

West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.301, F.A.C.
Fla. Admin. Code r. 33-601.301

33-601.301. Inmate Discipline -- General Policy.

Currentness

(1) In order that inmates might live in a safe and orderly environment, inmates whose behavior is in noncompliance with department rules shall be corrected through preventative discipline techniques or the disciplinary process.

(2) Discipline is a factor in correctional treatment and control. The objective is the acceptance of the rules of prohibited conduct and specific institutional regulations which are required for the general welfare of the institutional community and serve as a model for law-abiding behavior following release.

(3) Preventive discipline consists of initial orientation and continuing group and individual instruction without the necessity of taking formal disciplinary action. These corrective techniques should be employed when deviations from rules occur due to lack of understanding or when resulting from carelessness or faulty habits. The employee's counseling of an inmate is designed to eliminate future disciplinary violations and to develop acceptable standards of behavior.

(4) The goals and purposes of discipline and preventive discipline, the terms used, as well as the procedures outlined in this rule will be incorporated into the staff training program. A copy of Rules 33-601.301-.314, F.A.C., and all revisions thereto will be made available to all employees.

(5) Every inmate received by the department will be given a printed copy of Rules 33-601.301-.314, F.A.C. Copies of this rule chapter shall also be available in the institution library. Inmates shall be notified of any change by posting and circulation. These rules shall be translated into any language native to 5 percent or more of the statewide inmate population. These translations shall be made available to inmates. At the time of reception processing, when a literacy or language problem prevents an inmate from understanding the rules, a staff member or translator shall assist the inmate in understanding the rules.

(6) The provisions of Rules 33-601.301-.314, F.A.C., shall be applicable to correctional facilities and programs operated by the department and to correctional facilities operated by private vendors under contract with the department.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.01; Amended Dec. 30, 1986, Oct. 1, 1995; Transferred from 33-22.001.

Authority: 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS.

33-601.301. Inmate Discipline -- General Policy., 33 FL ADC 33-601.301

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Rule 33-601.301, F.A.C., 33 FL ADC 33-601.301

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.302, F.A.C.
Fla. Admin. Code r. 33-601.302

33-601.302. Inmate Discipline -- Terminology and Definitions.

Currentness

The following terms, as defined, shall be standard usage throughout the Department:

- (1) Classification Officer - As used herein, refers to any classification officer position, including senior classification officer and classification supervisor.
- (2) Contact Card - Refers to Form DC6-256, a written log used to document behavior of an inmate, other than an inmate in administrative confinement, disciplinary confinement or close management. Correctional officers maintain this card in the inmate's assigned dormitory. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.
- (3) Corrective Consultation - A written reprimand for a violation of rules of such a minor nature that no disciplinary report is necessary.
- (4) Department Head - The staff person in charge of a work unit at a correctional facility.
- (5) Designating Authority - The classification supervisor responsible for the review of disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and Rules 33-601.301 - .314, F.A.C., and whether it shall be designated as minor or major as defined by subsections 33-601.302(11) and (12), F.A.C.
- (6) Disciplinary Hearing - The procedure used to provide administrative due process requirements for inmates charged with violating the rules of the Department.
- (7) Disciplinary Report - A formal method of charging an inmate with a rule violation. The disciplinary report is an Offender Based Information System (OBIS) computer screen entry into the Automated Discipline and Integrated Offender System (ADIOS).
- (8) Disciplinary Team - A team made up of at least two staff persons, one of whom shall be a classification officer, senior classification officer or classification supervisor, who serves as team chair at the direction of the warden, and a correctional officer lieutenant or above, who will be responsible for hearing disciplinary reports. The correctional officer chief shall

33-601.302. Inmate Discipline -- Terminology and Definitions., 33 FL ADC 33-601.302

designate a correctional officer sergeant as a substitute team member only if neither a lieutenant nor captain is available and only when such substitution is absolutely necessary.

(9) Hearing Officer - An employee who will be responsible for hearing disciplinary reports designated as minor.

(10) Investigator - The staff member assigned to investigate infractions, conduct interviews and collect evidence relating to the disciplinary infraction.

(11) Major Violation - Any rule violation where the maximum penalty is 30 DC and 30 GT or greater, or where the maximum penalty is less than 30 DC and 30 GT and the designating authority has determined that based upon one or more of the criteria listed in subsection 33-601.302(12), F.A.C., it is assigned to the disciplinary team as a major disciplinary report.

(12) Minor Violation - Any rule violation for which the maximum penalty that could be imposed is less than 30 days disciplinary confinement or 30 days loss of gain time shall be considered for assignment to the hearing officer as a minor disciplinary report based on:

(a) The nature and circumstances of the offense;

(b) The inmate's disciplinary history;

(c) The period of time that has elapsed since the inmate's last disciplinary report.

