



**KENNETH S. TUCKER
SECRETARY**

PROCEDURE NUMBER: 501.402

PROCEDURE TITLE: DONATIONS

RESPONSIBLE AUTHORITY: OFFICE OF RE-ENTRY

EFFECTIVE DATE: DECEMBER 9, 2011

INITIAL ISSUE DATE: SEPTEMBER 29, 2008

SUPERSEDES: NONE

RELEVANT DC FORMS: DC2-338, DC5-161, DC5-162, AND DC6-236

ACA/CAC STANDARDS: 4-4521

STATE/FEDERAL STATUTES: SECTIONS 112.3215(6)(a), 273.02, AND 946.42, F.S.; AND TITLE 17, UNITED STATES CODE, SECTION 101.

FLORIDA ADMINISTRATIVE CODE: RULES 33-208.002, 33-601.602, 33-601.721, 33-602.203, AND 69I-72.002, F.A.C.

PURPOSE: To provide guidelines for accepting donations for the use and benefit of the department.

DEFINITIONS:

- (1) **Capitalization Criteria**, where used herein, refers to:
 - (a) all tangible personal property with a value or cost of \$1,000 or more and a projected useful life of one (1) year or more;
 - (b) a hardback book with a value or cost of twenty-five dollars (\$25) or more and having a useful life of one (1) year or more that is circulated to students or the general public; and
 - (c) a hardback book with a value or cost of \$250 or more that is not circulated.
- (2) **Designee**, where used herein, refers to the employees authorized by wardens or circuit administrators to accept donations. Examples include: assistant wardens, probation and parole supervisors, education supervisors, librarians, wellness program officers, substance abuse directors, chaplains, etc.
- (3) **Donation**, where used herein, refers to the gift of personal property or tangible personal property for the benefit and use of the department. It does not include a donation of volunteer services or items or services provided by other governmental agencies.
- (4) **Facility Property/Surplus Custodian** refers to the general services specialist in each facility/institution.
- (5) **Foundation**, where used herein, refers to the Corrections Foundation, Inc., which is the tax exempt non-profit direct support organization for the Florida Department of Corrections and is authorized by section 944.802, F.S. The foundation is organized and operated to:
 - (a) conduct programs and activities;
 - (b) initiate developmental projects;
 - (c) raise funds;
 - (d) request and receive grants, gifts, and bequests of moneys;
 - (e) acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and
 - (f) make expenditures to or for the direct or indirect benefit of the department.
- (6) **Immediate Family**, where used herein, refers to an inmate's spouse, children, stepchildren, parents, stepparents, foster parents, brothers, sisters, half-brothers, half-sisters, stepbrothers,

stepsisters, grandparents, great grandparents, grandchildren, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, sons-in-law, and daughters-in-law.

- (7) **Lobbyist**, where used herein, refers to a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:
- (a) an attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120, F.S., or any other formal hearing before an agency, board, commission, or authority of this state;
 - (b) an employee of an agency or of a legislative or judicial branch entity acting in the normal course of her/his duties;
 - (c) a confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes;
 - (d) a person who lobbies to procure a contract pursuant to chapter 287, F.S., which contract is less than the threshold for CATEGORY ONE as provided in section 287.017(1)(a), F.S.
- (8) **Property Delegate**, where used herein, refers to the person to whom accountability of the property item has been assigned and who has immediate control of the property.
- (9) **Public Performance**, where used herein, means:
- (a) to perform or display a work at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered, or
 - (b) to transmit or otherwise communicate a performance or display of the work to a place specified in subsection (a) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.
- (10) **Public Performance License**, where used herein, refers to a document that transfers the exclusive rights of a copyright from the owner of the copyright to another party.
- (11) **Regional Property Custodian**, where used herein, refers to the:
- (a) professional accountant specialist assigned to the general fixed assets section of the Bureau of Finance and Accounting for central office; or
 - (b) supervisor in the region's property section.
-

SPECIFIC PROCEDURES:

