ticket purchase that appears on a ticket under the FLORIDA LOTTO Base Game Play(s) and is used exclusively to multiply the starting values for second, third and fourth prizes in the FLORIDA LOTTO Base Game and in Double Play.

(k) Play Slip - an original paper play slip issued and approved by the Florida Lottery for the FLORIDA LOTTO game, or a digital play slip for the FLORIDA LOTTO game generated using the Florida Lottery Mobile Convenience App ("App"). Except where necessary herein to differentiate between a paper play slip and a digital play slip, the term "play slip" shall be inclusive of both types of play slips.

(l) Set Prize- all prizes in the FLORIDA LOTTO Base Game, except the Jackpot Prize, are set payouts and will be equal to the prize amount established by the Lottery for the prize level. The established starting value of the second through fourth prize amounts are multiplied by the randomly chosen multiplier. The fifth prize in the FLORIDA LOTTO Base Game

is a free ticket. All prizes in Double Play are set payouts and will be equal to the prize amount established by the Lottery for the prize level. The established starting value of the second through fourth prize amounts in Double Play are multiplied by the randomly chosen multiplier. The fifth prize in Double Play is a free ticket.

(m) FLORIDA LOTTO Base Game Winning Numbers-means the FLORIDA LOTTO game results selected during a drawing that determine the six (6) winning numbers and are used to determine winning FLORIDA LOTTO Base Game Plays contained on a game ticket in the FLORIDA LOTTO Base Game.

(3) FLORIDA LOTTO® Base Game- How to Play.

(a) The FLORIDA LOTTO Base Game is a Draw lottery game in which players select six (6) numbers from a field of one (1) to fifty-three (53). Additionally, a multiplier of 2X, 3X, 4X, 5X or 10X is chosen randomly by the terminal at the time of ticket purchase and shall apply to all FLORIDA LOTTO Base Game Plays.

(b) Players may make their FLORIDA LOTTO ticket selections by: using a play slip; using a Florida Lottery vending machine (“vending machine”), if a vending machine for Draw game ticket purchases is available at the retailer location; by telling the retailer their desired selections; or by requesting to use the Play it Again feature.

(c) Play Slip.

1. Paper play slip. There are ten panels on a paper FLORIDA LOTTO play slip. Each panel played will cost \$2.00 per drawing. Players may mark their desired numbers on the play slip by selecting six numbers from each panel played or may mark the “QP” box located at the bottom of each panel for the terminal to randomly select one or more of the six numbers. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. Players may play EZmatch™ by marking the EZmatch box located at the top of each panel. EZmatch costs an additional \$1.00 per play. Marking the EZmatch box within a panel will add EZmatch to only the panel marked. Each panel played with EZmatch will print on a separate ticket. Double Play costs an additional \$1.00, per panel played. Players may choose the Double Play option by marking the “Double Play” box on the play slip. Double Play will apply to all panels and selections marked. Players may elect to play “Jackpot Combo” to receive three (3) Quick Pick tickets for the next available drawing consisting of one (1) \$2.00 FLORIDA LOTTO ticket, one (1) \$2.00 POWERBALL® ticket and one (1) \$2.00 MEGA MILLIONS® ticket by marking the “Jackpot Combo \$6” box on the play slip or by telling the retailer. Paper play slips must be Florida Lottery approved and players must use only blue or black ink or pencil for making selections. Paper play slips may be processed through a Florida

Lottery vending machine or processed by a retailer to obtain a ticket.

2. Digital Play Slip. How to Create a Digital Play Slip. From the Landing Page on the App, a player should select the FLORIDA LOTTO game icon and then click on “Pick Numbers.” For each panel played, the player should either select his or her numbers from a field of numbers described in paragraph (3)(a) or use the “Random Numbers” or “Shake to Play” feature for the App to provide the player random numbers. Up to ten panels may be created on one digital play slip. The player must also select the number of drawings, if more than the default of one drawing is desired. The parameters for advance play are set forth in paragraph (3)(d) below. If a player desires to add EZmatch to all panels played, he or she should click the “EZmatch” button so that “yes” is selected. Each panel played will include EZmatch and will print on a separate ticket. If the player desires to add Double Play to all panels played, he or she should click the “Double Play” button so that “yes” is selected. If the player desires to add Jackpot Combo play as further described in subparagraph (3)(c)1. above, the player should click the “Add Jackpot Combo” button so that “yes” is selected. Players may also use the “My Favorites” feature to save a digital play slip for later use. Once a digital play slip is created and the player clicks “Create Playslip,” a barcode will be displayed. The player may present the barcode appearing on his or her mobile device to the retailer to purchase a ticket through the retailer terminal or may use the barcode to purchase a ticket through a vending machine that provides for Draw game purchases. Illustrative instructions for creating a FLORIDA LOTTO digital play slip are available by clicking on the How to Play button on the main FLORIDA LOTTO page.

(d) Advance Play. Players may play up to fifty-two consecutive FLORIDA LOTTO drawings by using the “advance play” option. To use the advance play option, players may either select the number of drawings on the play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel played. Advance play is not available with Jackpot Combo. In the event that a planned change in the FLORIDA LOTTO game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Florida Lottery’s website at flalottery.com.

(e) Vending Machine. If a vending machine is available at a retailer location and the vending machine provides for Draw game purchases, the vending machine may be used by a player to process both paper and digital FLORIDA LOTTO play slips.

(f) Telling the Retailer. Retailers also are authorized to manually enter numbers selected by a player. Players electing

to make their FLORIDA LOTTO ticket selections by telling the retailer must specify their desired number selections (or tell the retailer they desire to use the Quick Pick feature for the terminal to randomly select one or more of the numbers) and the number of drawings. Players may also tell the retailer if they would like to add EZmatch or Double Play to their ticket.

(g) Play it Again.

1. A player may request to “Play it Again” to replay a previously purchased FLORIDA LOTTO ticket. If requested, a retailer shall process the original ticket provided by the player and print a new ticket which will have the same selected numbers, number of panels, and number of drawings as the original ticket. However, a new Multiplier will be chosen randomly by the terminal at the time of the Play it Again purchase. Additionally, if the original ticket contains additional play feature(s) (i.e., EZmatch, or Double Play), the new ticket will also contain the same play feature(s).

2. An original ticket with advance play will be rejected and cannot be replayed if the number of drawings on the ticket exceeds the number of advance play drawings that are available at the time of requested ticket replay due to implementation of an advance play countdown for the FLORIDA LOTTO game. Tickets older than sixty days cannot be replayed. Tickets purchased using the Play it Again feature have the same cancellation provisions as the original ticket.

(4) FLORIDA LOTTO Base Game Drawings.

(a) FLORIDA LOTTO Base Game Drawings shall be conducted by the Florida Lottery twice per week, on Wednesday and Saturday.

(b) The equipment shall be configured so that six balls are drawn from one set of balls numbered one (1) through fifty-three (53).

(c) Six (6) balls will be selected in the drawing. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official Winning Numbers for the FLORIDA LOTTO Base Game Drawing.

(d) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(5) FLORIDA LOTTO Base Game Prize Pool.

(a) For each drawing, fifty percent of net sales (gross sales less free tickets) from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below (“FLORIDA LOTTO Prize Pool”).

(b) The Jackpot Prize payout shall be determined on a pari-mutuel basis. All other prizes awarded shall be paid as Set Prizes.

(c) Prize money allocated to the Jackpot Prize category will be divided equally by the number of FLORIDA LOTTO Base Game Plays determined to be winners of the Jackpot Prize.

(d) The number of FLORIDA LOTTO Base Game Plays determined to be winners of the Second through Fifth Prize categories will be paid (or issued, in the case of a Free ticket) as Set Prizes.

(6) Determination of Prize Winners- FLORIDA LOTTO Base Game.

(a) In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

1. Jackpot Prize(s): Six of six official winning numbers.
2. Second Prize: Five of six official winning numbers.
3. Third Prize: Four of six official winning numbers.
4. Fourth Prize: Three of six official winning numbers.
5. Fifth Prize: Two of six official winning numbers.

(b) Base Game Multiplier. One (1) Multiplier (2X, 3X, 4X, 5X or 10X) chosen randomly by the terminal at time of ticket purchase will be printed on each ticket under the panels played and will apply to all panels on the ticket. The Multiplier multiplies the starting value of the prizes for the Second through Fourth tiers and will automatically be applied to winning tickets. The Jackpot Prize and the Fifth Prize cannot be multiplied. The prizes and odds of winning in the FLORIDA LOTTO Base Game are set forth in the table below.

FLORIDA LOTTO BASE GAME PRIZE STRUCTURE								
<i>M</i> <i>atc</i> <i>h</i>	<i>Pri</i> <i>ze</i> <i>Tie</i> <i>r</i>	<i>Odds</i> <i>of</i> <i>Winni</i> <i>ng</i>	<i>Priz</i> <i>e</i>	<i>2X</i>	<i>3X</i>	<i>4X</i>	<i>5X</i>	<i>10X</i>
6 of 6	Jac kpo t Pri ze	1:22,9 57,48 0	Jack pot	=	=	=	=	=
5 of 6	Sec ond Pri ze	1: 81,40 9.50	\$3.0 00* 0	\$6. 00 0	\$9. 00 0	\$12 .00 0	\$15 .00 0	\$30 .00 0
4 of 6	Thi rd Pri ze	1:1.41 5.82	\$50 * -	\$1 00	\$1 50	\$20 0	\$25 0	\$50 0
3 of 6	Fou rth Pri ze	1:70.7 9	\$5* 0	\$1 0	\$1 5	\$20	\$25	\$50

<u>2</u>	<u>Fift</u>	<u>1:8:58</u>	<u>Free</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>of</u>	<u>h</u>		<u>Tick</u>					
<u>6</u>	<u>Pri</u>		<u>et**</u>					
	<u>ze</u>							

\* Prize amount cannot be won and is shown in the above table as a starting point of reference for the calculated value of the multiplied prizes.

\*\* The Free Ticket prize shall be a FLORIDA LOTTO Quick Pick ticket (\$2.00 value) for the next available drawing.

Overall Odds: The overall odds of winning a prize in a FLORIDA LOTTO Base Game drawing are 1:7.61.

The odds of a particular Multiplier being randomly selected by the terminal are as follows:

<u>MULIPLIER ODDS</u>	
<u>Multiplier</u>	<u>Odds of Prize Increase</u>
<u>10X</u>	<u>1 in 26.00</u>
<u>5X</u>	<u>1 in 8.67</u>
<u>4X</u>	<u>1 in 5.20</u>
<u>3X</u>	<u>1 in 3.25</u>
<u>2X</u>	<u>1 in 2.89</u>

(7) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per FLORIDA LOTTO Base Game Play in connection with the winning numbers and shall be entitled only to the prize won by those numbers in the highest matching prize category.

(8) FLORIDA LOTTO Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any.

(b) For prizes to be paid in annual payments, if the cash available in the Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add to the Jackpot pool funds available from any other funding source approved by the Legislature to render it sufficient to yield the announced guaranteed Jackpot.

(c) For prizes to be paid in annual payments, if the cash available in the Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(d) The guaranteed cash option value of the Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a Saturday or holiday, the business day prior to the drawing, to purchase securities to fund the announced

guaranteed deferred payment value of the Jackpot. This day shall be referred to as the "prize determination day."

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is less than the cash option value of the Jackpot determined on the prize determination day, the Lottery shall add to the Jackpot pool funds available from any other funding source approved by the Legislature sufficient to pay the cash option value of the Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is more than the cash option value of the Jackpot determined on the prize determination day, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(9) FLORIDA LOTTO Payment Options.

(a) Players have a choice of two payment options for receiving their portion of a FLORIDA LOTTO Jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(b) Jackpot winners have sixty days after the winning draw date to choose between the two payment options. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (9)(f) below. Once the Jackpot winner files a claim and exercises the winner's chosen option, the election of that option shall be final. The Annual Payment method of payment will also be final when it is applied due to a Jackpot winner not making his or her payment election within sixty days after the winning draw date.

(c) A Jackpot winner who chooses the Cash Option will receive one lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the Jackpot prize paid over thirty years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be the amount required on the prize determination day to purchase securities to fund their pro rata share of the Jackpot prize paid over thirty years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the Jackpot prize will be paid in thirty annual payments, each less applicable withholding taxes.