(13) Rehearing - A process to reconsider the disciplinary report due to discovery of an error at any time after a finding of guilt.

(14) Staff Assistant - An employee, appointed by the warden, whose name is placed on a list maintained by the disciplinary team and who is assigned by the team to assist the inmate. A staff assistant is not to take the position of an advocate or defense attorney. A staff assistant is assigned to an inmate under the following circumstances:

(a) To explain the charges or disciplinary procedures to the inmate,

(b) To assist the inmate when the disciplinary team determines that the inmate is illiterate or does not understand English,

(c) When the inmate has a disability that would hinder his or her ability to represent himself or herself,

(d) When the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself.

33-601.302. Inmate Discipline -- Terminology and Definitions., 33 FL ADC 33-601.302

(15) Shift Supervisor - The correctional officer in charge of security on any work shift.

(16) Witness - Any person having information relevant to facts in dispute of the case.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.02; Amended Dec. 30, 1986, Oct. 1, 1995; Transferred from 33-22.002; Amended May 21, 2000, Feb. 11, 2001, Sept. 16, 2004, July 25, 2006, Jan. 28, 2007.

Authority: [944.09 FS](#). Law Implemented [944.09 FS](#).

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Rule 33-601.302, F.A.C., 33 FL ADC 33-601.302

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.303, F.A.C.
Fla. Admin. Code r. 33-601.303

33-601.303. Reporting Disciplinary Infractions.

Currentness

(1) When any employee or person supervising inmates witnesses an act or has reason to believe that an act has been committed by an inmate which is in violation of the rules or procedures of the Department and that employee determines that the infraction can be properly disposed of without a formal disciplinary report, the employee shall take the necessary action to resolve the matter. The employee may decide to reprimand the inmate verbally or in writing through use of Form DC6-117, Corrective Consultation of Inmate.

(a) A verbal reprimand is any employee's verbal counseling to the inmate designed to motivate the inmate to comply with, or to clarify the rules of prohibited conduct, departmental rules or procedures or institutional regulations. Verbal reprimands will be documented on the inmate's contact card, Form DC6-256. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.

(b) If the employee decides to reprimand the inmate in writing, the employee shall issue the inmate a Corrective Consultation, Form DC6-117. Form DC6-117 is incorporated in [Rule 33-601.313, F.A.C.](#) A copy of the corrective consultation will be provided to the inmate within twenty-four hours of the writing of the corrective consultation and a copy will be placed in the inmate's institutional file.

(2) If the employee cannot resolve the matter through a verbal reprimand or corrective consultation, the employee shall consult with and obtain approval from his or her supervisor regarding preparation of a formal disciplinary report, unless the employee is at the department head level or correctional officer lieutenant level or above.

(3) When it appears that laws of the state have been violated, the Office of the Inspector General shall be notified, who will in turn contact the State Attorney when deemed appropriate. If the State Attorney decides to prosecute, his office shall be consulted as to the suitability of disciplinary action being taken by the institution prior to the prosecution being concluded.

(a) If the State Attorney has no objections, formal disciplinary action shall proceed.

(b) If the State Attorney objects to disciplinary action prior to prosecution, the file shall be flagged so that the investigation and disciplinary process can be completed once the criminal prosecution has been resolved.

33-601.303. Reporting Disciplinary Infractions., 33 FL ADC 33-601.303

(c) Failure to notify the state attorney prior to taking disciplinary action is not grounds for dismissal of the disciplinary report.

(4) The commission of acts that should normally result in consideration for formal disciplinary action shall not be subject to such action when these acts are directly associated with an inmate's intentional self injurious behavior.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.04; Amended Dec. 30, 1986, Oct. 1, 1995; Transferred from 33-22.004; Amended May 21, 2000, Feb. 11, 2001; Amended Sept. 22, 2009.

Authority: [944.09 FS](#). Law Implemented [944.09](#), [945.04 FS](#).

Current with amendments available through March 24, 2014.

Rule 33-601.303, F.A.C., 33 FL ADC 33-601.303

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.304, F.A.C.
Fla. Admin. Code r. 33-601.304

33-601.304. Preparation of Disciplinary Reports.

Currentness

- (1) Only one violation shall be included in each disciplinary report. Separate disciplinary reports shall be used for multiple offenses.

- (2) The statement of facts shall include:
 - (a) A description of the violation, including date, time and place;

 - (b) The specific rules violated;

 - (c) A formal statement of the charge;

 - (d) Any unusual inmate behavior;

 - (e) Any physical evidence and its disposition;

 - (f) Any immediate action taken; and

 - (g) Any other specific facts necessary for an understanding of the charge.

