

Religious, Cultural & Equality Rights Guide

Bellatora Tirado | Know Your Rights Series

Because who you are should never be punished.

Table Of Contents

Right to Practice Religion (RLUIPA).....Pg. 2

Right to Be Free from Discrimination (Race, Gender, Disability).....Pg. 8

ADA & Disability Accommodation Rights.....Pg. 13

Equal Access to Programs & Opportunities.....Pg. 20

Right to Practice Religion (RLUIPA)

What It Means

Even while incarcerated, you still have the **constitutional right to believe, worship, and express your faith.**

The U.S. Constitution and the **Religious Land Use and Institutionalized Persons Act (RLUIPA)** make it *illegal* for prisons to substantially burden your ability to practice your religion unless there is a **real, proven security reason** — not just staff preference, inconvenience, or bias.

Florida DOC is required to make **reasonable accommodations** for religious practice, services, diets, and materials.

That means you cannot be punished, mocked, or restricted for praying, attending services, requesting a religious meal, or keeping spiritual items in your cell.

Faith is a protected right, not a privilege.

Core Protections

You are entitled to:

1. Freedom to Believe and Practice

- You can follow any religion or none at all — that's your choice.
- You can attend services, pray, meditate, and read religious texts.

2. Equal Treatment Across Faiths

- All religions must be treated equally.
- DOC cannot favor one denomination or deny another access.

3. Religious Items and Worship

- You have the right to own approved religious items: prayer rugs, rosaries, crosses, scripture, oils, or head coverings.
- Denial must be based on a documented, legitimate safety reason.

4. Religious Diets and Observances

- DOC must provide Kosher, Halal, vegetarian, or other religious diets upon request.
- They cannot force you to abandon your diet for convenience or retaliation.

5. Clergy and Chaplain Access

- You can request visits, counseling, or letters from clergy or outside spiritual leaders.
- Facilities must have chaplains or allow volunteers of all faiths to minister.

Legal Foundation

Federal Law

- **U.S. Constitution, Amendment I** – Protects freedom of religion and expression.
- **U.S. Constitution, Amendment XIV** – Extends those protections to all individuals, including those incarcerated.

- **RLUIPA, 42 U.S.C. §2000cc-1(a)** – Prohibits prisons from imposing any “substantial burden” on religious exercise unless it serves a *compelling government interest* and is the *least restrictive means* possible.
- **Cruz v. Beto**, 405 U.S. 319 (1972) – Prisons must give inmates of all faiths equal opportunities to practice religion.
- **Cutter v. Wilkinson**, 544 U.S. 709 (2005) – Confirms RLUIPA’s full application to correctional facilities.

Florida Law

- **Florida Statute §944.09(1)** – Authorizes DOC to implement religious programs consistent with constitutional rights.
- **Florida Statute §944.8031** – Encourages family, moral, and spiritual connection as rehabilitation tools.

Florida Administrative Code (Chapter 33)

- **F.A.C. 33-503.001 – Religious Beliefs and Practices**
Defines religious services, materials, and practices DOC must accommodate.
- **F.A.C. 33-503.002 – Religious Chaplains and Volunteers**
Requires DOC to provide equal access to ministers and religious groups.
- **F.A.C. 33-602.101 – Care, Custody, and Control**
Requires humane treatment and prohibits interference with lawful expression.

- **F.A.C. 33-208.002 – Employee Conduct**

Prohibits staff harassment or retaliation for religious exercise.

 Examples of Violations

- Denying religious diets or removing inmates from the Kosher/Halal meal program.
 - Refusing access to prayer services or spiritual study while allowing others.
 - Confiscating Bibles, Qur'ans, prayer rugs, or other sacred items.
 - Threatening or mocking inmates for practicing faith or wearing religious items.
 - Assigning work that conflicts with Sabbath or holy-day observance.
 - Refusing outside clergy visits without written justification.
-

What To Do If This Right Is Violated

1. Document Everything

- Write down the date, time, staff involved, and what was denied.
- Keep any memos or diet-change notices.

2. File a Grievance (F.A.C. 33-103)

- Use Form DC6-236 for informal and formal grievances.
- State the specific rule violated: *“Violation of F.A.C. 33-503.001 and RLUIPA.”*

- Request corrective action — such as reinstating your religious diet or chapel access.

3. **Appeal to the Secretary (Central Office)**

- If ignored or denied, appeal directly to the Secretary of DOC in Tallahassee.

