

June 2, 2016

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLE:

33-602.101 Care of Inmates

33-602.201 Inmate Property

33-602.220 Administrative Confinement

33-602.221 Protective Management

33-602.222 Disciplinary Confinement

PURPOSE AND EFFECT: The purpose and effect of the amendment is to allow inmates to grow and maintain a half-inch beard, as well as to make other changes regarding inmate grooming.

SUMMARY: The proposed rulemaking would create new inmate grooming standards, allow male inmates to grow half-inch beards, disallow razors for male inmates, provide that female inmates must have their hair styled only in certain locations, and prohibit certain hairstyles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Department has determined that this rule will not have an adverse impact on small business and is not expected to directly or indirectly increase regulatory costs more than \$200,000 within a year of taking effect. A SERC has not been prepared by the Department. The Department has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: upon review of the proposed changes to the rule, the Department has 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), FS. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 945.215 FS

LAWS IMPLEMENTED: 20.315, 944.09, 944.34, 945.04, 945.215 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: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

(1) through (3) No change

(4) For security and identification purposes, no inmate shall be permitted to have his or her hair, to include eyebrows and facial hair, dyed, cut, shaved or styled according to fads or extremes that would call attention to the inmate or separate inmates into groups based upon style. This would include, for example, dreadlocks, tails, woven braids, cutting, sculpting, clipping or etching numbers, letters, words, symbols or other designs into the hair. Male inmates shall have their hair cut short to medium uniform length at all times with no part of the ear or collar covered. Male inmates shall be permitted to shave their entire heads with clippers in a uniform manner unless the inmate is using his hairstyle or lack thereof to demonstrate gang affiliation or otherwise pose a threat to institutional security. Partial shaving of the head in a Mohawk or other distinctive style shall not be permitted. Sideburns shall not extend beyond the bottom of the earlobes and will have straight lines with no flare at the base. Female inmates shall be prohibited from having their hair braided or styled in any area other than the institutional beauty shop. All inmates shall elect either to be clean shaven or to grow and maintain a half-inch beard. Such a beard shall include all the hair that grows naturally on the face and front of the neck, excluding eyebrows and eyelashes. Inmates shall not display any other type, style, or arrangement of hair on the face nor front of the neck. Inmates shall not sculpt nor edge their beards. No numbers, symbols, letters, nor other designs shall appear in inmate beards, with the exception of inmates housed at facilities designated by the Department to house those with a mental health classification of S 3 or above, who shall be clipper shaved three times per week. Those male inmates who desire to remain clean shaven shall be clipper shaved three times per week, and those inmates who desire to grow a half-inch beard shall have their beards trimmed three times per week with a clipper fitted with a half-inch guard. Female inmates may possess one (1) disposable state-issued razor. A mental health classification of S 3 or above refers to inmates who need, at a minimum, ongoing outpatient mental health services with psychiatric consultation as clinically indicated. At those

~~facilities that do not house inmates with a mental health classification of S 3 or above, the warden shall require that inmates be clipper shaved three times per week if allowing the possession and use of razors creates a substantial risk to the security of the institution or the safety of inmates and staff. In determining whether to require inmates to be clipper shaved, the warden shall consider the number of inmate on inmate and inmate on staff assaults, the number of incidents of self injurious behavior, and the number of homemade weapons discovered at the facility involving the use of razors, and any other factors related to the security, order, or effective management of the institution. Notwithstanding any other provision of Chapter 33, upon intake at any Department reception center each inmate having hair on the face or the front of the neck shall be clean shaved once for the purpose of discovering any identifying marks, scars, tattoos, or other features. Additionally an exemption from the requirement to remain clean shaven shall be granted on the basis of a medical diagnosis when it is determined by the staff physician that shaving would be detrimental to the inmate's health. Inmates granted a medical exemption from the shaving requirement may be required to keep their facial hair closely trimmed with scissors or clippers. For the purposes of this rule, "closely trimmed" means trimmed so that no part of the facial hair exceeds the length prescribed by the physician as necessary to prevent the appearance or reappearance of skin disorders. If no specific length is prescribed, then facial hair shall be kept trimmed to within one quarter inch. An inmate who has been granted a shaving exemption shall maintain the written exemption on his person at all times when outside the assigned housing unit.~~

(5) through (13) No change

Rulemaking Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History—New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06, 1-18-07, 5-13-08, 6-22-10, 5-24-11, 2-6-12, 5-27-12, 3-3-13, 10-14-13, 12-12-13, 10-28-14, _____.

33-602.201 Inmate Property.

(1) through (16) No change

APPENDIX ONE

PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department institutions and facilities except community correctional centers. Except for items specified below as "exemptions," property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of

Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold by an authorized source, 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)
1	each	MP3 Player (authorized source)
1	each	MP3 Player arm band holder (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, 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 – *as approved by health services

1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (authorized source)
1	each		Razor, disposable (state issue) (<u>female inmates only</u>)
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,_____.

33-602.220 Administrative Confinement.

(1) through (4) No change

(5) Conditions and Privileges.

(a) through (d) No change

(e) Personal Hygiene – inmates in administrative confinement shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. No change

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101(4), F.A.C. Male inmates shall be required to shave at least three times per week. The possession and use of shaving powder in administrative confinement is prohibited. ~~An inmate housed in administrative confinement who is medically exempt from using shaving razors will be clipper shaved at least three times per week.~~

3. No change

(f) through (q) No change

(6) through (10) No change

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98,

Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09, 7-5-10, 10-7-12, 3-6-14,_____.

33-602.221 Protective Management.

(1) through (3) No change

(4) Conditions and Privileges.

(a) through (d) No change

(e) Personal Hygiene – inmates in protective management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. No change

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101(4), F.A.C. Male inmates shall be required to shave at least three times per week. Hair care shall be the same as that provided to and required of the general population inmates.

(f) through (t) No change

(5) through (10) No change

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09, 7-5-10, 3-6-14,_____.

33-602.222 Disciplinary Confinement.

(1) through (3) No change

(4) Conditions and Privileges.

(a) through (d) No change

(e) Personal Hygiene. Inmates in disciplinary confinement shall meet the following standards in regards to personal hygiene as required of the general inmate population:

1. At a minimum, each inmate in disciplinary confinement shall shower three times per week.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male

inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101(4), F.A.C. Male inmates shall be required to shave at least three times per week. The possession and use of shaving powder in disciplinary confinement is prohibited. ~~An inmate housed in disciplinary confinement who is medically exempt from using shaving razors will be clipper shaved at least three times per week.~~

3. Hair care shall be the same as that provided to, and required of, general population inmates.

(f) through (r) No change

(5) through (14) No change

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, 6-25-08, 6-8-09, 7-5-10, 3-6-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard D. Comerford, Director of Institutional Support

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2016