- (3) The completed disciplinary report shall be turned in to the shift supervisor.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.05; Amended Dec. 30, 1986, Oct. 1, 1995; Transferred from 33-22.005; Amended May 21, 2000, Feb. 11, 2001, Mar. 22, 2005.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [944.34](#), [945.04 FS](#).

33-601.304. Preparation of Disciplinary Reports., 33 FL ADC 33-601.304

Current with amendments available through March 24, 2014.

Rule 33-601.304, F.A.C., 33 FL ADC 33-601.304

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.305, F.A.C.
Fla. Admin. Code r. 33-601.305

33-601.305. Inmate Discipline -- Investigations.

Currentness

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

- (1) Interviewing the charging staff member.
- (2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:
 - (a) Delivering the charge to the inmate by reading the charge and statement of facts to the inmate.
 - (b) Ensuring that the inmate has been provided a written copy of the charges.
 - (c) Appointing a staff assistant if necessary.
 - (d) Obtaining the inmate's version of the infraction.
 - (e) Asking the inmate if there are any witnesses or evidence to offer in the inmate's behalf.
 - (f) Completing and obtaining the inmate's signature on Form DC6-112B, Witness Disposition, and Form DC6-151, Documentary or Physical Evidence Disposition. Form DC6-112B and Form DC6-151 are incorporated by reference in [Rule 33-601.313, F.A.C.](#)
 - (g) Completing Form DC6-2028, Disposition of Videotape/Audiotape Evidence, when necessary. Form DC6-2028 is incorporated by reference in [Rule 33-601.313, F.A.C.](#)
- (3) Interviewing additional persons who may have information pertaining to the infraction, including those who are listed in the statement of facts. If the inmate requests a large group of inmates as witnesses (e.g. an entire dorm), the investigating

33-601.305. Inmate Discipline -- Investigations., 33 FL ADC 33-601.305

officer will interview a random sample of the requested witnesses and document such on the comments section of Form DC6-112B, Witness Disposition.

(4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape or audiotape identified by the inmate, the inmate must also include a written statement on Form DC6-151 describing what he expects the tape to show. Failure to complete and sign Section II on Form DC6-151 will result in a waiver of the opportunity to have documentary or physical evidence presented at hearing. The investigator shall determine whether, based upon review of the tape itself or the capabilities of the particular taping equipment, the tape described by the inmate does or does not provide evidence to support the inmate's statement. If the investigator determines that the tape provides evidence to support the inmate's statement, he shall prepare a summary for the investigative report. If the investigator determines that the tape does not provide evidence to support the inmate's statement, the inmate will be provided with the following written statement in the basis of findings section of the disciplinary report: "Based upon review of the identified tape or the capabilities of the particular taping equipment, the tape requested does not provide evidence to support the inmate's statement." The investigator shall provide on Form DC6-2028, Disposition of Videotape/Audiotape Evidence, a detailed description of why the tape did not provide evidence to support the inmate's statement. In the interest of institutional security, this form shall not be provided to the inmate, but shall be retained with the other disciplinary report documentation.

(5) Recording the results of the investigation on Form DC6-112A, Disciplinary Investigative Report. Form DC6-112A is incorporated by reference in [Rule 33-601.313, F.A.C.](#)

Credits

Adopted Oct. 1, 1995; Transferred from 33-22.0055; Amended May 21, 2000, Feb. 11, 2001, Mar. 22, 2005, July 10, 2006. Amended July 11, 2011.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [945.04 FS](#).

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Rule 33-601.305, F.A.C., 33 FL ADC 33-601.305

33-601.3055. Inmate Discipline -- Use of Confidential..., 33 FL ADC 33-601.3055

West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.3055, F.A.C.
Fla. Admin. Code r. 33-601.3055

33-601.3055. Inmate Discipline -- Use of Confidential Informants During Investigation.

Currentness

The investigator shall interview the informant and obtain a statement of the incident in question. This information shall be recorded by the investigator in the disciplinary investigative report. The investigator shall also document whether the informant has direct or indirect knowledge of the case, whether the informant has provided information in the past, and whether the information has been reliable, unreliable, or both. If the informant has allegedly provided confidential information in the past, the investigator will document to whom and confirm with the staff member in the disciplinary investigative report. The investigator will document only the informant's social security number for identification purposes on the witness disposition form after the charged inmate reviews and signs the form.

Credits

Adopted Feb. 11, 2001.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [945.04 FS](#).

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Rule 33-601.3055, F.A.C., 33 FL ADC 33-601.3055

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.306, F.A.C.
Fla. Admin. Code r. 33-601.306

33-601.306. Disciplinary Team and Hearing Officer.

