

33-602.205 Inmate Telephone Use.

(1) This rule sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, or inmates housed on death row. All inmate calls, with the exception of those calls placed to attorneys pursuant to paragraph (3)(a), and to foreign consulates pursuant to paragraph (4)(a) shall be subject to monitoring and recording. Due to the high level of security needs on death row, the only telephone privileges available to death row inmates are those set forth in paragraph (3)(a), private calls to attorneys; paragraph (4)(a), private calls to foreign consulates; and subsection (5), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers. Inmates shall not be allowed to include business telephone numbers or cell phone numbers on the list.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is September 24, 2007.

(c) An inmate shall be allowed to change his or her telephone list once every six months by completing a new Form DC6-223, Inmate Telephone Agreement and Number List. Changes can be made more frequently for the following reasons only:

1. The number for a person already on the inmate's list has been changed. The inmate shall be responsible for providing documentation of the change to his or her classification officer before the list will be amended. Documentation shall be in the form of copies of the cover page of both the old and new telephone statement of the person whose number has been changed. The cover page must include the name, address and telephone number of the individual.

2. The inmate has married and wishes to add the name and telephone number of the spouse. The inmate shall be responsible for providing documentation of the marriage before the list will be amended.

3. An inmate shall be allowed to update his or her telephone list when there is a change in telephone providers, an installation of updated equipment or software, or a repair to the equipment, if the department determines that an update of the telephone list would be more efficient in completing the change, installation, or repair.

(d) Each inmate will be provided with a personal identification number (PIN) which allows him access to the telephone numbers on his calling list.

(e) Except for calls to attorneys as provided in paragraph (3)(a), calls to foreign consulates as provided in paragraph (4)(a), or calls during family crisis as provided in subsection (5), calls shall be limited to 15 minutes. Calls to attorneys as provided in paragraph (3)(a), calls to foreign consulates provided in paragraph (4)(a), and calls in time of family crisis as provided in subsection (5) shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(f) The warden shall determine the frequency with which inmates are allowed to use the monitored telephones based on population to telephone ratios and institutional needs.

(g) All calls from the monitored telephones shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. The prompt will advise the inmate and the party who is called that the call is subject to being monitored and recorded by the Department of Corrections.

2. The prompt shall clearly identify the caller on a prerecorded message which is input at the time of the inmate's first call.

3. The system requires the inmate caller to key in his or her PIN on the key pad before gaining access to an outside line.

4. The system will detect conference calls or three-way calling activity and terminate the call when such activity is detected.

(h) Each institution where monitoring and recording is conducted shall ensure that signs are posted which state that telephone calls are subject to being monitored or recorded. These signs shall be posted on or beside each telephone subject to monitoring and shall remain posted at all times. Stolen or defaced signs shall be replaced promptly upon discovery.

(i) At each institution where telephone calls are monitored or recorded, the institutional inspector will be the individual primarily responsible for the monitoring equipment, maintenance of records, and review of conversations.

(j) Wardens are authorized to designate additional staff who will be responsible for monitoring telephone calls and reviewing records and recordings of monitored calls.

(k) Records and recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings of monitored calls shall be retained for a minimum of one year. Access to records and recordings shall be limited to the following persons:

1. Secretary or Deputy Secretary;
2. Director of Institutions or his or her designee;
3. Regional directors or designees;
4. Inspector General or designee;
5. The warden of each institution or his or her designee;
6. Correctional officer senior inspectors;
7. Inspector supervisors; and
8. The correctional officer inspector of each institution.

(l) The department's contract manager and wardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. An attorney shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate client receive a private telephone call from the attorney on an unmonitored telephone. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) If an inmate requests to place his or her attorney's telephone number on his or her calling list, the attorney must provide written acknowledgment of the telephone procedures by completing Form DC6-214, Inclusion of Attorney on Inmate Telephone List and indicating that he or she understands that there are options available for private calls. The requesting inmate will be responsible for notifying the attorney and arranging for the correspondence to the institution. There will be no special provisions for these calls. They will be placed on regular inmate telephones, will be collect, subject to monitoring and recording, and limited to 15 minutes. If the inmate and the attorney want to have non-monitored conversations, the procedures in paragraph (3)(a) must be followed. Form DC6-214, Inclusion of Attorney on Inmate Telephone List, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is June 18, 2002.

(4) Calls to Foreign Consulates.

(a) A foreign national inmate shall be allowed to make private telephone calls to his or her respective consulate upon presentation to the warden or his designee of evidence that the call is necessary and that the inmate is a native of the country represented by the consulate as verified by Immigration and Custody Enforcement. Such evidence shall be a letter from the consulate (transmission by FAX is acceptable) requesting the return call. A consulate shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate receive a private telephone call from the consulate on an unmonitored telephone.

(b) Except as authorized by warrant or court order, telephone calls to consulates made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(5) An inmate may be authorized to make telephone calls in case of family crisis, including death or serious illness in the immediate family or serious marital or other family problems. All such calls must be approved by the chaplain or other official designated by the warden who shall, if possible, verify the existence of the family crisis.

