

April 10, 2020

NOTICE OF CHANGE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201

RULE TITLE: Inmate Property

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 46, No. 14, January 22, 2020 issue of the Florida Administrative Register.

33-602.201 Inmate Property.

(1) through (2) No change.

(3) Upon arrival at any facility of the Department, an inmate will have all property in his or her possession inventoried by security staff. Any unauthorized property or any authorized property in excess of the allowed amounts noted in Appendix One of this rule, will be confiscated and stored pending disposition. The inmate will be given a copy of Form DC6-224 for such items. When it becomes necessary to confiscate and impound the authorized property of an inmate subsequent to his or her reception at an institution, it will be immediately inventoried by a Department employee ~~an officer~~ in the presence of the inmate whenever possible, and a signed Form DC6-220, Inmate Impounded Property List, itemizing the property will be given to the inmate. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of this form is XX/XX. If any exigent circumstance prevents an inmate from being present ~~the inmate's behavior is such that the security and order of the institution is jeopardized by his presence~~ during the inventory process, the inmate's presence will not be required. In such cases, a second Department employee ~~officer~~ will witness the inventory process. Proper procedures will be followed to safeguard and store such property ~~so as~~ to prevent its loss, damage, or theft. Upon release of the property, a signed copy of Form DC6-220 will be obtained from the inmate. Money in excess of the amount allowed by Rule 33-601.602, F.A.C., found in the possession of an inmate will be handled in accordance with Rule 33-602.203, F.A.C.

(4) through (6) No change.

(7) Impounded Property.

(a) No change.

(b) When property of an inmate is impounded, it will be inventoried ~~according to the following procedure~~ on Form DC6-220 ~~and, whenever practical,~~ in the presence of the inmate whenever possible. ~~Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns.~~ A new inmate being processed into the Department at one of the reception centers will have his or her property recorded on Form DC6-224, with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule. At the time of receipt into the Department, each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the Department to dispose of the property should the inmate abandon it. Form DC6-226 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02180>. The effective date of this form is 11-21-00.

1. No change.

2. Form DC6-220 must be signed and dated by the Department employee recording the inventory and signed by the inmate, each in the presence of the other, unless the inmate's presence ~~doing so~~ would be a danger or a threat to security, or unless the inmate is unavailable.

3. If an inmate refuses to sign Form DC6-220 or is not present, that fact will be noted on the inventory and signed by the Department employee making the inventory and ~~also~~ by a second Department employee present during the inventory.

4. through 5. No change.

(c) through (i) No change.

(8) through 16 No change.

APPENDIX ONE

PROPERTY LIST

No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, 1-25-10, 7-4-10, 10-26-11, 8-19-12, 11-20-12, 3-3-13, 6-8-14, 8-17-16,_____.