Currentness

(1) A person shall not serve as the hearing officer or as a member of the disciplinary team, or participate in the deliberations when they are:

- (a) A witness or the person who wrote the charge;
- (b) The investigating officer;
- (c) The person charged with review of the results of the disciplinary hearing;

(2) The hearing officer shall hear all disciplinary reports designated as minor. At any time before the inmate enters a plea, the inmate may request that the case be referred to the disciplinary team.

(3) The disciplinary team shall hear all disciplinary reports designated as major or when requested by the inmate as in subsection (2) above.

Credits

Adopted Oct. 1, 1995; Transferred from 33-22.0056.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [944.719](#), [945.04 FS](#).

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Rule 33-601.306, F.A.C., 33 FL ADC 33-601.306

West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.307, F.A.C.
Fla. Admin. Code r. 33-601.307

33-601.307. Disciplinary Hearings.

Currentness

(1)(a) No hearing shall commence prior to 24 hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the 24 hour period. In such cases, an explanation shall be provided in the basis of findings section of the disciplinary report. The inmate may waive the 24-hour waiting period. In such cases, a waiver must be signed by the inmate, witnessed by an employee, and copies attached to each copy of the disciplinary report. Form DC6-112D, 24 Hour/Refusal to Appear Waiver, shall be used for this purpose. The disciplinary team or hearing officer shall provide an explanation in the basis of findings section whenever the waiver process is utilized. Form DC6-112D is incorporated in [Rule 33-601.313, F.A.C.](#)

(b) The inmate charged shall be present at the disciplinary hearing unless a confirmed medical condition makes the inmate unable to attend, the inmate demonstrates disruptive behavior, either before or during the hearing, that impedes the process or poses a threat to the safety of others or the security of the institution, or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate may not submit a written closing statement to the disciplinary team or hearing officer in place of the oral closing statement permitted in paragraph (1)(g). If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of decision section of the disciplinary report.

(c) The hearing officer or disciplinary team member shall read the charge, ask the inmate if the charge is understood, and explain the range of penalties that could be imposed if there is a finding of guilt.

(d) The inmate shall be asked whether staff assistance is required or desired for the hearing. If in the opinion of the hearing officer or team the inmate needs staff assistance, such assistance shall be assigned.

(e) In the case of minor disciplinary reports the hearing officer shall explain to the inmate that he may request that the case be referred to the disciplinary team.

(f) The hearing officer or disciplinary team shall read the statement of facts to the inmate and the inmate shall be asked to plea.

33-601.307. Disciplinary Hearings., 33 FL ADC 33-601.307

(g) If the inmate pleads “guilty,” no further evidence needs to be heard. If the inmate pleads “not guilty,” evidence is to be presented, including witness statement forms obtained from witnesses. If evidence is not revealed to the inmate, the reason(s) shall be documented in the comment section of the Witness Disposition Form, DC6-112B, the comment section of the Documentary or Physical Evidence Form, DC6-151, or the comments section of the Disposition of Videotape/Audiotape Evidence, Form DC6-2028, depending on the nature of the evidence, and in the witness comments section in the department's automated database. The inmate may make only an oral closing statement concerning the infraction for consideration by the hearing officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a “not guilty” plea insofar as hearing procedures are concerned. A “no contest” plea shall be handled as a guilty plea.

(h) The hearing officer or disciplinary team shall ensure the following in accordance with [Rule 33-601.308, F.A.C.](#):

1. That a decision of guilt or innocence is made only on the official charge listed on the disciplinary report;
2. That the disciplinary action is proportionate to the infraction;

(i) The hearing officer or the disciplinary team may utilize available resource personnel such as health services staff, work supervisors, or other personnel in a consultative capacity. When consultations occur as part of the hearing process it shall be documented in the basis of findings section of the Disciplinary Report.

(2) The hearing officer or chairman of the disciplinary team has the authority to require the following actions:

- (a) That other supporting documents be presented;
- (b) That the employee filing the charge personally appear at the hearing;
- (c) That the investigating officer appear at the hearing;
- (d) That any witness(es) appear at the hearing;
- (e) That any other individuals appear at the hearing to clarify information or facts related to the disciplinary report; and
- (f) That further investigation be conducted, or evidence presented, or statements presented of unavailable witnesses.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

33-601.307. Disciplinary Hearings., 33 FL ADC 33-601.307

(a) Multiple hearings are routinely scheduled at one time and the presence of witnesses during these hearings presents a potential security risk for the facility and the safety of staff and inmates as well as a diversion of additional security staff from assigned posts.

