

## Notice of Proposed Rule

### DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-602.201 Inmate Property

PURPOSE AND EFFECT: To clarify, update, and amend the rule related to inmate property allowances and restrictions.

SUMMARY: Rulemaking is necessary to clarify rule language, remove references to inmate personal property, make the rule gender neutral, add death row to the list of statuses with restricted property under certain circumstances, allow for the possession of legal materials by an inmate transferred to an outside community hospital or by an inmate transferred for a court appearance, add earrings and tablet armbands to the obsolete property list, clarify the approved sources of certain approved property, remove MP3 players and MP3 player arm bands from the approved property list, add health care appliances as defined in rule to the approved property list; remove laundry soap from the approved property list, add tablets to the approved property list, revise Form DC6-220, and revise Form DC6-224.

### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there would be any adverse impact or regulatory cost associated with this rule that exceeds the stated criteria. Upon review of the proposed rulemaking, the Department determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

### THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) The reception center chief of security ~~will shall~~ ensure that an inmate property file is established for each new inmate. ~~property files are established for all new inmates.~~ The inmate property file ~~will shall~~ become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property ~~must shall~~ be placed in this file in chronological order. The chief of security or designee at each institution is shall be responsible for the maintenance of the inmate property file. An addendum will be made to Form ~~DC6-224 DC6-220~~, Inmate ~~Personal~~ Property List, any time the status of an inmate's inmate personal property changes. Form DC6-224 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 11-21-00~~. Examples of changes include when an inmate receives additional property through an approved source or when the inmate chooses to dispose of a broken or worn out item.

(2)(a) When an inmate is initially received by the ~~Department department~~, the receiving or property officer ~~will shall~~ take charge of the inmate's ~~personal~~ property. The officer ~~will shall~~ inventory all items in the inmate's possession at that time using Form DC6-224, ~~Inmate Personal Property List~~.

(b) After final disposition is completed, the officer ~~will shall~~ give one copy of Form DC6-224 ~~the receipt~~ to the

inmate along with that property the inmate is authorized by the ~~Department~~ department to keep. ~~Property~~ Personal property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of Form DC6-224 will the receipt shall be placed with any property that is not authorized within the ~~Department~~ department and that is to be stored. One copy of Form DC6-224 will the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of Form DC6-224 will the receipt shall be given to the inmate. One copy of Form DC6-224 will the receipt shall be placed in the inmate property file.

(c) ~~Unauthorized~~ The unauthorized property will be held at the institution for 30 days. During this ~~30-day~~ 30 day period, ~~an~~ the inmate ~~will shall~~ be given an opportunity to have ~~any unauthorized property~~ the items picked up by an approved visitor, relative, or friend, ~~and or~~ to mail money or valuables to ~~his or her family~~ their families or other ~~person of his or her choosing~~ persons of their choice at no expense to the ~~Department~~ department. The ~~30-day~~ 30 day period will not include any time during which a ~~grievance or grievance appeal~~ an appeal or grievance pertaining to the disposition of the property is pending. Persons picking up items must pre-arrange with the warden for pick-up at a specific time during administrative working hours (Monday through Friday 8:00 a.m. ~~to through~~ 5:00 p.m.).

(3) Upon arrival at any facility of the ~~Department~~ department, an inmate will have all ~~personal~~ property in his or her possession inventoried by security staff. Any ~~unauthorized~~ property items that are not authorized by rule, or any authorized property that is in excess of the allowed amounts ~~noted as listed~~ in Appendix One of this rule, ~~will shall~~ be confiscated and stored pending disposition. The inmate ~~will shall~~ be given a copy of Form DC6-224 issued a receipt for such items. When it becomes necessary to confiscate and impound the authorized ~~personal~~ property of an inmate subsequent to his reception ~~at an in the~~ institution, it will be immediately inventoried by an officer in the presence of the inmate, and a ~~written,~~ signed receipt, Form DC6-220, Inmate Impounded ~~Personal~~ 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-XXXXXX>. The effective date of this form is ~~XX/XX~~ 10-23-06. ~~This form was revised on 10-08.~~ If 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 shall~~ not be required. In such cases, a second officer ~~will shall~~ witness the inventory process. Proper procedures will be ~~followed~~ taken to safeguard and store such property so as to prevent its loss, damage, or theft. Upon release of the property, a signed ~~copy of DC6-220 receipt~~ will be obtained from the inmate. Money in excess of the amount allowed by Rule 33-601.602, F.A.C., institutional policies found in the possession of an inmate will be handled in accordance with Rule paragraph 33-602.203(5)(a), F.A.C.

#### (4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the ~~Department~~ department once an inmate is permanently assigned to an institution, provided the inmate has sufficient approved storage space. An inmate may not use another inmate's approved other inmates' storage space or other non-authorized storage containers, containers or store property in locations other than his or her assigned housing unit.

