

August 29, 2018

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201

RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to add authorization language and conditions related to inmates' possession of multimedia tablets.

SUBJECT AREA TO BE ADDRESSED: Authorizing inmate possession of multimedia tablets.

RULEMAKING AUTHORITY: 944.09, F.S.

LAW IMPLEMENTED: 944.09, F.S.

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: Paul Vazquez, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) - (3) No changes.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the department once an inmate is permanently assigned, provided the inmate has sufficient storage space. An inmate may not use other inmates' storage space or other non-authorized storage containers or store property in locations other than his 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 shall comply with the following:

1. Clothing shall be exchanged on a one-for-one basis;

2. Inmates must have the opportunity for at least three exchanges per 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 for all inmates of a particular security or housing status. Additional restrictions or removal of clothing items for individual inmates for safety or security reasons shall be handled and documented in accordance with rules applicable to the particular confinement status.

4. 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.

(c) Wardens 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.

(d) Inmates are authorized to possess one (1) multimedia tablet, subject to any prohibition, restriction, or limitation as provided by law or departmental rules. Possession of a multimedia tablet by inmates receiving inpatient mental health services will be in accordance with Rule 33-404.102(9), F.A.C. ~~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.~~

1. Inmates shall be responsible for insuring that their multimedia tablet is registered with the institution upon receipt by notifying the designated property room staff member. Failure to register their tablet with the institutions shall result in the tablet being designated as unauthorized and subject to confiscation. The designated staff member will add the multimedia tablet to the inmate's Inmate Property List, DC6-224, recording the make, model, and serial number.

2. Inmates are solely responsible for the care, use, misuse, and security of their multimedia tablet. In the event that a multimedia tablet is damaged or destroyed by Department and/or contract facility staff during a routine search, emergency search or while impounded, the Warden or her/his designee shall cause an investigation to be made and action taken in accordance with "Control of Contraband", Rule 33-602.203, F.A.C.

3. All multimedia tablets on the property of the facility or in an inmate's possession are subject to search at any time or for any reason in accordance with Rules 33-602.203 (Control of Contraband) and Rule 33-602.204, F.A.C (Searches of Inmates). Inmates shall provide their current tablet password when directed by staff for purposes of an investigation or authorized search.

4. Tablets will be permitted to be used in the housing unit and program areas.

(e) Inmates shall be required to maintain receipts for items purchased from an authorized source 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 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 shall be considered contraband if found in the possession of an inmate more than 30 days after purchase.

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

(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 or has them printed from the photo album in his/her media account 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, 33-601.820, and 33-601.830, F.A.C.

(c) During the initial reception period, inmates awaiting transfer to their permanent facility shall not be permitted to possess a multimedia tablet.

(d) Youthful Offenders participating in the Basic Training Program under Rule 33-601.237, F.A.C. shall not be allowed to possess a multimedia tablet.

(6) - (8) No changes.

(9) Any inmate being released by parole or expiration of sentence shall take all personal property with him and sign Form DC6-227, Receipt for Personal Property, at the time of release. Upon being released, the inmate is responsible for fully complying with any and all provisions governing their release, including any restriction or prohibition on the possession of, use of, or access to a computer or tablet, and access to or use of any internet services.

(10) - (16) No changes.

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, 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 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” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “authorized source” designation shall be available in all institutional canteens or through orders from an authorized source. All authorized source 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 (authorized source – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or authorized source – female only)
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
7	each	Panties (state issue or authorized source – female only)
3	each	Pants (state issue)
1	each	Raincoat or Poncho – clear (state issue or authorized source)
1	each	Robe (state issue – female only)
3	each	Shirt, outer (state issue)
4	each	Shirt, T-Shirt (state issue or authorized source – gray for female, white for male) *inmates may possess both state-issue and authorized source – purchased shirts, but the total combined number cannot exceed 4.
1	pair	Shoes, Athletic (authorized source)
1	pair	Shoes, Boots (authorized source or state issue)
2	each	Shorts, athletic (navy blue) (authorized source)
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)

PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (authorized source)
25	each		Roller clips – plastic only (females only), (authorized source)
*			Books (legal, educational, religious, fiction) – *
			Quantity as specified by Rule 33-501.401, F.A.C.
1	each		Bowl – plastic (authorized source)

1	package	Breath tablets (authorized source)
1	each	Calendar, as specified by Rule 33-501.401, F.A.C.
*		Canteen purchases – *limited by approved storage space;
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 storage space limitations
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), unwaxed (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 (authorized source)
1	pair	Earphone pads (replacement) (authorized source order)
1	pair	Ear rings, post type (female only) (authorized source order)
*		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 – * 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) (authorized source)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or authorized source)
*		File folders (*limited by 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 racketballs (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. No imidazoline, tetrahydrozoline, 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 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 – plastic, nonbreakable, 5" × 7" max. (authorized source)
1	each		Moisturizer – (authorized source)
1	each		Mouthwash (authorized source)
4	each		MP3 Player (authorized source)
1	each		<u>Multimedia tablet</u> MP3 Player arm band holder (authorized source)
<u>1</u>	<u>each</u>		<u>Multimedia Tablet (authorized source)</u>
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, no markers (authorized source)
*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
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)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis <u>or Health Care Appliance</u> – as defined in Rule 33-210.201(2), F.A.C., <u>(ADA Provisions for Inmates)</u> *as approved by health services
1	each	50.00	Radio, DC/AM/FM only, “Walkman” type, maximum 4" × 5" (authorized source)
1	each		Razor, disposable (state issue) (female inmates only)
1	each	50.00	Razor, battery operated, non-rechargeable (authorized source order)
*			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) (authorized source)
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 (Liquid only, non flammable, no nitrobenzene; authorized source)
2	each		Soap, bath (state issue or authorized source)
1	each		Soap dish (authorized source)
1	each		Soap, laundry (female only) (authorized source)
*			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)
1	each		Talcum powder (authorized source)
1	each		Toilet Paper (state issue or authorized source)
1	each		Toothbrush (state issue or authorized source)
1	each		Toothbrush holder (authorized source)
2	each		Toothpaste and Toothpaste 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)

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,

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