

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

(a) Any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was not:

1. Issued;
2. Approved for purchase in the canteen;
3. Purchased through an approved source with official approval;
4. Authorized and approved for delivery by mail; or
5. Authorized to be brought into the institution or facility.

(b) Any item or article not originally contraband shall be deemed contraband if it is passed from one inmate to another without authorization.

(c) Any item or article which is altered from its original design or is being used for a purpose other than that for which it was designed or authorized.

(d) Any item or article which is in excess of property limits provided in Rule 33-602.201, F.A.C.

(2) No inmate shall possess or control any firearm, ammunition, explosive substance, or any instrumentality customarily used or designed to be used as a dangerous weapon as defined in Section 790.001, F.S., without authorization and supervision of authorized personnel.

(3) No person, whether he be an inmate or other person, unless authorized by the warden, assistant warden, chief of security or the shift supervisor, shall introduce into or upon the grounds of an institution any of the following articles which are hereby declared to be contraband:

(a) Any intoxicating beverage.

(b) Any unauthorized drugs, which includes, but is not limited to narcotics, depressants, stimulants, aromatic stimulants, hallucinogens, cannabis, and any other type of intoxicant (excluding intoxicating beverages), or drug paraphernalia.

(c) Any firearm, ammunition, explosive substance, or any instrumentality customarily used or designed to be used as a dangerous weapon, as defined in Section 790.001, F.S., with the following exceptions:

1. Staff who meet the conditions below are permitted to carry (1) handgun to and from work in their personal vehicle under the specific requirements outlined below:

a. All current correctional class employees covered by the Security Services Bargaining Unit.

b. Any employee with a current/valid concealed weapons license issued by the State of Florida.

c. Any employee with correctional officer, law enforcement officer, or correctional probation officer certification not covered by the Security Services Bargaining Unit.

2. Specific requirements:

a. Employees with a valid/current concealed weapons license issued by the State of Florida must provide it to the Warden or Office of Inspector General's Staff upon request.

b. Employees with correctional officer, law enforcement officer, or correctional probation officer certification not covered by the Security Services Bargaining Unit, must have proof of certification and be prepared to show it to the Warden or Office of Inspector General's staff upon request and a copy of the proof of certification should remain with the handgun.

c. Only handguns are permitted under this rule, long arms, rifles, shotguns, bow and arrows, or any other type of weapon is not permitted.

d. The handgun must be stored in a lock-box, specifically designed to securely lock and hold a handgun.

e. Empty ammo boxes, metal coin boxes, or securing the handgun in the glove compartment or console is not permissible.

f. Only one (1) handgun/lock-box per vehicle is permitted.

g. All doors and windows must lock if the lock-box is kept in the passenger compartment of the vehicle.

h. If a person can access the passenger compartment of the vehicle from the trunk, the trunk must be locked.

i. Lock-boxes containing handguns will not be placed in toolboxes or other similar storage devices affixed to or located in the truck bed.

j. If the vehicle is a convertible, the lock-box must be stored in the trunk.

k. If the vehicle is a Jeep (or similar soft top, no top, and/or no trunk type of vehicle), then a handgun cannot be carried onto state property.

l. Extra ammunition is not permitted – only the amount needed to fill the handgun to capacity is permitted.

