

1 33-602.900 Kiosks and Tablets

2 (1) General Provisions. This rule applies to the possession and use of kiosks, tablets, and related services. The
3 provisions of this rule are supplemental to other Department rules, which remain in full force and effect unless
4 otherwise expressly stated herein. Access to a kiosk, tablet, kiosk services, and tablet services is a privilege and not a
5 right afforded to inmates or others.

6 (2) Definitions.

7 (a) “Approved Visitor” – where used herein and as defined in Rule 33-601.713, F.A.C., refers to any person
8 who is approved by the assigned institutional classification officer, warden, or duty warden to visit an inmate and
9 whose approval is documented in the automated visiting record.

10 (b) “Communications Center” – where used herein, refers to the secure electronic communication portal
11 provided by the vendor that inmates may use to communicate with the vendor or the Department, as designated by
12 the Department.

13 (c) “Correspondent” – where used herein, refers to any person eighteen years of age or older, who is not
14 restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order,
15 or conditions of supervision, and who wants to communicate with an inmate in the custody of the Department
16 through the use of kiosk or tablet services.

17 (d) “Electronic Card” (eCard) – where used herein, refers to a digital greeting card sent electronically to or from
18 an inmate.

19 (e) “Electronic Communication” (eCommunication) – where used herein, refers to authorized forms of
20 electronic communication offered through kiosk and tablet services, including secure mail, eCards, photos, and
21 videograms.

22 (f) “Indefinite Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or
23 individual’s privileges for an unspecified period.

24 (g) “Kiosk” – where used herein, refers to a stationary electronic device that is used to provide inmates with
25 access to kiosk services.

26 (h) “Kiosk Services” – where used herein, refers to Department-approved, electronic-based services provided
27 by the vendor through kiosks, including secure mail, communications center access, eCards, video visitation,
28 education/programming activities, videograms, photos, and the ability to browse the media store and access its

29 content.

30 (i) “Media Account” – where used herein, refers to an account established by the vendor and funded by the
31 inmate through transfers from an inmate’s trust fund account that is used to purchase kiosk and tablet services.

32 (j) “Media Store” – where used herein, refers to the contract vendor’s media store where inmates can browse,
33 purchase, and download music, games, news, eBooks, and other digital content.

34 (k) “Primary Violation” – where used herein, refers to any violation for which the maximum penalty is up to an
35 indefinite suspension of privileges.

36 (l) “Secondary Violation” – where used herein, refers to any violation for which the maximum penalty that can
37 be imposed is less than or equal a 180 day suspension of privileges.

38 (m) “Secure Mail” – where used herein, refers to a secure and monitored electronic messaging system that
39 allows an inmate and correspondent to receive and respond to secure electronic messages via a secure web-enabled
40 platform provided by the vendor, and that requires all messages (incoming and outgoing) to be screened and
41 approved before release.

42 (n) “Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s
43 privileges for a specified period.

44 (o) “Tablet” – where used herein, refers to a Department-approved mobile electronic device that has been
45 configured and formatted for possession and use by an inmate to access and use tablet services. Tablets download
46 content through a connection with the kiosk or by connecting to the secure, wireless network supplied and managed
47 by the vendor.

48 (p) “Tablet Services” – where used herein, refers to Department-approved, electronic-based services provided
49 by the vendor at no cost or for a fee through secure, corrections-grade tablets, including secure mail,
50 communications center access, eCards, education/programming activities, videograms (incoming only), photographs
51 (incoming only), and the ability to browse the media store and access content downloaded from a kiosk.

52 (q) “User Account” – where used herein, refers to the account established by the vendor with each inmate who
53 possesses a tablet that provides secure access to kiosk services, tablet services, purchased content, and the inmate’s
54 media account. The term also refers to the account created by the vendor that is used by a correspondent or approved
55 visitor to interact with the inmate.