4. **Contact Outside Support**

- Reach out to civil rights or religious advocacy organizations (ACLU, Becket Fund, Prison Fellowship).
- Families can send certified letters referencing RLUIPA and the specific F.A.C. rule to the Warden and Regional Director.

5. **File a Federal Civil Rights Claim (42 U.S.C. §1983)**

- If DOC continues to violate your right to religious practice, you can file a federal lawsuit once administrative remedies (grievances) are complete.

Practical Tips

- Always submit religious-diet and worship requests **in writing** — and keep copies.
- If your religion isn't listed on DOC forms, write "other" and describe your faith clearly.
- Respectfully insist on written reasons for denial — verbal excuses mean nothing legally.
- Families should log every time access is denied and keep copies of mailed complaints.

- Keep your tone respectful and factual in all correspondence; it shows sincerity and credibility.
-

In Plain Words

Faith is not contraband.

You do not lose your right to believe, pray, or seek peace because you're incarcerated.

No matter the label they put on you, your spiritual connection — to God, to peace, to purpose — remains yours.

The law protects it. RLUIPA enforces it. And you have every right to stand on it.

Right to Be Free from Discrimination (Race, Gender, Disability)

What It Means

Every person inside the Florida Department of Corrections (DOC) has the right to **equal treatment, protection, and opportunity** — no matter their race, gender, religion, sexual orientation, or disability.

Discrimination happens when DOC staff or policies treat one group differently without a legitimate reason — such as denying certain inmates access to programs, jobs, or services, or using bias in discipline or classification.

The law — both federal and state — demands **equal protection under the Fourteenth Amendment**.

That means DOC must ensure **fairness and neutrality** in every area: housing, work assignments, programs, medical care, safety, and visitation. No one can be punished, segregated, or excluded because of who they are.

Core Protections

You are entitled to:

1. Equal Treatment & Opportunity

- DOC must treat all inmates equally in housing, programs, and privileges.
- Race, gender, or disability cannot be used to determine classification or job assignments.

2. Freedom from Harassment or Retaliation

- Staff may not use racial slurs, threats, or intimidation.
- Retaliation for reporting discrimination is illegal.

3. Equal Access to Programs & Services

- Everyone must have fair access to education, vocational training, work programs, and rehabilitative services.
- Denial based on identity violates the Equal Protection Clause.

4. ADA & Disability Protections

- People with physical or mental disabilities must receive reasonable accommodations (mobility aids, hearing or vision support, or medical adjustments).
- Denying these needs can violate both the **ADA** and the **Rehabilitation Act**.

5. Right to Report Discrimination

- You can file a grievance or legal complaint without fear of retaliation.
- Reports must be investigated promptly and fairly.

Legal Foundation

Federal Law

- **U.S. Constitution, Amendment XIV** – Guarantees equal protection and due process to all persons.
- **Civil Rights Act of 1964, Title VI (42 U.S.C. §2000d)** – Prohibits racial discrimination in any state-funded program.

- **Americans with Disabilities Act (ADA), 42 U.S.C. §12131–12134** – Requires equal treatment and accommodations for disabled individuals.
- **Rehabilitation Act of 1973, §504, 29 U.S.C. §794** – Ensures participation in all programs and services regardless of disability.
- **42 U.S.C. §1983** – Allows lawsuits for civil rights violations by state officials.
- **Johnson v. California**, 543 U.S. 499 (2005) – Race-based segregation or treatment must pass *strict scrutiny*.
- **Lee v. Washington**, 390 U.S. 333 (1968) – Prohibits racial segregation in prisons.

Florida Statutes

- **§760.01–760.11, Fla. Stat. (Florida Civil Rights Act)** – Bans discrimination by state agencies and employees.
- **§944.35(3)(a), Fla. Stat.** – Prohibits abuse, retaliation, or harassment by DOC staff.
- **§944.09(1), Fla. Stat.** – Requires DOC to maintain fair rules that respect equality and safety.
- **§413.08, Fla. Stat.** – Protects individuals with disabilities from denial of access or participation.

Florida Administrative Code (Chapter 33)

- **F.A.C. 33-208.002(2)(c)** – Staff must treat all inmates impartially and without discrimination.

- **F.A.C. 33-602.101** – Mandates humane custody and prohibits discriminatory practices.
 - **F.A.C. 33-601.101** – Classification and program assignments must be based on policy, not bias.
 - **F.A.C. 33-208.002(3)** – Protects disabled inmates from unequal treatment.
-

Examples of Discrimination

- Assigning or excluding inmates from jobs, classes, or dorms based on race or gender.
 - Using racial slurs, sexual harassment, or threats.
 - Punishing one group more severely for the same offense.
 - Refusing ADA equipment or mental-health accommodations.
 - Favoritism toward certain faiths or cultural groups.
 - Denying equal access to education, rehabilitation, or visitation programs.
-

What To Do If This Right Is Violated

1. Document Everything

- Write dates, times, names, and details of what happened.
- Keep copies of grievances, medical requests, or memos that show unequal treatment.

