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RULES

OF THE

DEPARTMENT OF CORRECTIONS

CHAPTER 33-8

COUNTY AND MUNICIPAL DETENTION FACILITIES

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33-8.001 Definitions. For the purposes of this chapter:

- (1) "Department" means the Department of Corrections.
- (2) "Secretary" means the Secretary of the Department of Corrections.
- (3) "Inspector General" means the Inspector General of the Department of Corrections.
- (4) "Chief Inspector" means the Chief Inspector of the Department of Corrections.
- (5) "Department Jails Committee" means the Inspector General (who shall serve as Chairman), the Chief Inspector, the Architectural Engineering Manager and the local Prison Inspector or their designated substitutes.
- (6) "Employee" means any person employed or appointed by a county or municipal government or officer whose primary

responsibility is the supervision, protection, care, custody, and control of inmates.

(7) "Officer-in-Charge" means the Sheriff, Chief of Police, Director of Corrections or Correctional Administrator, or any person designated by any of them as Officer-in-Charge.

(8) "Inspector" or "Jail Inspector" means those persons who are designated Inspectors and Investigators by the Secretary.

(9) "Technical Assistance" means any assistance or training rendered by or secured by the Inspector in an effort to assist the Officer-in-Charge with the administration or operation of a detention facility. It also means any assistance or training utilized by the Officer-in-Charge and/or his staff to promote jail operations and upgrade efficiency such as attendance at workshops and seminars.

(10) "Prisoner" or "Inmate" means a person who is lawfully detained in a detention facility.

(11) "Juvenile" means a person who has not reached the age of 18, and who will be handled under the rules for juvenile detention while incarcerated in the jail on order of the court. Pursuant to the provisions of s. 39.02(5), Florida Statutes, persons who have not yet reached the age of 18 may be housed as adults only if all the following conditions exist.

- (a) The person has been certified by the courts as an adult;
- (b) The person has been tried as an adult;
- (c) The person has been found guilty as an adult; and
- (d) The person has been sentenced as an adult. However, no person under the age of 18 shall be placed in adult housing unless the person's classification is the same as the adults with whom the person is housed.

(12) "Trusty" is an inmate in minimum custody status who may perform work or services in or about the facility.

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- (13) "Detention Facility" means a municipal or county jail, stockade, prison camp and every other place used by a municipality or a county for the detention of inmates charged with or convicted of a felony, misdemeanor, a municipal offense, or who for some other reason is legally held.
- (14) "Cell" means any room in a detention facility, except a dormitory, that is designed to incarcerate one or more inmates.
- (a) "Single Occupancy Cell" means a cell that contains sleeping space for a single inmate.
- (b) "Multiple Occupancy Cell" means a cell that contains sleeping space for two or more inmates with a partition between the cell and the day room space.
- (c) "Holding Cell" means any cell used to hold inmates for up to 6 hours awaiting some process, such as booking, interrogation or court appearances. It shall have enough seating space for the occupants.
- (d) "Isolation Cell" means a single occupancy cell used for the removal of an inmate from the general population.
- (15) "Dormitory" means any room in a detention facility that is designed to incarcerate more than two inmates and that contains day room space in addition to sleeping space.
- (16) "Special Handling Area" means any area which is used for persons with problems such as mental illness or who exhibit suicidal tendencies and those who must be observed on a more frequent basis. It must meet all requirements of these regulations.
- (17) "Reduced Custody Housing Area" means that area designed to hold a large number of inmates in a dormitory or barracks type setting. The area may or may not have a security exterior and limited access.
- (18) "Secure Housing Area" means that area designed to house inmates that, as determined by a classification process, pose a threat to the custody, security or welfare of others. This requires living quarters to be equipped with security hardware. The individual cells and day rooms are included in this area.
- (19) "Common Area" means any area of a detention facility which is used for more than one purpose. It includes catwalks, walkways, halls, foyers, corridors, waiting rooms, entrances, porches, or other areas which provide movement space or are part of the access to the facility and egress therefrom.
- (20) "Day Room" means that area of a detention facility which is used for the general purposes of the inmates.
- (21) "Activity Space" means any space other than a day room which is designated for inmate programs, such as chapel, work and study.
- (22) "Multipurpose Space" means any space which is designated or developed for the use of the incarcerated persons or the staff for a combination of programs, activity, dining, exercise and training.
- (23) "Dining Area" means any area, other than a day room, which is designated for feeding inmates or staff of the detention facility.
- (24) "Indoor Exercise Area" means any indoor area which is designated for inmate exercise and recreation.
- (25) "Outside Exercise Area" means any secured outside recreation or exercise area used by the inmates of the facility.
- (26) "Sally Port" as used in these regulations refers to any entry area for vehicles or personnel where one door or gate must be closed prior to the opening of the other door or gate. Security Vestibule is the same as Sally Port except it refers to an inside area of the detention facility.
- (27) "Lock-Down" is that time when all inmates are physically restricted to their cell or housing area.
- (28) "Commission" means a City or County Commission.
- (29) "Clerk" means the Clerk of the Circuit Court.
- (30) "Administrative Confinement" means the segregation of an inmate for investigation, protection or some cause other than disciplinary action.
- (31) "Disciplinary Confinement" means the segregation of an inmate for disciplinary reasons.
- (32) "Should" when used in lieu of will, shall, or must is not a mandatory enforceable rule but is reportable. However, "should" denotes a correctional practice that is desirable and conducive to good inmate management and alerts local governments to make a concerted effort to achieve.

Remove existing pages 77 and 78, insert new pages 77 and 78.

(33) "Auxiliary Correctional Officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a county or municipal detention facility. Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.01, Amended 5-10-81, 4-18-82, 8-5-82, 10-25-84, 1-26-88.

### 33-8.002 General Provisions.

(1) These rules and regulations have been adopted by the Department and filed with the Department of State pursuant to applicable Florida Statutes. Amendment or repeal of any provision herein is within the discretion of the Secretary. The care, custody, treatment, housing and general handling of inmates will be in accordance with these rules. Persons held for shorter periods need not be provided certain care and treatment facilities. Sections pertaining to contact visiting, work and study release, canteen or commissary privileges and exercise are not applicable to inmates that are held less than 36 hours. (Except that the canteen and vending machine profit limit of 20% indicated in 33-8.010(1)(b) is applicable to all detention facilities.) In addition, a holding cell, as defined by 33-8.001(14)(c), need not meet all housing standards set forth in this chapter, provided that:

(a) The cell complies with the provisions of 33-8.015(8)(1);

(b) There is constant supervision of inmates;

(c) Inmates have reasonable access to toilet, lavatory and drinking water facilities upon request;

(d) All unusual incidents within the holding cell are reported to the Department;

(e) The cell meets the requirements of the State Fire Marshal's Office at all times;

(f) The cell complies with sanitation standards as prescribed by 33-8.012; and

(g) There is sufficient lighting to observe inmates and to meet all security requirements.

(h) Inmates shall not be held in a holding cell in excess of 6 hours.

(2) Inspectors employed by the Department are charged with the duty of inspecting the detention facilities of the State. The Inspectors shall inspect for compliance with applicable rules of the Department and Florida Statutes. Each detention facility in the State shall be inspected at least twice annually at varied times and shall be furnished appropriate forms for self-inspection twice annually. Every reasonable complaint alleging a serious violation shall be investigated within 10 working days. Upon completion of each inspection, the Inspector shall conduct an exit interview with the Officer-in-Charge or his designee before filing his report with the Chief Inspector.

(3) The Inspectors will be directly responsible to the Chief Inspector who shall coordinate and supervise their work throughout the State. The Chief Inspector will be directly responsible to the Department's Inspector General. The Inspector General and the Inspectors may enter any detention facility in this State at any time and shall be immediately admitted to such place upon request for such admittance, and may confer privately with any employee or inmate. They shall also have access to all facility records.

(4) Within fourteen days of completing an inspection of a detention facility, and after discussion with the Officer-in-Charge or his designated representative, the Inspector shall provide the Chief Inspector with a full and complete report on such forms as required by the Department. The forms shall contain checklists adequate to record whether or not a detention facility is in compliance with respect to the requirements of these rules. A copy of the report will be mailed or furnished to the Officer-in-Charge by the Chief Inspector within 30 days of receipt of the inspection report. The Officer-in-Charge shall have 30 days after receipt in which to respond to the report. The response will be attached to the final inspection report by the Chief Inspector. After review by the Inspector General a copy of the final report and response shall be filed with the Department, the Clerk, the Commission and the Officer-in-Charge and shall be sent to such

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others as the Department may deem appropriate. Inspection reports, responses, and all other reports and documents prepared by Inspectors, the Chief Inspector, the Inspector General, the Secretary and other Department employees pursuant to this subsection and subsection 33-8.002(5), shall be retained in the offices of the Clerk and the Chief Inspector, shall be public records, and shall be subject to inspection by the public at any reasonable time.

(5) Enforcement and Compliance.

(a) Aggravated violations.

1. An "aggravated violation" is a violation of these rules or other condition or practice that appears to pose a substantial and immediate danger to the life, health or safety of one or more inmates or a staff member.

2. When an Inspector observes an aggravated violation, he shall immediately notify the Officer-in-Charge of the violation and of his duty to correct the violation. The Inspector shall also, within 24 hours of the time he first observes any such aggravated violation, prepare and provide to the Officer-in-Charge a special written report describing the violation, the notification given and the corrective action specified. He shall give prompt notification to and consult with the Chief Inspector, by telephone if necessary, and shall mail him a copy of the written report. This report will be forwarded to the Inspector General.

3. The Officer-in-Charge shall correct any such aggravated violation, and shall notify the Inspector or the Chief Inspector of the corrective action taken, as soon as possible and in any event within 24 hours of the Inspector's written notification to the Officer-in-Charge.

4. The Inspector shall reinspect within 48 hours of the time he first observes any aggravated violation to determine whether it has been corrected and shall prepare a written report of his reinspection.

5. If the Inspector has not received notification of corrective action within the aforesaid 24 hours, or if his reinspection determines that the aggravated violation has not been corrected, he shall so notify the Chief Inspector immediately, and the Chief Inspector shall notify the Inspector General.