56 (r) “User Account Password” – where used herein, refers to a code that is needed to provide access to kiosks

and tablets, that is chosen by an inmate, correspondent, or approved visitor, that is known only to that individual, and that when used in conjunction with a user ID verifies the identity of the individual associated with a specific user account.

(s) “Vendor” – where used herein, refers to the contracted vendor who provides kiosks, tablets, kiosk services, and tablet services for use by inmates and those who communicate with them.

(t) “Video Visitation” – where used herein, refers to a monitored and recorded real-time virtual visitation session provided as a kiosk service between an inmate and an approved visitor, where the approved visitor is located at a location other than the location of the inmate.

(u) “Videogram” – where used herein, refers to a short video clip transferred electronically between a correspondent and an inmate.

(v) “Virtual Stamp” – where used herein, refers to electronic tokens sold individually or in bundles at published prices to inmates and correspondents that must accompany any eCommunication for the communication to be delivered.

(3) User Accounts.

(a) To access or use kiosk or tablet services, an inmate, correspondent, or approved visitor must establish and activate a user account through the vendor. Inmates and correspondents must not provide false information when establishing a user account.

(b) Any technical or account issues relating to the use of a kiosk, a tablet, kiosk services, tablet services, media accounts, or user accounts must be directed to the vendor.

(c) An inmate is only permitted to use his or her own user account.

(d) Inmates must not loan, borrow, barter, or steal another inmate’s user account password. Violators will be subject to disciplinary action pursuant to Rule 33-601.314, F.A.C., and may have his or her tablet impounded and access to kiosks, kiosk services, and tablet services suspended or terminated.

(e) The Department is not responsible for the theft or loss of an inmate’s user account password, or for any costs associated with an inmate lending his or her user account password or otherwise failing to provide for its safekeeping.

(f) All user account and media account records are maintained by the vendor, and any disputes related to those accounts will be addressed by the vendor. An inmate who has access to a kiosk may view his or her media account balance.

(g) User accounts, media accounts, or particular service offerings such as secure mail, videograms, and access to the vendor's media store are subject to suspension or termination for any violation of law or Department rule. Inmates, correspondents, and approved visitors are responsible for their conduct and for any consequences thereof in connection with their use of their accounts and available services.

(4) Kiosks.

(a) Kiosks will be located at institutions approved by the Department.

(b) Unless otherwise stated in this rule, an inmate will be allowed to access kiosk services in his or her assigned housing unit from 8:00 a.m. until 11:00 p.m. each day, excluding times related to counts, call outs, job assignments, and other required appointments or testing. For security reasons, kiosks designated for inmate use will be rendered inoperable during times when the use of kiosk services would substantially interfere with other institutional activities and during institutional emergencies.

(c) Except as otherwise provided in this rule, kiosk access permissions for inmates in special housing or in a special status are as follows:

1. During the initial reception period, an inmate awaiting transfer to his or her initial permanent facility is permitted access to kiosks and kiosk services, with the exception of video visitation.

2. Youthful Offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted to access kiosks or kiosk services.

3. Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, or death row status have access to kiosks and kiosk services as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830, F.A.C., respectively.

(d) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to kiosks and kiosk services in accordance with Rule 33-404.102, F.A.C.

(e) Unless authorized by the Department to do so, no one is permitted to modify, alter, circumvent, attempt to modify, attempt to alter, or attempt to circumvent any audio or video capabilities or security features of a kiosk or

kiosk service, or use such devices or services to engage in any activity that violates Department rules, state law, or federal law. The use or misuse of a kiosk or kiosk service in such manner will subject an inmate to discipline pursuant to Rule 33-601.314, F.A.C., suspension or termination of kiosk and/or tablet privileges, and potential prosecution to the extent provided by law.

(f) Legal mail, as described in Rule 33-210.102, F.A.C., and privileged mail, as described in Rule 33-210.103, F.A.C., must not be sent or received via eCommunications.

(g) Only content authorized by the Department can be downloaded, accessed, used, or stored on a kiosk. Content that negatively impacts the safe, secure, and orderly operation of an institution, or that compromises public safety will not be approved.

