

April 18, 2014

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201

RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to expand the sources of authorized property and to clarify that property received from authorized sources does count towards the maximum property limits established in the rule.

SUMMARY: The rule expands the sources of authorized property.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency 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 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: upon review of the proposed changes to these rules, 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 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: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-602.201 Inmate Property.
- (1) – (3) No change.
- (4) Authorized Property.

(a) – (d) No change.

(e) Inmates shall be required to maintain receipts for items purchased from an authorized source ~~the canteen~~ 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 ~~the canteen~~ are added to Form DC6-224, Inmate Personal Property List, by the property officer, the inmate will not be required to maintain the original ~~canteen~~ receipt from the authorized source. Perishable food and beverage items purchased from an authorized source ~~the canteen~~ 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 ~~canteen~~ 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) No change.

(5) – (15) No change.

(16) Religious Property.

(a) – (e) No change.

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

(g) – (i) 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 in department canteens~~, 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 ~~canteen~~ 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” “~~canteen~~” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “authorized source” “~~canteen~~” designation shall be available in all institutional canteens or through orders from an authorized source ~~canteen order~~. All authorized source ~~canteen~~ 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 ( <u>authorized source eanteen</u> – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or <u>authorized source eanteen</u> – female only)
1	each		Coat (state issue)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only ( <u>authorized source eanteen</u> )
1	each		Hats (state issue)
2	pair		Pajamas – long (state issue or <u>authorized source eanteen</u> ) Light blue or white – female only Light blue – male
7	each		Panties (state issue or <u>authorized source eanteen</u> – female only)
3	each		Pants (state issue)
1	each		Raincoat or Poncho – clear (state issue or <u>authorized source eanteen</u> )
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue or <u>authorized source eanteen</u> <del>order</del> – gray for female, white for male) *inmates may possess both state-issue and <u>authorized source- purchased eanteen-purchased</u> shirts, but the total combined number cannot exceed 4.
1	pair		Shoes, Athletic ( <u>authorized source eanteen</u> )
1	pair		Shoes, Boots ( <u>authorized source eanteen</u> or state issue)
2	each		Shorts, athletic (navy blue) ( <u>authorized source eanteen</u> )
1	each		Shower cap, clear only (female only) ( <u>authorized source eanteen</u> )
1	pair		Shower slides ( <u>authorized source eanteen</u> )
6	pair		Socks (state issue or <u>authorized source eanteen</u> )
1	each		Supporter, athletic (male only) ( <u>authorized source eanteen</u> )
2	each		Sweatshirts (gray only) ( <u>authorized source eanteen</u> order)
4	each		Undershorts (male only) (state issue or <u>authorized source eanteen</u> )
2	each		Underwear, thermal (state issue or <u>authorized source eanteen</u> )