(e) If the prize amount per winner in a FLORIDA LOTTO drawing cannot be paid in increments of \$1,000 in thirty payments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced guaranteed Jackpot, the present value of the difference between the amount the investment will yield and the

winner's guaranteed prize amount over thirty years will be paid to the winner in the first payment.

(f) If the number of winners of a Jackpot prize would result in each person's prize being less than \$1,000,000 if paid over thirty years, the Lottery shall pay the Jackpot winner or winners in a single cash payment of the amount required on the prize determination day to purchase securities to fund the winner's pro rata share of the Jackpot paid over thirty years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made.

(h) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

(10) Payment of FLORIDA LOTTO Base Game Set Prizes. All set prizes in the FLORIDA LOTTO Base Game, except a fifth prize, shall be paid in a single cash payment, less withholding taxes, if applicable. All fifth prizes shall be issued a FLORIDA LOTTO Quick Pick ticket (\$2.00 value) for the next available drawing.

(11) Double Play.

(a) Double Play Prize Pool. The prize pool for Double Play prizes shall consist of the \$1.00 add-on ticket sales.

(b) All Double Play prizes are Set Prizes.

(c) How to Play Double Play.

1. Double Play is an add-on option associated with FLORIDA LOTTO that costs \$1.00 per panel in addition to the cost of a FLORIDA LOTTO Base Game ticket and applies to all panels played.

2. A player who purchases a FLORIDA LOTTO ticket with the Double Play option uses the same FLORIDA LOTTO Base Game Numbers and Multiplier printed on the ticket to play and match the official Double Play Winning Numbers drawn in a separate Double Play Drawing.

3. In order for a ticket to be a winning Double Play ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning Double Play numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- a. Top Prize: Six of six official winning numbers.
- b. Second Prize: Five of six official winning numbers.
- c. Third Prize: Four of six official winning numbers.
- d. Fourth Prize: Three of six official winning numbers.
- e. Fifth Prize: Two of six official winning numbers.

(d) Multiplier. The Multiplier as described in paragraph (6)(b), above, is used to multiply the starting value of the Double Play prizes for Second through Fourth tiers and will automatically be applied to winning tickets. The Top Prize and Fifth Prize in each Double Play Drawing is a set prize and

cannot be multiplied. The Double Play prizes and odds of winning are set forth in the table below.

DOUBLE PLAY PRIZE STRUCTURE								
<i>M at ch</i>	<i>Pri ze Tie r</i>	<i>Odds of Winni ng</i>	<i>Priz e</i>	<i>2X</i>	<i>3X</i>	<i>4X</i>	<i>5X</i>	<i>10X</i>
6 of 6	To p Pri ze	1:22.957.480	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00
5 of 6	Se co nd Pri ze	1:81.409.50	\$3,500*	\$7,000	\$10,500	\$14,000	\$17,500	\$35,000
4 of 6	Th ird Pri ze	1:14.15.82	\$60*	\$120	\$180	\$240	\$300	\$600
3 of 6	For t h Pri ze	1:70.79	\$7*	\$14	\$21	\$28	\$35	\$70
2 of 6	Fif th Pri ze	1:8.58	Fre e Tic ket*	-	-	-	-	-

\* Prize amount cannot be won and is shown in the above table as a starting point of reference for the calculated value of the multiplied prizes.  
 \*\* The Free Ticket prize shall be a FLORIDA LOTTO with Double Play Quick Pick ticket (\$3.00 value) for the next available drawing.  
 Overall Odds: The overall odds of winning a prize in a Double Play drawing are 1:7.61.

(e) Double Play Drawings.

1. Double Play Drawings shall be conducted by the Florida Lottery twice per week, on Wednesday and Saturday and shall follow the FLORIDA LOTTO Base Game Drawings.

2. The equipment shall be configured so that six (6) balls are drawn from one set of balls numbered one (1) through fifty-three (53).

3. Six (6) balls will be selected in the drawing. The numbers shown on the six balls, after certification by the Draw Manager and the Accountant, are the official Double Play Winning Numbers for the Double Play Drawing.

4. The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official Double Play Winning Numbers.

(f) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per Double Play Play in connection with the Double Play Winning Numbers drawn and shall be entitled only to the prize won by those numbers in the highest matching prize category.

(g) All prizes in Double Play, except a Fifth Prize, shall be paid in a single cash payment, less withholding taxes, as applicable. A fifth prize shall be issued a FLORIDA LOTTO with Double Play Quick Pick ticket (\$3.00 value) for the next available drawing.

(h) For tickets in which both FLORIDA LOTTO Base Game prizes and Double Play prizes are won, cash prize amounts will be combined and paid as one amount. If one or more fifth prizes are won, a free FLORIDA LOTTO or FLORIDA LOTTO with Double Play Quick Pick ticket, as applicable, will be issued for each free Quick Pick ticket prize.

(12) How to Play FLORIDA LOTTO with EZmatch.

(a) EZmatch is an instant-win option associated with FLORIDA LOTTO that costs \$1.00 per play in addition to the cost of the FLORIDA LOTTO ticket. The EZmatch option can be added on to any FLORIDA LOTTO play.

(b) A player selecting EZmatch will receive six EZmatch numbers printed below the FLORIDA LOTTO numbers on the ticket. If any of the EZmatch numbers matches any of the FLORIDA LOTTO numbers, the player will instantly win the corresponding prize shown.

(c) The EZmatch option is available with an advance play FLORIDA LOTTO ticket purchase for one play only and is not a part of FLORIDA LOTTO plays for future drawings.

(d) If an EZmatch prize is redeemed before one or more FLORIDA LOTTO drawing(s) have occurred, the player will be provided a continuation ticket that will have the same drawing or drawings and the same FLORIDA LOTTO numbers that were printed on the original ticket.

(e) EZmatch is not included in a Jackpot Combo play and cannot be added to a Jackpot Combo play. However, EZmatch can be added to one or more panels played on a FLORIDA LOTTO play slip in which the Jackpot Combo box is also selected. In such case, the Jackpot Combo tickets and the FLORIDA LOTTO with EZmatch ticket or tickets will print separately.

(f) The base prize structure and estimated odds of winning EZmatch are as follows:

Prize	Winners in 420,000 (Per Pool)	Estimated Odds
\$500	5	1:84,000.00
\$250	5	1:84,000.00

\$100	38	1:11,052.63
\$50	124	1:3,387.10
\$20	300	1:1,400.00
\$15	470	1:893.62
\$10	4,200	1:100.00
\$5	1,400	1:300.00
\$4	7,000	1:60.00
\$3	30,800	1:13.64
\$2	44,800	1:9.38
Overall		1:4.71

The EZmatch prize structure will be replenished automatically when the top tier prizes are exhausted. The prize structure and odds of winning are subject to change with promotional offerings. In such an event, the promotional prize structure and odds will be available at [flalottery.com](http://flalottery.com), Lottery district offices and retailer locations.

(g) EZmatch prizes can be claimed up to one hundred eighty (180) days from the first draw date on the FLORIDA LOTTO ticket.

(h) If an EZmatch prize is claimed after the FLORIDA LOTTO drawing has occurred and prior to the 180-day expiration described in paragraph (12)(g), above, the EZmatch prize or prizes and any FLORIDA LOTTO and/or Double Play prizes won will be combined and paid as one prize amount, or if applicable, one prize amount and free ticket(s)

(13) FLORIDA LOTTO Rules and Prohibitions.

(a) By purchasing a FLORIDA LOTTO ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and gaming system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight Eastern Time (ET).

(d) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO Base Game and Double Play Drawings is approximately 11:15 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close at approximately 10:40 p.m., ET. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

(e) Double Play FLORIDA LOTTO tickets, including FLORIDA LOTTO tickets purchased using the Play it Again feature cannot be canceled. Tickets in Jackpot Combo, EZmatch or Double Play cannot be canceled.

(f) It is the player’s responsibility to make sure his or her ticket(s) are printed exactly as requested before leaving the retailer, including verifying the number of ticket(s) printed.

(14) A winning 2 of 6 FLORIDA LOTTO with Xtra ticket purchased for a drawing held prior to the October 8, 2020, FLORIDA LOTTO game changes, which is claimed on or after October 8, 2020 and within 180 days after the draw date, shall entitle the prizewinner to a prize of a Free FLORIDA LOTTO Base Game ticket (\$2.00 value) for the next available drawing.

(15) This rule replaces Emergency Rule 53ER20-42.

(16) The effective date of this rule is October 8, 2020.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105 (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.124(1) FS. History- New 10-8-20, Replaces 53ER20-42.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 8, 2020.

**DEPARTMENT OF THE LOTTERY**

RULE NO.:        RULE TITLE:  
53ER20-77        Payment of Prizes

SUMMARY: This emergency rule sets forth the provisions for the payment of prizes and is updating provisions of Rule 53ER20-54 that are related to changes to the FLORIDA LOTTO® Draw game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER20-77 Payment of Prizes.

(1) GENERAL. To be eligible to receive a prize, all requirements established by the Florida Lottery to validate the prize claim for a winning ticket must be met. Upon determination of such requirements being met, payment shall be made in accordance with the applicable provisions of this rule, the applicable Lottery game rule, and federal and state law.

(2) CLAIMING PRIZES. For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), Florida Statutes, will be deemed satisfied upon the claimant meeting the following requirements:

(a) Draw Game Prizes.

1. For Draw game prizes, the claimant must submit the winning Draw game lottery ticket for validation at a Florida Lottery (or “Lottery”) office or retailer on or before the 180th calendar day after the winning drawing. Winning Draw game lottery tickets submitted to the Lottery by mail for validation

must be addressed to the Lottery’s prize payment address in an envelope postmarked on or before the 180th calendar day after the winning drawing.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated winning Draw game lottery ticket, along with the documents specified in paragraph (9)(c), for prize payment at a Lottery office on or before the 210th calendar day after the winning drawing. If the claimant chooses to submit the validated winning Draw game lottery ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery’s prize payment address and received by the Lottery on or before the 210th calendar day after the winning drawing. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 210th calendar day after the winning drawing shall result in forfeiture of the prize.

(b) Instant-Win Game Prizes.

For purposes of this rule, the term “instant-win game” shall include Scratch-Off games and Fast Play games.

1. For instant-win game prizes, the claimant must submit the winning instant-win ticket for validation at a Lottery office or retailer on or before the 60th calendar day after the official end of the game. Winning instant-win tickets submitted to the Lottery by mail for validation must be addressed to the Lottery’s prize payment address in an envelope postmarked on or before the 60th calendar day after the official end of the game.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated instant-win winning ticket, along with the documents specified in paragraph (9)(c), for prize payment at a Lottery office on or before the 90th calendar day after the official end of the game. If the claimant chooses to submit the validated instant-win winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery’s prize payment address and received by the Lottery on or before the 90th calendar day after the official end of the game. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 90th calendar day after the official end of the game shall result in forfeiture of the prize.

(3) TICKET SUBMISSION AND PAYMENT.

(a) A claimant must submit for validation an original winning ticket or an original winning continuation ticket, if issued, to the Lottery or to a retailer to claim a prize, except as provided below.

(b) No Original Winning Ticket or Original Winning Continuation Ticket- Actions Attributable to Retailer or Gaming System.

If a claimant does not submit an original winning ticket or an original winning continuation ticket but makes a claim for prize payment based upon: (i) presentment of an original player

claim instructions ticket produced from validation of an original winning ticket or an original continuation ticket; or (ii) presentment of an original Advance Play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, an investigation will be conducted. If the investigation concludes that the absence of the original ticket or original continuation ticket, as applicable, is attributable to the actions of a retailer or the gaming system, payment will be made following conclusion of the investigation in accordance with the applicable payment provision herein, provided the original winning ticket or original continuation ticket is not submitted prior to conclusion of the investigation. If the original winning ticket or original continuation ticket is submitted prior to conclusion of the investigation, a subsequent investigation will be conducted to determine to whom payment should be made, if anyone.

(c) No Original Winning Ticket or Original Winning Continuation Ticket- Other Actions Not Attributable to Retailer or Gaming System.