(5) Tablets.

(a) Upon arrival at his or her permanent facility, a tablet will be issued to every inmate authorized to possess a tablet at no cost to the inmate. An inmate in a Department-operated institution or facility may not refuse to accept a tablet.

(b) Inmates are authorized to possess one tablet pursuant to Rule 33-602.201, F.A.C., unless otherwise prohibited. Possession of a tablet by an inmate is a privilege that may be forfeited by any inmate who fails to abide by the rules of the Department or any applicable state or federal law.

(c) Unless otherwise stated in this rule, an inmate is permitted to access the secure, wireless network in his or her assigned housing unit for authorized purposes from 8:00 a.m. until 12:00 a.m. each day. For security reasons, secure, wireless networks designated for inmate use will be rendered inoperable during times when the use of wireless services would substantially interfere with other institutional activities and during institutional emergencies.

(d) Except as otherwise provided in this rule, tablet access permissions for inmates in special housing or a special management status are as follows:

1. During the initial reception period, an inmate awaiting transfer to his or her initial permanent facility is not permitted to possess a tablet or access tablet services.

2. Youthful Offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not permitted to possess a tablet.

137 3. Inmates in administrative confinement, protective management, disciplinary confinement, close management,
138 maximum management, or death row status will have access to tablets and tablet services as set forth in Rules 33-
139 602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830 F.A.C., respectively.

140 (e) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental
141 health unit or a correctional mental health treatment facility will have access to tablets and tablet services in
142 accordance with Rule 33-404.102, F.A.C.

143 (f) When an inmate is prohibited from retaining possession of his or her tablet due to transfer to a different
144 housing or management status, the tablet will be stored by the Department and returned to the inmate once he or she
145 has been transferred back to a setting where possession of the tablet is allowed by Department rules.

146 (g) Following the assignment of a tablet to an inmate, Department staff will add the tablet to Form DC6-224
147 noting the make, model, and serial number of the tablet. Form DC6-224 is incorporated by reference in Rule 33-
148 602.201, F.A.C.

149 (h) Each inmate is responsible for the care and security of his or her assigned tablet. The Department assumes
150 no responsibility for the loss of, or damage to a tablet caused by the inmate. In cases of intentional loss or damage, the
151 incident will be treated as willful damage to state property. In such cases, the inmate will be required to reimburse the
152 Department for the cost of replacing the lost or damaged tablet from his or her inmate trust fund account. If
153 sufficient funds are not available in the inmate's trust fund account, the Department will place a lien on the inmate's
154 trust fund account for the replacement cost of a tablet. The inmate's media content will be restored on the
155 replacement tablet at no cost to the inmate.

156 (i) An inmate will not be charged for a replacement tablet when the original tablet is unusable due to normal
157 wear and tear.

158 (j) If a tablet cannot be located after being stored by the Department, the provisions of Rule 33-602.201, F.A.C.,
159 will be followed. When it is substantiated that a tablet is missing for any reason outside the inmate's control, the
160 tablet will be replaced by the Department at no cost to the inmate.

161 (k) In the event an inmate loses his or her tablet, the inmate must immediately report the loss to the housing
162 officer. The housing officer will complete a Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-
163 602.210, F.A.C. The chief of security will initiate a review of the incident and an attempt will be made to locate the
164 lost property. The review will determine the responsible party for the cost of replacement as outlined within this

rule. If the lost property cannot be located, the chief of security will coordinate the replacement of the tablet for the inmate. Inmates who do not report the loss of a tablet within 10 days will be required to reimburse the Department for the cost of replacing the lost tablet from his or her inmate trust fund account. If sufficient funds are not available in the inmate's trust fund account, the Department will place a lien on the inmate's trust fund account for the replacement cost of a tablet. The inmate's media content will be restored on the replacement tablet at no cost to the inmate.