PERSONAL ARTICLES

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

* 1 1 1 1 1 * 1 2 1 1 1 1 2 1 1 1 1 * 1 25 5 * 2 1 1 * 20 1 2	each set set each each  pack each each package each each each set Set pair pair  pack each each  each  each box  each each	Canteen purchases – * limited by approved storage space; Canteen bag ( <u>authorized source eanteen</u> ) Checkers (light wood or plastic, standard checkers only) ( <u>authorized source eanteen</u> order) Chess (light wood or plastic, 2 inches max. height) ( <u>authorized source eanteen</u> order) Coffee mug – plastic ( <u>authorized source eanteen</u> ) Comb-pocket type, no handles (non-metal) (state issue or <u>authorized source eanteen</u> ) Correspondence – * limited by storage space limitations Cotton swabs (plastic or paper stems only) ( <u>authorized source eanteen</u> ) Crème rinse and conditioner ( <u>authorized source eanteen</u> ) Cup, drinking – plastic ( <u>authorized source eanteen</u> ) Dental floss, (floss loops only), unwaxed ( <u>authorized source eanteen</u> ) Denture adhesive (state issue or <u>authorized source eanteen</u> ) Denture cup ( <u>authorized source eanteen</u> order) Deodorant and antiperspirant (no aerosols) ( <u>authorized source eanteen</u> ) Domino (light wood or plastic, standard size) ( <u>authorized source eanteen</u> order) Earbuds ( <u>authorized source eanteen</u> ) Earphone pads (replacement) ( <u>authorized source eanteen</u> order) Ear rings, post type (female only) ( <u>authorized source eanteen</u> 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) Emery board – cardboard ( <u>authorized source eanteen</u> ) Envelopes – legal (#10 size) ( <u>authorized source eanteen</u> ) Envelopes – oversized (10" x 13") ( <u>authorized source eanteen</u> ) Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack 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 Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) ( <u>authorized source eanteen</u> ) Feminine hygiene products (internal and external) (female only) (state issue or <u>authorized source eanteen</u> ) File folders (*limited by storage space) Greeting cards and accompanying envelopes Hairbrush – nonmetal, handles for females only ( <u>authorized source eanteen</u> ) Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) ( <u>authorized source eanteen</u> )
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1	each		Hair net (female only) ( <u>authorized source eanteen</u> )
25	each		Hair rollers (female only) ( <u>authorized source eanteen</u> )
2	each		Handballs or racketballs ( <u>authorized source eanteen</u> )
1	each		Headphones for use with radio ( <u>authorized source eanteen</u> )
Maximum weekly dosage			Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds ( <u>authorized source eanteen</u> – 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 ( <u>authorized source eanteen</u> )
1	each		Jigsaw puzzle ( <u>authorized source eanteen</u> order)
1	each		Keyboard ( <u>authorized source eanteen</u> )
1	each		Laundry bag (state issue or <u>authorized source eanteen</u> )
1	each		Lip balm ( <u>authorized source eanteen</u> )
1	each		Locks, combination (V68 series) ( <u>authorized source eanteen</u> )
1	each		Make-up bag, clear only (female only) ( <u>authorized source eanteen</u> )
1	each		Mirror – plastic, nonbreakable, 5" × 7" max. ( <u>authorized source eanteen</u> )
1	each		Moisturizer – ( <u>authorized source eanteen</u> )
1	each		Mouthwash ( <u>authorized source eanteen</u> )
1	each		MP3 Player ( <u>authorized source eanteen</u> )
1	each		MP3 Player arm band holder ( <u>authorized source eanteen</u> )
1	each		Nail clippers, not to exceed 2 1/2" ( <u>authorized source eanteen</u> )
2	pack		Notebook paper ( <u>authorized source eanteen</u> )
4	each		Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers ( <u>authorized source eanteen</u> )
*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal ( <u>authorized source eanteen</u> )
50	each		Photographs (personal)
2	decks		Playing cards (standard) ( <u>authorized source eanteen</u> )
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" × 5" ( <u>authorized source eanteen</u> )
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable ( <u>authorized source eanteen</u> 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) ( <u>authorized source eanteen</u> )
1	set		Scrabble ( <u>authorized source eanteen</u> order)
1	each		Screen protector ( <u>authorized source eanteen</u> )
2	each		Shampoo ( <u>authorized source eanteen</u> )
1	each		Shaving cream ( <u>authorized source eanteen</u> )
1	each		Shaving powder ( <u>authorized source eanteen</u> )
1	pair		Shoe laces ( <u>authorized source eanteen</u> )
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; <u>authorized source eanteen</u> )
2	each		Soap, bath (state issue or <u>authorized source eanteen</u> )
1	each		Soap dish ( <u>authorized source eanteen</u> )
1	each		Soap, laundry (female only) ( <u>authorized source eanteen</u> )
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic ( <u>authorized source eanteen</u> )
40	each		Stamps (the equivalent of 40 1-ounce 1st class) ( <u>authorized source eanteen</u> )
1	each		Sunglasses, no mirror type ( <u>authorized source eanteen</u> )
1	each		Sunscreen lotion ( <u>authorized source eanteen</u> )
1	each		Talcum powder ( <u>authorized source eanteen</u> )
1	each		Toilet Paper (state issue or <u>authorized source eanteen</u> )
1	each		Toothbrush (state issue or <u>authorized source eanteen</u> )
1	each		Toothbrush holder ( <u>authorized source eanteen</u> )
2	each		Toothpaste and Toothpaste with mouthwash (state issue or <u>authorized source eanteen</u> )
2	each		Towels (state issue)
1	each		Wallet ( <u>authorized source eanteen</u> )
1	each	50.00	Watch (personal or <u>authorized source eanteen</u> )
1	each		Watch band (nylon and Velcro only) ( <u>authorized source eanteen</u> )
2	each		Washcloths (state issue or <u>authorized source eanteen</u> )

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, \_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 3, 2014