If a claimant does not submit an original winning ticket or an original winning continuation ticket but makes a claim or prize payment based upon: (i) presentment of an original player claim instructions ticket produced from validation of an original winning ticket or an original continuation ticket; or (ii) presentment of an original Advance Play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, but the continuation ticket is not submitted, an investigation will be conducted. If the investigation concludes that the absence of the original winning ticket or original winning continuation ticket, as applicable, is not attributable to the actions of a retailer or the gaming system but is attributable to other actions (e.g. fault of player) and that the available evidence demonstrates the claimant's entitlement to the prize, payment will be made as set forth in subparagraph (3)(c). 1 and 2. and in accordance with any other applicable payment provision herein, provided the original winning ticket or original continuation ticket is not submitted prior to the expiration of the time periods set forth below. If the original winning ticket or original continuation ticket is submitted prior to expiration of the time periods set forth below, a subsequent investigation will be conducted to determine to whom payment should be made, if anyone.

1. For winning Draw game tickets, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the original winning ticket or original continuation ticket is not made sooner.

2. For winning instant-win tickets, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 90 days after the official end of the game, whichever occurs first, provided that payment for the

original winning ticket is not made sooner. Payment for tickets valued at greater than \$1,000 will be made following expiration of 90 days after the official end of the game, provided payment for the original winning ticket is not made sooner.

(d) No photographs, copies, facsimiles or other images in any form or in any medium will be accepted under (3)(b) or (c) in lieu of an original player claim instructions ticket or an original Advance Play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket.

(4) TICKET VALIDATION. An original ticket or an original continuation ticket shall be the only proof of game play and the submission of an original winning ticket or original winning continuation ticket to the Florida Lottery shall be the sole method of claiming a prize, except as otherwise provided in paragraphs (3)(b) and (c). A play slip (paper or digital), digital barcode, digital ticket checker data, or other digital data stored on a player's mobile device shall not constitute evidence of game play, ticket purchase, numbers selected, or evidence of a winning ticket and cannot be used to claim a prize. No photographs, copies, facsimiles or other images in any form or in any medium will be accepted in lieu of an original ticket or an original continuation ticket. All online terminal game tickets must meet the validation requirements set forth in paragraph (4)(a), and where applicable, the additional validation requirements set forth in the current rules governing POWERBALL®, MEGA MILLIONS® and CASH4LIFE®. A copy of the current Florida Lottery's POWERBALL, MEGA MILLIONS and CASH4LIFE rules can be obtained from the Florida Lottery's website at flalottery.com. All Scratch-Off game tickets must meet the validation requirements set forth in paragraphs (4)(b).

(a) Online Terminal Game Ticket Validation.

For purposes of this rule, the term "online terminal game" shall include Draw games and Fast Play games.

1. In order to be a valid winning online terminal game lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Transaction Serial Number ("TSN") or a readable bar code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a TSN or bar code, the ticket will be invalid. The Lottery will not attempt to reconstruct any tickets received in multiple pieces.

2. The ticket must not be counterfeit in whole or in part.

3. The TSN of an apparent winning ticket must validate on the Lottery's gaming system and must not have been previously paid.

4. The ticket must not have been stolen.

5. The ticket must have been issued by an authorized Lottery retailer or dispensed from a Lottery full-service vending machine on official paper stock of the Lottery.

6. The ticket must pass any additional validation tests determined necessary by the Lottery.

7. Any ticket not meeting the criteria set forth in subparagraphs (4)(a)1. through 6. is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be the replacement of the defective ticket with an un-played ticket or tickets of equivalent sales price from a current Lottery game, or refund of the retail sales price.

(b) Scratch-Off Game Ticket Validation.

1. In order to be a valid winning Scratch-Off lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible validation number (sometimes referred to as "Void If Removed Number" or "VIRN"), or a readable bar code.

2. The ticket must not be counterfeit in whole or in part.

3. The validation elements must not be altered or tampered with in any manner.

4. The ticket must not appear on any list of omitted ticket stock on file at the Lottery.

5. The ticket must not have been stolen.

6. The ticket must have been issued to a retailer by the Lottery in an authorized manner.

7. The validation number of an apparent winning ticket must validate on the Lottery's gaming system and must not have been previously paid.

8. The validation elements of a ticket must not be misprinted or illegible.

9. The ticket must pass any additional validation tests determined necessary by the Lottery.

10. Any ticket not meeting the criteria set forth in subparagraphs (4)(b)1. through 9. is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be the replacement of the defective ticket with an un-played ticket or tickets of equivalent sales price from a current Lottery game, or refund of the retail sales price.

(5) DETERMINATION OF PRIZEWINNER. The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) For tickets mailed to the Lottery for prize payment with a blank or incomplete player information section, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Scratch-Off tickets. If more than one name appears on the back of a Scratch-Off ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) Online terminal game tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If one player information section is partially filled out and another player information section is completely filled out, payment will be made to the person whose name appears on the name line in the completely filled out player information section.

3. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

4. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings. The legal entity must also submit evidence, satisfactory to the Lottery, confirming the Social Security numbers of all the shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) An individual claimant whose name appears on the back of a ticket when the ticket is presented to the Lottery may claim a prize on that ticket in a different name only if all of the following conditions are met:

1. The claimant would otherwise be determined a prizewinner under paragraphs (5)(a) through (e);

2. The claimant desires for payment to be made to a non-individual entity instead of to himself;

3. The claimant can provide evidence satisfactory to the Lottery that the claimant has the necessary authority to make a claim on behalf of the non-individual entity; and

4. The claimant adds the name of the non-individual entity, and the claimant's title within that entity, to the back of the ticket.

(g) For tickets valued at less than \$600, payment to the person determined in accordance with the applicable provisions in paragraphs (5)(a) through (e) shall be made in the prizewinner's name as it appears on the back of the winning ticket. For tickets valued at \$600 or more, payment shall be

made in the prizewinner's name as it appears on the Winner Claim Form as described in paragraph (9)(c).

(h) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (5)(c), (d) and (e). As a part of the investigation, the claimant shall be required to complete form DOL-419, Security Affidavit, Revised 10/20, or form DOL-419S Spanish Security Affidavit, Revised 10/20 and provide an explanation of the circumstances surrounding his or her claim for the ticket. Forms DOL-419 and DOL-419S are incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Division of Security, 250 Marriott Drive, Tallahassee, Florida 32301. If the ticket is valued at less than \$600, payment will be made to the person submitting the ticket for payment.

(i) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (5)(a) through (e) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant. This paragraph shall not apply if the person submitting the claim for payment is determined to owe an outstanding debt to a state agency, child support collected through a court, or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes.

(j) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(k) Any claimant with a winning ticket valued at \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of a prize is \$600 or more, will be analyzed for state-owed debt. All persons ultimately entitled to receive Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be analyzed for state-owed debt. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, following deduction of federal income tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant and an Internal Revenue Service Form 5754 is not filed at the time the claim is submitted, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal

income tax withholding and after the debt is offset will be paid to the claimant.

2. If the debt is of a claimant who submits an Internal Revenue Service Form 5754 at the time of filing the claim, or of a person whose name appears on an Internal Revenue Service Form 5754 or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the claimant's or other person's debt, but not to exceed his or her percentage interest in the prize or entity, will be transferred to the state agency owed the debt. The monies remaining will be paid to the prizewinner and any other persons entitled to receive a portion of the Lottery winnings.

(6) PAYMENT TO ONE PERSON OR ENTITY. Regardless of how many persons or entities claim an ownership interest in a winning ticket; payment will be made to only one person or entity. For winning tickets valued at \$600 or more, a winner may submit an Internal Revenue Service Form 5754, *Statement by Person(s) Receiving Gambling Winnings*, Revised 12/08, if more than one person or a person other than the claimant is entitled to the prize winnings. The completed form must be submitted to the Lottery together with the ticket and Winner Claim Form. The Internal Revenue Service Form 5754 is incorporated by reference and may be obtained at any Lottery office, by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

(7) WINNING TICKET VALUE DETERMINATION FOR PURPOSES OF PAYMENT AND CLAIMING.

The value of a winning ticket is determined by totaling all prizes won on a ticket and, as applicable, in accordance with the applicable provisions set forth in subsections (11), (12) (14) and (15).

(8) WINNING TICKETS VALUED AT LESS THAN \$600.

Payment of any winning ticket valued at less than \$600 that is submitted to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation. Upon request by the Lottery, the claimant shall file a Winner Claim Form in accordance with the provisions set forth in paragraph (9)(c) below.

(a) Payment by Retailers.

1. Winning tickets valued at \$50 or less that are submitted to a retailer shall be paid in cash by the retailer unless it is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or an applicable local government ordinance limits the amount of cash available to the clerk. In such case, the retailer will make payment by check or money order.

2. Winning tickets with a value greater than \$50 but less than \$600 that are submitted to a retailer shall be paid by cash, check, or money order.

3. No charge or fee shall be imposed by a retailer on a player for paying a winning ticket by cash or check. Additionally, no charge or fee shall be imposed by a retailer on a player for a money order when it is the sole method of payment made available by the retailer.

(b) Payment by the Lottery.

1. Winning tickets valued at \$200 or less that are presented to a Lottery district office will be paid by cash, check or issued lottery tickets.

2. Winning tickets valued at more than \$200 that are submitted to a Lottery district office shall be paid by check and/or issued lottery tickets or, paid a maximum of \$200 in cash and the balance of the prize paid by check and/or issued lottery tickets at the prizewinner's option.

3. Winning tickets valued at less than \$600 that are submitted to Lottery Headquarters for payment shall be paid by check.

4. A player who submits a winning ticket valued at less than \$600 in person to a Lottery district office for payment by check shall be required to present identification as set forth in paragraph (10)(d) or (e). The identification is required to ensure proper check distribution.

(9) WINNING TICKETS VALUED AT \$600 OR MORE.

(a) Payment of winning tickets valued at \$600 or more shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or more cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or more to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or more is validated at a retailer location, the player shall retain the original ticket and any player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing. If the winning ticket produces a continuation ticket for future drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, Revised 2/18, or Spanish Winner Claim Form DOL 173-2S, Revised 3/19 along with the ticket(s) as set forth in subsection (3) and the identification described in paragraph (10)(d) or (e) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at flalottery.com, or by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted in person to any Lottery district office or to Lottery Headquarters,

or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with the applicable payment provisions herein, except that winning tickets valued in excess of \$50,000 may be paid by wire or electronic funds transfer. POWERBALL and MEGA MILLIONS winning tickets valued at up to \$1,000,000 may be presented at a Lottery district office or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939. All other winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment, except as follows. If the Lottery determines, in its sole discretion, that travel by the prizewinner to Lottery Headquarters would be a hardship to the prizewinner, the prizewinner may present the claim documents to a Lottery District Office for forwarding to Lottery Headquarters for processing. Such determination will be made on a case by case basis.

(e) Winning tickets valued at \$600 or more that are submitted to Lottery Headquarters shall be paid as follows and in accordance with the applicable payment provisions herein:

1. If the ticket value is \$600 through \$50,000, payment shall be made by check.

2. If the ticket value is greater than \$50,000, payment shall be made by check or wire or electronic funds transfer at the prizewinner's option. In addition to the Winner Claim Form, prizewinners for such prizes shall be required to complete form DOL-416 Method of Prize Payment, Revised 4/18 or DOL-416S Method of Prize Payment (Spanish version), Effective 7/20 at the time the prize is claimed. Forms DOL-416 and DOL-416S are incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(10) PRESENTATION OF IDENTIFICATION.

(a) A claimant who presents a winning ticket valued at \$600 or more will be required to present acceptable identification as detailed in paragraphs (10)(d) and (e) below in order to claim the prize. The Lottery shall be permitted to make a photocopy of such identification for its records. The Lottery reserves the right to require proof of authenticity for such photocopies. The name on the identification presented to the Lottery must match the name on the back of the winning ticket. If the name on the back of the ticket and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination. The Lottery reserves the right to require proof of authenticity for such photocopies.