(l) If a tablet is damaged or destroyed by Department or private correctional facility staff during a routine search, an emergency search, or while impounded, the warden or designee will cause an investigation to be made and any necessary action to be taken in accordance with Rule 33-602.203, F.A.C.

(m) A tablet may only be used in an inmate's assigned housing unit and in recreation areas. An inmate's tablet may only be used to access the secure, wireless network in his or her assigned housing unit. The warden may designate other areas for tablet use (including the use of the secure, wireless network) to further an inmate's rehabilitation, that does not interfere with the safety, security, and order of the institution. Use of a tablet in an unauthorized or unapproved area will subject the inmate to discipline pursuant to Rule 33-601.314, F.A.C.

(n) All tablets on the property of a Department institution or facility, including all digital content, are subject to authorized searches at any time pursuant to Rule 33-602.203 and Rule 33-602.204, F.A.C. An inmate's failure to comply with an authorized search will result in the immediate confiscation of the inmate's tablet and will subject the inmate to discipline pursuant to Rule 33-601.314, F.A.C.

(o) Unless authorized by the Department to do so, no one is permitted to modify, alter, circumvent, attempt to modify, attempt to alter, or attempt to circumvent any audio or video capabilities or security features of a tablet or tablet service, or use such devices or services to engage in any activity that violates Department rules, state law, or federal law. The use or misuse of a tablet or tablet service in such a manner will subject an inmate to discipline pursuant to Rule 33-601.314, F.A.C., suspension or termination of kiosk and/or tablet privileges, and potential prosecution to the extent provided by law.

(p) Only content authorized by the Department can be downloaded, accessed, used, or stored on a tablet. Content that negatively impacts the safe, secure, and orderly operation of an institution, or that compromises public safety will not be approved.

192 (q) No devices, other than an inmate's assigned tablet, may connect or attempt to connect to a secure, wireless
193 network. The inmate's assigned tablet must not utilize a secure, wireless network in any manner other than to access
194 Department-approved content or eCommunications.

195 (r) Each tablet has a mortality lock that tracks the number of days since it was last connected to an authorized
196 kiosk. If a tablet is not connected to an authorized kiosk at least every 30 calendar days, the tablet will lock and
197 become unusable until it is connected to an authorized kiosk.

198 (s) Upon the expiration of an inmate's sentence, the inmate must return his or her assigned tablet to the
199 Department at the time of the inmate's release from the Department's custody. A former inmate may obtain access
200 to his or her purchased content by contacting the vendor. The Department assumes no responsibility for an inmate's
201 purchased content prior to or upon the inmate's release.

202 (6) Kiosk Services and Tablet Services.

203 (a) There is no expectation of privacy while utilizing kiosk or tablet services. All use of such services by any
204 user account holder is subject to recording, monitoring, and record retention.

205 (b) Any data in any form that is generated or transmitted by or through the use of kiosk or tablet services may
206 be used by the Department in any court or disciplinary proceeding to the fullest extent allowed by law and/or
207 Department rule.

208 (c) Inmates must not establish or conduct a business, directly or indirectly, using kiosk or tablet services during
209 his or her term of incarceration.

210 (d) Inmates must not enter contests or sweepstakes, directly or indirectly, using kiosk or tablet services during
211 his or her term of incarceration.

212 (e) Access to kiosk services and tablet services are subject to suspension or termination for violation of any state
213 law, federal law, or Department rule.

214 (7) eCommunications.

215 (a) All eCommunications, incoming and outgoing, are subject to the provisions of this rule.

216 (b) All eCommunications are subject to screening to ensure compliance with this rule. If at any time the
217 screening system is not functioning properly, access to eCommunications will immediately cease until the issue is
218 corrected.

219 (c) Any eCommunication that violates state law, federal law, or Department rule will be intercepted without
220 explanation by authorized staff and will not be delivered. The Department or vendor will not be liable to refund or
221 credit any costs associated with an intercepted eCommunication.

222 (d) Eligibility.