(b) Wardens are authorized to establish local clothing storage procedures based upon confinement or other high security status when possession of multiple items presents a security risk for inmates in that status. Local clothing storage procedures ~~must shall~~ comply with the following:

1. Clothing ~~will shall~~ be exchanged on a one-for-one basis;
2. Inmates must have the opportunity for at least three exchanges per ~~week, week~~ or the same opportunity for exchange as provided to other inmates at the institution, whichever is greater;
3. Local clothing storage procedures must be consistently applied ~~to for~~ all inmates of a particular security or housing status. Additional restrictions or removal of clothing items for an individual inmate inmates for safety or security reasons ~~must shall~~ be handled and documented in accordance with rules applicable to the inmate's particular confinement status.

4. An inmate on work release is allowed to have an expanded inventory of clothing and supplies consistent with his or her work requirements as approved by the warden.

(c) Wardens ~~will shall~~ establish local procedures whereby a married inmate can receive his or her wedding band

if the wedding band was not brought with the inmate at the time of reception into the ~~Department~~ department.

~~(d) Inmates on work release shall be allowed to have an expanded inventory of clothing or supplies for their work requirements as approved by the warden.~~

~~(d)(e)~~ An inmate is ~~Inmates shall be~~ required to maintain receipts for items purchased from an authorized source for as long as he or she possesses ~~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~~ department that has been approved to make items available for purchase by the inmate ~~to the inmates~~. In instances where items purchased from an authorized source are added to Form DC6-224, ~~Inmate Personal Property List~~, by the property officer, the inmate will not be required to maintain the original receipt from the authorized source. Perishable food and beverage items purchased from an authorized source 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 receipt from an authorized source, and will shall be considered contraband if found in the possession of an inmate more than 30 days after purchase.

~~(e)(f)~~ An inmate transferred from a jail or private prison to a Department of Corrections institution or facility is ~~shall be~~ permitted to retain only that property that is authorized by the ~~Department~~ department in Appendix One. Any unauthorized item will be confiscated and held by the institution or facility for 30 days. During this 30-day ~~30 day~~ period, the inmate will shall be given an opportunity to have the items picked up by an approved visitor, relative, or friend, friend or to mail the items to persons of his or her choosing ~~their choice~~ at no expense to the Department of Corrections. The 30-day ~~30-day time~~ period will not include any time during which a grievance or grievance appeal pertaining to the disposition of the property is pending.

(5) Unauthorized Property. ~~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., will shall be handled as provided in that rule.

1. If an inmate receives postage stamps in the mail that, when added to the number already in the inmate's ~~his~~ possession, place the inmate ~~him~~ over the maximum allowed, the inmate will ~~he shall~~ be allowed to send the excess stamps out at his or her 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 or obtains printed photographs from any source ~~in the mail~~ that, when added to the number already in the inmate's ~~his~~ possession, place the inmate ~~him~~ over the maximum allowed, the inmate will ~~he shall~~ be allowed to send the excess photographs out at his or her 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 items ~~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 or her own expense before purchasing a replacement item.

(b) Property that is authorized for inmates in general population such as shaving powders, oils, and lotions will 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, ~~33-601.800~~ and 33-601.820, and 33-601.830, F.A.C.

(6) Storage of Excess Legal Materials.

(a) through (b) No change.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or chief of security that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate will shall be given a written order from an employee of the ~~Department~~ department providing:

a. The inmate will shall have seven calendar days ~~one week (seven calendar days)~~ to organize and inventory his or her legal material and separate excess inactive legal material from excess active legal material; and

b. If, after organizing and inventorying his or her legal ~~material material~~, the inmate will not be able to fit active legal material in his ~~or her~~ assigned ~~inmate~~ locker, the inmate ~~will shall~~ complete Form DC6-2006, Request for Storage of Excess Active Legal Material, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02183> and Form DC6-2008, Excess Active Legal Material Inventory List, ~~and submit them to be submitted~~ to the warden for review. Form DC6-2006 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-02183>. The effective date of this form is 7-8-03. Form DC6-2008 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-02185>. The effective date of this form is 7-8-03.

3. If time is needed in excess of seven calendar days for the inmate to organize and inventory his ~~or her~~ legal material, the inmate ~~must, shall~~, prior to the expiration of the seven calendar day period, submit a ~~Form DC6-236, Inmate Request, an inmate request~~ to the warden to ask for additional time to complete ~~the his~~ review. The inmate ~~must shall~~ specify the basis for the request for additional time and how much additional time will be required to complete organizing and inventorying legal material. The total period of time for the inmate to complete this review ~~will shall~~ not exceed 30 calendar days. ~~Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.~~