(b) If the claimant is a non-individual legal entity, an authorized representative shall submit proof of the legal entity existence. Authorized representatives shall include, but not be limited to shareholders, officers, board members or members of a closely held corporation; members of a limited liability company "LLC"; trustee of a trust; or partner of any legal form of partnership. Any authorized representative must show proof of his or her authority to act on behalf of the legal entity and present required identification as detailed in paragraphs (10)(d) and (e) below. Additionally, a legal entity claiming a prize must complete Form DOL-492, Payment of Prizes - Legal Entity Disclosure Affidavit, Revised 10//20, or DOL-492S Payment of Prizes - Legal Entity Disclosure Affidavit, (Spanish version) Revised 10//20 to identify each person entitled to benefit from the prize. Form DOL-492 is hereby incorporated by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(c) An agent may present a Power of Attorney to claim a prize on behalf of a winner. If a prize is being claimed on behalf of a winner, pursuant to a Power of Attorney, the agent or shall be required to execute an Affidavit, substantially in the form provided in Section 709.2119(2)(c), Florida Statutes, in support of claiming a winning ticket. No Power of Attorney is effective after the death of a winner.

(d) For winning tickets valued at \$600 or more that do not require a notarized affidavit, one form of identification is required that is current or was issued within the past five years and bears a serial or other identifying number. Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;
2. A passport issued by the Department of State of the United States;
3. A passport issued by a foreign government;
4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;
5. An identification card issued by any branch of the armed forces of the United States; or
6. An identification card issued by the United States Bureau of Citizenship and Immigration Services; or
7. Another form of identification authorized for use by notaries public in Section 117.05 (5)(b)2., Florida Statutes.

(e) For winning tickets valued at \$600 or more that require a notarized affidavit, the forms of identification listed in paragraph (10)(d) are also acceptable, except that, if a passport issued by a foreign government is presented as identification, it must be stamped by the United States Bureau of Citizenship and Immigration Services.

(f) If a claimant is unable to produce one of the acceptable forms of identification identified in paragraphs (10)(d) and (e), the Lottery will accept as satisfactory evidence of the claimant's identity a completed Affidavit to Establish Identity form, DOL-483, Revised 10/20 or a completed Spanish Affidavit to Establish Identity form DOL-483S, Revised 10/20. Forms DOL-483 and DOL-483S are incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(g) A photocopy of required identification shall accompany claims valued at \$600 or more that are submitted by mail. The Lottery reserves the right to require proof of authenticity for such photocopies.

(11) PAYMENT OF DRAW GAME MULTI-PANEL TICKETS. For purposes of this rule, a Draw game multi-panel ticket is defined as a ticket with more than one panel played for a single draw date

(a) A winning Draw game multi-panel ticket in which more than one prize is won and the total prize value is less than \$600 shall be paid as one amount by Lottery retailers or a Lottery office upon successful ticket validation.

(b) A winning Draw game multi-panel ticket that has more than one prize won, and the total prize value is \$600 or more shall be claimed at a Lottery office and paid as one amount upon successful ticket validation.

(c) Additional payment provisions applicable only to a winning Draw game multi-panel ticket that includes one or more cash prizes and a prize of one or more free Quick Pick tickets are as follows:

1. The value of each free Quick Pick ticket on a multi-panel ticket shall be included in the total prize value of the multi-panel ticket. The value of the free Quick Pick ticket is the selling price for a single play of the same type of Draw game in which the free ticket was won. For Example, a FLORIDA LOTTO® free ticket is valued at \$2.00 and a FANTASY 5® free ticket is valued at \$1.00.

2. A Draw game multi-panel ticket that has more than one prize won and a total prize value, including the value of each free Quick Pick ticket won, of less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The prizewinner shall be paid the total cash amount of the prize or prizes won and given a ticket with one free Quick Pick play for the next available drawing for the same Draw game in which the prize was won, for each free Quick Pick ticket prize.

3. Draw game multi-panel tickets with a total prize value of \$600 or more that include one or more cash prizes and a prize of one or more free Quick Pick tickets shall be claimed at a Lottery office. Retailer locations are unable to print free Quick

Pick tickets that are part of a claim with a total value of \$600 or more.

a. If the claim is submitted to a Lottery office in person and the Draw game multi-panel ticket is successfully validated, the Lottery will pay the prizewinner the total cash amount of the prize or prizes won and give the claimant one free Quick Pick ticket for the next available drawing for the same Draw game in which the prize was won for each free Quick Pick ticket prize.

b. If the claim is submitted by mail to a Lottery office and the Draw game multi-panel ticket is successfully validated, the Lottery will pay the total cash amount of the prize or prizes won and, if the prizewinner's address is in Florida, print one free Quick Pick ticket for the next available drawing of the same Draw game in which the prize was won for each free Quick Pick ticket prize. The payment and the free ticket(s) shall be mailed to the prizewinner by the Lottery, except as set forth in paragraph (13)(b).

c. If the prizewinner is identified as owing an outstanding debt as set forth in paragraph (5)(k), in an amount less than the total of the cash amount of the prize or prizes won net of any federal income tax withholding, the free ticket(s) and the amount owed to the prizewinner after federal income tax has been withheld and his or her debt is satisfied shall be awarded. If the prizewinner is identified as owing an outstanding debt in an amount greater than the total cash amount of the prize or prizes won net of any federal income tax withholding, the total cash amount of the prize remaining after federal income tax has been withheld will be applied toward the outstanding debt as provided in subsection 24.115(4), Florida Statutes, and the claimant will receive the free ticket(s).

(12) PAYMENT FOR DRAW GAME FREE TICKET PRIZES.

(a) Florida Claimants. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket in accordance with the following provision. If the prize is a free Quick Pick ticket, the claimant will receive a free Quick Pick ticket, for the same Draw game in which the prize was won, for the next drawing after the ticket is validated; or if the free ticket is part of a Draw game multi-panel ticket, the claimant will receive prize payment in accordance with the provisions of subsection (11).

(b) Claimants Outside Florida. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(13) PAYMENT FOR ADVANCE PLAY TICKET PRIZES.

(a) Florida Claimants. A claimant who claims a prize through a retailer or the Lottery on a winning Advance Play lottery ticket before all the drawings on the ticket have occurred will be paid the prize for the original ticket and issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket. The original ticket will be recorded as "paid" in the gaming system and the continuation ticket automatically issued for the claimant shall be the instrument from which claims on remaining drawings are paid.

1. Payment of Multiple Prizes on Advance Play tickets.

a. A claimant who claims multiple prizes on a winning Advance Play lottery ticket for some or all the drawings that have occurred and the total prize value for all prizes won in all the drawings that have occurred is less than \$600 will be paid the prizes as one amount by a Lottery retailer or a Lottery office upon successful ticket validation and, if applicable, issued a continuation ticket in accordance with paragraph (13)(a).

b. A claimant who claims multiple prizes on a winning Advance Play lottery ticket for some or all of the drawings that have occurred and the total prize value for all prizes won in the drawings that have occurred is \$600 or more must be paid by a Lottery office. In such case, the prizes won will be paid as one amount upon successful ticket validation. However, applicable federal income tax will be withheld separately, if applicable, based on the individual value of the prize or prizes won in each drawing. Additionally, state-owed debt will be analyzed separately in accordance with the provisions in paragraph (5)(k) for each individual prize that is \$600 or more. If applicable, the claimant will be issued a continuation ticket in accordance with paragraph (13)(a).

(b) Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an Advance Play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's Advance Play lottery ticket until all the drawings have occurred. The Lottery will then validate the Advance Play lottery ticket and mail the claimant one payment for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last Advance Play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings. In either case, applicable federal income tax will be withheld separately, if applicable, based on the value of the prize or prizes won in each drawing. Additionally, if applicable, a claimant may be analyzed for state-owed debt up to two times based on the value of the prize or prizes won in each drawing.

(14) PAYMENT FOR FLORIDA LOTTO WITH DOUBLE PLAY™ TICKETS WITH MULTIPLE PRIZES.

(a) A claimant having a FLORIDA LOTTO with Double Play ticket that wins one or more prizes in both Base Game play and Double Play play for the same drawing date shall be paid one prize amount for the total of all cash prizes won on the ticket, or if applicable, one prize amount and issued free ticket(s), or issued free tickets.

(15) PAYMENT FOR DRAW GAME TICKETS WITH EZMATCH™ AND ADDITIONAL PRIZE(S). For Draw games that offer the EZmatch instant-win option, any EZmatch prize(s) that is not claimed immediately, but rather after the first draw date on the ticket and prior to the 180-day expiration, and that is in addition to other winnings on the ticket shall be combined and paid as one prize amount, or if applicable, one prize amount and issued free ticket(s).

(16) ANNUAL PAYMENT OR CASH OPTION PAYMENT ELECTION. Certain games offer prizes in which the prizewinner may choose one of two payment options for receiving his or her prize. Payment options are “Cash Option” or “Annual Payment.” For Draw game prizes which offer a payment option, the prizewinner has sixty (60) calendar days after the date the winning ticket is validated to file a claim in order to choose the Cash Option. For instant-win game prizes which offer a payment option, the prizewinner has sixty (60) calendar days after the date the winning ticket is validated to file a claim in order to choose the Cash Option. If a prizewinner does not choose the Cash Option within the applicable sixty (60) day timeframe, the Annual Payment option will be applied. Once the prizewinner files a claim and exercises the prizewinner’s chosen option by execution of a notarized affidavit prepared by the Lottery, the election of that option shall be final. The Annual Payment method of payment will also be final when it is applied due to a prizewinner not making his or her payment election within the sixty (60) day timeframe.

(17) LIFE-CONTINGENT PRIZE PAYMENTS.

(a) Individual Claimed Life-Contingent Prize. Following the guaranteed 20-year period, starting with year 21, a Life-Contingent winner shall ensure that the Lottery receives an original notarized affidavit (or from the power of attorney, custodian or guardian, or medical provider for the winner) executed by the winner (or from the power of attorney, custodian or guardian, or medical provider for the winner) stating that he or she is still living and shall include a current address and telephone number for the winner. Except in the case of the winner, neither the maker and/or executor of the affidavit shall have a financial, pecuniary, or other interest in the winnings. The Lottery reserves the right to verify the authenticity and accuracy of the affidavit, including confirming the winner is alive. Such affidavit shall be executed and received by the Lottery within the 14-calendar day period prior to the issuance of payment to the winner. An affidavit showing proof of life shall be required for each and every year thereafter.

(b) Individual Claimed Life-Contingent Prize – Assignment. Should a life-contingent prize winner, who is receiving annual payments, assign any year or years beyond the guaranteed 20-year period, the Assignee shall ensure that the Lottery receives an original notarized affidavit (or from the power of attorney, custodian or guardian, or medical provider for the winner) executed by the winner (or from the power of attorney, custodian or guardian, or medical provider for the winner) stating that he or she is still living and shall include a current address and telephone number for the winner. Neither the maker and/or executor of the affidavit shall have a financial, pecuniary, or other interest in the assigned winnings. The Lottery reserves the right to verify the authenticity and accuracy of the affidavit, including confirming the winner is alive. Such affidavit shall be executed and received by the Lottery within the 14-calendar day period prior to the issuance of payment to Assignee. An affidavit showing proof of life shall be required for each and every year of the time frame for which payments are assigned.

(c) Trust, Corporation or Other Legal Entity Claimed Life-Contingent Prize. The prize payment period for a trust, corporation or other legal entity that has claimed a life-contingent prize is fixed at twenty years. Accordingly, no payment beyond twenty years will be issued to an Assignee of a life-contingent prize claimed by a legal entity.

(18) PAYMENT AFTER DEATH OF PRIZEWINNER. If a prizewinner dies during the scheduled payment of a prize, the Lottery will make payment to the estate of the deceased prizewinner upon its receipt of a certified copy of the winner’s death certificate and a certified copy of the Letters of Administration or equivalent document establishing the personal representative or executor of the winner’s estate. Upon its receipt of a certified copy of a court order directing payment to identified persons or entities, the Lottery will make payment in accordance with the court order. Upon receipt by the Lottery of notification of the death of a prizewinner, including a prizewinner that signed his or her winning ticket but did not claim the prize or prizes prior to his or her death, no payment(s) will be made by the Lottery until it has received a certified copy of the winner’s death certificate and either a certified copy of the Letters of Administration or its equivalent or a court order as described above. Payment(s) withheld because appropriate documents have not been received will be subject to the provisions of Chapter 717, Florida Statutes, the “Florida Disposition of Unclaimed Property Act.”