223 1. A correspondent must send an initial eCommunication to an inmate to establish a link between their accounts.
224 Inmates may then electronically communicate with the correspondent, unless the correspondent or the inmate has
225 blocked communication.

226 2. Should a correspondent decide that he or she no longer wishes to receive eCommunications from an inmate,
227 the correspondent must terminate the inmate's ability to communicate with the correspondent through the vendor's
228 system.

229 3. Unless otherwise stated in this rule, inmates whose eCommunication privileges are not in suspended status
230 are eligible to use eCommunications.

231 4. Use of eCommunications by a correspondent is open to all eligible individuals who are not restricted or
232 suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or
233 conditions of supervision.

234 5. During the initial reception period, an inmate awaiting transfer to his or her permanent facility is permitted to
235 access eCommunications.

236 6. Youthful offenders participating in the Basic Training Program described in Rule 33-601.237, F.A.C., are not
237 permitted access eCommunications.

238 7. Inmates in administrative confinement, protective management, disciplinary confinement, close management,
239 maximum management, or death row status will have access to eCommunications as set forth in Rules 33-602.220,
240 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830 F.A.C., respectively.

241 8. Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental
242 health unit or correctional a mental health treatment facility will have access to eCommunications in accordance
243 with Rule 33-404.102, F.A.C.

244 (e) Inmates will be permitted to send and receive only the following types of materials through
245 eCommunications:

1. Secure Mail. Communications must be in English, Spanish, or Creole. Inmates who cannot read or write in English, Spanish, or Creole must request approval from the warden to correspond and receive eCommunications in a language that the inmate can read and write using Form DC6-236. The warden will approve such requests when there are Department staff who can translate the eCommunications or when it is otherwise possible to obtain translation services at a nominal cost to the Department.

2. eCards.

3. Virtual Stamps. Inmates must not use virtual stamps as currency to pay for products or services, or to barter with others.

4. Videograms. Only those videograms meeting the criteria of this rule are authorized to be sent or received through eCommunications. Videograms depicting nudity or revealing genitalia, buttocks, or the female breast will not be permitted.

5. Photographs. Only those photographs meeting the criteria of this rule are authorized to be sent or received through eCommunications. Photographs depicting nudity or revealing genitalia, buttocks, or the female breast will not be permitted.

(f) If photographs printed by the inmate from eCommunications place the inmate over the maximum allowed by Department rule, the inmate will be permitted to send the excess photographs to a non-correctional mailing address at his or her own expense as required by the inmate property provisions found in Rule 33-602.201, F.A.C. Excess photographs found in the inmate's property will be considered contraband and subject the inmate to discipline under Rule 33-601.314, F.A.C.

(g) Inmates are responsible for informing correspondents of the regulations concerning eCommunications.

(h) All eCommunications sent or received by an inmate are subject to review and monitoring by authorized staff.

(i) If the warden has approved an inmate to receive eCommunications in a language other than English, Spanish, or Creole, the eCommunication will be translated to confirm that it complies with applicable rules. If the language cannot be translated by an employee at the facility, the eCommunication will be rejected or sent to another institution or the central office for translation.

(j) Inmates must not use eCommunications to solicit or otherwise commercially advertise for money, goods, or services, including advertising for pen-pals.

(k) Inmates must not send eCommunications to any person who has advised the warden that he or she does not wish to receive such from the inmate. The parents or legal guardians of a person under the age of 18 may advise that eCommunications are not to be sent to such person.

(l) Outgoing or incoming eCommunications will not be approved to be sent by or to an inmate if any part of it violates the following content standards:

1. The inmate is not appropriately dressed in Class A uniform, with the state issued I.D. card visible.
2. The inmate or individual is not visually identifiable or the face is covered or obscured. Religious headgear is permissible but must not interfere with the verification of a person's identity.
3. It depicts or describes procedures for the construction of or use of a weapon, ammunition, bomb, chemical agent, or incendiary device.
4. It depicts, encourages, or describes methods of escape from correctional institutions or facilities or contains blueprints, drawings, or similar descriptions of Department institutions or facilities, or includes road maps that can facilitate escape from a correctional institution or facility.
5. It depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs or other intoxicants.
6. It is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by authorized staff as to meaning or intent.
7. It depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption.
8. It encourages or instructs in the commission of criminal activity.
9. It is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, or violation of Department or institution rules.
10. It threatens physical harm, blackmail, or extortion.
11. It pictorially depicts sexual conduct as defined by s. 847.001, F.S., as follows:
 - a. Actual or simulated sexual intercourse;
 - b. Sexual bestiality;
 - c. Masturbation;
 - d. Sadomasochistic abuse;

e. Actual contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, breast;

f. Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

12. It presents any act or conduct that creates the appearance that sexual conduct is imminent, such as the display of contact or intended contact with genitals, pubic area, buttocks or female breasts orally, digitally, or by foreign object, or the display of sexual organs in an aroused state.

13. It depicts nudity.

14. It contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order, or rehabilitative objectives of an inmate or offender, the correctional system, or the safety of any person.

15. It depicts or contains an inmate group photograph or videogram; however, individuals unintentionally appearing behind the subject parties does not constitute a group photograph or videogram.

16. It depicts or contains a photograph or screenshot displaying text of any kind, including internet pages, news clippings, articles, print-outs, material from social media, emails, text messages, or other similar content. However, a screenshot that does not include more than five words of text will not be automatically denied or rejected. Such a screenshot will be treated as a non-textual photograph by authorized staff and will be reviewed using the same standards used for other non-textual photographs to determine suitability and compliance with this rule.

17. It requests that a photograph or information be placed on social media of any kind.

18. It requests that an email be forwarded, sent, or mailed to a third party.

19. It requests or contains information for or about another inmate.

20. It is sent from another inmate's user account.

21. It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than incidental to, the eCommunication, or the advertising is prominent or prevalent throughout the eCommunication:

a. Three-way calling services;

b. Pen-pal services;

c. The purchase of products or services with postage or virtual stamps; or

d. Conducting a business or profession while incarcerated.

22. It is not in compliance with incoming eCommunications regulations set forth in paragraphs (7)(e) and (7)(f) of this rule (incoming mail only); or

23. It otherwise presents a threat to the security, order, or rehabilitative objectives of the correctional system, or to the safety of any person.

(m) It requests or provides information related to PayPal, Venmo, Cash App, or any other online payment system account.

(8) Violation of Standards – Penalties.

(a) Failure of an inmate or correspondent to adhere to the provisions of any Department rule as it relates to eCommunications will result in the following:

1. Rejection and forfeiture of any offending eCommunication;

2. Forfeiture of any money paid for an offending eCommunication; and

3. Consideration for suspension of eCommunications privileges as noted in this subsection.

(b) Failure of an inmate or correspondent to adhere to the provisions of any Department rule as it relates to the possession or use of kiosks, tablets, kiosk services, or tablet services will result in the suspension of any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services. The warden or designee will consider the following factors when determining whether to suspend any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services:

1. Whether the continued possession or use of kiosks, tablets, kiosk services, or tablet services would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of these privileges;

2. The severity of the conduct or offense(s) under consideration;

3. Whether an inmate's placement or pending placement into a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would result in the appropriate kiosk, tablet, kiosk services, or tablet services restriction(s);

4. Whether the suspension of kiosk, tablet, kiosk services, or tablet services privileges would be a significant detriment to the inmate's successful reentry into society by hindering the maintenance of community and family ties.

(c) Inmates or correspondents who commit a secondary violation of any Department rule as it relates to the possession or use of kiosks, tablets, kiosk services, or tablet services will have any or all kiosk or tablet privileges.

including the use of any or all kiosk services and tablet services, suspended by the warden or designee for a period not to exceed 180 days commencing on the date that any such violation occurred. All violations are deemed to be secondary violations unless specifically elevated to a primary violation by the warden or designee or as otherwise set forth in paragraph (8)(e) below.