4. In the event the inmate refuses to organize and inventory his ~~or her~~ legal material as ordered, the inmate ~~will shall~~ receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, the inmate ~~will shall~~ receive a disciplinary report and the ~~Department will department shall~~ organize and inventory the material. The inventory ~~will shall~~ be performed in the same manner as the staff review described in subparagraph ~~(6)(c)5, 5-~~ below.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material ~~will shall~~ be subject to a cursory review by ~~Department department~~ staff to ensure compliance with ~~Department department~~ rules regarding utilization of excess storage, approved property, and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any), and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material ~~will shall~~ be collected by two designated employees and placed in ~~one or more boxes a box(es)~~ with interlocking flaps for storage pending disposition. The warden or designee ~~will shall~~ notify the inmate on Form DC6-2007, Excessive Inactive Legal Material Disposition Determination, of the determination ~~and~~ that the inmate ~~will have has~~ 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor, relative, or friend or sent out at the inmate's expense as provided in subparagraph (6)(c)6. ~~below.~~ The institution will otherwise destroy the material. This notification ~~will shall~~ be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the ~~three-day three-day~~ waiting period. The ~~30-day 30-day~~ limit ~~does shall~~ not include any time that a ~~grievance or~~ grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph (6)(c)7. ~~below. For purposes of this subparagraph, the warden's designee may include the property room supervisor.~~ Form DC6-2007 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-02184>. The effective date of this form is 7-8-03. ~~For purposes of this subparagraph, the warden's designee may include the property room supervisor.~~

6. The cost of sending the inactive legal material to a relative or friend ~~will shall~~ be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account ~~will shall~~ be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid ~~in full~~.

7. If the inmate intends to appeal the determination and wishes to have the order to dispose of excess inactive legal material within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, ~~Inmate Request~~, that he ~~or she~~ intends to appeal the determination to the Office of the Secretary. The written notice must be filed within 15 calendar days of the determination. It ~~must shall~~ include a statement by the inmate that the inmate intends to appeal the determination and must specifically identify the documents or papers on which the appeal is to be based. ~~Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.~~

8. If the inmate fails to file written notice with the warden within 15 calendar days of the determination, fails to provide Form DC6-2007, ~~Excess Inactive Legal Material Disposition Determination~~, as an attachment to the appeal, addresses more than one issue, or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., the appeal will shall be returned without response to the issue raised.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts and as well as to have the order to dispose of the excess inactive legal material within 30 days stayed while the court appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, ~~Inmate Request~~, that he or she intends to appeal the determination to the courts. The written notice must be filed within 30 calendar days of receipt of the response from the Office of the Secretary, must identify the court in which the appeal has been filed, must include a statement by the inmate that the inmate intends to appeal the determination, and must specifically identify the documents or papers on which the appeal is based.

10. If the inmate's appeal is denied, the inmate will shall have 30 days to make arrangements to have the excess inactive legal materials picked up by an approved visitor, relative, or friend, or pay to have the material sent to one of these approved individuals. If the material is not picked up or mailed out within 30 days, the institution will shall destroy it.

11. Prior to being stored in excess storage, excess active legal material will shall be placed in one or more boxes ~~a box(es)~~ with interlocking flaps, will shall be numbered in sequential order, and will shall have the inmate's name and department number clearly written on the top and side of each box. Prior to being sealed, the box(es) will shall be inspected by staff, in the presence of the inmate, for contraband. Each box will shall be sealed in the presence of the inmate prior to being placed into excess storage. Form DC6-2008, ~~Excess Active Legal Material Inventory List~~, must shall be completed or updated by the inmate before a box ~~the box(es)~~ is sent or returned to excess storage.

12. In no event will an inmate's active legal material be destroyed or removed from the facility except, in accordance with procedures for disposition of inmate ~~personal~~ property provided in this rule, as authorized and directed in writing by the inmate.

13. No change.

(d) Excess Inactive Legal Material. Excess inactive legal material will shall be sent out of the institution or facility by the inmate at the inmate's expense, as provided in subparagraph (6)(c)6. above. If the inmate does not want to pay to send the excess inactive legal material out, the this material will be destroyed in accordance with this rule and Rules 33-602.201 and 33-602.203, F.A.C., regarding inmate property and contraband.

(e) Inmate Access to Excess Active Legal Material.

1. When an inmate wants access to a box of active legal material stored in excess storage, the inmate must shall:

a. Notify the property room officer by submitting Form DC6-236, ~~Inmate Request~~; and and,

b. Clearly indicate by number the box being to be requested.

2. Barring an emergency need demonstrated by the inmate, e.g., a court deadline that requires an immediate response by the inmate, the property room officer will shall provide the requested box to the inmate within three workdays from date of receipt of the request, which must shall be date stamped when received.

3. After receipt of a box of active legal material ~~legal materials~~ from excess storage, the inmate will shall then be permitted to exchange those active legal materials ~~in the requested box~~ with other active legal materials in the inmate's assigned locker.

4. The legal material to be exchanged will shall be inspected for contraband by staff and sealed in the presence of the inmate prior to the box being returned to excess storage.

5. Form DC6-2008, ~~Excess Active Legal Material Inventory List~~, must shall be used and updated each time legal material is stored in or exchanged with legal material from excess storage.

(f) Transfer. An inmate being transferred to another institution will shall be permitted to take along all of the inmate's legal material. The transferred inmate's legal material must be maintained and possessed in accordance with the receiving institution's available locker storage space.