(19) FEDERAL INCOME TAX WITHHOLDING. Applicable federal income tax shall be withheld from prizes in accordance with the Internal Revenue Code and Code of Federal Regulations, where applicable.

(20) CANCELED AND PREVIOUSLY PAID TICKETS. No payment shall be made upon a ticket submitted for payment

that is reflected in the Lottery's records as having been canceled or previously paid, except as provided in (3).

(21) DISCLOSURE OF SOURCE OF TICKET. The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(22) DISPUTES REGARDING THE AMOUNT OR VALIDITY OF TICKET.

(a) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises between a player and a retailer regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(b) In the event a dispute between the Lottery and a ticket bearer occurs as to whether a ticket is a valid winning ticket, or as to the prize amount of a valid winning ticket, the decision of the Lottery shall be final. If the prize is not paid on a disputed ticket and the basis for the dispute is attributable to the Lottery or its ticket vendor, the Lottery will replace the disputed ticket with an un-played ticket from the same game or with a ticket from another game of equivalent sales price. This shall be the sole and exclusive remedy of the bearer of the ticket.

(c) Final Payment Decision. The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

1. Deposit the prize winnings into an escrow fund until the dispute is resolved; or

2. Petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(23) PRIZE PAYMENT ADDRESS. The Lottery's prize payment address is Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-4027.

(24) RISK OF MAILING TICKETS. A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark or deliver the ticket to the Lottery, or both.

(25) TICKETS IN A PROMOTION – NOT TO BE SUBMITTED BY MAIL. Persons may not submit tickets by mail for a promotion unless pursuant to written instructions from the Lottery. Any tickets submitted by mail for entry into a promotion will not be entered into a drawing for that promotion, nor returned.

(26) UNCLAIMED DRAW GAME AND INSTANT-WIN PRIZES. If a winning ticket is not submitted for validation within the applicable time period, or if a validated ticket is not submitted to the Lottery for prize payment within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed Draw game

and Instant-Win prizes shall not be distributed to other winners within the same prize pool.

(27) PLAYER RESPONSIBILITY. It is a player's responsibility to verify the accuracy of his or her ticket selections before leaving the retailer, including verifying the number of tickets printed or requested.

(28) OTHER PROVISIONS.

(a) All tickets and Winner Claim Forms presented to the Lottery shall become the property of the Lottery.

(b) Information for claiming a prize can be obtained by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850) 487-7777.

(c) Payment of winning tickets is subject to all other applicable statutes and rules.

(29) The effective date of this rule is October 8, 2020.

(30) This emergency rule replaces Emergency Rule 53ER20-54, F.A.C.

Rulemaking Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(3), 24.105(9)(e), 24.115(1),(4), 24.1153 FS. History—New 10-8-20, Replaces 53ER20-54.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 8, 2020.

#### DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER20-78 FLORIDA LOTTO® Free Ticket Promotion

SUMMARY: This emergency rule describes the FLORIDA LOTTO® Free Ticket Promotion that will begin on October 9, 2020.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER20-78 FLORIDA LOTTO® Free Ticket Promotion.

(1) Beginning October 9, 2020, the Florida Lottery will conduct the FLORIDA LOTTO® Free Ticket Promotion ("Promotion").

(2) For every \$6 or more POWERBALL®, MEGA MILLIONS®, CASH4LIFE® or FANTASY 5® single ticket purchased statewide during the Promotion ("qualifying ticket"), a free FLORIDA LOTTO with Double Play™ ticket for the next available drawing will be produced. The free ticket will automatically print separately following the triggering qualifying ticket. A winning sound will play on the terminal and the qualifying ticket will contain a "Prize Alert!" symbol at the

bottom of the ticket and a message at the top of the ticket that says “Congratulations! You Get a Free FLORIDA LOTTO with Double Play Ticket. Obtain Your Free Ticket from Retailer.” Individual POWERBALL®, MEGA MILLIONS®, CASH4LIFE® and FANTASY 5® tickets that do not cost \$6 or more do not qualify for this Promotion and cannot be combined to qualify for this Promotion.

(3) The Promotion will conclude after 500,000 free FLORIDA LOTTO with Double Play tickets are produced statewide from qualifying ticket purchases for each of the four above-listed Draw Games (2,000,000 free FLORIDA LOTTO with Double Play tickets total).

(4) Should an issue arise concerning a FLORIDA LOTTO® Free Ticket Promotion transaction, it is the player’s responsibility to seek resolution of the issue with the retailer and the Lottery prior to leaving the retail location. Rulemaking Authority 24.105(9), 24.109(1), FS. Law Implemented 24.105(9), 24.115(1), FS. History – New 10-8-20.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 8, 2020.

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER20-79  
RULE TITLE: FLORIDA LOTTO® Rebrand Retailer Promotion

SUMMARY: The rule sets forth the provisions for the FLORIDA LOTTO® Rebrand Retailer Promotion which will take place beginning October 8, 2020 and continue through December 2, 2020.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER20-79 FLORIDA LOTTO® Rebrand Retailer Promotion.

(1) Beginning October 8, 2020 and continuing through December 2, 2020 (“Promotion Period”), the Florida Lottery will conduct the FLORIDA LOTTO® Rebrand Retailer Promotion (“Promotion”).

(2) Cash prizes will be awarded to retailers based on the highest percentage increase in FLORIDA LOTTO sales within a Florida Lottery Sales District (“District”).

(3) The following eligibility requirements must be met by a retailer in order for inclusion in the Promotion:

(a) the retailer must have been an active retailer selling FLORIDA LOTTO tickets as of October 10, 2019;

(b) the retailer must have a minimum of \$5,000 in total FLORIDA LOTTO sales during the 8-week Promotion Period; and

(c) the retailer must meet the minimum sales percentage increase requirement for FLORIDA LOTTO sales during the Promotion Period established by the Lottery. The minimum sales percentage increase requirement for a retailer for FLORIDA LOTTO sales during the Promotion Period is set based on the retailer’s prior year total FLORIDA LOTTO sales during the comparable 8-week sales period of October 10, 2019 through December 4, 2019 (“Base Period”). The minimum sales percentage increase requirements are set forth as follows:

Total FLORIDA LOTTO Sales During Base Period	Minimum Sales Percentage Increase Requirement for Promotion Period	
\$10,000 and greater	10%	
Between \$8,000 and \$9,999	20%	
Between \$5,000 and \$7,999	25%	
Less than \$5,000	30%	

(4) Within each District, eligible retailers will be ranked (independent and corporate jointly) according to their percentage increase in total FLORIDA LOTTO sales for the Promotion Period over the total FLORIDA LOTTO sales for the Base Period. The highest ranked retailers will be awarded cash prizes, starting with \$5,000 prizes. The number and amount of cash prizes per District is set forth in the table in below.

LOTTERY SALES DISTRICT	NUMBER OF \$1,000 PRIZES PER DISTRICT	NUMBER OF \$5,000 PRIZES PER DISTRICT
District 1- Tallahassee	5	1
District 3- Pensacola	10	2
District 4- Jacksonville	15	3
District 5- Gainesville	10	2
District 6-Orlando	20	4
District 9- Tampa	20	4
District 10- Ft. Myers	15	3
District 11- West Palm Beach	15	3
District 13- Miami	30	6
Total	140	28

Retailers will be subject to disqualification if the Florida Lottery determines that:

(a) the retailer is not in good financial standing with the Florida Lottery at the time of prize payment; or

(b) the retailer is not in an “active” retailer status at the time of prize payment.

(5) In the event that there is an insufficient number of eligible retailers within a District to award all promotional prizes designated for that District, any excess prize or prizes will not be awarded.

(6) A promotional prize will be considered compensation to the retailer and will be reported to the Internal Revenue Service by the Florida Lottery.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History- New 10-8-20.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 8, 2020.

#### DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER20-80 Draw Games Drawing Procedures

SUMMARY: This emergency rule sets forth the drawing procedures for the following Florida Lottery Draw games: FLORIDA LOTTO®; FANTASY 5®; JACKPOT TRIPLE PLAY™, PICK 2™, PICK 3™, PICK 4™ and PICK 5™. The rule is being updated to reflect updates to FLORIDA LOTTO drawing procedures. This emergency rule replaces Emergency Rule 53ER19-09.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER20-80 Draw Games Drawing Procedures.

(1) This rule shall apply to Draw games (also known as online lottery games) drawings conducted by the Florida Lottery.

(2) Florida Lottery drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security and fairness of each drawing. All drawings shall be recorded by a video recorder.

(3) The ball sets and drawing machines used in Florida Lottery drawings shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing. The Draw Manager and the Accountant shall ensure that all balls within a set contain the same security code. A primary and secondary ball set and drawing machine shall be selected for each draw.

(4) The primary ball sets shall be weighed. If the weight of the ball set is outside of the tolerance range provided by the manufacturer, the secondary ball set shall be weighed. If the secondary ball set is outside of the tolerance range, other ball sets shall be selected and weighed by the Draw Manager and Accountant until an acceptable set is determined.

(5) Once a ball set has been determined, it shall be loaded by the Draw Manager into the primary drawing machine and a number of test draws shall be conducted, as follows:

(a) FLORIDA LOTTO®.

1. For the FLORIDA LOTTO base game, six test draws will be conducted. If the same digit is selected four times during the six draws, four additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

2. For Double Play, six test draws will be conducted. If the same digit is selected four times during the six draws, four additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(b) For FANTASY 5®, seven test draws will be conducted. If the same digit is selected five times during the seven draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(c) For JACKPOT TRIPLE PLAY™ six test draws will be conducted. If the same digit is selected four times during the six draws, four additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(d) For PICK 5™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(e) For PICK 4™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(f) For PICK 3™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(g) For PICK 2™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(6) If the alternative ball set does not pass the test drawing parameters, the backup drawing machine will be used. Tests will be conducted with ball sets whose weight falls within the tolerance range until an acceptable ball set and drawing machine have been determined.

(7) If the game for which a drawing is being held cannot be closed on the gaming system, the drawing will be delayed until the game can be closed.

(8) During the drawing, balls will be mixed and pushed into the display devices by the action of an air blower. A ball must be “trapped” in the display position at the top of the mixing chamber to be a winning number.

(9) In the event of a power failure, drawing equipment malfunction or error in the drawing process, including but not limited to the Host/Hostess announcing a ball number that was not trapped as specified in subsection (8), the drawing will be stopped and will resume as soon thereafter as possible. The balls drawn before the occurrence, if any, will be declared valid.

(10) If a Draw Host/Hostess incorrectly announces the number of a ball that has been trapped in the display position, the Draw Manager shall immediately correct the Draw Host/Hostess by announcing the correct number.

(11) Upon certification by the Draw Manager and the Accountant, the numbers shown on the balls will be announced as the official winning numbers for the drawing.

(12) Following removal of the balls from the drawing machine, the ball set will be weighed. If the weight of the ball set differs from the pre-draw weight by more than 1 gram or is outside of the tolerance range provided by the manufacturer, the ball set will be secured and delivered to the Florida Lottery’s Division of Security for investigation.

(13) In the event a problem occurs that is not contemplated under this rule, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in subsection (2). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(14) The effective date of this emergency rule is October 8, 2020.

Rulemaking Authority 24.105(9)(d), 24.109(1), FS. Law Implemented 24.105(9)(d), 24.108(6), FS. History- New 10-8-20, Replaces 53ER19-9.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 8, 2020.

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:

11B-18.0051 Regional Training Council Meetings  
NOTICE IS HEREBY GIVEN that on September 21, 2020, the Department of Law Enforcement, received a petition for for temporary waiver of Rule 11B-18.0051, F.A.C., from Ronald McCallister, on behalf of the region II trust fund council. Petitioner wishes to temporarily waive that portion of the Rule that states: (1) Each of the Regional Training Councils established pursuant to Rule 11B-18.005, F.A.C., and Section 943.25(4), F.S., shall elect a chairperson and other officers needed, and shall hold at least two meetings each fiscal year to develop and approve the regional Officer Training Monies budgets, and may hold other meetings to consider other items pertaining to law enforcement, correctional, or correctional probation officer training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489 Tallahassee, FL, 32302 or by telephone at (850) 410-7676.