6. The following deficiencies shall be

aggravated violations and subject to provisions of this section:

a. Failure of the Policy and Procedure Directives to contain:

1. Emergency Plans, 33-8.002 (12) (a).

2. Tool, Knife, and Firearms Control, 33-8.002 (12) (b).

b. Persons assigned to food service areas with communicable diseases, open wounds, sores, or respiratory infections. 33-8.006

c. Failure to provide modified diets when ordered by the facility physician in 33-8.006 (6). The Inspector will ensure, through review of medical files or confirmation by a medical doctor that denial of such modified diet would be immediately detrimental to the health and well-being of the inmate.

d. Failure to provide separate storage for poisons and hazardous chemicals away from food. 33-8.006 (8); 33-8.011 (10).

e. Failure to establish agreement with one or more health care providers to provide emergency services. 33-8.007 (17).

f. Failure to maintain standard first aid supplies on premises. 33-8.007 (8).

g. Failure to have at least one staff member on duty trained in the delivery of first aid care. 33-8.007 (8).

h. Failure to meet applicable Fire Safety and Prevention Standards. 33-8.011 (4)  
13. This deficiency will be certified by Fire Marshal inspection as being life threatening.

i. Permitting firearms and ammunition in the facility except in case of an emergency. 33-8.011(9).

j. Failure to substantially comply with the requirements of 33-8.011 (12), (14), (15) and (17).

(b) All other citable violations.

1. When an Inspector's report indicates one or more citable violations of these rules, the Chief Inspector shall, within 14 days of receipt of the date of the inspection, notify the Commission, the Officer-in-Charge and the Inspector General describing the nature of the violations and the corrective action needed. The Chief Inspector will designate an "action" addressee who shall correct the violations, or provide the Chief Inspector with a written "corrective action" plan for their correction within 30 days of receipt. This plan will be reviewed by the Inspector General and Chief

Inspector. If that action is inappropriate or is not carried out, the Chief Inspector will notify the Inspector General.

2. The corrective action plan shall specify, with respect to each violation the corrective action to be taken, the timetable for such corrective action and resources to be used. The Department should take appropriate follow-up action to assist detention facility officials and the local authorities in developing a satisfactory plan, including (but not limited to) an inspection team survey, appearances before local authorities, and suggestions concerning the contents and implementation of the plan. The corrective action plan shall provide for correction of all violations as soon as practicable and shall require that substantial progress toward corrections of violations be demonstrated within a reasonable time. A copy of the corrective action plan shall be retained in the office of the Chief Inspector, shall be a public record, and shall be subject to inspection by the public at any reasonable time in the office of the Clerk of the Circuit Court.

(a) Within 30 days of the expiration of the deadline provided in a corrective action plan for the correction of citable violations, the Inspector, or an inspection team, shall conduct a follow-up review of the citable violations and the corrective action taken pursuant to the plan, in order to determine whether such corrective action satisfactorily has been demonstrated.

3. Overcrowding. When an Inspector finds a facility exceeding its authorized capacity, the Inspector shall, within 24 hours, serve written notice to the Officer-in-Charge and the Chief Inspector. The Officer-in-Charge shall have 10 days within which to correct the deficiency. At the end of the 10-day period, the Inspector shall verify the corrective action. If corrective action has not been taken, the facility shall be subject to action in accordance with the provisions of 951.23 (3) and (4), Florida Statutes.

4. If the Secretary determines that an action should be filed pursuant to Florida Statutes 951.23(3) and (4), he will promptly notify the action addressee of his intention to initiate such action.

(6) Upon admittance, each inmate shall be given a copy of the regulations pertaining

to inmate conduct.

(7) Each facility shall keep permanent records pertaining to:

(a) Visitation--the name of the inmate, date, length of visit, names of visitors, relationship to inmate, whether contact visit or noncontact visit.

(b) Exercise--the name of the inmate, date, time for exercise, whether it was outdoor or indoor, and if the inmate refused.

(c) Medical observation--all pertinent medical information will be recorded in the inmate's medical file.

(d) Showers--name, date, whether or not taken. This paragraph shall only apply to inmates confined in administrative or disciplinary confinement.

(8) Each facility shall maintain current copies of Chapter 33-8, Florida Administrative Code, accessible to all inmates and staff upon request.

(9) The Officer-in-Charge shall immediately notify the nearest Inspector of all incidents concerning:

(a) Inmate deaths;

(b) Serious injuries to inmates or employees;

(c) Escapes involving three or more inmates;

(d) Escapes involving anyone sentenced to death or awaiting trial for a capital offense;

(e) Escapes or attempted escapes, regardless of number, where violence was involved, hostages taken, guns or other weapons used;

(f) Strikes involving seven or more inmates;

(g) Riots;

(h) Any other serious or unusual circumstances that occur.

(10) Upon receiving notice of any incident as set forth in (9) above, the Inspector shall confer with the Chief Inspector. The Chief Inspector shall notify the Inspector General. If a special investigation is required, the Inspector will proceed to the detention facility to conduct an investigation and submit an independent report to the Department. A copy of the report will be furnished to the Officer-in-Charge at the discretion of the Chief Inspector. The Chief Inspector will forward a copy of the report to the Inspector General.

(11) Inspectors will offer assistance

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to the Officer-in-Charge of a detention facility in the form of planning, recommending operation procedures and programs, or in providing other technical assistance to promote the enforcement of these rules.

(12) Policy and procedure directives for the employees and inmates concerning the operation of each detention facility will be developed and issued by the officer-in-charge. Such directives will be made a part of the preemployment standard and in-service training of all employees. Employees will certify that they have read and understand all such applicable policy and procedure directives and shall certify review of them at least once annually. It is the responsibility of the officer-in-charge to update all directives as necessary. Any forms authorized by the officer-in-charge shall be made a part of the directives. When conducting detention facilities inspections, inspectors will examine the content of the directives for compliance with applicable Florida Statutes, adherence to department rules and timely updating. The policy and procedure directives shall include, but need not be limited to the following:

- (a) Emergency plans in the event of fire, riot, escape, natural disaster, epidemic disease and hostage situations;
- (b) Tool, knife and firearms control;
- (c) Contraband control;
- (d) Inmate property and "in-cell" belongings;
- (e) Daily log and count procedures;
- (f) Inmate grievances;
- (g) Visiting procedures and control;
- (h) Disciplinary procedures;
- (i) Admission, classification and release procedures;
- (j) Health services (see paragraph 33-8.007(2));
- (k) Food services (see section 33-8.006);
- (l) Inmate contact with attorneys, the court, public officials and the press;
- (m) Procedure for close observation;
- (n) Local employee rules and regulations;
- (o) Supervision of staff and care, custody, and control of inmates.
- (p) Provisions for administrative and disciplinary confinement.
- (q) Procedures establishing conditions

under which inmates will be tested for infectious disease.

(13) The Secretary shall certify the maximum number of inmates which may be housed in each detention facility based on a specified unit of floor space. The Secretary, through the Inspector General and Chief Inspector, shall notify the Officer-in-Charge and the Commission of the number he has certified. "Specified unit of floor space" shall be that amount of cell space that is reasonably necessary for each inmate incarcerated in a detention facility, thereby establishing the maximum number of inmates that may be housed. Such space requirements will be established by a combined analysis of cell size; design or renovated capacity; access to program, exercise, day room and activity space; level of secure custody needed for each inmate; the structural configuration of the facility; and such other contributing factors which may be peculiar to a detention facility. The maximum number of inmates that may be housed in facilities constructed before October 8, 1976, shall be based on a factoring procedure as set forth in attachments to this section.

(14) Attachments.

- (a) Factoring process description (attach sheet marked Exhibit 1).
- (b) Factoring sheet #1 (attach sheet so marked).
- (c) Factoring sheet #2 (attach sheet so marked).
- (d) Daily record of programmed out-of-cell time (attach sheet so marked).

(15) Beds in medical and disciplinary confinement cells shall not be included in determining facility capacity. However, specific beds which are dedicated to the separate housing of inmates with chronic or terminal illness, severe injury or highly contagious-infectious illness may be included in capacity determination upon the written request of the chief correctional officer and the facility physician and the written approval of the Secretary or his designee. Such approval shall be subject to periodic review. Specific Authority 951.23 FS. Law Implemented 20.315, 944.31, 944.32, 951.02, 951.06, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.02, Amended 5-10-81, 10-25-84, 1-26-88, 6-22-89.

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~~10-25-84, 1-26-80~~

## Exhibit 1

## PER SPECIFIED UNIT OF FLOOR SPACE

## FACTORIZING PROCESS

This factoring process will apply to detention facilities constructed prior to October 8, 1976.

Recognizing that these facilities do not comply with current space requirements, this process has been developed to allow these facilities to house inmates in smaller quarters, provided they are allowed sufficient out-of-cell time to equal the requirements of this process. Inmates shall be afforded a square footage factor of 63 in. cells of any type (22 of which must be sleeping space) and a square footage factor of 80 in. dormitories, sleeping quarters, or reduced custody housing area (45 of which must be sleeping space).

As used in this process, cell refers to any type cell as defined in subsection 33-8.001(14) of these rules.

Attachment 1 to this appendix (Factoring Sheet #1) is a work sheet for determining the square foot factor for each cell in a detention facility. The work sheet also provides a column for the accumulation of square feet factors based on access to day room space. An additional column allows the computation of square feet factors based on access to common areas and other "out-of-cell" times. The final column of the work sheet provides space for setting the capacity of the designated cell after consideration of the consolidated square foot factor.

Attachment #2 to this appendix (Factoring Sheet #2) is a work sheet for determining square footage factors for each cell based on programmed out-of-cell time.

Density (capacity) for each cell is determined by consideration of all of the above square footage factors. It results in setting the number of persons who may be placed in each cell and only under the conditions described by the completed factoring process. Reduction in access to the day room or other out-of-cell programs will negate these determinations and is prohibited without the expressed permission of the Secretary.

Programmed out-of-cell time will be factored on the following schedule based on reasonable activities in a detention facility.

A square foot factor of 3 will be allowed for each hour of programmed out-of-cell time per week not to exceed the maximum allowable described below.

Sq. F.F. = Square Foot Factor  
N.T.E. = Not To Exceed

Visiting (out-of-cell)	NTE 27 (9 hours per week)
Outside Recreation/Exercise	NTE 21 (1 hour per day)
Inside Recreation/Exercise/Programs	NTE 21 (1 hour per day)
Common Dining	NTE 21 (1 hour per day)
Work	NTE 41 (Maximum allowable under process)
Total	NTE 41 (Maximum allowable under process)

The limited factors (N.T.E.) allowed for out-of-cell time prevent the process from circumventing the minimum square footage requirement in cells. The maximum factor of 3, in most instances, will require access to at least two programs for those cells containing minimum square footage. Programs providing for out-of-cell factors shall be included in facility policies and procedures and accurate records maintained on required forms as provided by the Department.