2. File a Grievance (F.A.C. 33-103)

- Clearly describe the discrimination and cite the violated rules (F.A.C. 33-208.002 and §760.01, Fla. Stat.).
- Request an investigation and corrective action.

3. Appeal to the Warden or Secretary

- If ignored or denied, appeal directly to the Warden or DOC Central Office.
- Families can assist by emailing or mailing formal complaints referencing the case.

4. Request ADA or Civil Rights Review

- File a written ADA accommodation request (for disability-based discrimination).
- Contact DOC's ADA Coordinator or the Inspector General.

5. Report Externally

- **Florida Commission on Human Relations (FCHR):** Handles discrimination complaints.
- **U.S. Department of Justice, Civil Rights Division:** For federal-level violations.
- **Florida Inspector General (DOC):** Investigates employee misconduct.
- **U.S. Equal Employment Opportunity Commission (EEOC):** For systemic discrimination.

Practical Tips

- Keep written records of all complaints and responses.

- If threatened after filing, immediately document and grieve retaliation (F.A.C. 33-208.002).
 - Families should track grievance numbers and follow up with DOC Central Office.
 - Request written reasons for denied program access or rejections.
 - Use respectful, factual language — it strengthens the paper trail.
-

In Plain Words

Equal treatment doesn't stop when the cell door closes.

You still have the right to be seen, heard, and respected — not divided by color, gender, or condition.

When they use bias to control or silence you, the law gives you the power to speak truth on paper.

Fairness is not a favor — it's your right, and it's written in the Constitution.

ADA & Disability Accommodation Rights

What It Means

Every person in Florida DOC custody is protected under the **Americans with Disabilities Act (ADA)** and the **Rehabilitation Act of 1973**.

That means DOC must provide **equal access to all programs, services,**

activities, and facilities — regardless of physical, mental, or intellectual disability.

A disability may include mobility impairments, chronic illnesses, vision or hearing loss, mental illness, or learning disabilities.

If someone needs extra help, equipment, or adjustments to safely function in custody, DOC is **legally required** to provide reasonable accommodations — not just “when convenient,” but as a right under federal law.

Denying someone access to programs, work, education, or basic care because of a disability is **illegal discrimination**.

Core Protections

You are entitled to:

1. Equal Access

- The right to participate in any DOC program, service, or job without discrimination.
- If a disability limits participation, DOC must make modifications to allow access.

2. Reasonable Accommodations

- Mobility aids (canes, crutches, wheelchairs, walkers).
- Special seating, bunk assignments, or dorm placement.
- Sign language interpreters, vision aids, or written materials in accessible formats.

- Modified schedules, diets, or medication access for chronic medical needs.

3. Medical & Mental Health Protections

- The right to ongoing care, treatment, and prescription access.
- Mental-health treatment must meet established medical standards.

4. No Retaliation or Harassment

- DOC staff cannot threaten, punish, or mock someone for requesting ADA accommodations.
- Retaliation is a constitutional and civil-rights violation.

5. Fair Housing & Safety

- Disabled inmates must be housed in safe, accessible areas.
- Facilities must meet ADA design standards for ramps, bathrooms, and accessibility.

Legal Foundation

Federal Law

- **Americans with Disabilities Act (ADA), Title II, 42 U.S.C. §12131–12134** – Applies to all state and local correctional facilities.
- **Rehabilitation Act of 1973, §504, 29 U.S.C. §794** – Prohibits discrimination by federally funded agencies (including DOC).
- **United States v. Georgia, 546 U.S. 151 (2006)** – Confirms the ADA applies fully to prisons.

- **Tennessee v. Lane**, 541 U.S. 509 (2004) – Ensures equal access to courts and public facilities.
- **Armstrong v. Schwarzenegger**, 622 F.3d 1058 (9th Cir. 2010) – Establishes standards for prison ADA compliance.

Florida Statutes

- **§413.08, Fla. Stat.** – Protects rights of disabled persons to access public facilities and services.
- **§944.09(1), Fla. Stat.** – DOC must create policies protecting the rights and well-being of all inmates.
- **§944.35(3)(a), Fla. Stat.** – Prohibits staff from using abuse, neglect, or retaliation.