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on September 16, 2020, the Department of Law Enforcement, received a petition for permanent waiver of subsection 11B-27.002(4), F.A.C., from Myrna Ayala-Simmons. Petitioner wishes to permanently waive that portion of the Rule that states: (a) Within 4 years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489 Tallahassee, FL, 32302 or by telephone at (850) 410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 6, 2020, the Division issued an order. The Final Order was in response to a Petition for a Variance from Lodge at Hamlin, filed August 21, 2020, and advertised on September 2, 2020 in Vol. 46, No.172, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.8.2.2, ASME A17.1, 2013 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires antenna not be located in the elevator shaft/pit because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2020-107).

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On October 6, 2020, the Division issued an order. The Final Order was in response to a Petition for a Variance from Lodge at Hamlin, filed September 8, 2020, and advertised on September 17, 2020 in Vol. 46, No.182, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.8.2.2, ASME A17.1, 2013 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires antenna not be located in the elevator shaft/pit because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2020-117).

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013. dhr.elevators@myfloridalicense.com.

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-22.001 General Requirements

NOTICE IS HEREBY GIVEN that on October 01, 2020, the October 1, 2020, received a petition for variance of section 3.12.D of the Child Care Facility Handbook, which is incorporated by reference in subsection 65C-22.001(6), Florida Administrative Code, from Sunshine Christian Academy, assigned Case No. 20-048W. Section 3.12.D of the Child Care Facility Handbook requires that permanent or stationary playground equipment must have a fall/use zone that extends a minimum of 6 feet in all directions from the perimeter of the equipment. All types of ground cover must be maintained to provide resilience and reduce the incidence of injuries to children in the event of falls. Subsection 65C-22.001(6), F.A.C., states in pertinent part that child care programs must follow the standards found in the "Child Care Facility Handbook," December 2019.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.013 Standards for Prevention

NOTICE IS HEREBY GIVEN that on September 14, 2020, the Department of Children and Families, received a petition for waiver of paragraph 65D-30.013(3)(a), Florida Administrative Code, from Charlotte Alliance for A Safe and Drug Free Community d/b/a Drug Free Charlotte County, assigned Case No. 20-042W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NOS.:RULE TITLES:

65D-30.0036Licensure Application and Renewal

65D-30.013 Standards for Prevention

NOTICE IS HEREBY GIVEN that on September 09, 2020, the Department of Children and Families, received a petition for

waiver of Paragraphs 65D-30.013(3)(a), and 65D-30.0036(1)(c), (1)(f) and (1)(i), Florida Administrative Code, from Drug Free Hendry County, assigned Case No. 20-044W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff. Paragraphs 65D-30.0036(1)(c), (1)(f), and (1)(i), Florida Administrative Code, require that the following be included in an application for licensure: a copy of the provider’s valid occupational license/business tax receipt, and zoning. (Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections or the Department of Management Services are exempt from this requirement); information that establishes the name and address of the applicant, its chief executive officer, the chief financial officer, clinical supervisor and, if a corporation or legal entity, the name of each member of the applicant’s board, the name of the owner, the names of any officers of the corporation, and the names of any shareholders or persons who hold an equitable interest; and proof of professional liability and general liability coverage. (Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections or the Department of Management Services are exempt from this requirement) Professional liability insurance coverage shall be in an amount not less than \$250,000 per claim, with a minimum annual aggregate of not less than \$750,000.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NOS.:RULE TITLES:

- 65D-30.001 Title
- 65D-30.002 Definitions
- 65D-30.003 Department Licensing and Regulatory Standards
- 65D-30.0031 Certifications and Recognitions Required by Statute
- 65D-30.0032 Display of Licenses
- 65D-30.0033 License Types
- 65D-30.0034 Change in Status of License
- 65D-30.0035 Required Fees
- 65D-30.0036 Licensure Application and Renewal
- 65D-30.0037 Department Licensing Procedures
- 65D-30.0038 Violations; Imposition of Administrative Fines; Grounds
- 65D-30.004 Common Licensing Standards

- 65D-30.0041 Clinical Records
- 65D-30.0042 Clinical and Medical Guidelines
- 65D-30.0043 Placement
- 65D-30.0044 Plans, Progress Notes, and Summaries
- 65D-30.0045 Rights of Individuals
- 65D-30.0046 Staff Training, Qualifications, and Scope of Practice
- 65D-30.0047 Facility Standards
- 65D-30.0048 Offender Referrals Under Chapter 397, F.S.
- 65D-30.0049 Voluntary and Involuntary Placement
- 65D-30.005 Standards for Addictions Receiving Facilities
- 65D-30.006 Standards for Detoxification
- 65D-30.0061 Standards for Intensive Inpatient Treatment
- 65D-30.007 Standards for Residential Treatment
- 65D-30.008 Standards for Day or Night Treatment with Host Homes (Repealed)
- 65D-30.0081 Standards for Day or Night Treatment with Community Housing
- 65D-30.009 Standards for Day or Night Treatment
- 65D-30.0091 Standards for Intensive Outpatient Treatment
- 65D-30.010 Standards for Outpatient Treatment
- 65D-30.011 Standards for Aftercare
- 65D-30.012 Standards for Intervention
- 65D-30.013 Standards for Prevention
- 65D-30.014 Standards for Medication-Assisted Treatment for Opioid Use Disorders
- 65D-30.0141 Needs Assessment for Medication-Assisted Treatment for Opioid Use Disorders
- 65D-30.0142 Clinical and Operational Standards for Medication-Assisted Treatment for Opioid Use Disorders
- 65D-30.015 Certification of Community Substance Abuse Prevention Coalitions

NOTICE IS HEREBY GIVEN that on September 14, 2020, the Department of Children and Families, received a petition for waiver of Chapter 65D-30, Florida Administrative Code, from Operation PAR, LiveFree! Coalition, assigned Case No. 20-046W.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

- 65D-30.013 Standards for Prevention
- NOTICE IS HEREBY GIVEN that on September 28, 2020, the Department of Children and Families, received a petition for waiver of Paragraph 65D-30.013(3)(a), Florida Administrative Code, from Alliance for Healthy Communities d/b/a Alliance for Substance Abuse Prevention- ASAP, assigned Case No. 20-

052W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.013 Standards for Prevention

NOTICE IS HEREBY GIVEN that on September 25, 2020, the Department of Children and Families, received a petition for waiver of Paragraph 65D-30.013(3)(a), Florida Administrative Code, from Stand up Polk, assigned Case No. 20-057W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NOS.:RULE TITLES:

65D-30.0046 Staff Training, Qualifications, and Scope of Practice

65D-30.013 Standards for Prevention

NOTICE IS HEREBY GIVEN that on September 09, 2020, the Department of Children and Families, received a petition for waiver of Paragraphs 65D-30.013(3)(a), and 65D-30.0046, Florida Administrative Code, from Firewall Centers, Inc., assigned Case No. 20-043W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff. Rule 65D-30.0046, Florida Administrative Code, sets out the requirements for staff training, qualifications, and scope of practice for substance abuse providers.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.013 Standards for Prevention

NOTICE IS HEREBY GIVEN that on September 04, 2020, the Department of Children and Families, received a petition for waiver of Paragraph 65D-30.013(3)(a), Florida Administrative Code, from The Lee County Coalition for a Drug-Free SWFL, assigned Case No. 20-045W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NOS.:RULE TITLES:

65D-30.001 Title

65D-30.002 Definitions

65D-30.003 Department Licensing and Regulatory Standards  
65D-30.0031 Certifications and Recognitions Required by Statute

65D-30.0032 Display of Licenses

65D-30.0033 License Types

65D-30.0034 Change in Status of License

65D-30.0035 Required Fees

65D-30.0036 Licensure Application and Renewal

65D-30.0037 Department Licensing Procedures

65D-30.0038 Violations; Imposition of Administrative Fines; Grounds

65D-30.004 Common Licensing Standards

65D-30.0041 Clinical Records

65D-30.0042 Clinical and Medical Guidelines

65D-30.0043 Placement

65D-30.0044 Plans, Progress Notes, and Summaries

65D-30.0045 Rights of Individuals

65D-30.0046 Staff Training, Qualifications, and Scope of Practice

65D-30.0047 Facility Standards

65D-30.0048 Offender Referrals Under Chapter 397, F.S.

- 65D-30.0049 Voluntary and Involuntary Placement
- 65D-30.005 Standards for Addictions Receiving Facilities
- 65D-30.006 Standards for Detoxification
- 65D-30.0061 Standards for Intensive Inpatient Treatment
- 65D-30.007 Standards for Residential Treatment
- 65D-30.008 Standards for Day or Night Treatment with Host Homes (Repealed)
- 65D-30.0081 Standards for Day or Night Treatment with Community Housing
- 65D-30.009 Standards for Day or Night Treatment
- 65D-30.0091 Standards for Intensive Outpatient Treatment
- 65D-30.010 Standards for Outpatient Treatment
- 65D-30.011 Standards for Aftercare
- 65D-30.012 Standards for Intervention
- 65D-30.013 Standards for Prevention
- 65D-30.014 Standards for Medication-Assisted Treatment for Opioid Use Disorders
- 65D-30.0141 Needs Assessment for Medication-Assisted Treatment for Opioid Use Disorders
- 65D-30.0142 Clinical and Operational Standards for Medication-Assisted Treatment for Opioid Use Disorders
- 65D-30.015 Certification of Community Substance Abuse Prevention Coalitions

NOTICE IS HEREBY GIVEN that on September 30, 2020, the Department of Children and Families, received a petition for waiver of Chapter 65D-30, Florida Administrative Code, from Hillsborough County Anti Drug Alliance, assigned Case No. 20-047W.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.013 Standards for Prevention

NOTICE IS HEREBY GIVEN that on September 30, 2020, the Department of Children and Families, received a petition for waiver of Paragraph 65D-30.013(3)(a), Florida Administrative Code, from Drug Free Hardee, assigned Case No. 20-051W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and

Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.013 Standards for Prevention

NOTICE IS HEREBY GIVEN that on September 14, 2020, the Department of Children and Families, received a petition for waiver of Paragraph 65D-30.013(3)(a), Florida Administrative Code, from Drug Free Sarasota, assigned Case No. 20-056W. Paragraph 65D-30.013(3)(a), Florida Administrative Code, requires that providers in prevention shall delineate reporting relationships and staff supervision. This shall include a description of staff qualifications, including educational background and experience regarding the substance use prevention field. Providers shall have at least one (1) qualified professional on staff.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF CHILDREN AND FAMILIES

Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.003 Department Licensing and Regulatory Standards

NOTICE IS HEREBY GIVEN that on September 28, 2020, the Department of Children and Families, received a petition for waiver of Paragraph 65D-30.003(1)(b), Florida Administrative Code, from The Substance Abuse Coalition of Collier County, assigned Case No. 20-050W. Paragraph 65D-30.003(1)(b), Florida Administrative Code, states that the Department shall electronically issue one license for each service component offered by a provider. A separate license is not required for the same component. A license is valid only for the specific service component listed for each specific location identified on the license. Each location listed on the license shall reflect the license type for that component. The provider shall print the most recent version of the license and display a copy in each facility providing the licensed service component. One (1) license is required where all facilities are maintained on the same premises and operated under the same management. If there are multiple buildings on the same premises, the buildings must appear as part of one (1) entity. For the purposes of paragraph (b), living arrangements utilized for individuals of day or night treatment with community housing do not constitute facilities or separate premises.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and

Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF FINANCIAL SERVICES  
 Division of Funeral, Cemetery, and Consumer Services  
 RULE NO.: RULE TITLE:  
 69K-18.004 Intern Training Agencies.

NOTICE IS HEREBY GIVEN that on October 05, 2020, the Division of Funeral, Cemetery, and Consumer Services, received a petition for waiver (2) of certain requirements of subsection 69K-18.004(3), FAC. The petitions were filed on behalf of FPG Florida, LLC d/b/a Foundation Partners of Florida, LLC (FPG), which is acquiring certain funeral establishments that are currently training agencies. FPG seeks a waiver such that the number of cases done by the prior owners of the funeral establishments should count against the requirement of the cited rule, so that the training agency status of the funeral establishments may be continued, thus preventing the imposition of serious hardship to the interns currently training at the said funeral establishments.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jasmin Richardson at 850-413-3039.

## Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION  
 The Department of Education's Work Group for Postsecondary Credit for Military Courses and Occupations (MEETING CANCELLED) announces a public meeting to which all persons are invited.

DATE AND TIME: THE WEBINAR SCHEDULED FOR OCTOBER 7, 2020, AT 9:00 a.m. HAS BEEN CANCELLED. THE WORK GROUP WILL RECONVENE AT A LATER DATE AND TIME.

PLACE: GoToWebinar (CANCELLED)  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Regular business meeting.

A copy of the agenda may be obtained by contacting: articulation@fldoe.org.

For more information, you may contact: articulation@fldoe.org.

DEPARTMENT OF TRANSPORTATION  
 Florida Seaport Transportation and Economic Development Council

The Florida Ports Financing Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 20, 2020, 2:00 p.m. - 3:00 p.m.

PLACE: Dial in information: (646)558-8656, Meeting ID: 654 023 9803

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General business.

A copy of the agenda may be obtained by contacting: Casey Grigsby in the Florida Ports Council offices at (850)222-8028. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Casey Grigsby in the Florida Ports Council offices at (850)222-8028. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Casey Grigsby in the Florida Ports Council offices at (850)222-8028.

REGIONAL PLANNING COUNCILS  
 Central Florida Regional Planning Council  
 The Heartland Regional Transportation Planning Organization (HRTPO) announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 21, 2020, 1:30 p.m.  
 PLACE: Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/264740797>  
 You can also dial in using your phone.  
 United States: +1 (872) 240-3212  
 Access Code: 264-740-797

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Regular quarterly meeting of the Transportation Disadvantaged (TD) DeSoto, Hardee, Highlands, and Okeechobee Counties' Local Coordinating Board (LCB).

A copy of the agenda may be obtained by contacting: Marybeth Soderstrom, Transportation Director, at 863-534-7130 ext. 134 or at [msoderstrom@cfrpc.org](mailto:msoderstrom@cfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marybeth Soderstrom, Transportation Director, at 863-534-7130 ext. 134 or at [msoderstrom@cfrpc.org](mailto:msoderstrom@cfrpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**WATER MANAGEMENT DISTRICTS**

South Florida Water Management District

The South Florida Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 20, 2020, 3:00 p.m.

Picayune Watershed Water Quality Feasibility Study Workshop

PLACE: This workshop will be conducted via Zoom, a media technology free for the public to use. [https://zoom.us/webinar/register/WN\\_DfOyLJ5YTmyUsBPFrfXhFQ](https://zoom.us/webinar/register/WN_DfOyLJ5YTmyUsBPFrfXhFQ)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District will be hosting a public workshop with an independent Technical Group Review Panel for the District’s efforts related to the Picayune Strand Watershed Water Quality Feasibility Study.

Downstream water quality samples indicate that regional water quality in the Picayune Strand Watershed should be improved. The watershed is home to important public natural resource areas including Collier-Seminole State Park, Rookery Bay National Estuarine Reserve, and Ten Thousand Islands National Wildlife Refuge. It also includes the Picayune Strand Restoration Project, one of the most important Comprehensive Everglades Restoration Plan (CERP) projects for Southwest Florida.

The District is engaging the public to evaluate opportunities to improve water quality for the communities and natural resources that depend on the Picayune Strand Watershed. This workshop will include summaries of previous water quality studies, literature and ideas from local stakeholders and the public. The public and stakeholders will also have an opportunity to provide additional input about how to improve regional water quality.

The District will review conventional and innovative biological, physical, and chemical treatment technologies to improve water quality. The next steps include development and evaluation of four to six water quality improvement alternatives that will be presented to the public in December 2020.

The public and stakeholders will have an opportunity to view and comment during the workshop by utilizing the following link:

[https://zoom.us/webinar/register/WN\\_DfOyLJ5YTmyUsBPFrfXhFQ](https://zoom.us/webinar/register/WN_DfOyLJ5YTmyUsBPFrfXhFQ)

This link can also be found on the District’s website at [www.SFWMD.gov/meetings](http://www.SFWMD.gov/meetings) and will go live at approximately 3:00 PM on October 20, 2020.

All of this workshop will be conducted via media technology. One or more members of the Governing Board of the South Florida Water Management District may attend this workshop. No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: Joanna Weaver at [joweaver@sfwmd.gov](mailto:joweaver@sfwmd.gov), or by visiting the District’s website [www.SFWMD.gov/calendar](http://www.SFWMD.gov/calendar), 7 days prior to the workshop.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Rosie Byrd, District Clerk, at [rbyrd@sfwmd.gov](mailto:rbyrd@sfwmd.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Joanna Weaver at [joweaver@sfwmd.gov](mailto:joweaver@sfwmd.gov).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Architecture and Interior Design

The Board of Architecture and Interior Design announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2020, 9:00 a.m.

PLACE: Hampton Inn & Suites, Downtown St. Petersburg, 80 Beach Drive NE, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Affordable Interior Design Miami 2020-027642

Architectural Support Services, Inc. 2019-040211

Ian Faber 2019-040218

Debbie Faber 2019-040228

AYD International d/b/a Amy Young Designs 2020-015588

Amy Young Lee McArdle 2020-015609

Lisa Berardo 2019-022932

Collective Construction Interiors 2019-019264

Rene Betancourt 2019-043941 & 2019-043947

B&B Concept Designs 2019-043935

Casa Designs + Interiors 2019-043953

Annabella Bucheli 2020-012094

Chelsea Design Miami 2020-027635

Elizabeth DaSilva 2020-021329  
A Vision of Taste, LLC 2020-021345  
  
Designwest Associates 2020-017041  
  
Wayne Gandy 2020-017012  
Design Engineering, LLC 2020-017005  
  
Ramon Garcia 2020-027834  
  
Goldenholz & Associates Architects & Planners 2020-005871  
  
Gustavo Gramajo 2020-029689  
Archigus 2020-029697  
  
Claudio A. Jofre 2019-063096  
AA Masters Mechanical Air Moving & Engineering Systems  
Corporation 2019-063138  
Richard Losee 2020-014317  
  
Enrique Martinez 2020-023282  
Studio 33 Interiors 2020-023294  
  
Andres Medina 2020-020318  
  
Jose Moncada 2019-062682  
  
Adrienne Moore 2020-029761  
LUXE Interiors by AM 2020-029767  
  
Jamal S. Nagamia 2019-043917  
  
Mark Norman 2020-027678  
  
Melissa D. Parker 2020-017239  
  
Renee Payne 2020-013861  
  
Andro Perez 2020-034676  
  
George R. Rovira 2019-030456  
4 Courses Consultants 2019-030461  
  
Carlos Sotelo 2020-025975  
Carlos Sotelo Architectural Consulting 2020-025982  
  
Thomas Beal Seibt 2018-041897  
  
Stephanie Tatem Interior Design 2020-027637

Federico Teran 2020-020193  
Fede Design, LLC 2020-020196  
Fede Group, LLC 2020-020322  
  
Guy Tetrick 2020-020136  
  
Trautwein Enterprises 2020-027866  
Clemens Trautwein 2020-027869  
  
Francisco Tuero 2020-029723  
Archdesign 2020-029712

Christian Velez 2020-023298  
Cadbox Studio 2020-023303

Justin Westerfeld 2020-034693

A copy of the agenda may be obtained by contacting: David K. Minacci, Manausa, Shaw & Minacci, PA, 140-D W. 1st Street, St. George Island, FL 32328, (850) 799-1882.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David K. Minacci, Manausa, Shaw & Minacci, PA, 140-D W. 1st Street, St. George Island, FL 32328, (850) 799-1882. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David K. Minacci, Manausa, Shaw & Minacci, PA, 140-D W. 1st Street, St. George Island, FL 32328, (850) 799-1882.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, October 19, 2020, 9:00 a.m. ET or soonest thereafter

PLACE: Teleconference/Videoconference meeting to be facilitated from Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson St., Orlando, FL 32801. You may attend via phone or video streaming. To attend via Teleconference number: 1(877)568-4106; Participant Code 780-725-765 followed by the # key. To attend via video streaming, utilize GoToMeeting App or visit <https://global.gotomeeting.com/join/780725765>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will conduct a private meeting to review cases to determine probable cause and a public meeting to

review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel and its counsel.

A copy of the agenda may be obtained by contacting: DREFREC@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: DREFREC@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Florida Real Estate Commission announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Tuesday, October 20, 2020, 8:15 a.m., reconvene Wednesday, October 21, 2020, 8:15 a.m., ET or soonest thereafter.

PLACE: Teleconference/Videoconference meeting to be facilitated from Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson St., Orlando, FL 32801. You may attend via phone or video streaming. To attend via Teleconference number: 1(877)568-4106; Participant Code 780-725-765 followed by the # key. To attend via video streaming, utilize GoToMeeting App or visit <https://global.gotomeeting.com/join/780725765>.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Official business of Commission – among topics include, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2, F.A.C., budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: DREFREC@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: DREFREC@myfloridalicense.com.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Department of Health, Board of Medicine, The Electrolysis Council, under the Board of Medicine announces a public meeting to which all persons are invited.

DATES AND TIMES: January 11, 2021 08:30 a.m. E.T.; April 19, 2021, 08:30 a.m. E.T.

PLACE: Conference Calls: 1-888-585-9008; then enter Conference Room Number 564-341-766 followed by the # sign.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: A copy of the agenda may be obtained by contacting: The Electrolysis Council, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255, by calling the council office at (850) 245- 4373 or by visiting the website: <http://www.floridahealth.gov/licensing-and-regulation/electrolysis/index.html>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: : The Department of Health at (850)901- 6528. If you are hearing or speech impaired, please contact the department by calling 1-800- 955-8770 (Voice) or 1-800-955-8771 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

AREA AGENCY ON AGING OF CENTRAL FLORIDA, INC. DBA SENIOR RESOURCE ALLIANCE

The Area Agency on Aging, Inc. dba Senior Resource Alliance announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2020, 10:00 a.m.

PLACE: Zoom Video Conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public hearing to provide an opportunity for input on updates to the Area Plan on Aging 2020-2022, including the Direct Service Waiver Application for the Senior Resource Alliance to provide the following evidence-based direct services: Enhance Wellness; Healthy Eating Every Day; and Program to Encourage Active and Rewarding Lives (PEARLS). Service descriptions may be found on the Department of Elder Affairs website: <http://elderaffairs.state.fl.us>.

A copy of the agenda may be obtained by contacting: April Navarro at 407-514-1832 or via email at [april.navarro@sraflorida.org](mailto:april.navarro@sraflorida.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: April Navarro at 407-514-1832 or via email at [april.navarro@sraflorida.org](mailto:april.navarro@sraflorida.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Penny Jones, 407-513-1803.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, October 19, 2020, 10:00 a.m. - 11:00 a.m.

MEETING: Finance Committee

PLACE: Join Zoom Meeting

<https://zoom.us/j/96003227575?pwd=OXI5WDZmT1M4eUFsY2VyWFQ1RjljOZ00>

Meeting ID: 960 0322 7575

Passcode: 347486

One tap mobile

+19292056099,,96003227575#,,,,,0#,,347486# US (New York)

+13017158592,,96003227575#,,,,,0#,,347486# US (Germantown)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 960 0322 7575

Passcode: 347486

Find your local number: <https://zoom.us/j/96003227575?pwd=OXI5WDZmT1M4eUFsY2VyWFQ1RjljOZ00>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business of the Committee.

Persons who want to be notified of such meetings may submit a request by contacting the administrative office with the information below.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1882 Capital Circle NE, Suite 202, Tallahassee, Florida 32308 Voicemail: (850)488-5624 Toll Free: (877)822-1993 Fax: (850)488-5881 or Email: [jenny@floridasilc.org](mailto:jenny@floridasilc.org).