FACTORING SHEET #1

DAYROOM ACCESS FACTORS

1 = unlimited access (12 hours or more)  
 2 = limited to 6 hours or less  
 3 = limited to 3 hours or less  
 4 = limited to 1 hour or less

SHEET #

NAME OF FACILITY

CELL DESIGNATION	CELL SQUARE FOOTAGE	(22 or 45) =	MAX. CAP.	X	OUT OF CELL FACTOR FROM PAGE 2	TOTAL S.F.F.	DAYROOM SQUARE FOOTAGE	CELL SQUARE FOOTAGE	TOTAL	ACCESS FACTOR	CELLS SERVED	CAPACITY
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
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		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =
		→ (22 or 45) =		X								→ 83 or 80 =

NOTES:







**33-8.003 Employee Regulations.**

(1) Each employee's conduct shall at all times be consistent with the maintenance of proper security and welfare of the facility and of the inmates under his supervision.

(2) No employee shall:

(a) Report to duty or exercise supervision or control over inmates while under the influence of an intoxicant.

(b) Report for duty or exercise supervision or control over inmates while under the influence of a narcotic, barbiturate, hallucinogenic drug or central nervous stimulant. Exception will be made only when such medication has been prescribed and is taken under a doctor's care and if it does not impair the employee from carrying out his assigned duties.

(c) Use profane or abusive language in supervising inmates.

(d) Abuse an inmate in any manner.

(e) Trade, barter with, or accept anything of value from an inmate, his friends, or family except as authorized by the Officer-in-Charge.

(f) Introduce into or remove from the property of any detention facility any article without authorization from the Officer-in-Charge.

(g) Recommend or furnish any legal advice or any other advice concerning the selection of a specified lawyer or bondsman for an inmate. If requested by an inmate, a directory or list of names of all area lawyers or bondsmen should be made available for the inmate's use.

(h) Carry any firearm, ammunition, tear gas or blackjack into the lock-up area of the detention facility except in emergencies and as authorized by the Officer-in-Charge.

(i) Have keys to any area of a detention facility which have not been issued to him by an authorized employee.

(j) Employees will make a complete written report to the Officer-in-Charge on all unusual incidents that occur during a tour of duty. Examples:

1. Assault by an inmate on an employee or another inmate.

2. Any occasion in which an employee discharges firearms or uses tear gas.

3. Attempts by inmates to bribe an employee.

4. Escapes or attempted escapes.

5. Death, serious illness or serious injury.

6. Strikes, riots and other disturbances.

(3) No employee shall apply physical force to the person of an inmate except and only to the degree that is reasonably necessary in self-defense, to prevent escape, to prevent injury to a person or to property, to quell a disturbance, or when the inmate exercises physical resistance to a lawful command. In such cases, a written and signed report shall be made by the employee to the Officer-in-Charge, who shall have an investigation made and shall approve or disapprove the force used. If the employee involved is the Officer-in-Charge, it shall be sufficient for him to make a written and signed statement of the force used and of the circumstances under which it was used. All such written reports shall be retained in permanent files. Inmate involved in a "use-of-force" incident, including the use of chemical agents, shall be examined by a medical person following the incident. The results of the medical examination will also be made a part of the "Use-of-Force" report.

(4) No Officer-in-Charge or other employee shall knowingly permit any subordinate, inmate, or other person to commit any act or engage in any conduct which would violate these rules and regulations.

(5) Reports of violence and investigations of employees or inmates set forth in (2), (3), or (4) above shall be maintained and available to the Inspectors.

(6) All correctional officers shall be certified or shall be in the process of obtaining certification. Inspectors shall check facility records regarding employees to assure compliance with Criminal Justice Standards and Training Certification. Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.03, Amended 5-10-81, 11-16-81, 10-25-84, 1-26-88.

**\* 33-8.004 Admission, Classification and Release.**

(1) When receiving and admitting an inmate to a detention facility, the employees responsible for such admission shall inquire and reasonably determine that established

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rules, regulations and legal procedures for such admission are met. Any legal or procedural questions concerning the admission of a person to a detention facility must be clearly resolved prior to their admission.

(2) Each inmate shall be searched by the receiving employee when being admitted to a detention facility. The provisions of s. 901.211, Florida Statutes, shall apply to such searches. During the admission and booking process the inmate shall be examined for contraband and body lice and permitted to bathe unless he is belligerent and unruly to the point of being unmanageable. In case he cannot be controlled on entry he will be bathed as soon as facility and manpower permit. A search of anal or vaginal areas shall only be made for cause and shall be conducted by the medical staff. Birth control devices or other foreign matter shall be removed only by the inmate, or if appropriate, by the medical staff. A written report documenting such action shall be submitted to the Officer-in-Charge.

(3) Detention facilities shall not admit an unconscious person or a person who appears to be seriously injured. The Officer-in-Charge shall ensure that any such person whom he takes into custody receives the necessary medical attention prior to admission.

(4) At no time will a juvenile be held in jail except under court order. If juveniles must be temporarily detained until a court order is received, they will be held in the booking area and under direct observation. For the purpose of this rule, "direct observation" means that the juvenile will be confined within sight and normal sound of correctional officers or employees at all times while awaiting court orders. Juveniles held in the facility, pursuant to court orders, will be supervised and monitored at all times. Supervision and monitoring of incarcerated juveniles shall include physical, documented checks by correctional officers at intervals not to exceed every 15 minutes.

(5) A female employee shall be present to admit and process female inmates. A male employee shall be present to admit male inmates. A female correctional officer must be on duty at all times when the facility houses female inmates.

(6) A record shall be started and maintained on each inmate when admitted. This record shall include:

- (a) Full name and known aliases;
- (b) Age, date of birth, and sex;
- (c) Date admitted;
- (d) Race;
- (e) Height;
- (f) Weight;
- (g) Offense for which the inmate is charged or for which the inmate has been sentenced;
- (h) Name of Attorney, if known;
- (i) Signature of persons delivering and receiving inmate;
- (j) A written descriptive, inventory of all monies, valuables or other personal property. All items allowed to be kept by the inmate and those taken and stored will be recorded. The inmate and the receiving officer will verify and sign the inventory. If the inmate refuses to sign, a notation will be placed on the property inventory and a second employee will witness and sign the inventory. After the initial receipt is completed, any changes authorized in the personal property inventory must also be documented, verified and signed by the inmate and the employee making the transaction.
- (k) Last known address;
- (l) Name and address of next of kin;
- (m) Marital status;
- (n) Religion.
- (7) All persons booked into the facility shall be fingerprinted.
- (8) Photographs of all inmates charged with or convicted of a felony shall be made. In addition, all sentenced misdemeanants shall be photographed.
- (9) During the admission process, inmates shall be permitted telephone calls to their attorney and to family or others.
- (10) As soon as possible following admission to a detention facility, each inmate shall be classified. The classification process shall include all information available or obtainable from the social, legal and self-reported medical history of the detained person.
- (11) The primary objective of classification is to place inmates in the type quarters that best meet their needs and to provide reasonable protection for the inmates and other inmates. Each facility

shall have a designated classification officer.

(12) Insofar as facilities permit, no inmate shall be subjected to more restrictive conditions of confinement, including but not limited to freedom of movement within the institution, and out-of-cell time, than those justified by the inmate's classification.

(13) Classification decisions as to housing, programs and privileges shall be written and incorporated into the facility's rules and regulations.

(14) Personal records shall be maintained on each inmate. Such information shall not be accessible to other inmates. Such records shall be placed in one file folder at the time of the inmate's release and shall contain such information as:

- (a) Legal authority for commitment (for juveniles, a copy of the court order requiring jail detention shall be made part of the juvenile's file);
- (b) All information contained in the booking record;
- (c) Medical information;
- (d) Classification information and progress reports;
- (e) Disciplinary reports including investigation and disposition;
- (f) All absences from the detention facility;
- (g) Fingerprint card and photograph;
- (h) Record of any detainers or other civil or criminal process;
- (i) Personal property records;
- (j) The date and terms or conditions of release, the authority for release, and signature of the releasing employee.

The aforementioned classification process (See (10) and (11) above) shall follow the inmate throughout his incarceration as a method of assistance to his handling or treatment. His adjustment should result in the gaining or loss of privilege, reduced custody housing, extended visiting time, involvement in better job assignments, etc.

(15) In determining custody grade, special handling, housing and programs for each inmate, the classification officer shall apply a uniform classification process to all inmates.

\* (16) Inmates will be released only in accordance with the written instructions

contained in the rules and regulations of the institution which will include the proper authority and procedure for the release. Positive identification must be made of all inmates being released.

\* (17) At the time of release, the inmate will sign for the return of his property which has been held by the facility. This form will be countersigned by an employee.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.04, Amended 5-10-81, 11-18-81, 10-25-84, 1-26-88.

#### 33-8.005 Housing.

(1) Housing standards will conform to the applicable standards of the Health Program Office of the Department of Health and Rehabilitative Services (Rule 10D-7, F.A.C.).

(2) Male and female inmates shall be housed separately and also separated by sight and normal sound. Sound separation is defined as restricting normal verbal communications. When a male must enter a female housing area, he will do so only when accompanied by a female correctional officer or other female person designated by the Officer-in-Charge unless any emergency situation would dictate otherwise.

(3) Juveniles, when housed under the provisions of s. 39.032, F.S., shall be under the supervision of a correctional officer at all times during confinement. Supervision and monitoring of incarcerated juveniles shall include physical, documented checks by correctional officers at intervals not to exceed every 15 minutes.

(4) Inmates should be separated in the following manner whenever possible:

- (a) Adult female felons;
- (b) Adult female misdemeanants;
- (c) Adult female nonsentenced;
- (d) Adult female sentenced;
- (e) Adult male felons;
- (f) Adult male misdemeanants;
- (g) Adult male nonsentenced;
- (h) Adult male sentenced;

(5) Special inmates, who present a threat to the staff, other inmates, or themselves, should be separated and closely supervised. Special inmates may include the mentally ill, alcoholic, drug addict, sex deviate or suicide risk, or persons with contagious or communicable diseases. Any

inmate who is identified as a suicide risk shall not be housed in a "single occupancy cell" unless the inmate is observed by direct visual observation 24 hours each day. Close supervision for special inmates as listed herein shall include regular, documented physical sight checks by correctional officers or medical staff persons at intervals not to exceed every 15 minutes. Special housing shall be provided to inmates for medical reasons upon orders of the facility physician.

(6) Persons brought to the jail for detoxification will be kept in an area designated for that use and will be held only so long as necessary to meet the requirements of Florida Statutes 396.072(2)(7) and (8).

(7) Inmates shall be assigned housing based on a classification process as described in 33-8.004(10) and (11) above with particular care to the assignment of those persons who have a history of, or exhibit aggressiveness toward other inmates.

(8) Inmates shall not be discriminated against in housing, or in any programs, privileges or other aspects of their confinement, based on race, national origin, color, creed, economic status, political belief or sex (except that males and females shall be housed separately).

