

April 3, 2014

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201

RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to expand the sources of authorized property and to clarify that property received from authorized sources does count towards the maximum property limits established in the rule.

SUBJECT AREA TO BE ADDRESSED: Inmate Property

RULEMAKING AUTHORITY: 944.09 FS

LAW IMPLEMENTED: 944.09 FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) –(3) No change.

(4) Authorized Property.

(a) – (d) No change.

(e) Inmates shall be required to maintain receipts for items purchased from an authorized source ~~the canteen~~ for as long as they possess the items. An authorized source includes the canteen, the friends and family program, and any vendor authorized to conduct business with the department that has been approved to make items available for purchase to the inmates. In instances where items purchased from an authorized source ~~the canteen~~ are added to Form DC6-224, Inmate Personal Property List, by the property officer, the inmate will not be required to maintain the original ~~canteen~~ receipt from the authorized source. Perishable food and beverage items purchased from an authorized source ~~the canteen~~ are intended for immediate consumption and may not be stored in an inmate's housing area. Perishable food and beverage items are those that are unsealed or that require refrigeration. Nonperishable food or beverage items may not be kept longer than 30 days, as evidenced by the ~~canteen~~ receipt from an authorized source, and shall be considered contraband if found in the possession of an inmate more than 30 days after purchase.

(f) No change.

(5) Unauthorized Property (Also see Control of Contraband, Rule 33-602.203, F.A.C.).

(a) Property that is contraband pursuant to Rule 33-602.203, F.A.C., shall be handled as provided in that rule.

1. If an inmate receives postage stamps in the mail that, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess stamps out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra stamps as soon as they are received. The stamps must be sent out; the institution will not store excess stamps for inmates. Excess stamps found in an inmate's property will be considered contraband.

2. If an inmate receives photographs in the mail that, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess photographs out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra photographs as soon as they are received. Excess photographs found in an inmate's property will be considered contraband.

3. An inmate who is in possession of the maximum number of articles allowed by this rule and who wishes to replace a worn item must contact the property officer to arrange to discard or send the worn item out at his own expense before purchasing a replacement item.

(b) Property that is authorized for inmates in general population such as shaving powders, oils, and lotions shall be unauthorized or restricted based upon an inmate's confinement or other high security status when that item presents a security risk. Further limits on personal items for inmates in confinement or other high security statuses are authorized as referenced in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800 and 33-601.820, F.A.C.

(6) – (15) No change.

(16) Religious Property.

(a) – (e) No change.

(f) Religious property and other religious items shall be acquired through an authorized source ~~vendor, canteen purchase,~~ bona fide religious organization, or donor.

(g) – (i) No change.

APPENDIX ONE

PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department institutions and facilities except community correctional centers. Except for items specified

below as “exemptions,” property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold by an authorized source ~~in department canteens~~, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. All ~~canteen~~ items from authorized source are subject to availability and may not be available for purchase. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “authorized source” ~~“canteen”~~ and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “authorized source” ~~“canteen”~~ designation shall be available in all institutional canteens or through orders from an authorized source ~~canteen order~~. All authorized source ~~canteen~~ items are transferable between department institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed

items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
1	each		Athletic Bra (<u>authorized source eanteen</u> – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or <u>authorized source eanteen</u> – female only)
1	each		Coat (state issue)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (<u>authorized source eanteen</u>)
1	each		Hats (state issue)
2	pair		Pajamas – long (state issue or <u>authorized source eanteen</u>) Light blue or white – female only Light blue – male
7	each		Panties (state issue or <u>authorized source eanteen</u> – female only)
3	each		Pants (state issue)
1	each		Raincoat or Poncho – clear (state issue or <u>authorized source eanteen</u>)
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue or <u>authorized source eanteen</u> order – gray for female, white for male) *inmates may possess both state-issue and <u>authorized source- purchased eanteen-purchased</u> shirts, but the total combined number cannot exceed 4.
1	pair		Shoes, Athletic (<u>authorized source eanteen</u>)
1	pair		Shoes, Boots (<u>authorized source eanteen</u> or state issue)
2	each		Shorts, athletic (navy blue) (<u>authorized source eanteen</u>)
1	each		Shower cap, clear only (female only) (<u>authorized source eanteen</u>)