(b) The routine presence of inmate witnesses during hearings would cause a disruption in the orderly operation of the facility, as it removes inmates from routine work assignments and programs.

(c) The testimony of witnesses requested by the charged inmate shall be presented at the hearing through the written Witness Statement, Form DC6-112C, unless the inmate:

1. Has completed and signed the witness request form during the investigation;

2. Makes a request at the hearing for a witness to appear to provide live testimony; and

3. The disciplinary team or hearing officer determines that the reason provided by the charged inmate for requesting live testimony overcomes the burden on institutional staff caused by the retrieval and escort of live witnesses as well as the diversion of security staff from assigned posts due to the potential security risk that may result from the appearance of live inmate witnesses and the disruption to the assignments and activities of inmate witnesses.

(d) Failure to sign and complete the witness disposition Form DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement. Form DC6-112B must be used for listing witnesses. Listing witness names on any other document, including the Witness Statement, Form DC6-112C, will not result in their being considered.

(e) Additional witnesses. A request for an additional witness who was not listed on the witness request form will be granted if the inmate makes the request at hearing for the additional witness, the expected testimony proffered by the charged inmate indicates that the testimony is material, relevant, and non-repetitive and the inmate presents extraordinary circumstances which prevented him from naming the witness during the investigation. The testimony of the additional witness shall be presented by written statement unless the procedure of paragraph 33-601.307(3)(c), F.A.C., is followed.

(f) In no case shall a witness be called live or by written statement if his testimony would be irrelevant, immaterial or repetitive.

(g) Witnesses shall not be called or certain information disclosed if doing so would create a risk of reprisal, undermine authority or otherwise present a threat to the security or order of the institution. The inmate witnesses must be willing to testify by means of an oral or written statement provided to the investigating officer, hearing officer, or the disciplinary team.

(h) If the team or hearing officer utilizes confidential informant information during the hearing, the team or hearing officer shall determine whether the informant has direct or indirect knowledge of the events in question. The team or hearing officer shall consider the informant's reliability by analyzing the informant's past record for providing accurate or inaccurate

33-601.307. Disciplinary Hearings., 33 FL ADC 33-601.307

information. The disciplinary team or hearing officer shall not accept assurance alone from an officer as to the authenticity of the informant's information. Hearsay and second-hand knowledge not corroborated by other evidence shall not be used to support a finding of guilt. Unless supported by other evidence, information provided by a single informant shall not be used to support a finding of guilt unless the information is especially compelling. The team or hearing officer shall document the information used to determine guilt and the reliability of the information in the basis of decision section of the Disciplinary Hearing Worksheet, Form DC6-112E. If disclosure of the information would endanger the informant or adversely affect institutional security and order, the team or hearing officer shall document the information and the reasons for not revealing it to the inmate in the comment section of the witness disposition form.

(i) If a witness is requested by the team or hearing officer to appear at the hearing and is unavailable the witness statement form shall be accepted as testimony. Signed witness statements used as testimony shall be read to the charged inmate at the hearing except as provided in paragraphs (a) and (c) above. Where a witness statement is not read or the inmate witness does not appear at the hearing as requested, the reason shall be recorded in the witness disposition form, Form DC6-112B.

(j) The charged inmate shall not be permitted to question or cross examine witnesses during the hearing.

(k) The only persons present during disciplinary team deliberations shall be the team, employees being trained, and others whom the warden, the chief of security, or the classification supervisor have previously authorized to be present after having determined that these persons will not disrupt the hearing and will benefit by observing the proceedings.

(4) The original charge cannot be reduced by the disciplinary team to what might be termed a "lesser included offense." Up to the point of the disciplinary team or hearing officer announcing their decision to the inmate, the hearing may be postponed.

(a) The entire disciplinary report may be returned for further review, investigation or correction.

(b) If further review suggests a different charge should have been indicated or that additions, deletions or changes should be made in the statement of facts (change section narrative) then the originator shall rewrite the disciplinary report, a copy of the new or corrected disciplinary report shall be delivered to the inmate, a new investigation shall be prepared and the disciplinary report shall be scheduled for a hearing. The original report shall not be processed. Notation of this occurrence shall be incorporated in the findings of the disciplinary team or hearing officer with an indication of the reason that the disciplinary report was rewritten and delayed.

(c) The inmate shall be informed of the final decision by the hearing officer or disciplinary team and the basis for that decision.

(d) The hearing officer's electronic signature and name or the electronic signature and names of all members of the disciplinary team shall be typed or printed on the Disciplinary Report.