(9)(a) An adult county or municipal detention facility may house two inmates in a single cell of 63 square feet or more, provided the following conditions are met:

1. Inmates are permitted out of the single cell a minimum of 10 hours per day to a day room, dining area, exercise area or other area approved by the Department for inmate occupancy;

2. Neither inmate is classified as dangerous or special risk;

3. Both inmates are similarly classified;

4. The combined bed space does not exceed 22 square feet of floor space;

5. Additional staff, as determined by the Department, is provided for the supervision of the inmates; and

6. The facility is otherwise in compliance with security, housing, food, medical, clothing and sanitation standards as prescribed by the Department.

(b) In order to be approved for double bunk occupancy, a facility must submit an

application to the Secretary certified by the Officer-in-Charge and also by the Sheriff, if they are not one and the same.

1. The application shall certify that all security, housing, food, medical, clothing and sanitation requirements of Chapter 33-8, Florida Administrative Code, are currently in compliance.

2. The application shall have attached to it a fire safety survey which was done within the last 6 months.

3. The application shall specifically identify the cells intended for double bunk occupancy.

4. The application shall identify the day room, dining area, exercise area or other area intended for out-of-cell use.

5. The application shall state the dimensions and bunk configuration of all cells intended for double bunk occupancy;

(c) The Inspector General for the Department of Corrections or his designee shall confirm whether the certification is accurate and whether the other prerequisites of Section 951.23(5)(b), Florida Statutes, have been met. If the certification is confirmed for the cell or cells specified, the Department shall determine what additional staff, if any, is required to provide security and housing needs for additional inmates. The Department shall then transmit the new approved staffing guide to the Officer-in-Charge.

(d) The out-of-cell areas listed in (b)5. above shall be evaluated to ensure that security, health and sanitation, that is, plumbing, ventilation, lighting and temperature control, requirements are met and to ensure that adequate space is provided for the increased inmate use.

(e) Upon employment and assignment of any additional required staff and concurrent with compliance with applicable requirements, the facility shall be approved in writing by the Inspector General for double bunk occupancy in specified cells.

(10) The following housing standards apply to all facilities:

(a) Each single cell will contain at least:

1. Lavatory with cold and either hot or tempered running water;

2. Water closet flushable by the inmate;

3. Bunk;
  4. Artificial lighting which is of at least 20 footcandles at 30 inches above the floor for reading purposes;
  5. Ventilation which circulates at least 10 cubic feet of fresh air or purified air per minute per person;
  6. Acoustics that ensure noise levels that do not interfere with normal human activities;
  7. Temperatures shall be maintained within a normal comfort range.
- (b) All other housing areas shall provide a minimum of:
1. Minimum lighting which is of at least 20 footcandles at 30 inches above the floor;
  2. Ventilation which circulates at least 10 cubic feet of fresh or purified air per minute per person;
  3. Water closets and lavatories in the ratio of a minimum of 1 to 8 inmates;
  4. Shower facilities in the ratio of a minimum of 1 to 16 inmates;
  5. Cold and either hot or tempered running water in the showers and lavatories;
  6. Sanitary type drinking fountain or single service drinking cups for each dormitory and cell block;
  7. Ready access during nonsleeping hours to tables and chairs or areas designed for reading or writing;
  8. Temperatures shall be maintained within a normal comfort range.
- (c) Each inmate shall be provided with toothpaste, toothbrushes, shaving equipment, combs, soap and two clean towels which shall be exchanged at least once a week. Dangerous shaving implements may be restricted or issued for use only under observation.
- (d) Female inmates shall be provided necessary hygiene items.
- (e) Drinking cups shall be provided unless the living area is provided with drinking bubblers or fountains.
- (f) Each inmate will be allowed to shower daily.
- (g) Lavatories, water closets, and floor drains will be kept in good repair.
- (h) Defacing of walls is prohibited.
- (i) Utility closets, pipe chases, and corridors will be kept clean and free of clutter at all times.
- (j) It is the prerogative of the

Officer-in-Charge to determine what personal items may be kept in the cell or stored with the inmate; however, an inmate shall be allowed to retain a reasonable amount of personal property including but not limited to his or her legal material, personal hygiene items, writing paper and pen, and authorized reading material, in reasonable quantities, as approved by the Officer-in-Charge. Personal items will be kept in an orderly manner. Fire potential is reduced by limiting the amount of personal property in the cells.

(k) The Officer-in-Charge shall inspect all areas daily or cause them to be inspected. Appropriate disciplinary action should be taken against inmates who fail to have their area, the common areas and their person clean and orderly.

(1) An inmate confined in an isolation cell used for psychiatric purposes shall be examined by the physician or his designee within 48 hours following his or her confinement in such area or cell and should thereafter be permitted to remain there if the physician or his designee:

1. finds that the inmate presents a serious risk of physical danger to himself or others, and,

2. continues to provide the inmate with follow-up medical care and treatment during the entire time that the inmate remains confined in such area or cell as he deems necessary. The physician or his designee shall determine when the inmate should be sent or returned to the general population.

Specific Authority 951.23 FS. Law Implemented 20.315, 39.03, 950.061, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.05, Amended 5-10-81, 11-18-81, 10-25-84, 11-9-86, 1-26-88.

#### 33-8.006 Food.

(1) Food service operations, the food served, equipment and sanitation shall meet the Health Program Office of the Department of Health and Rehabilitative Services standards (10D-13, F.A.C.).

(2) If the food is provided by contract, the contract will require that the food service meet the standards of the Health Program Office of the Department of Health and Rehabilitative Services.

(3) No employee or inmate shall work in any area of food service operations if he or

she has a communicable disease, open wounds or sores or respiratory infections. Clean outer garments will be worn, and all inmates working in food service or delivery will maintain a high degree of personal cleanliness.

(4) Food preparation will be by (or supervised by) an employee trained in culinary services.

(5) Inmates shall be given three substantial, wholesome, and nutritious meals daily. Not more than 14 hours may lapse between the evening meal and the morning meal. Sandwich meals shall not be served for more than one meal daily. Seasonal fruits and vegetables are recommended in menu planning.

(6) Menus shall be planned for not less than 28 days in advance and certified by a nutritionist. If a nutritionist is not employed by the detention facility, nutritional advice will be obtained from a similarly qualified person from outside sources such as County Health Services, local schools, hospitals, or a professional dietary service. Modified diets shall be prepared for inmates when ordered by the facility physician. Records of meals served shall be kept for six months. Food may not be withheld, nor the standard menu varied, as a disciplinary sanction or as a reward for good behavior or work for an individual inmate.

(7) The Officer-in-Charge or his designee shall inspect the food service area on a regular basis (at least once a week) and shall make corrections on deficiencies found. The inspection of the food service area shall be recorded and maintained for not less than six months.

(8) All food supplies not in preparation are to be stored in a locked, clean, well ventilated room which is free from vermin. A locked storage area separate from food supplies shall be provided for soaps, detergents, waxes, cleaning compounds, insect and rodent spray and other poisons.

(9) All employees and inmates assigned to food service or who prepare or serve food shall meet the standards of the Health Program Office of the Department of Health and Rehabilitative Services.

(10) The delivery of food to inmates in their quarters, day room or dining room shall be under the supervision of an employee. The

serving of food shall be consistent with common sanitary measures. Trays may not be placed on the floor or slid under a cell door. If drinking cups are allowed in the cell, they shall be removed at least once each day for cleaning in the kitchen or utensil cleanup area.

(11) All food service equipment will be of such material, design, workmanship or installation to permit full compliance with the provisions of these rules. The equipment shall be kept clean and in good repair at all times.

(12) Inmates shall be served in a common dining area or adjacent day room, if available, if their security, classification and adjustment would not preclude such dining.

(13) The food service supervisor shall maintain a procedure to keep an accurate accounting of utensils, trays, cups and bowls. Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.06, Amended 5-10-81, 11-18-81, 1-26-88.

#### 33-8.007 Medical.

(1) The Officer-in-Charge will execute an agreement in writing, if at all possible, for appropriate care and the services of a physician licensed in the State of Florida.

(2) There will be a standard operating procedure for the medical section of the detention facility. The operating procedure will cover, but not necessarily be limited to, the following:

- (a) Receiving screening;
- (b) Physical examination;
- (c) Necessary medical, dental and mental health services;
- (d) Emergency medical and dental services;
- (e) Notification of next of kin in cases of serious illness, injury, or death;
- (f) Delousing procedures;
- (g) Detoxification procedures under medical supervision;
- (h) Control of pharmaceuticals.

(3) Each detention or intake facility will have a medical intake screening procedure which will be performed during the admission process. The screening will, at a minimum, consist of filling out of medical history form, and visual observation by a member of the staff. The screening shall



include inquiry into:

(a) Current illnesses and health problems including venereal diseases and other infectious diseases;

(b) Medications taken and special health requirements;

(c) Screening of other health problems as designated by a member of the medical staff;

(d) Behavioral observation, including state of consciousness and mental status;

(e) Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, etc.;

(f) Condition of skin and body orifices, including rashes and infestations, and needle marks, or other indications of drug abuse;

(g) Inquiry into use of alcohol and other drugs including type of drugs used, mode of use, amounts used, frequency used, date or time of last use.

(4) A medical record will be maintained on each inmate who is held beyond first appearance.

(5) Each inmate shall be given a health appraisal including a physical examination by qualified health personnel designated by the facility physician within 14 days after admission to the facility. If the inmate has received a health appraisal within the previous 90 days, the physician or his designee shall determine whether a new health appraisal is required. Health appraisals shall include the following:

(a) Review of intake screening forms;

(b) Collection of additional data to complete the medical, dental, psychiatric and immunization histories;

(c) Laboratory and diagnostic tests as determined necessary by the facility physician to detect communicable disease, including venereal diseases and tuberculosis;

(d) Recording of height, weight, pulse, blood pressure and temperature;

(e) Other tests and examinations as appropriate;

(f) Medical examination with comments about mental and dental status. Medical examination of females shall include a gynecological assessment;

(g) Review of the results of the medical examination, tests and identification of problems by a physician;

(h) Initiation of therapy when appropriate. The extent of health appraisal, including the medical examination, shall be defined by the facility physician, but should include at least the items listed above;

(i) The form used for the health appraisal shall be approved by the facility physician; and

(j) The facility policy and procedure requiring a health appraisal shall be contained in the standard operating procedure for the medical section.

(6) Each facility shall have an agreement or understanding with one or more health care providers to provide services either at the facility or at the location of the health care provider.

(7) A schedule which lists the names, telephone numbers and call days of the emergency physician(s) and health care provider shall be available at each facility.

(8) Standard first aid supplies as designated by the facility physician shall be available on the premises at all times. Facility staff trained in the delivery of emergency first aid care shall be on duty at all times. Such staff shall have completed first aid training as required by the Criminal Justice Standards and Training Commission. The facility physician shall be responsible for monthly inspection of the first aid supplies.

