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

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.

<table>
<thead>
<tr>
<th>Maximum Disciplinary Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT</strong></td>
</tr>
<tr>
<td>1-3 Spoken, written, or gestured threats</td>
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<tr>
<td>1-4 Disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like</td>
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<tr>
<td>1-5 Sexual battery or attempted sexual battery</td>
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<tr>
<td>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</td>
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<tr>
<td>1-7 Aggravated battery or attempted aggravated battery on a correctional officer</td>
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<tr>
<td>1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer</td>
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<tr>
<td>1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.)</td>
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<tr>
<td>1-10 Aggravated battery or attempted aggravated battery on an inmate</td>
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<tr>
<td>1-11 Aggravated assault or attempted aggravated assault on a correctional officer</td>
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<td>1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer</td>
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<td>1-14 Aggravated assault or attempted aggravated assault on an inmate</td>
</tr>
<tr>
<td>1-15 Battery or attempted battery on a correctional officer</td>
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<td>1-16 Battery or attempted battery on staff other than correctional officer</td>
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<td>1-17 Battery or attempted battery on someone other than staff or inmates (vendor, etc.)</td>
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<tr>
<td>1-18 Battery or attempted battery on an inmate</td>
</tr>
<tr>
<td>1-19 Assault or attempted assault on a correctional officer</td>
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<td>1-20 Assault or attempted assault on staff other than correctional officer</td>
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<td>1-21 Assault or attempted assault on someone other than staff or inmates (vendor, etc.)</td>
</tr>
<tr>
<td>1-22 Assault or attempted assault on an inmate</td>
</tr>
</tbody>
</table>

| **SECTION 2 – RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES** |
| 2-1 Participating in riots, strikes, mutinous acts, or disturbances | 60 DC + All GT |
| 2-2 Inciting or attempting to incite riots, strikes, mutinous acts, or disturbances – conveying any inflammatory, riotous, or mutinous communication by word of mouth, in writing or by sign, symbol, or gesture | 60 DC + All GT |
| 2-3 Creating, participating in or inciting a minor disturbance | 30 DC + 60 GT |
| 2-4 Fighting | 30 DC + 30 GT |

| **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** |
| 3-1 Possession of or manufacture of weapons, ammunition, or explosives | 60 DC + All GT |
| 3-2 Possession of escape paraphernalia | 60 DC + All GT |
| 3-3 Possession of narcotics, unauthorized drugs and drug paraphernalia | 60 DC + 180 GT |
| 3-4 Trafficking in drugs or unauthorized beverages | 60 DC + All GT |
| 3-5 Manufacture of drugs or unauthorized beverages | 60 DC + 180 GT |
3-6 Possession of unauthorized beverages
3-7 Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.
3-8 Possession of negotiables – unauthorized amounts of 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
3-14 Unauthorized possession or use of a cellular telephone or any other type of wireless communication device, or any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under Section 944.47(1)(a)6., F.S.
3-15 Possession of gang related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang related documents
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.
3-17 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.

SECTION 4 – UNAUTHORIZED AREA
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

SECTION 5 – COUNT PROCEDURE VIOLATIONS
5-1 Missing count
5-2 Failure to comply with count procedures

SECTION 6 – DISOBEYING ORDERS
6-1 Disobeying verbal or written order – any order given to an inmate or inmates by a staff member or other authorized person
6-2 Disobeying institutional regulations

SECTION 7 – DESTRUCTION, MISUSE, OR WASTE OF PROPERTY
7-1 Destruction of State property or property belonging to another
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
7-6 Arson or attempted arson
SECTION 8 – HYGIENE