(5)(a) The warden, or designee, of an institution or facility shall determine how an inmate's personal property is to be managed when that inmate has to appear at a disciplinary hearing by evaluating the following factors:

33-601.307. Disciplinary Hearings., 33 FL ADC 33-601.307

1. Maintenance of proper accountability of inmate property;
2. The likelihood of disruptive and belligerent behavior on the part of the inmate in the event that the inmate is found guilty at the disciplinary hearing; and
3. The physical layout of the institution.

(b) The warden, or designee, is authorized to require an inmate to bring all of the inmate's personal property to the disciplinary hearing if it is determined that this is necessary after evaluating the factors set out above.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.06; Amended Dec. 30, 1986, Oct. 1, 1995, Dec. 10, 1997, May 19, 1998; Transferred from 33-22.006; Amended May 21, 2000, Feb. 11, 2001, Mar. 22, 2005, Oct. 12, 2005, July 17, 2007.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [945.04 FS](#).

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.308, F.A.C.
Fla. Admin. Code r. 33-601.308

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

Currentness

(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) Find the inmate guilty.

(3) If the inmate has been held in administrative confinement pending the disciplinary hearing and the decision is not to impose disciplinary confinement as 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 institutional classification team will be required to immediately review the case.

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

(a) Reprimand the inmate;

(b) 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 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

33-601.308. Disciplinary Team, Hearing Officer Findings and..., 33 FL ADC 33-601.308

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 mailing or visitation privileges for a period not to exceed 180 days. This alternative is available only when the infraction cited is a violation of [Rule 33-601.314, F.A.C.](#), Section 9, 9-14 or 9-15 or when the evidence in a disciplinary report for another infraction clearly indicates that the cited infraction occurred during the inmate's exercise or utilization of mailing or visiting privileges.

(d) Suspend any other privileges for a period of time not to exceed 60 days;

(e) Assign extra duty assignments during leisure hours;

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

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

(h) Assign the inmate for individual review and counseling;

(i) Determine the disposition of contraband items;

(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. 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 for damaged, destroyed or misappropriated property shall be at the replacement value 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 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 bank account for possible future payment. Should the inmate ever receive money at a facility during the current commitment or during service of continuing consecutive commitments, excepting the release gratuity, the department will be paid prior to issuing funds to the inmate.

4. Costs for medical services resulting from injury may not be imposed.

- (k) Assign the inmate to disciplinary confinement on a part-time basis with continued participation in assigned work or programs. Part-time confinement shall not exceed the maximum disciplinary confinement time permitted for the violation. A part of a day of confinement will be equal to a full day of confinement.
- (l) Place the inmate in disciplinary confinement for a period of time not to exceed the maximum penalty 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 consider the time served in administrative confinement in determining the total number of days of recommended disciplinary confinement. Disciplinary confinement shall be utilized only as a last 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) Remove inmates on supervised community release from the program and assign them to a designated facility;
- (o) Require inmates assigned to work release centers to participate in the work release program to pay the cost of substance abuse analysis test(s) administered when the result(s) are positive.
- (5) 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 concurrent or consecutive requirements, the disciplinary action shall be considered consecutive.
- (6) Loss of gain time shall not be concurrent with any other loss of gain time and shall be cumulative.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.08; Amended Nov. 13, 1984, Dec. 30, 1986, June 25, 1989, July 17, 1990, Oct. 1, 1995, Nov. 25, 1998, Aug. 5, 1999; Transferred from 33-22.008; Amended May 21, 2000, Feb. 11, 2001.

Authority: [944.09](#), [945.091 FS](#). Law Implemented [20.315](#), [944.09](#), [945.04](#), [945.091 FS](#).

Current with amendments available through March 24, 2014.

33-601.308. Disciplinary Team, Hearing Officer Findings and..., 33 FL ADC 33-601.308

Rule 33-601.308, F.A.C., 33 FL ADC 33-601.308

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.309, F.A.C.
Fla. Admin. Code r. 33-601.309

33-601.309. Inmate Discipline -- Review and Final Action.