(9) Each facility shall provide each inmate the opportunity for daily sick call supervised by the facility physician or his designee.

(10) Each jail shall have an agreement or understanding with a licensed dentist to provide emergency dental care.

(11) The facility's standard operating procedures for the proper management of pharmaceuticals shall include:

(a) Adherence to Federal and State Regulations governing controlled substances;

(b) Maximum security storage and perpetual inventory of all controlled substances, syringes and needles, medication and drugs.

(12) Medications shall be administered in accordance with the facility health care plan by licensed medical personnel or by qualified and trained facility staff members according to the directions of the facility's designated physician.

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(13) A copy of each inmate's medical record shall be kept by the facility for a period of not less than four years following the release, transfer or death of the inmate.

(14) Summaries or copies of the health record files shall be routinely sent to the facility to which the inmate is transferred. Health record information shall be transmitted to specific and designated physicians or medical facilities in the community on the written authorization of the inmate.

(15) Inmates who are committed under the influence of alcohol or drugs shall be separated from the general population and kept under close observation for a reasonable period of time.

(16) Inmates with suicidal tendencies and those with a propensity for having seizures, as determined by medical authority, shall be assigned to quarters that have close observation.

(17) Each facility shall have an agreement with one or more health care providers to provide emergency services either at the facility or at the location of the health care provider.

(18) State licensure or certification requirements and restrictions shall apply to health care personnel working in the facility the same as those working in the community; copies of licensing or certification credentials shall be on file in the facility.

(19) Each county and municipal detention facility, in consultation with the facility medical provider shall develop written procedures establishing conditions under which an inmate will be tested for infectious disease. These procedures shall be consistent with guidelines established by the Centers for Disease Control and recommendations of the Correctional Medical Authority.

(20) Test results shall be confidential, except that they may be shared with employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(21) The person receiving the test results may divulge the results to the sheriff or chief correctional officer, but such information is exempt from the public records provisions of ss. 119.01 and 119.07 FS.

(22) The results of any test on an inmate shall become a part of that inmate's permanent medical file. Upon transfer of the inmate to any other correctional facility, the results of such testing shall be transferred to the receiving facility in an envelope marked "confidential medical information".

Specific Authority 951.23 951.27 FS. Law Implemented 20.315, 951.23 951.27 FS. History--New 10-8-76, Previously numbered 33-8.07, Amended 5-10-81, 10-25-84, 1-26-88, 6-22-89.

#### 33-8.0075 Pharmacy--Licensing and Inspection Requirements.

(1) Any county or municipal detention facility which stocks medicinal drugs in quantities other than individual prescriptions shall be required to obtain the services of a consultant pharmacist or dispensing physician and shall be required to comply with the licensing requirements of Chapter 465, F.S. Such facility shall have that part of its medical services relating to procedures for the safe handling and storage of medicinal drugs exempt from the inspection requirements of Section 951.23, F.S.

(2) Any facility which maintains only individual prescriptions dispensed by a licensed pharmacist is not required to be licensed under Chapter 465, F.S., and is subject to the inspection requirements of Section 951.23, F.S. The Department of Corrections shall inspect all drug storage areas at least twice annually. A record of these inspections shall be maintained to verify that the requirements set forth in section 33-8.0076 are met. The Department of Professional Regulation shall be notified whenever the Department of Corrections discovers, during the course of an inspection, that a facility should be licensed under Chapter 465, F.S.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 6-9-88.

#### 33-8.0076 Storage and Handling of Individual Prescriptions. The following

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policies and procedures are applicable to those facilities which maintain only individual prescriptions dispensed by a licensed pharmacist and which are not required to be licensed under Chapter 465, F.S.:

(1) Prescription drugs shall not be ordered or stocked in bulk quantities.

(2) All individual prescriptions from local pharmacies shall be properly labeled. Proper labeling consists of:

- (a) Name and address of the pharmacy
- (b) Date of dispensing
- (c) Name of prescribing practitioner
- (d) Name of patient
- (e) Directions for use
- (f) Warning statements if necessary

(3) All medication, bulk over the counter and individual prescriptions and syringes, shall be kept in a locked area at all times except when being issued.

(4) All medication issued except for over the counter medication will be recorded on a Medication Log, Form #DC 1-304.

(5) The Medication Log will contain the following information:

- (a) Name and number of inmate
- (b) Prescription number
- (c) Name and strength of medication
- (d) Number of units to be listed in declining balance column
- (e) Directions for use
- (f) Date and time of issue
- (g) Initials of officer issuing medication
- (h) Amount of medication issued
- (i) Amount of medication remaining
- (j) Special restrictions or limitations on use

(6) Whenever an inmate refuses medication, the word "refused" shall be written in the Amount Issued column.

(7) Unused medication shall be stored in a separate container with a list containing:

- (a) The prescription number
- (b) The name of the pharmacy issuing the prescription
- (c) The quantity of the unused medicine in the prescription container

(8) (a) Unused noncontrolled medication will be destroyed by appropriate means in the presence of the contracted inspector who will sign and date the unused drug list attesting

that this medication was destroyed in the proper manner in keeping with the Florida Board of Pharmacy Regulation 21S-19.005, F.A.C., Methods of Destruction. Drugs shall be destroyed by incineration whenever possible. Small amounts of drugs may be flushed into the sewer system, unless prohibited by local ordinance. If the accumulation of unused noncontrolled drugs would exceed the storage capabilities of the facility, an officer shall destroy the medication in an approved manner. A second officer shall witness this destruction and both officers shall sign and date the unused drug list attesting to the destruction of the medication and listing the method of destruction.

(b) Unused controlled medication shall be sent to the Drug Enforcement Administration by the facility for destruction in conformity with Federal guidelines or shall be destroyed with contraband pursuant to a court order.

(9) Whenever an inmate is transferred to another facility, the inmate's medication and medication log shall accompany the inmate's medical records to the receiving facility.

(10) Inmates who are taking prescription medication and are released from custody shall be given the remainder of their medication to take with them so that they may continue the physician's prescribed treatment. If the inmate refuses the medication, the words "refused upon release" shall be written in the Amount Issued column on the medication log. The officer shall then initial the medication log and the medication shall be treated as unused medication and shall be handled in accordance with subsections (7) and (8) above.

(11) Refrigerators.

(a) Storage of medications which require refrigeration shall comply with the rules of the Department of Health and Rehabilitative Services, Chapter 10D, which requires that:

1. Drugs and non-prescription medications requiring refrigeration shall be stored in a refrigerator.

2. When stored in a general-use refrigerator, medications shall be stored in separate, covered, waterproof, labeled receptacles.

3. Refrigerators in which medications are stored shall be equipped with a thermometer, and the temperature of the

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refrigerator shall be maintained between 39 degrees Fahrenheit and 46 degrees Fahrenheit.

(b) Medication refrigerators shall be cleaned and inspected monthly by facility personnel.

(c) The Refrigerator Check List, Form #DC 1-305, shall be used to document the cleaning and inspection of refrigerators.

(12) Forms. The forms used in implementing this rule, DC1-304, Medication Log, and DC1-305, Pharmacy Refrigerator Check List, are hereby incorporated by reference. A copy of each form may be obtained from the Office of the Inspector General, Department of Corrections, 1311 Winewood Blvd., Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is June 9, 1988.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 6-9-88.

#### 33-8.008 Clothing and Bedding.

(1) Inmates shall be furnished a bed, mattress, mattress cover, sheet or sheets, pillow, pillow cases and towels. The provisions of this subsection shall not apply to cells or areas used for short term holding of inmates less than six hours.

(2) Sheets, towels and pillow cases will be laundered at least once each week. Mattress covers shall be washed before reissue.

(3) Blankets will be issued in sufficient number to the inmate and shall be laundered as necessary and before reissue.

(4) Mattresses shall be fire resistant, maintained in good repair and in a sanitary condition.

(5) Inmate clothing shall be clean upon entry or inmates shall be furnished clean clothing if kept beyond first appearance. Clothing shall be laundered at least twice each week.

(6) The Officer-in-Charge may permit inmates to wear their personal shoes. When

an inmate needs shoes and is without funds, footwear shall be provided. Shower slides are recommended for inside use. Inmates who work shall be issued clothing and shoes appropriate for the type of work and prevailing weather.

(7) An inmate will not be deprived of clothing, bedding or other comfort items except in situations where the inmate demonstrates overt suicidal tendencies or when necessary to prevent the inmate from inflicting injury to self, to others or to property.

(8) Any time an inmate is deprived of clothing or bedding, a record shall be maintained.

Specific Authority 951.23 FS. Law Implemented 20.315; 951.23 FS. History--New 10-8-76, Previously numbered 33-8.08, Amended 5-10-81, 11-18-81, 10-25-84, 1-26-88.

#### 33-8.009 Programs.

(1) The Officer-in-Charge shall make maximum use of programs available through local community resources. At least one employee in each detention facility shall act as liaison between the facility and the community agencies that offer needed programs and services.

(2) The following is a partial list of agencies that may provide services to inmates: Mental Health Centers, Drug Abuse Houses, Alcoholic Anonymous Groups, County Health Departments, County Hospitals, County School Boards, County Libraries, County Welfare Departments, Local Universities and Community Colleges, Family Services Program Office of the Department of Health and Rehabilitative Services, Legal Services, Ministerial Associations, Vocational Rehabilitative Services and others.

(3) The Officer-in-Charge shall ensure that all representatives of outside agencies and volunteers will be familiar with facility regulations. Compliance with the regulations shall be agreed to in writing.

(4) Mail.

Remove existing pages 93 and 94b, insert new pages 93 through 94b.

(a) General correspondence such as between the inmate, the family and other persons should be encouraged. Incoming inmate mail may be monitored to ascertain any attempts at escape, security violations, or conspiracy to introduce contraband. Incoming mail may be inspected to intercept cash, checks, money orders or physical contraband. Outgoing mail shall not be interfered with except to open and inspect it to determine if:

1. the letter contained threats of physical harm against persons or threats of criminal activity;
2. the letter threatens blackmail or extortion;
3. the letter contains plans to escape,
4. the letter contains plans for activities in violation of detention facility rules;
5. the letter is in code;
6. the letter contains information which if communicated would create a clear and present danger of violence and physical harm to a human being. In each case, the inmate shall be given written reasons why his correspondence is being denied.

(b) Privileged mail, including mail from attorneys, the courts, the news media and public officials shall not be opened for inspection unless there is a reasonable suspicion of a prohibited act listed in subsection 33-8.009(4)(a)1.-6. In such cases, the incoming mail shall be opened and inspected only in the presence of the inmate. Outgoing privileged mail shall not be opened, but it may be held for a reasonable time not to exceed 72 hours pending verification that it is properly addressed to a person or agency referred to above.