(7) Impounded Property.

(a) When it is necessary to take and impound items of ~~personal~~ property belonging to or in the possession of an inmate, that property will shall be taken, handled, processed, and secured in a manner that will safeguard it from loss, damage, destruction, or theft while it is under the control of the Department ~~department~~. If the property impounded does not belong to the inmate in possession of the property, an investigation will shall be conducted to

determine if the owner of the property knowingly permitted the use of the property. If so, the property ~~will shall~~ be handled as contraband. If it can be determined that the property was stolen or otherwise taken without permission, the impounded property ~~will shall~~ be returned to the rightful owner unless otherwise prohibited by this rule or by Rule 33-602.203, F.A.C. Inmates must report stolen items immediately to the housing officer. The officer ~~will shall~~ complete Form DC6-210, Incident Report, ~~an incident report~~ and an attempt will be made to locate the missing property. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) When ~~personal~~ property of an inmate is impounded ~~taken~~, it will be inventoried according to the following procedure on Form DC6-220, ~~Inmate Impounded Personal Property List~~, and, whenever practical, in the presence of the inmate. 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 ~~New inmates~~ being processed into the Department ~~department~~ at one of the reception centers will have his or her ~~their~~ property recorded on Form DC6-224 ~~DC6-220~~, 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 ~~department~~ each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the Department ~~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. The inventory ~~will shall specifically~~ list and identify each item or list each group or package of personal items such as letters, legal papers, etc., maintained in a collection ~~etc. as an assortment~~ on Form DC6-220.

2. Form DC6-220 must ~~The inventory list shall~~ be signed and dated by the employee recording the inventory and signed by the inmate, each in the presence of the other, unless 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 ~~the inventory list~~ or is not present, that fact will be noted on the inventory and signed by the employee making the inventory and also by a second employee present during the inventory.

4. through 5. No change.

(c) No change.

(d) Authorized property impounded during a period of close management, administrative confinement, or disciplinary confinement ~~will shall~~ be held at the institution and returned to the inmate at the end of such period.

(e) If it is appropriate to return part, but not all, of the impounded property to the inmate, the following procedure will be followed:

1. That part of the property being returned will be listed on the approved release, Form DC6-225, Inmate Partial Property Return Receipt, and any property found to be missing at that time will be noted on the form. Form DC6-225 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-02179>. The effective date of this form is 11-21-00. The employee making the release and the inmate will date and sign the release form, each in the presence of the other. One signed copy of the release form ~~will shall~~ be given to the inmate. One copy ~~will shall~~ be attached to the original inventory list and kept with the remaining impounded property until all property is returned to the inmate, at which time the copy ~~it~~ will be placed in the inmate's property file.

2. The remaining unauthorized impounded property ~~will shall~~ be held by the institution for 30 days. It ~~is shall be~~ the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor, relative or friend. In the alternative, the inmate may pay to have the property mailed to one of these approved individuals. The 30-day ~~time~~ period does shall not include any time during which a grievance or grievance appeal ~~an appeal or grievance proceeding~~ relating to the impounded property is pending. This paragraph does not apply to property that will be returned to the inmate pursuant to paragraph (7)(d) after release from close management, administrative confinement, or disciplinary confinement.

3. When property is picked up by an authorized individual, the person receiving the property ~~must shall~~ sign Form DC6-227 ~~the inventory list~~ acknowledging receipt of the property. When arrangements for mailing of property have been made by the inmate, the inmate ~~must shall~~ sign Form DC6-224 ~~the inventory list~~ indicating the ~~that~~

property to be mailed.

(f) When all of the impounded property is being returned, the following procedure will be followed:

1. No change.

2. The inmate will sign and date the original Form DC6-220 inventory list to indicate that all of the impounded property has been received. The employee will sign as a witness and the form will receipt shall be placed in the inmate's ~~personal~~ property file.

3. If items of ~~personal~~ property ~~listed~~ on the inventory list cannot be located at the time the property is returned, those items will shall be indicated as being missing on the inventory list.

(g) When an inmate whose ~~personal~~ property has been taken and impounded is transferred to another institution or facility, that property will shall be transported with the inmate or as soon as possible after the inmate is transferred thereafter. It is the responsibility of the sending location to ensure that only authorized property is transported and that the inmate has signed the proper receipt for the property, Form DC6-227, Receipt for Personal Property. Form DC6-227 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-02181>. The effective date of this form is 11-21-00. The procedures for returning property listed in paragraph (7)(f) above will shall be followed. When the inmate has excessive authorized property that cannot be transported with the inmate, the procedures for making a partial return listed in paragraph (7)(e) above will shall be followed.

(h) Except in emergency situations such as transfers immediately following a disturbance or institutional evacuation, whenever an inmate is transferred from one institution to another, the inmate's ~~personal~~ property and ~~personal~~ property file will shall be transferred with the inmate him. The sending institution has shall have the responsibility of ensuring that the inmate being transferred has only that property that belongs to the inmate him and that such property is authorized. The inmate and the officer inspecting the property must shall sign and date Form DC6-227, ~~Receipt for Personal Property~~, at the time of transfer. Any property that is left behind or missing will shall be noted on the form.