- m. Ammunition must be stored in the lock-box with the handgun.
 - n. Handguns will not be removed from a vehicle while on state property except by those members of institutional pistol teams who use their own personal handguns. Institutional pistol teams are composed of employees, authorized by wardens, who compete in pistol matches representing their home institution.
 - i. Institutional pistol teams will utilize personal handguns as authorized in this section only for authorized activities.
 - ii. Handguns and ammunition will only be removed from lock-boxes at the firing range.
 - (d) Any instrumentality of any nature that may be used as an aid in effecting or attempting to effect an escape.
 - (e) Any item depicting signs, symbols or other identifiers of a criminal street gang as defined in Section 874.03, F.S., or any other gang, group or organization which has been identified by the department as posing a threat to the safety or security of the institution.
 - (f) Any other article, instrument, or substance specifically prohibited by the policies and rules of the institution or declared to be contraband pursuant to Section 944.47, F.S.
- (4) No person whether he be an inmate or other person, shall take any article whatsoever from the grounds of any institution without authorization from the warden, assistant warden, chief of security, or shift supervisor.
- (5)(a) No money shall be given directly to or received by an inmate assigned to a work release center unless authorized by the chief of security or his designated representative. On a case-by-case basis, each chief of security may authorize a draw of funds from the inmate's account that has not been drawn from the inmate's bank fund or that exceeds the approved amount authorized under subsection 33-203.201(3), F.A.C., if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of \$100 in work release centers shall be considered contraband and shall be confiscated and deposited in the general revenue fund.
- (b) In any facility in which inmate identification cards are used to authorize and initiate canteen transactions, any cash found in the possession of an inmate shall be considered contraband and deposited in the general revenue fund. An inmate identification card is contraband in the possession of anyone other than the inmate it identifies.
- (6) No inmate shall manufacture or have in his possession any alcohol or alcoholic beverage, or have in his possession any drug such as a narcotic or barbiturate or hallucinogenic drug or central nervous system stimulant or substance prohibited by law; except when authorized to do so by a physician or other authorized medical personnel. When medication is found in an inmate's possession that is beyond the labeled expiration date, or for which the inmate does not have a valid prescription, or is in quantities indicative of hoarding, the medication will be handled as contraband and turned over to the medical department for disposition.
- (7) No inmate shall manufacture or possess any forms that may be used in the fraudulent filing of Uniform Commercial Code liens and/or publications that promote this practice. An inmate shall not possess any Uniform Commercial Code (UCC) Article 9 form, including but not limited to any financing statement (UCC1, UCC1Ad, UCC1AP, UCC3, UCC3Ad, UCC3AP), or correction statement (UCC5), whether printed, copied, typed or hand written, or any document concerning a scheme involving an inmate's "strawman," "House Joint Resolution 192 of 1933," the "Redemptive Process," "Acceptance for Value" presentments or document indicating copyright or attempted copyright of an inmate's name absent prior written authorization from the warden.
- (8) Disposition of Contraband.
- (a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designed as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03482>. The effective date of this form is 1-14.
- (b) Contraband items to be used during outside court cases as evidence will be referred to the Inspector General's Office for handling. The Inspector General's Office will either assume custody of the contraband or instruct the institution to hold it as evidence. In either case, the initial confiscating authority will establish the chain of evidence, and insure it is properly followed. Form DC1-801, Chain of Custody, shall be used for this purpose. Form DC1-801 is hereby incorporated by reference. Copies of this 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-03272>. The effective date of this form is 11-13.
- (c) State property taken from an inmate as contraband will be returned to the institutional supply source if useable. If reuse is not feasible, the item(s) will be disposed of in the normal manner of disposing of surplus state property.

(d) Legal material belonging to another inmate shall be returned to the owner.

(e) Except as described in paragraphs (c) and (d), above, any contraband found upon, or in the possession of any inmate, shall be confiscated and the proceeds deposited in the Inmate Welfare Fund. Items containing no monetary value or that cannot be liquidated will be disposed of in one of the following manners:

1. Given to charity,
2. Reused by institution, or
3. Destroyed.

(f) The provisions of the above paragraph shall not be construed to apply to property impounded incident to the initial reception or the subsequent transfer of an inmate unless the inmate's possession of the property was in violation of law or Department or institution rule.

(g) If items of contraband are detected in the mail, that are not of any illegal nature, the institution finding the contraband will provide the sender and addressee a receipt for the property in accordance with department rules relating to mail procedures (Rule 33-210.101, F.A.C., Routine Mail; Rule 33-210.102, F.A.C., Legal Documents and Legal Mail; and Rule 33-210.103, F.A.C., Privileged Mail).

(h) A seized contraband item that results in criminal charges shall be stored for six months or until the conclusion of the court proceedings. Confiscated weapons shall be stored for six months pending the outcome of the disciplinary charges and conclusion of the grievance process or the court proceedings. Staff shall obtain the approval of the warden or assistant warden prior to the item being destroyed or disposed of unless the item is in the possession of the Inspector General's Office, wherein that office's destruction of evidence process will be followed.

(i) Regardless of whether or not the seized contraband results in a disciplinary report or criminal charges, the inmate is authorized to appeal the action through the grievance process to have the property returned. If the inmate chooses to file a grievance, the inmate must notify the warden of his intent on an Inmate Request, Form DC6-236, within 20 days of the seizure of the items. If no notice is received and the inmate has not been temporarily impeded from sending such notice due to unavoidable circumstances such as court appearances or hospitalization, the warden or assistant warden is authorized to approve disposal of the contraband. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

(9)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is incorporated by reference in subsection 33-602.201(3), F.A.C.

(b)1. The Regional Director of Institutions is authorized to declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass search is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. Copies of Form DC6-220 do not have to be given immediately for property taken during such a mass search. However, the property taken shall be kept and preserved, identified as to the area from which it was taken, and the inmate shall receive a copy of Form DC6-220 as soon as practicable after the emergency has ceased. Property unclaimed after 30 days shall be disposed of as provided in subsection (7).

3. If items of inmate personal property are damaged or destroyed by Department staff during routine searches, emergency searches or while impounded, the warden or his designee shall cause an investigation to be made to determine:

- a. How the property became damaged or destroyed.
- b. Who is responsible for the damage or destruction.
- c. Whether there was any violation of Department policy or rules by staff.
- d. Whether appropriate staff need to be disciplined.
- e. Whether procedures need to be modified or established to prevent such loss of property from occurring in the future.

4. If an investigation determines that inmate personal property has been damaged or destroyed by Department staff, the procedure as outlined in subsection 33-602.201(14), F.A.C., shall be followed in order to replace the property.

13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-21-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, 7-8-03, 11-10-03, 6-28-07, 11-28-11, 12-5-12, 4-22-13, 11-4-13, 1-7-14, 5-19-21.