(c) Indigent inmates. Inmates without funds will be supplied with writing materials and postage to correspond with attorneys and the court. In addition, inmates without funds will be supplied with writing materials and postage to correspond with their immediate family at reasonable intervals.

(d) Inmates shall receive their mail through the facility. They shall not use a "blind box" or other subterfuge to violate mail directives.

(e) There shall be no approved lists of correspondents, or limits on the volume of mail an inmate may receive or send.

(f) Mail shall be delivered to and from inmates without delay.

(5) Visiting.

(a) Rules and regulations pertaining to the time and conduct of visitation shall be posted for the knowledge of the inmates and prospective visitors. A copy of the rules shall be given to each inmate. Visitation periods shall be permitted so that each inmate in general population has the opportunity for at least 2 hours of visitation each week.

(b) The Officer-in-Charge may deny a particular visit or visitor if the visit, visitor, or inmate poses a clear and present danger to the security of the institution.

(c) All visitors shall be required to register and to record their name, address, and relationship to the inmate. Visitors may be searched if necessary to the security of the institution. The Officer-in-Charge may reasonably require additional information if necessary to the conduct of that particular visit. Inmates shall be permitted visits by the following: members of the inmate's family; his pastor; any person who establishes a genuine and legitimate need to confer with the inmate on business matters; and those persons who are participating in service programs approved and authorized by the Officer-in-Charge of the detention facility.

(d) Visiting for special days such as holidays should include special programs so that inmates may benefit from family or community effort.

(e) Contact visitation privileges should be extended to those inmates whose facility adjustment is exceptional as adjudged by the classification process. The allowing of contact visitation on any special occasion shall be the prerogative of the Officer-in-Charge.

(6) Work.

(a) Sentenced inmates may be assigned to work to the benefit of the facility, county or municipality within the guidelines expressed in the paragraphs below. Nonsentenced inmates shall not be required to work beyond those duties necessary to the cleanliness and good order of their own area and the common areas of the detention facilities. However, persons who are in pretrial status and held beyond first appearance should be given the opportunity to volunteer for available work programs. Continuing work programs as

alternatives to idleness are strongly recommended.

(b) Except in emergency situations, inmates shall not be required to work more than 10 hours per day and not more than 60 hours per week, including travel time between their place of confinement and place of work. All inmates shall be given at least one day off from work each week. Inmates shall be given a 15-minute rest break during morning and afternoon work periods and at least one half hour for the noon meal.

(c) Inmates, except those in work and study release and minimum custody (trusty) status, shall have supervision in keeping with their custody classification while outside the secure perimeter of the detention facility. Minimum custody or trusty inmates shall be checked by an employee to assure appropriate accountability and security.

(d) Work and study release, as authorized by the court or the facility is encouraged. If work or study releases are housed in a detention facility, they should be completely separated, whenever practical, from the general population.

(e) Inmates may be required to work for other county or municipal agencies to the benefit of that county or municipality. If so, their supervisor(s) shall acknowledge in writing the provisions of these regulations (particularly Chapter 33-8.003) and the Policy and Procedure Directives of the facility. It is the intent of this paragraph to encourage the use of inmates in vocational and productive work programs which will benefit the inmate and the county or municipality.

(f) Inmates may voluntarily work for charitable or nonprofit organizations under the following conditions:

1. they shall be supervised by an employee of the facility or other county or municipal employee;
2. the work shall have the prior written approval of the Officer-in-Charge;
3. no monetary remuneration may be made to the inmate or the facility for the work.

(g) Inmates who have been classified for such activity, may do minor work around the facility such as washing cars for "spending money." If such work is performed, it shall be with the written approval of the Officer-in-Charge and monies shall be

credited to the inmate's account rather than paid directly to the inmate. Proper documentation shall be made to preclude conflict as to work performed or monies paid.

(h) An inmate shall be cleared by the facility physician or the physician's medically trained designee prior to assignment in a structured work program.

(7) Exercise

(a) Inmates shall have the opportunity to have a minimum of one hour of outdoor exercise three times weekly, weather permitting. Uncontrollable or violent inmates shall not be subject to the provisions of this paragraph.

(b) Sufficient space, equipment and staffing to permit both individual activities and group activities shall be provided.

(c) Inmates shall be allowed to remain in their housing areas or cells if they so desire.

(8) Each facility shall appoint a chaplain to coordinate religious services and activities. Inmates shall be afforded a reasonable opportunity to practice their religious beliefs.

(9) Each inmate shall have reasonable access to a telephone at reasonable times.

(10) Each facility shall provide every inmate who is unable to obtain the assistance of counsel reasonable access to legal materials. Legal materials shall include:

- (a) United States Reports
- (b) Southern Reporter (Florida Cases)
- (c) Florida Statutes Annotated
- (d) Florida Jurisprudence
- (e) United States Code Annotated
- (f) Florida Rules of Criminal Procedure
- (g) Federal Rules of Criminal Procedure
- (h) Federal Rules of Civil Procedure
- (i) Local Municipal Code
- (j) Black's Law Dictionary
- (k) Chapter 33-8, Florida Administrative

Code

Specific Authority 951.23 FS. Law Implemented 20.315, 951.08, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.09, Amended 5-10-81, 10-25-84, 1-26-88.

33-8.010 Privileges.

(1) Inmate commissary and welfare fund.

(a) A detention facility commissary may be operated if it is properly controlled. If a commissary is established, then an inmate

welfare fund shall also be established. The Officer-in-Charge will establish a procedure for providing commissary or canteen facilities or access to canteen items for the benefit of the inmate. The commissary or canteen shall not sell food that competes with the detention facility food program. It is recommended that inmates routinely carry no money and that a check-off system from their account be implemented. If money is permitted, a limit shall be set and all money in possession in excess of that limit shall be confiscated. Confiscated monies shall revert immediately to the inmate welfare fund, if there is one, unless it is needed as evidence in a trial or disciplinary hearing. If a detention facility does not have an inmate welfare fund, confiscated monies shall be receipted and placed in the inmate's personal property or inmate bank account. If the inmate is to be charged under the contraband statute, Section 951.22, Florida Statutes, any contraband shall be disposed of in accordance with Section 932.704, Florida Statutes. A shopping list shall be developed and printed for the information of all inmates with the prices and special conditions governing each sale shown clearly on such a list. Valuable items purchased by inmates shall be added to their personal property list after purchase and marked for identification.

(b) Canteen prices shall be set at a gross profit rate not to exceed 20% (to include vending machines).

(c) Expenses involved in the commissary operation, including compensation for commissary employees and gratuities for inmates who may assist such employees, may be paid from the profit.

(d) Profits from the commissary shall be used for overall inmate welfare, and an inmate welfare fund committee shall recommend what expenditures are to be made. Activities of the committee shall be reviewed by the Officer-in-Charge, who shall have final authority on expenditures. It is recommended that the jail chaplain be a member of the committee.

(e) The Officer-in-Charge shall be responsible for an audit of the fiscal management of the commissary by a disinterested party on an annual basis. Appropriate transaction records and stock

inventory shall be kept current.

(2) Other Privileges.

(a) Control of how and when radio and television sets are to be used, if present, shall be left to the discretion of the Officer-in-Charge.

(b) A reading or library service shall be available to the inmates who are held beyond first appearance. Such service should be established with the local county or city library and via the purchase of periodicals for use in the jail.

(c) It is recommended that a recreation officer be appointed to organize leisure time activities and to program exercise, recreation and avocation. This officer may be used for extra security during exercise and recreation periods.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.10, Amended 5-10-81, 10-25-84, 11-10-86, 1-26-88.

#### 33-8.011 Security and Control.

(1) As required in Paragraph 33-8.002, the Officer-in-Charge shall have comprehensive written plans for emergencies to include fire, riot, hostage situations, escape, medical emergency and natural disaster. These plans shall be developed after consultation with fire departments, emergency medical personnel and law enforcement agencies. The plans shall provide for:

(a) Alarm systems and notification;

(b) Transmission of alarm to:

1. fire department;

2. emergency medical services;

3. other law enforcement officials.

(c) Response to alarms;

(d) Isolation of fire or disturbance areas and the control of mobilization areas;

(e) Specific equipment such as fire extinguishers and fire hoses to be located at specific appropriate places within the institution and inspection and preventive maintenance schedule for such equipment;

(f) Release and evacuation activity;

(g) Prevention of escape during evacuation;

(h) Fire fighting plans, the rendering of prompt medical aid or the assistance of law enforcement agencies in quelling riots or disturbances;

(i) The chain of command to be followed

in all such emergencies, including the specific responsibilities of staff and inmates;

(j) Inspection schedules of hazardous areas and review of fire plans;

(k) After action report in the event of any such emergencies.

(2) Fire exit drills and emergency evacuation drills shall be held with sufficient frequency to familiarize correctional personnel with proper procedures. Such drills shall be conducted for each shift of personnel each calendar quarter. The actual movement of inmates to holding areas outside the building is not required. The drills shall be recorded in the facility daily log.

(3) Security inspection procedures shall be carefully defined and shall cover every part of the detention facility. A general inspection of the facility will be made by the Officer-in-Charge or his representative at least once each week. All cells, cell blocks and other quarters within the detention facility shall be checked daily by correctional officers. Deficiencies shall be noted on the detention facility log with a space for the person notified and the date and time of the corrective action taken.

(4) Each facility shall meet applicable fire safety and prevention standards promulgated by the State Fire Marshal for correctional facilities pursuant to Section 633.05(8), F.S., as such standards exist in the rules of the State Fire Marshal, Chapter 4A-3, Florida Administrative Code.

(5) A key control system will be designed to indicate the location of all keys and locks in the detention facility. The system will include:

(a) A complete inventory of all keys;

(b) A written report of malfunctioning locks, broken or lost keys or other safety hazards that are key related;

(c) Absolute control of security keys by correctional officers and never by inmates;

(d) A full set of emergency keys maintained in a secure and easily accessible location away from the detention facility for use in the event of fire or other emergency;

(e) A key control system which provides a shadow board or other means of ensuring that staff can immediately identify missing

keys.

(6) Inmate counts shall be taken at least three times daily and recorded in the detention facility log. Additional count control requirements may be established by the Officer-in-Charge. At least one of the counts shall be a full "lock-down" count when all inmates are required to be immobilized and visually inspected. All inmates will be visually checked every hour between 11:00 p.m. and 6:00 a.m. unless involved in an outside program that precludes a personal check. Checks will be entered in the daily log.

(7) There shall be a tool control plan including the standard use of inventory shadow boards, etchings, or color coding of facility tools to ensure that such tools are not used to the detriment of the security of the facility. Tools brought into the facility for maintenance or repair, shall be logged.

(8) Each facility will have a personnel identification system which will ensure that employees, visitors and inmates are positively identified and that security measures are not bypassed.