Currentness

- (1) The chief correctional officer at a work release center, or the senior staff person at a contract facility shall review the disciplinary action and recommend approval, modification or disapproval to the warden.
- (2) The warden acts as the final reviewing and approving authority for all disciplinary reports in which the recommended penalty does not exceed a loss of more than 365 days of gain time.
- (3) The regional director of institutions acts as the final reviewing authority for all disciplinary reports in which the recommended penalty exceeds 365 days loss of gain time.
- (4) The warden or regional director of institutions shall approve, modify downward or disapprove the recommended disciplinary action. The above mentioned or the deputy assistant secretary - programs is authorized to direct a rehearing of the disciplinary report as provided for in [Rule 33-601.310, F.A.C.](#) The review shall be limited to the matters contained in the disciplinary report. If new evidence or procedural error is discovered, the warden or regional director shall remand the disciplinary report to the hearing officer or disciplinary team for a rehearing as provided for in [Rule 33-601.310, F.A.C.](#) Review of each disciplinary report is the responsibility of the warden or regional director and cannot be delegated to other staff members.
- (5) When the warden is the reporting officer of a disciplinary report the regional director of institutions shall act as reviewing and approving authority.
- (6) In the case of privately operated correctional institutions, the correctional services administrator position in the regional office is the final approving authority for all disciplinary reports, except those as defined in subsection 33-601.309(3), F.A.C.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.09; Amended Dec. 30, 1986, Oct. 1, 1995; Transferred from 33-22.009; Amended May 21, 2000, Feb. 11, 2001, Mar. 22, 2005.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [944.275](#), [944.28](#), [944.719](#), [945.04 FS](#).

Current with amendments available through March 24, 2014.

33-601.309. Inmate Discipline -- Review and Final Action., 33 FL ADC 33-601.309

Rule 33-601.309, F.A.C., 33 FL ADC 33-601.309

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33-601.310. Inmate Discipline -- Rehearings., 33 FL ADC 33-601.310

West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.310, F.A.C.
Fla. Admin. Code r. 33-601.310

33-601.310. Inmate Discipline -- Rehearings.

Currentness

(1) If an error is discovered at any time after an inmate has been found guilty of a disciplinary infraction, the warden, the facility administrator of a private facility, or the deputy director of institutions (classification) or designee is authorized to cause a rehearing to take place within 30 days of the discovery of the error or the receipt of a successful grievance or appeal. The individual ordering the rehearing shall note the specific reasons for the rehearing on the disciplinary report. A rehearing shall not be held following a finding of "not guilty".

(2) The investigation may incorporate those portions of the previous investigation that are not affected by the need for the rehearing. The rehearing shall proceed according to the provisions of [Rule 33-601.307, F.A.C.](#) No inmate is authorized to request a rehearing.

Credits

Adopted Oct. 1, 1995; Transferred from 33-22.0105; Amended May 21, 2000, Feb. 11, 2001.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [944.719](#), [945.04 FS](#).

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Rule 33-601.310, F.A.C., 33 FL ADC 33-601.310

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.311, F.A.C.
Fla. Admin. Code r. 33-601.311

33-601.311. Inmate Discipline -- Miscellaneous Provisions.

Currentness

(1) Interstate Compact Cases. Inmates confined in this Department on interstate transfer are to be disciplined in the same fashion as anyone sentenced within the State of Florida. Following the review process, a copy of all disciplinary reports on interstate corrections compact cases (institutions) shall be forwarded to the interstate corrections compact administrator in the Bureau of Classification and Central Records, who will then forward the disciplinary report to the sending state for information and concurrence.

(2) Transfers.

(a) If, in the course of conducting disciplinary procedures, a job reassignment or transfer is indicated, it shall be handled as classification matters are normally handled at that institution and not as a disciplinary decision.

(b) If it becomes necessary to transfer an inmate who is awaiting disciplinary action, the team hearing should be held prior to the transfer. Exceptions to this shall be made in circumstances where the situation dictates immediate transfer before the disciplinary hearings can be held. A memorandum explaining the circumstances precluding the scheduling of the hearing shall be sent with the inmate record at the time of the transfer. The sending institution shall complete the heading section, identifying the inmate and charge, and statement of facts, of the disciplinary report. The disciplinary investigation report shall be completed by the sending institution if time permits, and forwarded to the receiving institution. The receiving institution shall complete the inmate notification, the disciplinary investigation report and the designating authority review, if not completed prior to transfer. The Team/Hearing Officer Findings and Action, shall be completed by the receiving institution after the hearing and approved by the warden.

(c) If it becomes necessary to transfer an inmate who is serving a disciplinary penalty to another institution and the sending institution feels this disciplinary penalty should continue at the receiving institution, the sending institution shall attach a copy of the disciplinary report to the inmate file, and attach a complete cover memorandum requesting that the penalty be continued at the receiving institution.

(3) Should disagreements occur between the facility administrator of a privately operated correctional institution and the classification staff pertaining to disciplinary matters, the regional director of institutions shall be responsible for resolution.

33-601.311. Inmate Discipline -- Miscellaneous Provisions., 33 FL ADC 33-601.311

(4) Once an employee has written a disciplinary report and submitted it to the shift supervisor, any rejection, disapproval, dismissal or finding of not guilty shall be communicated to the employee who initiated the report by the official making the decision, along with the reason for the rejection, disapproval, dismissal or finding of not guilty. This feedback is intended to foster overall improvement of the discipline process.