Pursuant to the Americans with Disabilities Act, accommodations for persons with disabilities are available upon request. If you have a disability and require a reasonable accommodation to fully participate in this event, please contact Beth Meyer, PA, ADA at [beth@floridasilc.org](mailto:beth@floridasilc.org), or 850-488-5624 to discuss your accessibility needs. Please allow 5 business days' notification to process: last minute requests will be accepted but may not be possible to fulfill.

**HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

The Economic Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2020, 8:30 a.m.

PLACE: Hardee County Commission Chambers

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be held in the County Commission Chambers, Room 102, 412 West Orange Street, Wauchula, Florida. The Commissioners will be physically present. All CDC guidelines will be adhered to.

The meeting will be livestreamed on the internet and can be viewed at [www.hardeeclerk.com](http://www.hardeeclerk.com) by clicking on tab labeled "Clerk to the Board," then "Webcast and Videos of Board Meetings," then choosing the meeting of October 27, 2020, to view. If you wish to submit your comments before the meeting, you will click on meeting date and then you will see box where to click to submit your comment.

A copy of the agenda may be obtained by contacting: Danielle DeLeon at 863-773-9430.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Danielle DeLeon at 863-773-9430. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing,

he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**WALTON COUNTY HEALTH DEPARTMENT**

The Walton County Health Department announces a public meeting to which all persons are invited.

DATE AND TIME: October 15, 2020, 11:30 a.m.

PLACE: Walton County Health Department

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Various board information.

A copy of the agenda may be obtained by contacting: Patricia Hall, (850) 892-8040, x6237.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Patricia Hall, (850) 892-8040, x6237. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia Hall, (850) 892-8040, x6237.

**QCAUSA**

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 13, 2020, 12:00 Noon, ET

PLACE: [nwflroads.com/projects](http://nwflroads.com/projects)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) has new information concerning the design of the I-10 (S.R. 8) Interchange at Thomasville Road (S.R. 61) and Capital Circle N.E. (S.R. 261) in Leon County. The intent of this interchange improvement project is to reduce congestion and operational deficiencies between Thomasville Road and Capital Circle N.E. Improvements will include an additional storage lane along the eastbound off ramp (Exit 203) to the Thomasville Road intersection; an additional eastbound through lane on Raymond Diehl Road from the Thomasville Road intersection to Capital Circle N.E.; and a Noise Barrier Wall along I-10 westbound in the area of Gilchrist Elementary School.

Maps, drawings and other information will be accessible on the project's website ([nwflroads.com](http://nwflroads.com)).

A copy of the agenda may be obtained by contacting: Kimberly Stephens, P.E. FDOT Project Manager, at (850) 415-9015, or via email at [Kistephens@hntb.com](mailto:Kistephens@hntb.com).

For more information, you may contact: Kimberly Stephens, P.E., FDOT Project Manager at (850) 415-9015, or via email at [Kistephens@hntb.com](mailto:Kistephens@hntb.com).

**DEWBERRY BOWYER-SINGLETON**

The DEPARTMENT OF TRANSPORTATION announces a hearing to which all persons are invited.

DATE AND TIME: October 22, 2020, 6:00 p.m. - 7:00 p.m.

PLACE: Meeting viewing location is listed below.

The hearing is conducted as a VPH, which is a free live presentation or webinar over the internet and will also be held concurrently at one viewing location. If you wish to participate in the VPH online, registration is required prior to joining the VPH. Only webinar users need to visit the website below to register:

<https://register.gotowebinar.com/register/157958449492564747>

Once registered, you will receive a confirmation email containing information about joining the VPH online from a computer or cell phone. If you do not have access to a computer or the internet, you may attend the VPH at the following viewing location:

- Lake Alfred City Hall, 120 East Pomelo Street, Lake Alfred, FL 33850

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT), District One, will conduct a Virtual Public Hearing (VPH) for the proposed median modifications to State Road 557 at the I-4 Interchange, Florida. The proposed median modifications will increase safety for motorists by reducing the potential for crashes at this location. All members of the public are invited to attend.

The VPH opens at 6:00 p.m. on Thursday, October 22, 2020. A formal narrated PowerPoint presentation will begin promptly at 6:15 p.m. Please provide adequate log-in time to view the presentation in its entirety.

The FDOT is sending notices to all property owners, business owners, interested persons and organizations to provide the opportunity to give comments to FDOT regarding the proposed median modifications to State Road 557 at the I-4 Interchange. The meeting gives everyone an opportunity to express their views about the proposed modifications.

A copy of the agenda may be obtained by contacting: FDOT Project Manager, Douglas Burkhart, P.E. at (850) 536-8539 or [Doug.Burkhart@dot.state.fl.us](mailto:Doug.Burkhart@dot.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Cynthia Sykes, District One Title VI Coordinator by phone at (863) 519-2287 or by email at cynthia.sykes@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: FDOT Project Manager, Douglas Burkhart, P.E. at (850) 536-8539 or Doug.Burkhart@dot.state.fl.us.

**Section VII**

**Notice of Petitions and Dispositions Regarding Declaratory Statements**

NONE

**Section VIII**

**Notice of Petitions and Dispositions Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

**Section IX**

**Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges**

NONE

**Section X**

**Announcements and Objection Reports of the Joint Administrative Procedures Committee**

NONE

**Section XI  
Notices Regarding Bids, Proposals and Purchasing**

NONE

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Wednesday, September 30, 2020 and 3:00 p.m., Tuesday, October 4, 2020.

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
2-37.010	10/1/2020	10/21/2020
2-37.020	10/1/2020	10/21/2020
2-37.030	10/1/2020	10/21/2020
2-37.040	10/1/2020	10/21/2020
25-6.047	10/6/2020	10/26/2020
25-6.054	10/6/2020	10/26/2020
25-6.074	10/6/2020	10/26/2020
25-6.081	10/6/2020	10/26/2020
25-6.082	10/6/2020	10/26/2020
25-6.104	10/6/2020	10/26/2020
53ER20-76	10/6/2020	10/8/2020
53ER20-77	10/6/2020	10/8/2020
53ER20-78	10/6/2020	10/8/2020
53ER20-79	10/6/2020	10/8/2020
53ER20-80	10/6/2020	10/8/2020
61G19-7.001	10/2/2020	10/22/2020
61H1-33.003	9/30/2020	10/20/2020
61K1-3.0001	10/5/2020	10/25/2020
61K1-3.001	10/5/2020	10/25/2020
61K1-3.002	10/5/2020	10/25/2020

61K1-3.009	10/5/2020	10/25/2020
61K1-3.010	10/5/2020	10/25/2020
61K1-3.019	10/5/2020	10/25/2020
64B7-26.002	9/30/2020	10/20/2020
64B7-26.006	9/30/2020	10/20/2020
64B8-30.005	10/1/2020	10/21/2020
64B10-11.001	10/1/2020	10/21/2020
64B10-11.003	10/5/2020	10/25/2020
64B10-11.013	10/5/2020	10/25/2020
64B10-16.001	10/5/2020	10/25/2020
64B10-16.002	10/5/2020	10/25/2020
64B15-6.0035	10/1/2020	10/21/2020
61G19-1.009	10/1/2020	10/21/2020
61G19-6.0036	10/1/2020	10/21/2020
61G19-6.017	10/1/2020	10/21/2020
61G19-9.001	10/1/2020	10/21/2020
61G19-9.004	10/1/2020	10/21/2020
61G19-9.0045	10/1/2020	10/21/2020
68B-43.002	10/6/2020	10/26/2020
68B-43.003	10/6/2020	10/26/2020
68B-43.004	10/6/2020	10/26/2020

**LIST OF RULES AWAITING  
EPA APPROVAL PURSUANT TO  
SECTION 373.4146 (2), FLORIDA STATUTES**

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
62-330.010	7/21/2020	**/**/****
62-330.050	6/26/2020	**/**/****
62-330.060	6/26/2020	**/**/****
62-330.090	6/26/2020	**/**/****
62-330.201	6/26/2020	**/**/****
62-330.340	6/26/2020	**/**/****
62-330.402	6/26/2020	**/**/****
62-331.010	7/21/2020	**/**/****

62-331.020	6/11/2020	**/**/****
62-331.030	6/11/2020	**/**/****
62-331.040	6/11/2020	**/**/****
62-331.050	6/11/2020	**/**/****
62-331.051	7/21/2020	**/**/****
62-331.052	7/21/2020	**/**/****
62-331.053	7/21/2020	**/**/****
62-331.054	7/21/2020	**/**/****
62-331.060	7/21/2020	**/**/****
62-331.070	6/11/2020	**/**/****
62-331.080	7/21/2020	**/**/****
62-331.090	7/21/2020	**/**/****
62-331.100	6/11/2020	**/**/****
62-331.110	7/21/2020	**/**/****
62-331.120	7/21/2020	**/**/****
62-331.130	6/11/2020	**/**/****
62-331.140	6/11/2020	**/**/****
62-331.160	7/21/2020	**/**/****
62-331.200	7/21/2020	**/**/****
62-331.201	7/21/2020	**/**/****
62-331.210	7/21/2020	**/**/****
62-331.211	6/11/2020	**/**/****
62-331.212	6/11/2020	**/**/****
62-331.213	6/11/2020	**/**/****
62-331.214	6/11/2020	**/**/****
62-331.215	7/21/2020	**/**/****
62-331.216	7/21/2020	**/**/****
62-331.217	7/21/2020	**/**/****
62-331.218	6/11/2020	**/**/****
62-331.219	6/11/2020	**/**/****
62-331.220	6/11/2020	**/**/****
62-331.221	6/11/2020	**/**/****

62-331.222	6/11/2020	**/**/****
62-331.223	6/11/2020	**/**/****
62-331.224	6/11/2020	**/**/****
62-331.225	7/21/2020	**/**/****
62-331.226	7/21/2020	**/**/****
62-331.227	6/11/2020	**/**/****
62-331.228	6/11/2020	**/**/****
62-331.229	7/21/2020	**/**/****
62-331.230	7/21/2020	**/**/****
62-331.231	7/21/2020	**/**/****
62-331.233	6/11/2020	**/**/****
62-331.234	6/11/2020	**/**/****
62-331.235	6/11/2020	**/**/****
62-331.236	6/11/2020	**/**/****
62-331.237	6/11/2020	**/**/****
62-331.238	6/11/2020	**/**/****
62-331.239	6/11/2020	**/**/****
62-331.240	7/21/2020	**/**/****
62-331.241	6/11/2020	**/**/****
62-331.242	7/21/2020	**/**/****
62-331.243	6/11/2020	**/**/****
62-331.244	6/11/2020	**/**/****
62-331.245	6/11/2020	**/**/****
62-331.246	6/11/2020	**/**/****
62-331.247	6/11/2020	**/**/****
62-331.248	7/21/2020	**/**/****
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****

60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

**DEPARTMENT OF FINANCIAL SERVICES**

FSC - Financial Institution Regulation

Office of Financial Regulation

**NOTICE OF FILINGS**

Financial Services Commission

Office of Financial Regulation

October 6, 2020

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		General Counsel's Office
Tallahassee, Florida 32314-8050		The Fletcher Building, Suite 118
Phone: (850) 410-9889		101 East Gaines Street
Fax: (850) 410-9663		Tallahassee, Florida 32399-0379
		Phone: (850) 410-9889

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the Agency Clerk no later than seven (7) days prior to the filing deadline or proceeding, at the Office of Financial Regulation, The Fletcher Building, Suite 118, 101 East Gaines Street, Tallahassee, Florida 32399-0379, Phone: (850) 410-9889, or by Email: [agency.clerk@flofr.com](mailto:agency.clerk@flofr.com).

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., October 27, 2020):

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**  
 Applicant and Proposed Location: Climate First Bank, (Street Address To Be Determined), St. Petersburg, Pinellas County, Florida

Correspondent: John P. Greeley, Esquire, Smith Mackinnon, P.A., 301 East Pine Street, Orlando, Florida 32801

Received: October 2, 2020

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA

Federal Reserve Bank of Atlanta, Atlanta, GA

Comptroller of the Currency, Atlanta, GA  
Florida Bankers Association, Tallahassee, Florida  
John P. Greeley, Esq.  
William Berg

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**Section XIII**  
**Index to Rules Filed During Preceding**  
**Week**

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

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