(i) If an inmate is transferred without his or her ~~personal~~ property, the property will shall be forwarded to the inmate by the sending institution within five working days, or as soon thereafter as possible if conditions resulting from an the emergency preclude forwarding within five days. The property, along with Form DC6-224, will an ~~itemized list, shall~~ be placed in a sealed container for transporting. A staff member at the receiving institution will shall, in the presence of the inmate to whom the property belongs, check the property against the property list to ensure that all property is accounted for. The inmate must shall sign Form DC6-227, ~~Receipt for Personal Property~~, when the property is given to the inmate. Any discrepancies will shall be noted on the form. If the inmate refuses to sign Form DC6-227, a notation to that effect will shall be placed on the form and a second employee will shall witness and sign the form.

(8) Any inmate transferring to an outside ~~community~~ hospital in the community for treatment or to a court appearance will shall take only personal hygiene items, items and prescription medication issued by health services, and legal materials related to the court appearance in a quantity not to exceed the contents of a small banker's box, the quantity allowed by authorized transport authorities or services if less than a small banker's box, or as otherwise ordered by the court. Remaining ~~personal~~ property will shall be inventoried utilizing Form DC6-220, ~~Inmate Impounded Personal Property List~~, and stored in a secure location. When the inmate returns, he or she will only be allowed to possess those items that the inmate possessed before being transferred, only those items that he possessed before transfer will be allowed.

(9) Any inmate being released by parole or expiration of sentence must shall take all personal property with him or her and sign Form DC6-227, ~~Receipt for Personal Property~~, at the time of release.

(10) When, with the prior knowledge of the Department department, an inmate is not under the immediate control of the Department department for more than 24 hours and the inmate's his personal property does not accompany him or her, it will be inventoried and held until the inmate's his return.

(11) When an inmate dies, escapes, or otherwise voluntarily abandons his or her property, the procedures listed below will be followed:

(a) through (b) No change.

(c) If this effort is successful, a signed Form DC6-227 receipt for the property will be obtained from the person

taking possession of the property, and the receipt will be placed in the inmate's ~~personal~~ property file.

(d) If the effort to locate the person or persons is not successful, or if the person or persons listed fail to make arrangements to take possession, the property will be given to charity. Funds in the Inmate Trust Fund ~~inmate bank trust fund~~ will be handled in accordance with Rule 33-203.201, F.A.C.

(e) Abandoned property will be held by the institution for a period of 30 days to ensure sufficient time to ~~implement~~ incorporate the procedures outlined above.

(12) The warden or designee ~~will shall~~ determine how an inmate's ~~personal~~ property ~~will shall~~ be managed when the inmate has to appear at a disciplinary hearing by evaluating the following factors:

(a) No change.

(b) The likelihood of disruptive and belligerent behavior on the part of the inmate in the event that he or she is found guilty at the disciplinary hearing; ~~and and~~,

(c) No change.

(13) The warden or designee is authorized to require an inmate to bring all of his or her ~~personal~~ property to a ~~the~~ disciplinary hearing if the warden or designee determines that this is necessary after evaluating the factors set out in subsection (12) above.

(14) Missing Inmate Property.

(a) When an inmate's property is returned after being stored for any reason and items documented on Form DC6-224, ~~Inmate Property List~~, cannot be located, this fact ~~will shall~~ be documented on the form. Any request for compensation or replacement of missing items ~~will shall~~ be initiated via the inmate grievance process by the inmate whose property is missing.

(b) If the grievance is approved, the assistant warden or other designee of the warden ~~will investigate shall~~ ~~conduct an investigation of~~ the loss. The investigation ~~will shall~~ be completed and forwarded to the warden or designee within 30 days.

(c) If the loss is substantiated by the investigation, the warden or designee ~~will shall~~ forward to the Department of Corrections Environmental Health, Safety and Risk Management Office a cover letter recommending a ~~with recommendation of~~ payment amount, a copy of the investigation with supporting documentation including proof of ownership (Form DC6-224), and a completed Department of Financial Services Lien Disclosure Statement, DFS-D0-1404. The Lien Disclosure Statement is hereby incorporated by reference. Copies of the Lien Disclosure Statement are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02316>. The effective date of this from ~~the Lien Disclosure Statement~~ is 1-08.

(d) The Department of Corrections Environmental Health, Safety and Risk Management Office ~~will shall~~ review and forward the claim to the Department of Financial Services, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, ~~will shall~~ be used to notify the institution of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office. Form DC6-238 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-02182>. The effective date of this form is 3-13.

(e) No change.

(15) Transfer of Property. Inmates shall not transfer any property in their possession ~~items of personal property~~ to any other individual by way of loan, sale, trade, barter, or donation.

(16) Religious Property.

(a) No change.

