

RULES  
OF THE  
DEPARTMENT OF CORRECTIONS  
CHAPTER 33-503  
CHAPLAINCY SERVICES

33-503.001 Chaplaincy Service. (10-18-01)  
33-503.002 Marriage of an Inmate While  
Incarcerated. (4-23-91)

**33-503.001 Chaplaincy Services.**

(1) Organization and Functions.

(a) The chaplaincy services section of the adult services program office is responsible for:

1. Developing and evaluating religious programs throughout the department,
2. Coordinating all religious activities within the department,
3. Providing general assistance and guidance to chaplains, and
4. Representing the department, with the approval of the secretary, on all religious matters.

(b) The chaplaincy services coordinator is the chief administrative officer of the chaplaincy services section and directs and coordinates all activities of the section.

(c) The chaplain of each institution is directly responsible to the area chaplaincy services specialist and coordinates activities with the institution's security staff. He plans, coordinates and supervises all religious activities and services at the institution. He is responsible for the moral and spiritual well-being of all inmates, including the non-religious.

(2) Policy.

(a) It is the policy of the department to extend to all inmates the greatest amount of freedom and opportunity for pursuing individual religious beliefs and practices consistent with the security and good order of the institution.

(b) Programs of the department and activities of the chaplains shall be designed to assist inmates in the expansion of their knowledge and understanding of and commitment to the beliefs and principles of their respective religions.

(c) There shall be no discrimination for or against an inmate based on his religious beliefs or practices, but:

1. An inmate's religious

practices may be relevant to an assessment of his adjustment and progress toward rehabilitation, and

2. Religious beliefs do not justify violation of department or institutional rules and regulations.

(3) Religious Services and Rituals.

(a) All religious services, rituals or activities at the institution shall be conducted or supervised by the chaplain or other employee or regular service volunteer.

(b) Participation in or attendance at any religious program, service or activity is voluntary.

(c) In the interest of security, order or effective management of the institution, the warden may limit the number of religious services or activities inmates may attend per week. When it is considered necessary for security or good order of the institution, the warden may limit attendance at or discontinue completely a religious service or activity. The warden may not restrict or allow the religious group itself to restrict attendance at or participation in a religious service or activity on the basis of race, color, nationality, or creed. Inmates attending a religious service or activity may be required to sign an attendance record.

(d) Appropriate liturgical apparel, such as skull caps, head shields and prayer shawls, may be worn during a religious activity.

(e) Rituals of specific faiths or denominations may be conducted when appropriate facilities are available. If no institutional facilities are available the warden may authorize ritual services outside the institution when security procedures permit.

(f) The warden, officer-in-charge, or his designee may authorize the introduction into the institution of altar or sacramental wine to be used in a sectarian or interfaith service when the use of such wine is deemed essential to the observance of the service. Only the quantity needed for a specific service may be brought into the institution. Storage of wine for use in future services

shall not be permitted. In every instance, the control of such elements shall be the responsibility of the institution chaplain.

(4) The chaplain shall develop and conduct a program of religious education at the institution.

(5) The chaplain shall be available to counsel all inmates, regardless of their classification or status. He shall have access to all areas of the institution.

(6) A communication to a chaplain from an inmate, if made privately for the purpose of seeking moral or spiritual counsel and advice from the chaplain in his capacity as chaplain, is privileged. The chaplain shall not disclose any part of such communication without the inmate's consent except when necessary to prevent a crime or to protect the life or safety of any person or the security of the institution.

(7) The chaplain shall not attempt to influence an inmate to change his religious preference or faith.

(8) The chaplain shall be available to provide moral and spiritual counseling to employees.

(9) An effort shall be made, consistent with the security, order and effective management of the institution, to arrange work assignments and schedules to accommodate the beliefs and practices of inmates whose religion requires them to abstain from work on religious holy days.

(10) Activities should be scheduled to allow each inmate an opportunity to participate in religious programs and activities of his choice consistent with the security, order and effective management of the institution.

(11) Inmates who wish to observe religious dietary laws shall be provided a diet sufficient to sustain them in good health without violating those dietary laws. Exceptions may be made only in unusual cases where providing a special diet would:

(a) Require exceeding budgetary allowances,

(b) Create a threat to the security, order or effective management of the institution, or

(c) Amount to unjustified special treatment of inmates receiving the special diet.

(d) The institution shall prepare and identify food so that inmates who wish to abstain from eating pork or pork products may do so.

(e) The chaplain shall advise the institutional officials in charge of food service on all matters relating to the implementation of this subsection.

(12) Inmates shall have access to religious publications through the chapel or institutional library or as provided through the chaplain. The chaplain shall assist inmates in obtaining personal copies of religious books and periodicals, subject to rules of the Department of Corrections and the local institution.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History--New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01.

**33-503.002 Marriage of an Inmate While Incarcerated.**

(1) Procedure for Requesting Permission to Marry. Requests to marry while incarcerated must be submitted to the warden in writing by both parties. The written requests must include:

(a) Statement of desire to marry from both parties.

(b) A statement of approval from the parents or guardian of all parties under eighteen (18) years of age.

(c) A statement from a chaplain or other staff member as designated by the chaplain indicating that the inmate and the proposed spouse have received information concerning the parameters of marriage in the institutional setting.

(2) Procedure for Consideration of Request.

(a) If a psychological and security evaluation indicates that the marriage of the inmate will not pose a threat to the inmate's security or the security and order of the institution nor to public safety, a written recommendation from the staff psychologist and the correctional officer chief shall be submitted to the warden.

(b) The warden shall forward the recommendation along with the items listed in rule 33-503.002(2) to the chaplaincy services administrator.

(c) The chaplaincy services administrator shall review the request for compliance with this rule and forward it with his findings to the secretary or his designee.

(d) The secretary or his designee shall make the final decision as to whether the marriage presents a threat to the security or order of the institution or to public

safety. The warden or his designated representative shall advise the parties in writing of the decision and the basis for the decision.

(3) Procedure for Marriage. If an inmate is permitted to marry while incarcerated, the following shall be followed:

(a) The inmate and spouse shall be responsible for making all arrangements in keeping with the statutes governing marriage in the State of Florida.

(b) If the inmate is not a participant in a supervised release or furlough program, the proposed spouse is responsible for the following:

1. Making the application for the marriage license and arrangements for necessary forms to be sent to the inmate for application.

2. Making arrangements for the ceremony.

3. All costs involved.

(c) If the inmate will not be furloughed, the department is responsible for the following:

1. Arranging for the inmate to have an opportunity to finalize the marriage license application in keeping with the statutes governing marriage in the State of Florida.

2. Arranging for a suitable place for the marriage ceremony to be conducted at the institution, and an authorized person to conduct it.

3. Returning completed marriage license to county judge after completion of marriage ceremony.

(4) In order to minimize the impact of the ceremony on security, marriage ceremonies shall be of a limited nature. The extent of the individual ceremony shall be limited by the warden consistent with the maintenance of proper security and welfare of the institution.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 1-29-81, Formerly 33-3.13, Amended 4-18-82, 5-21-89, 3-24-91, 4-23-91, Formerly 33-3.013.