(9) No person will enter a detention facility with firearms, ammunition, chemical agents, or electric weapons, except in emergencies and then only when authorized by the Officer-in-Charge. A weapons depository will be established near the secure entrance of the facility. Under no circumstances will weapons or ammunition be placed in a desk drawer or other container which has common access.

(10) Chemicals or other materials which could be incendiary or be a security hazard shall be kept in a secure area and used under the direct supervision of an employee. In no instance will such chemicals or other cleaning materials be stored or housed in the same area as edible foodstuffs.

(11) Items from the food service area such as mace, nutmeg, raisins and other items which are used for the manufacture of contraband beverages will be the joint responsibility of the food service supervisor and the chief of security. They will be considered a control item whose use will be governed by rule or regulation.

(12) Each floor of a detention housing facility will have a correctional officer or staff member present. The presence of two correctional officers is required when moving



high risk inmates in or out of a "cell block." A law enforcement officer or deputy may be substituted for the correctional officer when necessary to this function. Two-story facilities with a total authorized population of less than 30 need not have an officer on the second floor at all times, provided that an officer is in aural contact with all inmates at all times or within visual contact with all inmates at least once per hour. Visual contacts shall be logged by cell, date, time, and officer. Staff shall be available at all times for immediate response to emergency situations. Actual population in excess of authorized capacity requires the presence of a correctional officer on the second floor at all times. The provisions of this rule are to ensure the security and well-being of all employees and to prevent any assault, intimidation, sexual battery or other inmate to inmate aggressiveness.

(13) A secondary means of egress (fire exit) from each floor of a detention facility is required if inmates are housed or would otherwise be present on that floor.

(14) Correctional officer posts shall be located to permit officers to hear and respond promptly to calls for help.

(15) Juveniles shall be supervised and monitored by an officer at all times during confinement.

(16) Inmates shall be prohibited from supervising, controlling or exerting or assuming any authority over other inmates.

(17) There shall be sufficient staff on duty so that at all times inmates will be within hearing distance of a correctional officer. This may be accomplished by means of electronic surveillance. Dispatchers who are not certified as correctional officers by the Criminal Justice Standards and Training Commission shall not be included as staff for purposes of this subsection.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.11, Amended 5-10-81, 10-25-84, 7-5-87, 1-26-88.

#### 33-8.012 Sanitation.

(1) Sanitation standards will conform to applicable standards of the Health Program Office of the Department of Health and Rehabilitative Services (Rule 10D-7, F.A.C.).

(2) Clutter shall be eliminated in all areas of the detention facility. Floors shall be swept and mopped daily and bars shall be cleaned. Walls shall be kept clean and free of objects which provide hiding places for vermin. Garbage and trash receptacles shall be emptied and cleaned daily. Books, magazines and newspapers will not be placed on or between bars. Water closets, urinals, showers and lavatories shall be cleaned daily.

(3) Windows, sills and screens will be kept clean and in good repair.

(4) Inmates shall not be allowed to store any perishable foods or other items which entice vermin or produce unsanitary conditions in their living area.

(5) Barber services will be made available to allow inmates an opportunity to stay well groomed.

(6) Inmates shall be required to bathe at least twice weekly.

(7) A program to control vermin in all areas of the detention facility will be maintained on a scheduled basis.

(8) A preventative maintenance program will be established to include but not limited to: periodic painting, repairs and other such maintenance as required.

(9) A formal sanitation inspection of the detention facility will be made by the Officer-in-Charge at least once each week, and any substantial deficiencies will be recorded and corrected.

(10) Inmates shall be assigned housekeeping and janitorial duties; as directed by the Officer-in-Charge. Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.12, Amended 5-10-81, 11-18-81, 1-26-88.

#### 33-8.013 Order and Discipline.

(1) Rules and regulations governing the conduct of inmates and visitors shall be posted and available to each inmate and all visitors.

(2) The rules shall include prohibited acts and the disciplinary action that can or may be taken to ensure proper conduct. A suggested list of prohibited acts is contained in subsection (16) of this section. They shall also indicate the procedures for any disciplinary action and the method for the establishment and loss of privileges.

Translation when appropriate will be provided. Action to be taken when there is a violation of rules by visitors shall be covered in the Policy and Procedure Directives.

(3) A disciplinary committee shall be established by the Officer-in-Charge consisting of at least three members with one member to be designated as the chairman. Any member of the disciplinary committee shall be disqualified if he has participated as an investigating officer or witness in the case against the inmate.

(4) When an infraction of the rules is alleged to have occurred, a disciplinary report shall be processed as required by the Officer-in-Charge. The employee who witnessed the alleged violation by the inmate shall prepare the disciplinary report and it shall include, but shall not be limited to the following:

- (a) Date of infraction;
- (b) Place and time of infraction;
- (c) Date of report;
- (d) The specific charge, to include identification of the rule or statute violated;
- (e) Details of the infraction;
- (f) The actions taken by the employee;
- (g) The names of all witnesses. (Where disclosure of witnesses would endanger the welfare of the inmate or staff, the names of witnesses and the names of confidential informants shall be maintained in a confidential file.)

(5) The Officer-in-Charge will cause an investigation to be made of the allegations of acts of prohibited conduct or violation of criminal statutes. The report of investigation will be forwarded to the disciplinary committee described in paragraph (3) above along with the original disciplinary report. (Normally the disciplinary report will include space for the required investigation and a separate form is not needed.)

(6) Inmates who are accused of infractions and shall face disciplinary actions will be notified in writing at least 24 hours in advance of the charges against them and given that period to prepare their defense. They will acknowledge the receipt of the charges, or there shall be a note in the record that the charges were delivered. The

inmate may waive the 24-hour notification in writing.

(7) A hearing shall be held as soon as possible after the alleged occurrence of the rule infraction or violation as circumstances permit, after allowing notification of the charges to the inmate and the required 24 hours for his assimilation of the charges against him, but in no event later than five working days after the incident. For the purpose of this rule, "working days" shall mean Monday through Friday, excluding holidays. It shall be the requirement of the disciplinary committee, through its chairman, to determine that the inmate properly understands the charges against him and the possible adverse actions that can result from the disciplinary committee hearing.

(8) When holding the disciplinary hearing, the chairman of the committee or the majority of the members shall have authority for the following actions:

- (a) At their discretion they may call supporting documents or witnesses;
- (b) At their discretion they may approve inmate requests for assistance, witnesses requested by the inmate or any evidence which he wishes to call or present;

(c) They shall offer a staff member to assist the inmate during the hearing when the inmate is apparently illiterate, has a language barrier or the complexity of the issues makes it unlikely that the inmate would be able to properly represent himself. The disciplinary committee, through its chairman, should require the proper decorum throughout the disciplinary hearing.

(9) An inmate shall have the following rights at a disciplinary hearing:

- (a) An inmate charged with rule violations shall be present at the hearing unless he waives in writing his right to attend the hearing or his behavior during the hearing justifies his removal from the hearing; the absence of an inmate from a hearing and the reason therefore shall be documented;

(b) The inmate shall receive a copy of the written decision;

(c) The time spent by an inmate in disciplinary segregation shall be proportionate to the offense committed but in no event shall be greater than 30 days;

(d) An inmate shall have the right to

appeal the decision of the hearing committee to the Officer-in-Charge;

(e) If the inmate is found not guilty, the disciplinary report and all references to it shall be so indicated in his file;

(f) The decision shall be based solely upon the evidence presented at the hearing, and shall contain a statement of the reasons for the decision and the evidence relied upon.

(10) The inmate or the disciplinary committee may request material witnesses.

(11) The results of the hearing (after the disciplinary committee has been in closed conference to discuss the evidence presented) shall be announced to the inmate so that he knows what recommendations will be made to the Officer-in-Charge. The recommendations will be forwarded to the Officer-in-Charge for agreement or reduction and implementation. The Officer-in-Charge may not increase the disciplinary penalties suggested by the disciplinary committee.

(12) Discipline shall not be arbitrary nor capricious nor in the nature of retaliation or revenge. Corporal punishment of any kind is prohibited. Shackles or other personal restraints shall not be used within the secured areas of the facility except as permitted by this rule. They shall never be used as punishment. This prohibition shall not apply to inmates in transit or to inmates whose behavior presents an immediate danger to themselves, other inmates, or staff. Such inmates may be temporarily restrained by such devices only upon orders of the officer in charge and only if such inmates are supervised and monitored.

(13) Inmates may be placed in administrative confinement for the purpose of ensuring immediate control and supervision when it is determined they constitute a threat to themselves, to others, or to the safety and security of the detention facility. Each such action shall be followed by an incident or disciplinary report and formal disciplinary proceedings, if applicable, as outlined in the above section. Inmates in disciplinary or administrative confinement should be checked at intervals not to exceed 72 hours by the medical staff and the time of release will also be recorded and filed. Each inmate in administrative confinement shall receive housing, food,

clothing, medical care, exercise, visitation, showers and other services and privileges comparable to those available to the general population.

(14) Inmates in administrative or disciplinary confinement shall be required to bathe twice weekly.

(15) The Officer-in-Charge or his designee shall see and talk to each inmate in disciplinary or administrative confinement at least once each morning and once each afternoon. At each of these times, the inmate's general condition and attitude shall be ascertained and noted in writing, signed and placed in the inmate's file.

(16) The following is a list of acts which are commonly prohibited in a detention facility:

1. Assaulting any person;
2. Fighting with another person;
3. Threatening another with bodily harm, or any offense against his person or his property;
4. Extortion, blackmail, protection, demanding or receiving money or anything of value in return for protection against others to avoid bodily harm, or under threat of informing;
5. Engaging in sexual acts with others;
6. Making sexual proposals or threats to another;
7. Indecent exposure;
8. Escape;
9. Attempting or planning escape;
10. Wearing a disguise or mask;
11. Setting a fire;
12. Destroying, altering or damaging government property or the property of another person;
13. Stealing (theft);
14. Tampering with or blocking any locking device;
15. Adulteration of any food or drink;
16. Possession or introduction of any explosive or any ammunition;
17. Possession of contraband;
18. Misuse of authorized medication;
19. Loaning of property or anything of value for profit or increased return;
20. Possession of anything not authorized for retention or receipt by the inmate and not issued to him through regular institutional channels;
21. Mutilating or altering issued

- clothing;
22. Rioting;
  23. Encouraging others to riot;
  24. Engaging in, or encouraging, a group demonstration;
  25. Refusing to work;
  26. Encouraging others to refuse to work or participating in work stoppage;
  27. Refusing to obey an order of any staff member;
  28. Unexcused absence from work, or any assignment;
  29. Malingering, feigning an illness;
  30. Failing to perform work as instructed by a supervisor;
  31. Insolence toward a staff member;
  32. Lying or providing a false statement to a staff member;
  33. Conduct which disrupts or interferes with the security or orderly running of the institution;
  34. Counterfeiting, forging, or unauthorized reproduction of any document, article, or identification, money, security, or official paper;
  35. Participating in an unauthorized meeting or gathering;
  36. Being in an unauthorized area;
  37. Failure to follow safety or sanitation regulations;
  38. Using any equipment or machinery contrary to instructions or posted safety standards;
  39. Failing to stand count;
  40. Interfering with the taking of count;
  41. Making intoxicants or being intoxicated;
  42. Smoking where prohibited;
  43. Using abusive or obscene language;
  44. Gambling, preparing or conducting a gambling pool, possession of gambling paraphernalia;
  45. Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards;
  46. Tattooing or self-mutilation;
  47. Unauthorized use of mail or telephone;
  48. Unauthorized contacts with the public;
  49. Correspondence or conduct with a visitor in violation of posted regulations;
  50. Giving or offering any official or

staff member a bribe, or anything of value;

51. Giving money or anything of value to, or accepting money or anything of value from another inmate, a member of his family, or his friend.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.07, 951.17, 951.18, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.13, Amended 5-10-81, 10-25-84, 1-26-88.