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

SECTION 9 – MISCELLANEOUS INFRACTIONS

9-1 Obscene or profane act, gesture, or statement – oral, written, or signified 30 DC + 90 GT
9-2 Bribery or attempted bribery 30 DC + 90 GT
9-3 Breaking and entering or attempted breaking 30 DC + 90 GT
9-4 Attempt, conspiracy, or solicitation to commit any crime or violation of the Rules of Prohibited Conduct 30 DC + 90 GT
9-5 Theft of property under $50.00 in value 30 DC + 60 GT
9-6 Bartering with others 15 DC + 30 GT
9-7 Sex acts or unauthorized physical contact involving inmates 30 DC + 90 GT
9-8 Tattooing, being tattooed, branding or body art to include body piercing 30 DC + 60 GT
9-9 Lying to staff member or others in official capacity, or falsifying records 60 DC + All GT
9-10 Feigning illness or malingering as determined by a physician or medical authority 10 DC + 15 GT
9-11 Gambling or possession of gambling paraphernalia 10 DC + 15 GT
9-12 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 10 DC + 15 GT
9-13 Mail regulation violations 30 DC + 30 GT
9-14 Visiting regulation violations 30 DC + 30 GT
9-15 Refusing to work or participate in mandatory programs 60 DC + 90 GT
9-16 Disorderly conduct 30 DC + 60 GT
9-17 Unauthorized physical contact involving non-inmates 60 DC + 90 GT
9-18 Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer 60 DC + All GT
9-19 Extortion or attempted extortion 60 DC + 60 GT
9-20 Fraud or attempted fraud 30 DC + 90 GT
9-21 Robbery or attempted robbery 60 DC + All GT
9-22 Theft of property exceeding $50 in value 60 DC + All GT
9-23 Loaning or borrowing money or other valuables 15 DC + 30 GT
9-24 Telephone regulation violations 30 DC + 30 GT
9-25 Refusing to submit to substance abuse testing 60 DC + 180 GT
9-26 Use of unauthorized drugs – as evidenced by positive results from urinalysis test, or observable behavior 60 DC + 180 GT
9-27 Canteen Shortage under $50.00 30 DC + 60 GT
9-28 Canteen Shortage over $50.00 60 DC + All GT
9-29 Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior 30 DC + 90 GT
9-30 Tampering with, defeating or depriving staff of any security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as handcuffs, waist chains, leg irons and handcuff covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the institution 60 DC + All GT
9-31 Tampering with or defeating any fire or other safety 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 systems; safety and emergency lighting; exit lights; 60 DC + All GT
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 and inmates.

9-35 Establishes or attempts to establish a personal or business relationship with any staff member or volunteer. 60 DC + All GT

9-36 Gang related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation. 60 DC + 180 GT

9-37 Unauthorized use of or tampering with a computer, computer peripheral device, or any other office equipment. Other office equipment includes copying machines, facsimile machines, postage meters, or any other device utilized in an office or office-like environment. 30 DC + 60 GT

9-38 In accordance with Section 817.535(4), F.S., is 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, or fraudulent statement or representation that purports to affect an owner’s interest in the property described in the instrument. 60 DC + All GT

SECTION 10 – COMMUNITY RELEASE PROGRAM VIOLATIONS – WORK RELEASE, STUDY RELEASE, FURLough and VOLUNTEER SERVICE

10-1 Failure to directly and promptly proceed to and return from designated area by approved method 60 DC + 180 GT

10-2 Failure to remain within designated area of release plan 30 DC + 60 GT

10-3 Failure to return if plan terminated prior to scheduled time 30 DC + 30 GT

10-4 Making unauthorized contact – personal, telephone, or otherwise – with any individual in behalf of another inmate 10 DC + 15 GT

10-5 Deviating from or changing approved plan without permission 10 DC + 15 GT

10-6 Making purchase or contract without approval 10 DC + 15 GT

10-7 Failure to deposit entire earnings – less authorized deductions – each pay period 10 DC + 15 GT

10-8 Failure to repay advancement of monies as stipulated in the inmate’s financial plan 10 DC + 15 GT

SECTION 11 – SUPERVISED COMMUNITY RELEASE PROGRAM VIOLATIONS

11-1 Violation of the terms and conditions of the Supervised Community Release Agreement assignment to a designated facility 30 DC + 60 GT + removal from the Supervised Community Release Program and assignment to a designated facility 60 DC + All GT

11-2 Absconding from the Supervised Community Release Program

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 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, 4-17-05, 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.