

### 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.

		Maximum Disciplinary Actions
<b>SECTION 1 – ASSAULT, BATTERY, THREATS, AND DISRESPECT</b>		
1-3	Spoken, written, or gestured threats	30 DC + 90 GT
1-4	Disrespect to officials, employees, or other persons of constituted authority expressed by means of words, gestures, and the like	30 DC + 60 GT
1-5	Sexual battery or attempted sexual battery	60 DC + All GT
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	60 DC + 90 GT
1-7	Aggravated battery or attempted aggravated battery on a correctional officer	60 DC + All GT
1-8	Aggravated battery or attempted aggravated battery on staff other than correctional officer	60 DC + All GT
1-9	Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.)	60 DC + All GT
1-10	Aggravated battery or attempted aggravated battery on an inmate	60 DC + All GT
1-11	Aggravated assault or attempted aggravated assault on a correctional officer	60 DC + All GT
1-12	Aggravated assault or attempted aggravated assault on staff other than correctional officer	60 DC + All GT
1-13	Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.)	60 DC + All GT
1-14	Aggravated assault or attempted aggravated assault on an inmate	60 DC + All GT
1-15	Battery or attempted battery on a correctional officer	60 DC + All GT
1-16	Battery or attempted battery on staff other than correctional officer	60 DC + All GT
1-17	Battery or attempted battery on someone other than staff or inmates (vendor, etc.)	60 DC + All GT
1-18	Battery or attempted battery on an inmate	60 DC + All GT
1-19	Assault or attempted assault on a correctional officer	60 DC + 180 GT
1-20	Assault or attempted assault on staff other than correctional officer	60 DC + 180 GT
1-21	Assault or attempted assault on someone other than staff or inmates (vendor, etc.)	60 DC + 180 GT
1-22	Assault or attempted assault on an inmate	60 DC + 180 GT
<b>SECTION 2 – RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES</b>		
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
-3	Creating, participating in or inciting a minor disturbance	30 DC + 60 GT
2-4	Fighting	30 DC + 30 GT
<b>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</b>		
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	30 DC + 90 GT
3-7	Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.	60 DC + 180 GT
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	15 DC + 30 GT
3-9	Possession of unauthorized or altered identification – driver’s license, Social security card, cashless canteen identification card, etc.	15 DC + 30 GT
3-10	Possession of unauthorized clothing or linen – State or personal	15 DC + 30 GT
3-11	Possession of stolen property – State or personal	15 DC + 30 GT
3-12	Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband	15 DC + 30 GT
3-13	Introduction of any contraband	60 DC + All GT
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.	60 DC + All GT
3-15	Possession of gang related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang related documents	30 DC + 30 GT
3-16	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.	30 DC + 60 GT
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.	30 DC + 60 GT

**SECTION 4 – UNAUTHORIZED AREA**

4-1	Escape or escape attempt	60 DC + All GT
4-2	Unauthorized absence from assigned area, including housing, job or any other assigned or designated area	30 DC + 60 GT
4-3	Being in unauthorized area, including housing, job, or any other assigned or designated area	15 DC + 30 GT

**SECTION 5 – COUNT PROCEDURE VIOLATIONS**

5-1	Missing count	30 DC + 90 GT
5-2	Failure to comply with count procedures	15 DC + 30 GT

**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	30 DC + 60 GT
6-2	Disobeying institutional regulations	15 DC + 30 GT

**SECTION 7 – DESTRUCTION, MISUSE, OR WASTE OF PROPERTY**

7-1	Destruction of State property or property belonging to another	60 DC + All GT
7-2	Altering or defacing State property or property belonging to another	15 DC + 30 GT
7-3	Destruction of State property or property belonging to another due to gross negligence	15 DC + 30 GT
7-4	Misuse of State property or property belonging to another – use for purpose other than the intended purpose	15 DC + 30 GT
7-5	Willful wasting State property or property belonging to another – any waste of edible or usable property	15 DC + 30 GT
7-6	Arson or attempted arson	60 DC + All GT

## 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
9-9	Tattooing, being tattooed, branding or body art to include body piercing	30 DC + 60 GT
9-10	Lying to staff member or others in official capacity, or falsifying records	60 DC + All GT
9-11	Feigning illness or malingering as determined by a physician or medical authority	10 DC + 15 GT
9-12	Gambling or possession of gambling paraphernalia	10 DC + 15 GT
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	10 DC + 15 GT
9-14	Mail regulation violations	30 DC + 30 GT
9-15	Visiting regulation violations	30 DC + 30 GT
9-16	Refusing to work or participate in mandatory programs	60 DC + 90 GT
9-17	Disorderly conduct	30 DC + 60 GT
9-18	Unauthorized physical contact involving non-inmates	60 DC + 90 GT
9-19	Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer	60 DC + All GT
9-20	Extortion or attempted extortion	60 DC + 60 GT
9-21	Fraud or attempted fraud	30 DC + 90 GT
9-22	Robbery or attempted robbery	60 DC + All GT
9-23	Theft of property exceeding \$50 in value	60 DC + All GT
9-24	Loaning or borrowing money or other valuables	15 DC + 30 GT
9-25	Telephone regulation violations	30 DC + 30 GT
9-26	Refusing to submit to substance abuse testing	60 DC + 180 GT
9-27	Use of unauthorized drugs – as evidenced by positive results from urinalysis test, or observable behavior	60 DC + 180 GT
9-28	Canteen Shortage under \$50.00	30 DC + 60 GT
9-29	Canteen Shortage over \$50.00	60 DC + All GT
9-31	Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior	30 DC + 90 GT
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.	60 DC + All GT
9-33	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
9-34	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;	

	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.	60 DC + All GT
9-35	Establishes or attempts to establish a personal or business relationship with any staff member or volunteer.	60 DC + 180 GT
9-36	Gang related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation.	30 DC + 60 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.	60 DC + All 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
11-2	Absconding from the Supervised Community Release Program	60 DC + All GT

*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.*