(b) Unless otherwise prohibited by Department ~~department~~ rule, inmates are ~~shall be~~ permitted to possess, for personal use, religious publications as defined in Rule 33-503.001, F.A.C., that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

(c) Unless otherwise prohibited by Department ~~department~~ rule or by paragraph (16)(e) below ~~of this subsection~~, an inmate is ~~inmates shall be~~ permitted to possess the following items adhering to the tenets of a particular religion for wearing or carrying at all times or for use during individual worship in the inmate's ~~their~~ assigned cell or individual sleeping area if assigned to open dormitory housing. Such religious items must be documented on Form DC6-224, ~~Inmate Personal Property List~~. When an inmate makes a change in religious



preference, the inmate must dispose of all ~~of~~ the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal ~~must shall~~ be in accordance with paragraph (16)(i) below and must be done before the inmate ~~will shall~~ be permitted to possess items adhering to the new religious preference. An inmate ~~is shall be~~ allowed to maintain the following religious items in his or her individual housing unit unless specific and definable security concerns require storage and usage elsewhere. An inmate ~~will shall~~ not be transported to the chapel for the purpose of using an item for individual worship if the inmate possesses the item in his or her housing area; however, if an inmate does not possess a necessary item for individual worship in his or her housing area and the item is available at the institutional chapel, the inmate ~~will shall~~ not be prohibited from being transported to the chapel for the purpose of using the item for individual worship.

1. through 2. No change.

(d) Religious items to be stored and used in the chapel. The following religious items pose a general security risk when allowed in an inmate's cell or sleeping area if assigned to an open dormitory housing unit. Inmates ~~are shall be~~ permitted to use the following religious items or materials only under the supervision of the chaplain or an approved volunteer, and these items ~~will shall~~ be stored in the chapel:

1. ~~Tarot Tarrot~~ cards;
2. Wiccan – ~~stones –stones~~ or crystals;
3. Buddhist – Zafu.

(e) Limitations on Use of Religious Property. When an inmate is prohibited from retaining possession of religious items due to transfer to a different management or housing status, such items ~~will shall~~ be stored and returned to the inmate once he or she has been transferred back to a setting in which the items are permissible pursuant to this rule.

1. Inmates in a transitional care unit, an isolation cell, observation cell, isolation management room, crisis stabilization unit, on self-harm observation status, or housed at a Mental Health Treatment Facility (~~MHTF~~) are not permitted to store or use religious property, other than religious publications as provided in paragraph (16)(b) above ~~(a) of this subsection~~, without review and approval by the inmate's Multidisciplinary Services Team.

2. Inmates on close management or maximum management status and inmates in disciplinary or administrative confinement ~~are shall be~~ permitted to possess religious publications, items for wearing or carrying at all times, and items for individual worship unless the warden or designee finds that the inmate's possession of ~~an the~~ item poses a specific and definable safety or security threat. In determining whether an item presents a specific and definable threat, the following ~~will shall~~ be considered:

a. through b. No change.

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

(g) The chaplain at the institution ~~will shall~~ serve as advisor to staff and inmates in the area of religious property listed in paragraphs (16)(c) and (16)(d) ~~above of this subsection~~. Should issues arise concerning the appropriateness of any particular religious item that is alleged to be permitted by this subsection, the institutional chaplain will evaluate the item in conjunction with security staff to determine whether the item is permissible. The agency chaplaincy services administrator ~~will shall~~ provide advice and guidance to the ~~Department department~~ regarding approved religious items, religions and religious items not listed in this rule, and other ~~Department department~~ religious issues.

(h) Inmate requests for religious property not listed in this rule ~~will shall~~ be reviewed by the agency chaplaincy services administrator to determine whether the item adheres to the tenets of the inmate's particular religion. If the chaplaincy services administrator determines that the item adheres to the tenets of the inmate's religion, the Bureau Chief of Security Operations ~~will agency security bureau chief shall~~ conduct a review to determine whether the item presents a specific and definable threat to safety, security, and order of an institution or facility, ~~security and order~~. In determining whether an item presents such a threat, ~~a threat to security and order~~ the following ~~will shall~~ be considered:

1. through 2. No change.

(i) Disposal of Religious Property.

1. Religious property that must be disposed of in order for an inmate to remain in compliance with the provisions of this rule (e.g., to remain within limits on the number of permissible items) ~~will shall~~ be retained by the

institution or facility for 30 days. The inmate may mail out the item(s) during this time at no expense to the Department ~~department~~ or may elect to give the item(s) to the institutional chaplain for disposal in a manner respecting the tenets of the religion ~~faith~~ to which the item adheres. If after 30 days the inmate has not disposed of the property, it will ~~shall~~ be transferred to the chaplain for disposal in a manner respecting the tenets of the religion ~~faith~~ to which the item adheres.

2. Religious property that must be disposed of in order for an inmate to receive items adhering to a different religious preference ~~faith~~ pursuant to paragraph (16)(c) above may be mailed out at no expense to the Department ~~department~~ or may be given to the institutional chaplain for disposal in a manner respecting the tenets of the religion ~~faith~~ to which the item adheres.