(6) Telephone privileges for inmates in administrative or disciplinary confinement shall be in accordance with Rules 33-602.220 (Administrative Confinement) and 33-602.222, F.A.C. (Disciplinary Confinement).

(7) Inmates may not receive incoming telephone calls because it is disruptive to normal operating and program functions of an institution.

(8) All long distance calls shall be "collect" calls except:

(a) Those authorized in response to family crisis in subsection (5), and

(b) Calls to courts when the inmate is required to participate in a telephone conference hearing. Institutional staff shall place a direct call to the court, using the most efficient and economical means available. If the department is involved as a party, the inmate's account shall not be charged for the cost of such call, unless it can be demonstrated that the hearing was scheduled at the inmate's request. In all other circumstances, the inmate's account shall be charged in full for such cost. The charge shall be based on the current SUNCOM telephone rate for state telephone calls.

(c) If funds are not available in the account to pay the charge in full, then the account shall be charged in part, up to the amount available. A hold shall then be placed on the inmates account and all subsequent deposits to the inmate's account shall be applied against the unpaid costs until the debt has been paid.

(9) For security and control purposes, telephones designated for inmate use will be designed to be rendered inoperable during times when telephone usage would interfere with other institutional activities and during institutional emergencies.

(10) No inmate shall establish or conduct a business through use of the telephone, or any other avenue of communication, during his or her period of incarceration.

(11) Any request to make a telephone call may be denied if the call would present a threat to institution security or order or to the safety of any person.

(12) The Department is not responsible for maintaining telephone equipment damaged by inmate abuse or for providing telephone service if the telephone company discontinues service as a result of inmate abuse.

(13) Misuse of telephone privileges.

(a) An inmate shall not contact by telephone any person who has advised the warden's office that he does not wish to receive telephone calls from the inmate. Once the inmate is notified of this restriction, any further attempt to communicate by telephone will be considered a violation of this rule and will subject the inmate to disciplinary action.

(b) Inmates shall be subject to having telephone privileges restricted or revoked for abuse of telephone communication services. Examples of abuse include:

1. Making harassing or unwelcome calls;
2. Making a threatening, obscene or nuisance telephone call;
3. Making a call which is in any way a violation of state or federal law, telephone company regulations or department or institution rules or regulations;
4. Damaging or destroying telephone equipment;
5. Making three-way telephone calls. This includes calls that are placed and then transferred to another telephone number. The telephone system automatically detects any such call and blocks the number from the inmate's telephone list.
 - a. The warden or assistant warden shall have the authority to reinstate the blocked number after the warden or assistant warden has determined that there was no illicit intent and after advising the party that further occurrences will not be tolerated.
 - b. The warden or assistant warden shall notify the contractor's on-site staff of the reinstatement of any blocked telephone number on an inmate's telephone list.
 - c. Any subsequent violations of the three-way call prohibition will result in a permanent block being placed on the telephone number involved.
6. Using another inmate's PIN number or providing a PIN number to another inmate;
7. Using a telephone to conduct a business enterprise;
8. Speaking in an unidentifiable code; and
9. Sharing calls or placing calls for another inmate and allowing him or her to converse with a party not on that inmate's approved list.

(c) Inmates found to have abused telephone privileges shall be subject to disciplinary action in accordance with Rules 33-601.301-.314, F.A.C. In addition, wardens are authorized to suspend an inmate's telephone privileges, other than calls to attorneys as outlined in paragraph (3)(a), during an investigation for abuse of telephone privileges.

(d) Inmates shall also be subject to suspension of telephone privileges, other than calls to attorneys as outlined in paragraph (3)(a), as a result of other disciplinary infractions unrelated to telephone procedure violations.

(14) Inmates will not be allowed to possess or use telephone calling cards.

(15) Telephone devices for the deaf.

(a) Each institution shall have at least one telephone device for the deaf.

(b) Usage of telephone devices for the deaf shall be limited to thirty minutes per call.

(c) Inmates who can hear, but wish to call persons who are deaf or hearing impaired must provide or cause to be provided documentation that the person being called is deaf or hearing impaired. This documentation shall be used only for the purpose of verifying the need for use of telephone devices for the deaf or hearing impaired. The following documentation will be considered acceptable and will be placed in the inmate's institutional file and marked confidential:

1. Letter from the person's medical doctor stating the impairment;

2. Letter from the Social Security Administration recognizing the impairment.

(d) All inmates using telephone devices for the deaf will be informed, before the call is made, that the call will be monitored.

(e) The tape used by the telephone device will be removed after each call and provided to the institutional inspector for review.

(16) Prison Tips Hotline.

(a) A free speed-dial number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.

(b) The inmate will not have to enter his or her personal identification number (PIN) to access the prison tips hotline.

(c) Calls to the prison tips hotline will be limited to three minutes and will be recorded and retained for one year.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04, 1-7-07, 9-24-07, 3-23-08.