

August 29, 2013

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.203

RULE TITLE: Control of Contraband

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise Form DC1-801, Chain of Custody, to include the reason for transfer and method of transfer on the form and to cite to the correct subsection of the rule in which Form DC6-220 is incorporated by reference in.

SUBJECT AREA TO BE ADDRESSED: Control of Contraband

RULEMAKING AUTHORITY: 944.09, 945.215 FS

LAW IMPLEMENTED: 944.09, 945.215 FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.203 Control of Contraband.

(1) – (7) No change.

(8) Disposition of Contraband.

(a) No change.

(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. The effective date of this form is \_\_\_\_ ~~7-8-03~~.

(c) – (i) No change.

(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) ~~33-602.201(47)~~, F.A.C.

(b)1. No change.

2. – 4. No change.

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History–New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 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, \_\_\_\_.