APPENDIX ONE  
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department ~~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 that of Corrections which meets the description of property on the list will ~~shall~~ be allowed to retain the property. Inmates transferring to Department institutions or ~~department~~ facilities from private correctional facilities will ~~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, items purchased in canteens at private facilities will not always be admissible in Department institutions or ~~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 items from an 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” will ~~shall~~ be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item must ~~shall~~ not exceed that value. The terms “authorized source” and “state issue” refer to the sources from which property can be obtained ~~after January 1, 1996~~. All items with the “authorized source” designation are ~~shall be~~ available in all institutional canteens or through orders from an authorized source. All authorized source items are transferable between Department ~~department~~ institutions and facilities. “State issue” means that an ~~the~~ institution or facility has the authority to issue this item to inmates based upon the character of the institution or facility, the location of the institution or facility, the housing or work assignment of the inmate, or other factors related to institution, facility, or inmate needs. Institutions housing death row inmates will ~~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 are ~~shall be~~ allowed to retain the items until they are no longer serviceable, but will ~~shall~~ not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list ~~list~~.
- Non-stated issued athletic shorts
- Locks other than V68 series
- Plastic bowls, tumblers, cups, ~~cups~~ and lids
- Pantyhose
- Nail clippers larger than 2 1/2” ~~2-1/2”~~
- Earrings, post type
- Tablet armband holder

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
4	<del>each</del>		<del>Athletic Bra (authorized source – female only)</del>
1	each		Belt (state issue)
4	each		Bras, <u>may be athletic style</u> (state issue or authorized source – female only)

\*inmates may possess both stated-issued and authorized source-purchased

		bras, but the total combined number cannot exceed four
1	each	Coat (state issue)
1	pair	Gloves, work (state issue)
4	each	Handkerchief, cotton, white only (authorized source)
1	each	Hats (state issue)
2	pair	Pajamas – long (state issue or authorized source) Light blue or white – female only Light blue – male <u>only</u>
7	each	Panties (state issue or authorized source – female only)
3	each	Pants (state issue)
1	each	Raincoat or <del>poncho Poncho</del> – clear (state issue or authorized source)
1	each	Robe (state issue – female only)
3	each	Shirt, outer (state issue)
4	each	Shirt, <del>t-shirt T-Shirt</del> (state issue or authorized source – gray for female, white for male) *inmates may possess both state-issue and authorized <del>source-purchased source-purchased</del> shirts, but the total combined number cannot exceed <del>four 4-</del>
1	pair	Shoes, <del>athletic Athletic</del> (authorized source)
1	pair	Shoes, <del>boots Boots</del> (authorized source or state issue)
<del>2</del>	<del>each</del>	<del>Shorts, athletic (navy blue) (authorized source)</del>
<del>2</del>	<del>each</del>	<del>Shorts, athletic (blue only) (male only) (state issue)</del>
<del>3</del>	<del>each</del>	<del>Shorts, athletic (blue only) (female only) (state issue)</del>
1	each	Shower cap, clear only (female only) (authorized source)
1	pair	Shower slides (authorized source)
6	pair	Socks (state issue or authorized source)
1	each	Supporter, athletic (male only) (authorized source)
2	each	Sweatshirts (gray only) (authorized source order)
4	each	Undershorts (male only) (state issue or authorized source)
2	each	Underwear, thermal (state issue or authorized source)

NON-CLOTHING PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (authorized source)
25	each		<del>Roller clips – plastic only (females only), (authorized source)</del>
*			Books (legal, educational, religious, fiction) – * <u>quantity</u> <del>Quantity</del> as specified by Rule 33-501.401, F.A.C.
1	each		Bowl – plastic (authorized source)
1	package		Breath tablets (authorized source)
1	each		<del>Calendar – Calendar</del> , as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – *limited by approved storage <del>space spaces</del>
1	each		Canteen bag (authorized source)
1	set		Checkers (light wood or plastic, standard checkers only) (authorized source order)
1	set		Chess (light wood or plastic, 2 inches max. height) (authorized source order)
1	each		Coffee mug – plastic (authorized source)
1	each		Comb-pocket type, no handles (non-metal) (state issue or authorized source)
*			Correspondence – *limited by <u>approved</u> storage space <del>limitations</del>
1	pack		Cotton swabs (plastic or paper stems only) (authorized source)
2	each		Crème rinse and conditioner (authorized source)

