

April 7, 2022

Notice of Proposed Rule

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-602.221 Protective Management

PURPOSE AND EFFECT: The proposed rule is intended to replace superfluous language, to clarify that the enumerated conditions and privileges afforded to inmates in protective management shall be the same as those afforded to inmates in the general population, and to extend the ICT review schedule for inmates in protective management.

SUMMARY: The proposed rule amends the existing rule to replace superfluous language; clarify that the enumerated conditions and privileges shall be the same as those afforded to inmates in the general population; extend the ICT review schedule for inmates in protective management from at least every 30 days to at least every 60 days; amend form DC6-235; and any other "clean-up" revisions deemed necessary for inclusion or deletion.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, F.S.

LAW IMPLEMENTED: 20.315, 944.09, 945.04, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399 (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Office of the General Counsel, Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.221 Protective Management.

(1) Definitions.

(a) through (d) No change.

(e) Clinical Health Care Personnel – refers to a physician, physician assistant ~~clinical associate~~, advanced practice registered nurse, licensed nurse ~~nurse correctional medical technician certified~~, psychologist, psychology intern, psychology resident, or behavioral health ~~psychological~~ specialist.

(f) through (l) No change.

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

(n) through (o) No change.

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(2) Procedures for placement in Protective Management.

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

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

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

(d) When the SCO determines that protective management is appropriate for an inmate, the inmate shall be reviewed by the housing supervisor to assess the inmate's potential risk to or from other inmates in the unit. The completion of this review shall be documented on Form DC6-235, Record of Protective Management. Form DC6-235 is hereby incorporated by reference and available at <https://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is XX/XX 1-19-03. If the inmate cannot be placed in protective management for this reason, the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve the inmate's protection needs.

(3) Protective Management Facilities.

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

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

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

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

(4) Conditions and Privileges.

(a) ~~The following conditions and privileges~~ ~~Clothing~~ inmates in protective management may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. ~~Otherwise, the clothing~~ for inmates in protective management shall be the same as and exchanged with those that issued to ~~and exchanged with~~ inmates in general population; ~~except when this may create a potential security or health threat, or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6 235, Record of Protective Management, and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from~~

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~~impeding security staff from accomplishing functions essential to the unit and institutional security. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances shall an inmate be left without a means to cover himself or herself.~~

1. Clothing.

2. Bedding and linen.

3. Personal property.

4. Comfort items, personal hygiene items, and other medically necessary or prescribed items.

5. Personal hygiene standards.

6. Diet and meals, except that when security reasons as determined by institutional staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's housing unit. Any deviation from or substitution to the established meal service shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

7. Canteen items.

8. Counseling Interviews when deemed necessary by mental health staff.

9. Correspondence and authorized self-improvement correspondence courses.

10. Telephone.

11. Writing utensils and/or access to a "writer/reader" if one has been provided to the inmate for the purpose of preparing correspondence.

12. Reading materials in compliance with the admissibility requirements of Rule 33-501.401, F.A.C..

13. Library visits and book check-out maximums.

14. Exercise.

15. Contact by staff.

16. Religious activities to include a weekly non-denominational service held in the chapel or in the protective management housing unit if security reasons prevent chapel service.

17. Self-improvement programs, including academic education, vocational training, correspondence courses or self-directed study activities, religious activities, or letter-writing shall be available in the protective management housing unit or in separate locations within the institution that conform with the need for security.

18. Work assignments.

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

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

~~(c) Personal Property – inmates in protective management shall be allowed to retain the same property as is permitted inmates in general population unless the property poses a potential threat of harm to an individual or a potential threat to the security of the institution. In such case, the removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded Property List, which must be completed by security staff and signed by the inmate designating what property was removed. The original shall be placed in the inmate's property file and a copy of the form shall be given to the inmate for his or her records. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for inmates in general population.~~

~~(d) Comfort Items – inmates in protective management shall be permitted the same comfort items, personal hygiene items, and other medically necessary or prescribed items as is permitted inmates in general population unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution. If a comfort item is taken from an inmate in protective management, the senior correctional officer on duty shall be~~

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~~notified and must approve or disapprove the action taken. The action taken shall be documented on Form DC6-235, Record of Protective Management, which must be reviewed by the chief of security. As noted above, property receipts shall be given for any personal property removed. The following comfort items shall be provided at a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.~~

~~(e) Personal Hygiene — inmates in protective management shall meet the same standards regarding personal hygiene as required of inmates in general population, including the following:~~