- (1) All donations become the property of the department when accepted. The department retains the right to determine the usefulness of the donated item(s) and may dispose of the item(s) in an environmentally safe and legal manner when the item is no longer functional, repairable, or deemed useful in accordance with “State-Owned Tangible Personal and Surplus Property,” Procedure 203.006.
- (2) No agency official, employee, or institution will knowingly accept donations of real property or cash from a lobbyist or permit an inmate to enter on to private property for the purpose of accepting and/or collecting donations from a lobbyist.
- (3) A donated item(s) may be donated for use in a particular department or area of the institution/facility and will be limited to use by that department or area of the institution.
- (4) There will be no limit as to the number of item(s) that can be donated to an institution/office or other location.
- (5) Wardens may accept donations of games, small toys, and other suitable items from individuals or the community for use in inmate visiting parks.

(6) **TANGIBLE PERSONAL PROPERTY DONATIONS:**

- (a) All tangible personal property donations will be approved by the warden or circuit administrator.
- (b) Donations of tangible personal property and hardcover books that meet or exceed capitalization criteria will be reported and managed as provided in Procedure 203.006. The designee will complete the “Report of Property Acquisition,” DC2-338, and forward it to the facility or regional property custodian, whichever is appropriate, as provided in Procedure 203.006.
- (c) The warden or circuit administrator is authorized to allow inmates to enter onto private property for the purpose of accepting and/or collecting donations of tangible personal property for the use and benefit of the department pursuant to section 946.42, F.S. Prior to entering onto private property for this purpose, the warden or circuit administrator must obtain a signed and completed “Authorization and Release to Enter Land to Accept and Collect Donations,” DC5-161, or “Authorization and Release to Enter Land to Harvest Crops,” DC5-162, if the property to be donated is excess crops. The original copy of the completed DC5-161 and DC5-162 (if applicable), will be retained by the warden or circuit administrator. A copy of the form(s) will be given to the landowner and a copy will be forwarded to the chief of the Bureau of Institutional Support Services.

(7) **RESTRICTIONS ON DONATIONS:**

- (a) The warden, circuit administrator, or her/his designee will not accept a donation if s/he believes or has any reason to believe:
 - 1. the item poses a potential threat to security or the safety of any person;
 - 2. the item will be misused or is not needed;
 - 3. it will be too costly to operate or maintain; or
 - 4. the acceptance of donations from a particular donor, or acceptance of particular types of items, may pose ethical or legal concerns. The Department of Corrections Code of Ethics and the Office of General Counsel should be consulted before such items are accepted.

- (b) Department of Corrections' institutions, offices, programs, staff, or inmates will not solicit or accept donations of currency.
 - 1. Persons or organizations interested in making currency donations in support of departmental programs or activities will contact the foundation.
 - 2. Staff will refer to section (10) of this procedure regarding contact information.

- (c) Donations will not be accepted from offenders or their immediate family members except for:
 - 1. printed publications;
 - 2. wellness equipment and supplies;
 - 3. writing and other classroom/office supplies;
 - 4. audiovisual materials, equipment, and supplies;
 - 5. games, small toys, and other items suitable for use in inmate visiting parks; and
 - 6. clothing and equipment necessary for an inmate to perform her/his work-related responsibilities while housed at a work release center, as long as such items are otherwise acceptable under this procedure. Such donations must be made in accordance with Rule 33-601.602, F.A.C., Community Release Programs, and may be approved by the major of the work release center.

- (d) No donations will be accepted that are designated or restricted for the use or benefit of a particular offender except for those made pursuant to section (7)(c)6. above.

- (e) Donations of animals will not be accepted without the prior written approval of the appropriate regional director.

- (f) **Wellness Equipment and Supplies:** Wardens or designees will contact the chief of the Bureau of Security Operations before accepting donations of weight training equipment.

- (g) **Audiovisual Materials:** Donations will not be accepted if the subject matter content of the audiovisual material presents a threat to the security, order, or rehabilitative objectives of the correctional system or the safety of any person. Except as otherwise provided herein, donations of copyrighted audiovisual materials will not be accepted unless the donor provides a public performance license or a legally sufficient written waiver to the department that permits use of the item in public performances:

1. Education programs may accept donations of copyrighted audiovisual material provided that such material is to be used only by instructional programs in face-to-face teaching activities conducted in a classroom or similar place devoted to instruction; and
2. Chaplaincy services programs may accept and use donations of audiovisual materials produced and distributed by churches and ministries for religious programming.