#### 33-8.014 Contraband.

(1) No person shall introduce or cause to be introduced into or upon the property of a detention facility, or give to any inmate, any article of contraband; or give to any inmate anything which is not specifically authorized by written detention facility directive, or which has not been specifically authorized by the Officer-in-Charge. The Officer-in-Charge will establish and post a list of articles or items which inmates may have in their possession. All other items in the possession of an inmate shall be considered contraband.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.22, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.14, Amended 5-10-81, 1-26-88.

#### 33-8.015 Minimum Construction Standards.

(1) Any county or municipal government contemplating extensive renovation or new construction shall, prior to the conceptual development, establish the purposes and objectives of the facility. Such decisions should be the result of a resolution from a coalition of all criminal justice agencies and other interested parties. The Department should be contacted to provide or assist in obtaining technical assistance in determining what type of renovation or construction of a new facility will best meet the needs of local government entities.

(2) The Department of Corrections shall be contacted prior to any remodeling, renovation or development of new construction plans. On receiving notification, the Department will issue planning and construction advice and instruction that will complement Chapter 33-8. The Department shall be contacted for a preliminary meeting among interested parties, including the architect, during programming stages. When renovation is contemplated, that part of the facility which

is to be renovated must come into complete compliance with the rules of this chapter.

(3) Two copies of plans and specifications shall be submitted to the Department for approval at the following stages:

(a) At completion of schematic drawings.

(b) At completion of the design development drawings.

(c) At sixty percent completion of working drawings.

(d) At completion of working drawings and specifications.

(4) Bids shall not be received prior to receiving approval of the final documents from the Department.

(5) No addenda shall be made to such final documents except upon approval of the Department.

(6) Final inspection to determine compliance with the approved plans shall be made by the Department staff prior to acceptance by the owner.

(7) Detention facilities shall not be used prior to receiving certification of compliance with the Rules from the Department.

(8) The following requirements shall be adhered to in the planning for new construction, remodeling, or renovation:

(a) A staffing guide for the proposed facility must be submitted at the completion of design development drawings. The guide will be reviewed by the Department Jails Committee and will be rejected if it does not provide adequate staff to complement the proposed structure and ensure operational compliance with these standards. Approval of the final staffing will be included in the approval of the final plans for the facility.

(b) Any construction scheme shall employ the maximum possible visibility of inmates and protection for the correctional officers.

(c) Inmate entry to the detention facility by vehicle shall be through a secure vehicular sally port. This provision does not apply to facilities utilized exclusively as temporary holding facilities.

(d) All exterior confinement walls shall be either six inches of poured, reinforced concrete, or four inches of

precast concrete, or other material deemed secure by the Department, or eight inches of reinforced and filled concrete block. If concrete block is used, it must be reinforced horizontally with masonry reinforcing sixteen inches on centers and vertically with #4 steel reinforcing rods sixteen inches on centers and all voids filled with 3,000 lb. concrete from top to bottom.

(e) All interior walls surrounding a secure area shall meet the requirements for exterior walls. Steel will not be approved in wet areas.

(f) All walls within a reduced custody housing area may be standard masonry construction.

(g) Ceilings in a secure housing area shall be either poured or precast concrete. Poured in place concrete will be a minimum of 4" thick and reinforced. Precast concrete panels will be 5,000 lb. concrete and reinforced and be the manufacturer's standard thickness. One and one-half inches of cement plaster on ribbed metal lath will be acceptable when the structural frame of the building restricts ready escape routes. Cement plaster ceilings are required to cover pipework, conduit, and ductwork in cell block areas.

(h) Single occupancy cells will be designed with a minimum of 63 square feet of floor space. Cell configuration will be considered when plans are reviewed.

(i) Multiple occupancy cells will be designed with a minimum of 45 square feet of floor space per inmate in the sleeping area.

(j) Day room space shall be furnished providing a minimum of 35 square feet per inmate for all cell areas except disciplinary and administrative confinement.

(k) Open dormitory or reduced custody housing units shall be designed with a minimum of 80 square feet of floor space per inmate and this includes both sleeping and day room area.

(l) Holding cells will be designed to include sufficient space for seating of inmates. Holding cells shall be located within sight or normal sound of an officer at all times. Inmates in a holding cell shall have reasonable access to toilet, lavatory, and drinking water facilities upon request.

(m) Impervious floors shall be used in all areas. Suitable floor drains shall be

installed so as to control vandalism.

(n) Space shall be provided for an emergency generator to be selected by the designer.

(o) Security vestibules are required whenever an entrance or exit penetrates the cell block perimeter or exterior confinement walls. Security vestibule doors shall be equipped with override switches to prevent both doors being opened at the same time. Security vestibule doors shall be either electrically or mechanically operated from a control box located remotely from the vestibule.

(p) Facilities housing inmates shall have a fenced, outside area. Inside multipurpose space shall be included for programs, visiting (including social and attorney visiting), and recreation. There shall be areas for medical examination and for storage of the inmate's property.

(q) All local detention facilities shall be designed to meet all codes and other regulatory agencies' requirements. These include the State Fire Marshal, Health Program Office of the Department of Health and Rehabilitative Services, the Department of Commerce and handicapped persons requirements for the public areas.

(r) Provision shall be made for secure sensitive storage and for a safe storage for items such as chemicals and flammable material.

(9) All furnishings and equipment in secure housing areas shall be security type.

(a) Tool resisting steel of the latest industry standards shall be used in all security devices which access the exterior of the facility.

(b) Window sash of all types located in inmates' secure housing quarters shall be of the security type. Awning type detention windows shall have a maximum of five (5) inches clear opening.

(c) Glass and glazing materials shall have the proper security values for the area in which they are used.

(d) View panels in security areas shall be security type with security type glazing.

(e) Doors leading into secure housing areas shall be either a minimum of 16 gauge sound deadened hollow metal with security glazed viewing panel or bar grille doors of not less than 7/8" steel bars, round or

hexagonal spaced 5" on centers. These doors shall be at least 3 feet wide.

(f) Cell doors shall be not less than 2'6" wide. Doors for single or multiple occupancy can be either solid type of 12 gauge sound deadened hollow metal with security glazed panel or bar grille type. Multiple occupancy or dormitory type cells shall have bar grille doors or solid doors with viewing panels.

(g) Doors to rooms in a reduced custody area may be sound deadened hollow metal or solid core wood with viewing panels.

(10) Mechanical systems shall include the following:

(a) Heating, ventilating or air conditioning should be central systems of the designer's choice. Duct systems from inmate areas, when large enough for escape attempts, shall have substantially fastened cut off grilles inside the ductwork. Ductwork over a secure housing area should be avoided.

(b) Mechanical ventilation of all confinement areas not having adequate natural ventilation is mandatory.

(c) If natural ventilation is used, the window shall have a free area equal to one tenth of the floor space and cross ventilation is required.

(d) In secure housing areas light fixtures shall be the secure tamper-proof type with no electrical conduit accessible to inmates. All switches shall have control room override.

(e) All lavatories and showers shall have cold and either hot or tempered water.

(f) Single occupancy cells shall have a water closet and lavatory. Showers should be located in the day room area.

(g) Multiple occupancy or dormitory type units shall have water closets and lavatories in the sleeping area with showers in the day room.

(h) Fixture counts shall be two water closets, two mirrors, one shower and two lavatories for each sixteen inmates or fraction thereof. Stainless steel fixtures are recommended.

(i) Bunks and tables in maximum security housing areas shall be security type substantially anchored.

(11) All facilities shall be architecturally designed so as to satisfy all the requirements of these rules.

(12) Individual criteria. The aforementioned rules and regulations have been established on construction standards to provide for the needs of security, custody, control, programs and welfare of incarcerated inmates held under local authority. The Department recommends all single occupancy type facilities; however, this is not a requirement. Design criteria for each facility, including single cell requirements, will be approved on an individual basis by the Department working with the owner and the architect. Single cell requirements will be based on historical data developed through prearchitectural programming which indicates the amount of single cell housing required. Final interpretation of any provision herein is within the discretion of the Secretary of the Department.

Specific Authority 951.23 FS. Law Implemented 20.315, 951.23 FS. History--New 10-8-76, Previously numbered 33-8.15, Amended 5-10-81, 11-18-81, 10-25-84, 1-26-88.

**33-8.016 Notice of Proceedings and Proposed Rules.**

(1) Prior notice of adoption, amendment or repeal of a rule shall be made available upon request to persons or parties directly affected.

(2) Prior to any notice of a rule adoption, amendment or repeal, a draft of the proposed rule shall be prepared and made available to the public at the Central Office of the Department of Corrections, located at 1311 Winewood Boulevard, Building No. 5, Tallahassee, Florida 32399-2500. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

(3) Notice to those directly affected by a proposed rule shall be by:

(a) A copy of the proposed rule shall be forwarded to the Administrative Procedures Committee.

(b) Publication in the Florida Administrative Weekly at least 14 days prior to any proposed hearing.

(c) Posting notice of the intended action on the bulletin board in the Central Office in Tallahassee.

(d) Transmitting by memorandum a notice of the intended action to the Florida Sheriffs Association, Florida Police Chiefs Association, Inc., Florida League of County Commissioners, the Florida League of Cities and Florida A.C.L.U. (American Civil Liberties Union).

Specific Authority 20.315, 120.54(1)(a) FS. Law Implemented 120.54(1)(a) FS. History--New 10-8-76, Previously numbered 33-8.16, Amended 5-10-81, 11-15-81, 10-25-84.

Remove existing pages for Chapter 33-8 and insert new pages for Chapter 33-8.