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

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

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

~~(f) Diet and Meals — inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for that inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell. Inmates in protective management shall receive the same institutional meals as are available to inmates in general population, except that if any item on the regular menu poses a potential threat of harm to an individual or a potential threat to the security of the institution, then another item of comparable quality and quantity shall be substituted. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.~~

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

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

~~(b)(i) Visitation Visiting — a visitation visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates in protective management to receive visits. Visitation Visiting shall take place in a separate facility from inmates in general population if a separate facility is available. If a separate facility is not available, the warden or duty warden shall schedule visitation for inmates in protective management visiting either before or after visitation visiting hours for inmates in general population or on different days from inmates in general population. Visitation Visiting shall be limited by the warden or the warden's his or her designee when it is determined that a threat to the inmate exists by allowing visitation in the visitation visiting area poses a threat to the inmate or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would pose a potential threat of harm to an individual or a potential threat to the security of the institution. The warden or designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C. Inmates in protective management shall have video visitation privileges as provided for in Rule 33-602.901, F.A.C.~~

~~(j) Telephone — inmates in protective management shall be allowed to make one call per week of at least 15 minutes. However, if telephones are available in the dayroom, protective management inmates shall be allowed to make calls in the same manner as general population inmates.~~

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

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

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required items and shall not be permitted in protective management housing units. However, an inmate with disabilities that hinder the preparation of legal correspondence shall be allowed ~~to use the use of~~ auxiliary aids. An inmate who is provided an auxiliary aid shall be allowed access to a certified research aide for the purpose of preparing legal documents or legal mail; or filing a grievance.

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

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

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

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

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

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

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

~~(t) Inmates in protective management may refuse opportunities for out of cell activities, however, such refusals shall count against the inmate's required minimum hours of out of cell time. Refusals shall be documented on Form DC6 235, Record of Protective Management.~~

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

~~(5) Work Assignments.~~

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

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

~~(6) Restraint and Escort Requirements.~~

~~(a) Protective management inmates shall be handcuffed or otherwise restrained when individual security concerns associated with that inmate require such action.~~

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

~~(7) Contact by Staff.~~

~~(a) The following staff members shall be required to officially inspect and tour the protective management unit. All visits by staff shall be documented on Form DC6 228, Inspection of Special Housing Record. Form DC6 228 is incorporated by reference in Rule 33 601.800, F.A.C. The staff member shall also document his or her visit on Form DC6 235, Record of Protective Management, if, during the visit by staff, any discussion of significance, any action or behavior of the inmate occurs, or any information is obtained that may have an effect on the inmate's protective management status. These visits shall be conducted at a minimum of:~~

- ~~1. At least every 30 minutes by a correctional officer, but on an irregular schedule.~~
- ~~2. Daily by the housing supervisor.~~
- ~~3. Daily by the shift supervisor on duty for all shifts except in cases of riot or other institutional emergency.~~
- ~~4. Daily by a clinical health care personnel.~~
- ~~5. Weekly by the Chief of Security (when on duty at the facility) except in cases of riot or other institutional emergency.~~
- ~~6. Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.~~
- ~~7. Weekly by the warden and assistant wardens.~~
- ~~8. At least once a week by a classification officer.~~
- ~~9. At least once a month by a member of the ICT to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.~~

~~(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care~~

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~~staff can provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in Rule 33-602.220, F.A.C. All actions taken by staff regarding special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and Form DC6-210, Incident Report. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.~~

~~(5)~~(8) Review of Protective Management Status.

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

~~(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine their his or her mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. If the decision is to continue protective management, a psychological screening assessment shall be conducted at least every 90 days.~~

~~(c) In addition to the ICT's review as outlined in paragraph (5)(a) (8)(a) above, the ICT shall interview each inmate in protective management at least every 60 30 days and shall document prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for protection, what has transpired since the last report, the decision concerning continued protection or potential release ; and the basis for that decision in the database.~~

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

~~(e) No change.~~

~~(6)~~(9) Protective Management Records. A printed copy of Form DC6-235, Record of Protective Management, shall be maintained for each inmate placed in protective management.

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

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

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

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

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~~incorporated by reference in Rule 33-601.800, F.A.C.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09, 7-5-10, 3-6-14, 8-17-16, 1-18-21, ~~XX-XX-XX~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hope Gartman

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ricky D. Dixon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 27, 2021