(h) Print Materials:

1. Print material donations will only be accepted if the subject matter content is admissible pursuant to Rule 33-501.401(3), F.A.C., and the warden, circuit administrator, or her/his designee determines that the subject matter is appropriate for use in institutional programs, for the distribution to inmates by chaplaincy services programs, or for probation and parole facilities.
2. Libraries may accept donations of publications from inmates at the institution, provided that such material is suitable for circulation by an institutional library.
 - a. Inmates wishing to donate materials to libraries will submit an "Inmate Request," DC6-236, to the library supervisor specifically identifying the material to be donated.
 - b. With the approval of the warden or her/his designee, the library supervisor may accept the donation. If the library supervisor accepts the donation, s/he will acknowledge this on the inmate request and will provide a copy of the response to the institution's property room and mailroom as appropriate.
 - c. Materials donated to libraries will no longer be counted against the inmate's maximum possession limit for admissible reading material. (See "Admissible Reading Material for Institutions," Procedure 501.401.)
3. Libraries may accept donations of publications and other library materials from the general public, from publishers and bookstores, and from the families and friends of inmates housed at the institution. However, department employees will not solicit donations from inmates or from inmates' relatives and friends.
4. Library supervisors will submit letters soliciting donations from publishers, bookstores, and other suppliers to the warden or designee for review and approval prior to mailing.
5. Requests to accept donations of law library legal research material will be handled in accordance with "Acquisition and Disposal of Law Library Materials," Procedure 501.304.
6. Any notations or labels that detail the names, addresses, or telephone numbers of prior owners of print materials will be removed or obliterated prior to making the material available for inmate use.

(i) Computer Equipment and Software:

1. No donations of computer equipment will be accepted by the department unless the Office of Information Technology has conducted a hands-on diagnostic review of the equipment. Also, no donation of computer equipment intended for use inside secure perimeters will be approved unless use is in accordance with "User Security for Information Systems," Procedure 206.007.
2. All software donated to the department must include a valid and transferable software license.

- a. The donated software may or may not include user manuals and other documentation.
- b. Staff will refer to “Software Copyright/Acquisition,” Procedure 206.005, regarding the handling and use of donated software.

(j) Vehicle and Mobile Equipment:

1. Donations of vehicle and mobile equipment (tractors, bulldozers, etc.) will be approved by the Department of Management Services and will be processed through the fleet management section of the Bureau of Field Support Services in accordance with “Procurement, Assignment, Use, and Control of State Vehicles,” Procedure 604.201.
2. Staff will not accept or take physical possession of vehicle and mobile equipment until the Department of Management Services approval has been secured.

(8) Upon request, a designee may provide a donor with written acknowledgements for donations which have been accepted.

(a) Such written acknowledgements may include any or all of the following:

1. physical description of the items donated;
2. the quantity of the item(s) donated; and
3. limitations on use of the donated item, as authorized by this procedure and/or approved by the warden or circuit administrator (e.g., that the item will be given to a particular institution, program, etc.).

(b) Written acknowledgements will not include:

1. assessments of the financial worth; i.e., assessed value in dollars, of a donated item; or
2. assessments or descriptions as to the physical or serviceable condition of a donated item.

(9) Requests to transfer donated tangible personal property, or to dispose of surplus or unserviceable donated tangible personal property, will be processed in accordance with Procedure 203.006.

(10) DONATIONS TO THE FOUNDATION:

(a) Donations of property may be made through the foundation as authorized by section 944.802, F.S.

(b) Donations of currency will be made through the foundation as authorized by section 944.802, F.S.

(c) These donations may be designated for specific institutions, probation and parole offices, facilities, or for specific purposes.

- (d) Any person or organization interested in making a donation in support of a departmental program or activity by way of the foundation will be directed to contact the foundation at:

Corrections Foundation, Inc.
501 South Calhoun Street
Tallahassee, FL 32399-2500
(850) 717-3712

_____/S/_____
Secretary