

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Proposed Rule Hearing (IR)

July 6, 2018

63G-2.023 Youth Activities.

(1)-(8) No changes.

(9) Visitation.

(a) At a minimum, visitation shall be scheduled two (2) days per week (one shall be a weekend day) and shall be clearly posted in the lobby area of the facility. The Superintendent shall develop a visitation plan that addresses the safety and security of visitors, staff, and youths. At a minimum, visitation shall be scheduled one day a week and shall be clearly posted in the lobby area of the facility. Legal counsel, probation, law enforcement, guardian ad litem, clergy and other professionals may visit youth outside of regularly established visitation times as necessary and approved.

(b) Visitation is an important component of a youth's stay in detention and is to be encouraged and supported by detention staff. Parents, grandparents, legal guardians and children of youth who are in secure detention are approved visitors. Special visits may be approved by contacting the facility Superintendent. The Juvenile Probation Officer may be consulted regarding special visitation. All visitors shall sign in and out and be checked for contraband.

(c) Legal counsel, probation, law enforcement, clergy and other professionals may visit outside of regularly established visitation times as necessary, and are subject to any requirements regarding signing-in and out.

(d) All visitors are subject to electronic search. Visitors shall not bring personal items (e.g., keys, purses, packages) into the secure area. The introduction of unauthorized items into a detention facility is a third-degree felony, and posted visitation rules shall include this information.

(e) Visitors must sign-in and sign-out.

1. Parents will only sign the youth JJIS printed visitation sheet.

2. All others coming to see a youth will sign the youth JJIS printed visitation sheet and the visitation logbook.

The visitation logbook will be bound, and must include columns for date, name, purpose of visit, name of visited youth and sign-out time.

3. Visitors not seeing any youth will only sign the bound visitation logbook.

(f) Visitors shall be denied entrance if they:

1. Are disruptive or uncooperative;

2. Refuse to be searched or fail to comply with an officer's instructions;

3. Are under the influence, or appear to be under the influence, of any intoxicating substance;

4. Fail to present proper photo identification;

5. Attempt to introduce contraband into the secure area; or

6. Are dressed in inappropriate attire.

(g) Visitation may be terminated if the behavior of the visitor is disruptive or not in compliance with facility policies and procedures. The termination of a visit may lead to the suspension of future visitation privileges at the discretion of the Superintendent.

(h) Any questions that a visitor may have regarding the youth's case or charges shall be referred to the assigned Juvenile Probation Officer. Other questions shall be referred to the on-duty JJDO Supervisor.

(i) The visitation room and any other common areas shall be searched both prior to and following visitation to ensure the absence of any hazardous or dangerous items or items that would be considered contraband.

(j) Youth shall be frisk searched following visitation. If contraband is suspected, but not found during the frisk search, a strip search shall be initiated.

(k) Stakeholder Access: The stakeholders listed below are authorized to visit juvenile detention centers operated by the state and county between the hours of 6:00 a.m. and 11:00 p.m. All of the following stakeholders

are subject to an electronic search:

1. The Governor;
2. A Cabinet member;
3. A member of the Legislature;
4. A judge of a state court;
5. A state attorney; and
6. A public defender.

(l) News Media Tours: Permission for visits by bona fide news media representatives shall not be unreasonably withheld.

1. News media representatives consist of persons whose principal employment is gathering and reporting news for a:

a. Radio or television program whose primary purpose is news reporting for a licensee of the Federal Communications Commission;

b. Newspaper reporting general interest information news and circulated to the public in the community where it is published;

c. News magazine that has a national circulation, and is sold by mail subscription or on newsstands to the general public; and

d. National or international news service.

2. News media tours of a juvenile detention facility shall be pre-arranged with the Department's Office of Communications when visiting a state operated facility, or with the relevant sheriff's office when visiting a county operated facility. Prior notice of not less than one week is required, or whatever additional time may be necessary to verify that each individual requesting the tour is a bona fide news media representative. It shall be the responsibility of the news media representatives requesting the tour to present the Department's Office of Communications or the relevant sheriff's office the evidence referenced in this paragraph establishing that such person is a bona fide news media representative.

3. The following conditions apply to media tours:

a. News media representatives shall be required to provide news station ID and two verifiable contacts for the media group they represent. Phone numbers for these contacts must also be provided. If the contacts provided do not confirm the representative's association with the respective media group, the representative shall be required to provide two additional contacts. If such contacts do not confirm the representative's association with the media group, the tour shall be cancelled and the individual shall not be permitted future tours.

b. All news media representatives are subject to electronic search.

c. News media representatives must be escorted by staff. The tour must be conducted by the highest-ranking staff on duty at the time, but no rank lower than a Juvenile Justice Detention Officer Supervisor (JJDOS), or the equivalent first-line supervisory staff at a county operated facility.

d. Random access not specific to the purpose of the tour is prohibited.

e. During an emergency, news media representatives will be restricted to a designated area identified by the facility administrator or designee.

f. Media members are limited to two (2) per tour.

g. Attorneys, physicians, youth's family members, and victims, or family members of victims, may not accompany media representatives on their tours.

h. Media representatives must provide identification upon entry into the juvenile detention facility.

i. Interviews and photographs of youth or staff are prohibited.

j. Photography and video making equipment are prohibited.

k. Privacy of youth shall be observed by the media. No movie films, television tapes, or recordings may be made of youth.

l. Media representatives shall not be given access to juveniles on any type of observation defined in Rule 63N-1.00951-.00952, F.A.C., or in any area where youth are showering or performing hygiene.

m. Department employees are not authorized to sign film crew or media location releases.

n. Tours are authorized between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays, provided the facility administrator or designee determines that such tours would not impair or disrupt the normal operation or security of the facility and would not endanger the safety of the visitor.

o. No part of the juvenile detention facility may be filmed.

p. Foreign Press: In addition to all of the above, foreign press members must provide criminal history clearance from the official criminal history registry of their native country. Contact information for a representative from the agency that maintains that registry must also be provided. A legible copy of the foreign media representative's passport must be submitted to the Department's Office of Communications or to the relevant sheriff's office prior to the tour.

(m) All stakeholders and media representatives must sign and abide by the confidentiality agreement applicable to the facility being toured:

1. For access to a state operated juvenile detention facility, the stakeholder or media representative must sign the Facility Visitors (Stakeholders & Media) Confidentiality Agreement (DS 100, July 2018), which is incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No+Ref-0000>, and is available by contacting DJJ Office of Detention Services, 2737 Centerview Drive, Tallahassee, FL 32399.

2. For access to a county operated juvenile detention facility, the stakeholder or media representative must sign a substantively similar form or agreement provided by the sheriff that, at minimum, ensures confidentiality of youth, prohibits contraband, authorizes electronic search, and prohibits the use of recording and electronic devices.

(10)-(11) No changes.

Rulemaking Authority 985.601(9)(b), 985.6885(4) FS. Law Implemented 985.601(9)(b)1.-2., (c), 985.6885 FS. History--New 8-9-15, Amended _____.