(d) The warden or designee may elevate a secondary violation to a primary violation based on the following factors:

1. The nature and circumstances of the violation(s) committed;
2. The inmate's or correspondent's previous violation history; and
3. The frequency of violations.

(e) Inmates or correspondents who commit a primary violation of any Department rule related to the possession or use of kiosks, tablets, kiosk services, or tablet services will be considered by the warden or designee for indefinite suspension of any or all kiosk or tablet privileges, including the use of any or all kiosk services and tablet services.

The following are primary violations:

1. Any criminal activity that utilizes a kiosk or tablet, kiosk services, or tablet services.
2. Any attempt to incite or participate in any riot, strike, mutinous act, or disturbance that utilizes a kiosk or tablet, kiosk services, or tablet services.
3. The use of a kiosk or tablet, kiosk services, or tablet services to possess, introduce, attempt to introduce, conspire, or otherwise agree to introduce contraband or illegal items into or onto the grounds of any Department institution or facility, or to solicit, command, encourage, hire, or request another person to engage in specific conduct that would constitute such offense or an attempt to commit such offense.
4. The use of a kiosk or tablet, kiosk services, or tablet services to employ coercion, threats, or fraud to obtain money, favors, or anything of value.
5. The use of a kiosk or tablet, kiosk services, or tablet services to depict actual or simulated sexual acts, or any intentional lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act.
6. The use of a kiosk or tablet, kiosk services, or tablet services to commit or engage in sexual misconduct (e.g., nudity, sexual acts with or without others, willful exposure of genitalia or the female breast, or soliciting sexual acts from others).

386 7. Any verbal or non-verbal lewd, obscene, or sexual behavior involving a minor that utilizes a kiosk or tablet,
387 kiosk services, or tablet services.

388 8. Physical assault or attempted assault on a Department staff member or another inmate at a kiosk.

389 9. The use of a kiosk or tablet, kiosk services, or tablet services to commit verbal abuse that evidences the intent
390 or threatens to do harm to Department staff, inmates, or visitors.

391 10. The use of a kiosk or tablet, kiosk services, or tablet services to promote animosity, hostility, and malice
392 against a person or persons, or against the property of a person or persons, because of race, religion, disability,
393 sexual orientation, ethnicity, or national origin.

394 11. Disobeying a direct order from Department staff relating to kiosks and tablets, including the use of any
395 kiosk services and tablet services.

396 12. Acts of violence or display of weapons, including images of, statements regarding, or references to any kind
397 of weapon, utilizing a kiosk, tablet, kiosk services, or tablet services.

398 13 Use or possession of drugs or drug paraphernalia while utilizing a kiosk, tablet, kiosk services, or tablet
399 services.

400 14. Assisting, facilitating, aiding or abetting an inmate to escape or attempt to escape utilizing a kiosk, tablet,
401 kiosk services, or tablet services.

402 15. Modifying, altering, circumventing, attempting to modify, attempting to alter, or attempting to circumvent
403 any audio or video capabilities or security features of any kiosk, tablet, kiosk service, or tablet service, or using a
404 kiosk, tablet, kiosk services, or tablet services, to engage in any activity that violates Department rules, state law, or
405 federal law. This includes relaying, streaming, or re-broadcasting through any medium.

406 16. Possessing more than one tablet unless authorized to do so.

407 17. Possessing a tablet belonging to another without authority to do so.

408 18. Damaging or destroying a tablet by gross negligence or determined intent.

409 19. Failing to provide a current user account password when directed to do so by Department staff or private
410 correctional facility staff to allow access for an authorized search of the tablet, including its content.

411 (f) Suspension of an inmate's eCommunications privileges is authorized as part of any disciplinary action taken
412 pursuant to Rule 33-601.308, F.A.C., when the evidence in a disciplinary report clearly indicates that the infraction
413 at issue occurred during the inmate's exercise or utilization of his or her eCommunication privileges.