(5) The director of classification and programs is authorized to order a disciplinary report expunged from the inmate record in cases affecting the integrity of the disciplinary process or procedures. No inmate has the right to request the expunging of a disciplinary report in conjunction with this subparagraph.

Credits

Adopted Mar. 12, 1984; Transferred from 33-22.11; Amended Dec. 30, 1986, May 24, 1990, Oct. 1, 1995; Transferred from 33-22.011; Amended May 21, 2000, Feb. 11, 2001, July 8, 2003. Amended Oct. 7, 2012.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [944.719](#), [945.04 FS](#).

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Rule 33-601.311, F.A.C., 33 FL ADC 33-601.311

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.312, F.A.C.
Fla. Admin. Code r. 33-601.312

33-601.312. Telephonic or Video Disciplinary Hearings.

Currentness

- (1) Disciplinary hearings through telephone or video communication are authorized in the event an inmate has been transferred to another facility and a disciplinary hearing is pending.
- (2) The conduct of the Disciplinary Hearing shall conform to all provisions of [Rule 33-601.307, F.A.C.](#)
- (3) The disciplinary report, disciplinary investigative report, and disciplinary report worksheet should be completed at the institution where the inmate notification is delivered to the inmate.

Credits

Adopted Oct. 1, 1995; Transferred from 33-22.0115; Amended May 21, 2000.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [944.719](#), [945.04 FS](#).

Current with amendments available through March 24, 2014.

Rule 33-601.312, F.A.C., 33 FL ADC 33-601.312

West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.313, F.A.C.
Fla. Admin. Code r. 33-601.313

33-601.313. Inmate Discipline -- Forms.

Currentness

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

- (a) DC6-112E, Disciplinary Hearing Worksheet, effective 3-22-05.
- (b) DC6-112A, Disciplinary Investigative Report, effective 5-21-00.
- (c) DC6-256, Housing Officers Contact Card, effective 2-11-01.
- (d) DC6-112D, 24 Hour/Refusal to Appear Waiver Form, effective 5-21-00.
- (e) DC6-112C, Witness Statement Form, effective 8-28-06.
- (f) DC6-112F, Disciplinary Report Worksheet, effective 7-11-06.
- (g) DC6-151, Documentary or Physical Evidence Disposition, effective 3-22-05.
- (h) DC6-112B, Witness Disposition Form, effective 12-5-10.
- (i) DC6-117, Corrective Consultation of Inmate, effective 5-21-00.
- (j) DC6-2028, Disposition of Videotape or Audiotape Evidence, effective 3-22-05.

(2) Copies of these forms can be obtained from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

33-601.313. Inmate Discipline -- Forms., 33 FL ADC 33-601.313

Credits

Adopted Oct. 1, 1995; Transferred from 33-22.0117; Amended May 21, 2000, Feb. 11, 2001, Mar. 22, 2005, July 11, 2006, Aug. 28, 2006. Amended Dec. 5, 2010.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [945.04 FS](#).

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Rule 33-601.313, F.A.C., 33 FL ADC 33-601.313

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West's Florida Administrative Code
Title 33. Department of Corrections
Chapter 33-601. Classification and Central Records

Rule 33-601.314, F.A.C.
Fla. Admin. Code r. 33-601.314

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

Currentness

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

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

33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

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

SECTION 2 -- RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES

2-1	Participating in riots, strikes, mutinous acts, or disturbances	60 DC + All GT
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33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

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

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	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

33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

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

33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

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

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33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

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

33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

- | | | |
|------|---|----------------|
| 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 ¹ 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 |

33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

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

33-601.314. Rules of Prohibited Conduct and Penalties for..., 33 FL ADC 33-601.314

Credits

Adopted Mar. 12, 1984; Amended Jan. 10, 1985; Transferred from 33-22.12; Amended Dec. 30, 1986, Sept. 7, 1989, Nov. 22, 1990, June 2, 1994, Oct. 1, 1995, Mar. 24, 1997, July 9, 1998, Aug. 13, 1998; Transferred from 33-22.012; Amended Sept. 30, 1999, June 7, 2000, Apr. 18, 2002, Oct. 10, 2004, Jan. 9, 2005, Apr. 17, 2005, June 5, 2005, Oct. 27, 2005, Oct. 12, 2006, Nov. 8, 2007, May 18, 2008, Nov. 9, 2008; Amended May 11, 2009. Amended Dec. 12, 2010; Oct. 1, 2011; June 18, 2013; Nov. 14, 2013.

Authority: [944.09 FS](#). Law Implemented [20.315](#), [944.09](#), [944.14](#), [944.279](#), [944.28 FS](#).

[FN1]

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