1	pair		Shower slides (<u>authorized source eanteen</u>)
6	pair		Socks (state issue or <u>authorized source eanteen</u>)
1	each		Supporter, athletic (male only) (<u>authorized source eanteen</u>)
2	each		Sweatshirts (gray only) (<u>authorized source eanteen order</u>)
4	each		Undershorts (male only) (state issue or <u>authorized source eanteen</u>)
2	each		Underwear, thermal (state issue or <u>authorized source eanteen</u>)
PERSONAL ARTICLES			
Quantity	Unit	Value	Articles
Number in use			Batteries (<u>authorized source eanteen</u>)
25	each		Roller clips – plastic only (females only), (<u>authorized source eanteen</u>)
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
1	each		Bowl – plastic (<u>authorized source eanteen</u>)
1	package		Breath tablets (<u>authorized source eanteen</u>)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;
1	each		Canteen bag (<u>authorized source eanteen</u>)
1	set		Checkers (light wood or plastic, standard checkers only) (<u>authorized source eanteen order</u>)
1	set		Chess (light wood or plastic, 2 inches max. height) (<u>authorized source eanteen order</u>)
1	each		Coffee mug – plastic (<u>authorized source eanteen</u>)
1	each		Comb-pocket type, no handles (non-metal) (state issue or <u>authorized source eanteen</u>)
*			Correspondence – * limited by storage space limitations
1	pack		Cotton swabs (plastic or paper stems only) (<u>authorized source eanteen</u>)
2	each		Crème rinse and conditioner (<u>authorized source eanteen</u>)
1	each		Cup, drinking – plastic (<u>authorized source eanteen</u>)
1	package		Dental floss, (floss loops only), unwaxed (<u>authorized source eanteen</u>)
1	each		Denture adhesive (state issue or <u>authorized source eanteen</u>)
1	each		Denture cup (<u>authorized source eanteen order</u>)
2	each		Deodorant and antiperspirant (no aerosols) (<u>authorized source eanteen</u>)
1	set		Domino (light wood or plastic, standard size) (<u>authorized source eanteen order</u>)
1	Set		Earbuds (<u>authorized source eanteen</u>)
1	pair		Earphone pads (replacement) (<u>authorized source eanteen order</u>)
1	pair		Ear rings, post type (female only) (<u>authorized source eanteen order</u>)
*			Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack		Emery board – cardboard (<u>authorized source eanteen</u>)
25	each		Envelopes – legal (#10 size) (<u>authorized source eanteen</u>)
5	each		Envelopes – oversized (10" x 13") (<u>authorized source eanteen</u>)
*			Envelopes, self-addressed stamped – * the total in the inmate's possession shall not exceed the limit of 1 pack

2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (<u>authorized source eanteen</u>)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or <u>authorized source eanteen</u>)
*		File folders (*limited by storage space)
20		Greeting cards and accompanying envelopes
1	each	Hairbrush – nonmetal, handles for females only (<u>authorized source eanteen</u>)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (<u>authorized source eanteen</u>)
1	each	Hair net (female only) (<u>authorized source eanteen</u>)
25	each	Hair rollers (female only) (<u>authorized source eanteen</u>)
2	each	Handballs or racketballs (<u>authorized source eanteen</u>)
1	each	Headphones for use with radio (<u>authorized source eanteen</u>)
Maximum weekly dosage		Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (<u>authorized source eanteen</u> – as approved by health services)
2	each	Hearing aid (state issue or personal)
*		Hobby craft – at locations where program exists and subject to storage space limitations
1	each	Insect repellent (<u>authorized source eanteen</u>)
1	each	Jigsaw puzzle (<u>authorized source eanteen</u> order)
1	each	Keyboard (<u>authorized source eanteen</u>)
1	each	Laundry bag (state issue or <u>authorized source eanteen</u>)
1	each	Lip balm (<u>authorized source eanteen</u>)
1	each	Locks, combination (V68 series) (<u>authorized source eanteen</u>)
1	each	Make-up bag, clear only (female only) (<u>authorized source eanteen</u>)
1	each	Mirror – plastic, nonbreakable, 5" × 7" max. (<u>authorized source eanteen</u>)
1	each	Moisturizer – (<u>authorized source eanteen</u>)
1	each	Mouthwash (<u>authorized source eanteen</u>)
1	each	MP3 Player (<u>authorized source eanteen</u>)
1	each	MP3 Player arm band holder (<u>authorized source eanteen</u>)
1	each	Nail clippers, not to exceed 2 1/2" (<u>authorized source eanteen</u>)
2	pack	Notebook paper (<u>authorized source eanteen</u>)
4	each	Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (<u>authorized source eanteen</u>)

			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal (<u>authorized source eanteen</u>)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (<u>authorized source eanteen</u>)
5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, “Walkman” type, maximum 4" × 5" (<u>authorized source eanteen</u>)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (<u>authorized source eanteen order</u>)
			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (<u>authorized source eanteen</u>)
1	set		Scrabble (<u>authorized source eanteen order</u>)
1	each		Screen protector (<u>authorized source eanteen</u>)
2	each		Shampoo (<u>authorized source eanteen</u>)
1	each		Shaving cream (<u>authorized source eanteen</u>)
1	each		Shaving powder (<u>authorized source eanteen</u>)
1	pair		Shoe laces (<u>authorized source eanteen</u>)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; <u>authorized source eanteen</u>)
2	each		Soap, bath (state issue or <u>authorized source eanteen</u>)
1	each		Soap dish (<u>authorized source eanteen</u>)
1	each		Soap, laundry (female only) (<u>authorized source eanteen</u>)
			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (<u>authorized source eanteen</u>)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (<u>authorized source eanteen</u>)
1	each		Sunglasses, no mirror type (<u>authorized source eanteen</u>)
1	each		Sunscreen lotion (<u>authorized source eanteen</u>)
1	each		Talcum powder (<u>authorized source eanteen</u>)
1	each		Toilet Paper (state issue or <u>authorized source eanteen</u>)
1	each		Toothbrush (state issue or <u>authorized source eanteen</u>)
1	each		Toothbrush holder (<u>authorized source eanteen</u>)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or <u>authorized source eanteen</u>)
2	each		Towels (state issue)
1	each		Wallet (<u>authorized source eanteen</u>)

1	each	50.00	Watch (personal or <u>authorized source eanteen</u>)
1	each		Watch band (nylon and Velcro only) (<u>authorized source eanteen</u>)
2	each		Washcloths (state issue or <u>authorized source eanteen</u>)

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, ____.