414 (g) The warden is authorized to temporarily suspend any or all kiosk or tablet privileges, including the use of
415 any or all kiosk services and tablet services, of an inmate or correspondent who is involved in or is the subject of an
416 ongoing investigation pending the outcome of the investigation.

417 (h) A suspension imposed under this subsection is independent of any suspension of privileges imposed under
418 Rule 33-601.308, F.A.C.

419 (i) The reinstatement of indefinitely suspended privileges will only be considered by the warden after one
420 calendar year from the date of imposition of the suspension. Should the suspended individual be denied
421 reinstatement, the individual must not make another request for six months from the last decision denying
422 reinstatement.

423 (j) Inmates and correspondents are responsible for their conduct and for any consequences thereof in connection
424 with their use of the vendor's services.

425 (9) Video visitation will be administered and conducted in accordance with Rule 33-602.901, F.A.C.

426 (10) Funding a Media Account.

427 (a) An inmate may add money to his or her media account directly from his or her inmate trust fund account up
428 to a maximum authorized balance of \$150.00. Upon the transition from an inmate-owned tablet program to state-
429 issued tablet program, the maximum authorized balance will be reduced to \$100.00. Any obligations owed by the
430 inmate pursuant to Rule 33-203.201, F.A.C., must be satisfied prior to funding the inmate's media account. The
431 Department will supervise the transfer of an inmate's funds into his or her media account.

432 (b) Media account balances, purchase records, and accounting disputes are maintained and addressed by the
433 vendor.

434 (c) Money deposited in a media account can only be spent on kiosk services, tablet services, or approved tablet
435 accessories and cannot be transferred to another account.

436 (d) Inmates must use the kiosk to check media account balances and to receive notice of media account
437 deposits.

438 (11) Hardware, Programs, and Technical Issues.

439 (a) Each correspondent is responsible for providing and maintaining his or her own equipment and technology
440 to access the eCommunications system. Individuals must use equipment and technology with the appropriate
441 capabilities as determined and recommended by the vendor.

(b) Customer support for kiosks, tablets, kiosk services, tablet services, media accounts, user accounts, and eCommunications will be provided by the vendor. If an inmate identifies an issue with his or her the assigned tablet, the inmate must submit a support ticket identifying the issue to the vendor's customer service center through the Communication Center.

(c) Correspondents who experience issues with the vendor's website, mobile application, or any of the services provided by the vendor must contact the vendor's customer service center through the Communications Center for assistance.

(d) An inmate who is subject to post-release supervision or to any court order related to computer or internet possession, access, or use is responsible for ensuring that he or she fully complies with all terms and conditions of the supervision or order. As necessary, the inmate must report to his or her supervising agency, law enforcement agency, court, or other entity as provided in the order, that he or she possesses, has access to, or is using a tablet.

(12) The Secretary and Deputy Secretary of Institutions have the authority to review and modify the kiosk and/or tablet privileges associated with any user account, including the use of any or all kiosk services or tablet services, when it is determined that the modification will further an inmate's rehabilitation, ensure consistency with Department's rules, enhance public safety, or ensure the security of a correctional institution.

(13) During an emergency or extended disruption of normal Department, regional, or institutional operations, the Secretary or Deputy Secretary of Institutions may modify the access to any or all privileges authorized under this rule. Normal access will be restored as soon as a safe return to normal operations is permitted by the circumstances. A modification may be instituted for any or the following reasons:

(a) An imminent, a current, or the immediate aftermath of a disturbance, uprising, strike, or riot.

(b) Staffing limitations that pose a significant threat to the safety and security of Department staff, inmates, or the public.

(c) When an institution is locked down based on the scope and severity of the precipitating incident or event.

(d) During a declared emergency.

(e) Prior to, during, or in the immediate aftermath of a natural disaster.

(f) A medically-related incident that poses a significant health threat to inmates or Department staff.

(g) Any other extraordinary circumstance that poses a potential threat to the safety or security of the institution, Department staff, the inmate population, or the public.

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