1	each	Cup, drinking – plastic (authorized source)
1	package	Dental floss; (floss loops only, <u>unwaxed</u> ) <del>), unwaxed</del> (authorized source)
1	each	Denture adhesive (state issue or authorized source)
1	each	Denture cup (authorized source order)
2	each	Deodorant and antiperspirant (no aerosols) (authorized source)
1	set	Domino (light wood or plastic, standard size) (authorized source order)
1	Set	Earbuds (state issue or authorized source)
1	pair	Earphone pads (replacement) (authorized source order)
4	<del>pair</del>	<del>Ear rings, post type (female only) (authorized source order)</del>
*		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 (authorized source)
25	each	Envelopes – legal (#10 size) (authorized source)
5	each	Envelopes – oversized (10" x 13") (authorized source)
*		Envelopes, self-addressed stamped – <del>*the *the</del> total in the inmate's possession <del>must shall</del> not exceed the limit of <u>one</u> <del>+</del> pack
2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that <u>an inmate inmates</u> already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed; <u>contact</u> <del>→ Contact</del> lenses will only be provided if medically <u>indicated</u> ) <del>indicated</del>
1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (authorized source)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or authorized source)
*		File folders (*limited by <u>approved</u> storage space)
20		Greeting cards and accompanying envelopes
1	each	Hairbrush – nonmetal, handles for females only (authorized source)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (authorized source)
1	each	Hair net (female only) (authorized source)
25	each	Hair rollers (female only) (authorized source)
2	each	Handballs or <u>racquetballs</u> <del>racketballs</del> (authorized source)
1	each	Headphones for use with radio (authorized source)
Maximum weekly dosage		Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc.; <u>no</u> <del>No</del> imidazoline, <u>tetrahydrozoline</u> <del>tetrahydrozoline</del> , or hydrochloride compounds (authorized source – as approved by health services)
2	each	Hearing aid (state issue or personal)
*		Hobby craft – at locations where program exists and subject to <u>approved</u> storage space
		Limitations
1	each	Insect repellent (authorized source)
1	each	Jigsaw puzzle (authorized source order)
1	each	Keyboard (authorized source)
1	each	Laundry bag (state issue or authorized source)
1	each	Lip balm (authorized source)

1	each		Locks, combination (V68 series) (authorized source)
1	each		Make-up bag, clear only (female only) (authorized source)
1	each		Mirror, <u>plastic, non-breakable (5" x 7" max.)</u> – <del>plastic, nonbreakable, 5" x 7" max.</del> (authorized source)
1	each		<u>Moisturizer</u> <del>Moisturizer</del> – (authorized source)
1	each		Mouthwash (authorized source)
4	each		<del>MP3 Player</del> (authorized source)
4	each		<del>MP3 Player arm band holder</del> (authorized source)
1	each		Nail clippers, not to exceed 2 1/2" (authorized source)
2	pack		Notebook paper (authorized source)
4	each		Pens, ballpoint, flair-type, pencils with erasers, or security pens ( <u>no markers</u> ), <del>no markers</del> (authorized source)
*			Periodicals – *as specified by Rule 33-501.401, F.A.C., and <u>limited by approved storage space limitations</u>
1	each		Photo album, non-metal (authorized source)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (authorized source)
5	each		Pony tail holder (fabric) or hair claws (plastic) (female only) ( <u>authorized source</u> )
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			<u>Prosthesis or health care appliance as defined in Rule 33-210.201, F.A.C.</u> – <del>*as approved by health services</del>
1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (authorized source)
1	each		Razor, disposable ( <u>female only</u> ) (state issue) ( <del>female inmates only</del> )
1	each	50.00	Razor, battery operated, non-rechargeable (authorized source order)
*			Religious requirements – as approved by chaplaincy <u>services</u> <del>services</del> , (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement ( <u>female only</u> ) (personal, <del>female only</del> )
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (authorized source)
<u>25</u>	<u>each</u>		<u>Roller clips, plastic only (female only) (authorized source)</u>
1	set		Scrabble (authorized source order)
1	each		Screen protector (authorized source)
2	each		Shampoo (authorized source)
1	each		Shaving cream (authorized source)
1	each		Shaving powder (authorized source)
1	pair		Shoe laces (authorized source)
1	each		Shoe wax ( <u>liquid</u> <del>Liquid</del> only, <u>non-flammable non-flammable</u> , no nitrobenzene) ( <u>authorized source</u> ) ; ( <del>authorized source</del> )
2	each		Soap, bath (state issue or authorized source)
1	each		Soap dish (authorized source)
4	each		<del>Soap, laundry (female only) (authorized source)</del>
*			Special needs – *special devices as approved for compliance with medical needs
1	each		Spoon, plastic (authorized source)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (authorized source)
1	each		Sunglasses, no mirror type (authorized source)
1	each		Sunscreen lotion (authorized source)

<u>1</u>	<u>each</u>		<u>Tablet (state issue or authorized source)</u>
1	each		Talcum powder (authorized source)
1	each		Toilet <del>paper</del> <u>Paper</u> (state issue or authorized source)
1	each		Toothbrush (state issue or authorized source)
1	each		Toothbrush holder (authorized source)
2	each		Toothpaste and <u>toothpaste</u> <del>Toothpaste</del> with mouthwash (state issue or authorized source)
2	each		Towels (state issue)
1	each		Wallet (authorized source)
1	each	50.00	Watch (personal or authorized source)
1	each		Watch band (nylon and Velcro only) (authorized source)
2	each		Washcloths (state issue or authorized source)

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NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Comerford, Assistant Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

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