Florida Administrative Code (Chapter 33)

- **F.A.C. 33-208.002(3)** – Staff must treat all inmates equally and accommodate disabilities.
 - **F.A.C. 33-602.101** – Requires safe and humane custody, including ADA-compliant facilities.
 - **F.A.C. 33-602.223** – Restricts monitoring of medical/mental health calls for confidentiality.
 - **F.A.C. 33-601.101** – Classification and program access must not discriminate based on disability.
 - **F.A.C. 33-503.001** – Ensures access to spiritual or emotional support, including for the disabled.
-

Examples of Violations

- Refusing to provide a cane, wheelchair, or medical device.
 - Placing a person with limited mobility in an upper bunk or inaccessible dorm.
 - Denying entry to educational or work programs because of a disability.
 - Ignoring mental-health treatment requests or medication needs.
 - Failing to provide interpreters or reading aids for hearing/visually impaired inmates.
 - Retaliating against someone for filing ADA requests or grievances.
-

What To Do If This Right Is Violated

1. File an ADA Accommodation Request

- Write to the **ADA Coordinator at your facility** describing your disability and what you need.
- Use the term “reasonable accommodation under the ADA.”
- Keep a copy and note the date sent.

2. File a Grievance (F.A.C. 33-103)

- If ignored or denied, grieve the violation and cite **F.A.C. 33-208.002(3)** and **42 U.S.C. §12131**.
- Request a written response or medical review.

3. Appeal or Escalate

- If no response, appeal to the Warden, then the **Secretary of DOC** in Tallahassee.

- Families can call or email DOC's **Statewide ADA Coordinator** for follow-up.

4. Contact Oversight Agencies

- **Florida DOC ADA Coordinator:** reviews institutional ADA compliance.
- **U.S. Department of Justice (Civil Rights Division):** for systemic ADA violations.
- **Florida Commission on Human Relations:** handles state disability discrimination cases.

5. File a Civil Rights Complaint

- After exhausting DOC grievances, inmates may file under **42 U.S.C. §1983** or the **Rehabilitation Act** in federal court.

Practical Tips

- Always put ADA requests **in writing** and make a copy before submission.
 - Ask medical or mental-health staff to document your disability in your record.
 - Families should keep a detailed timeline of requests, denials, and medical visits.
 - If denied, ask staff to explain the reason **in writing** — oral excuses have no legal value.
 - Stay factual and persistent; written documentation is your strongest protection.
-

♥ In Plain Words

Having a disability doesn't mean you lose your rights — it means DOC has **more responsibility** to protect you.

You have the right to safety, accessibility, and fair treatment.

You don't have to suffer, climb, or crawl for what's guaranteed by law.

If they refuse to accommodate, you have every right to put it in writing, file, appeal, and fight — because **equal access isn't optional, it's federal law.**

Equal Access to Programs & Opportunities

What It Means

Every person incarcerated under the Florida Department of Corrections (DOC) has the right to **equal opportunity** to participate in programs, education, jobs, and rehabilitative services — regardless of race, gender, religion, or disability.

DOC cannot deny you access to a program, class, or work assignment unless there is a **legitimate, documented security or behavioral reason**.

Florida law and federal civil-rights protections guarantee that prisons must provide **fair and consistent access** to all opportunities intended to help people rebuild their lives.

When DOC limits someone's access based on bias or prejudice, it violates **the Equal Protection Clause of the Fourteenth Amendment**, as well as multiple Florida laws and Chapter 33 rules.

Core Protections

You are entitled to:

1. Equal Opportunity in Programs and Jobs

- All inmates must have a fair chance to join classes, vocational training, or work programs.
- Selections must be based on eligibility and conduct, not on identity, race, or favoritism.

2. Fair Classification Decisions

- Custody levels, dorm placement, and work assignments must be determined by objective criteria, not bias.
- You have the right to appeal unfair classifications that restrict program access.

3. Non-Discrimination in Rehabilitation and Reentry

- Programs such as GED, trades, drug treatment, and reentry must be open to everyone who qualifies.
- Excluding people for reasons unrelated to conduct or space availability is discrimination.

4. Protection for Women, Minorities, and Disabled Inmates

- DOC must provide equal educational and rehabilitative opportunities across all institutions and custody levels.
- Reasonable accommodations must be made so that disabilities do not block participation.

5. Right to File Complaints and Appeals

- You may grieve program denials, discriminatory practices, or unequal access through the grievance process without retaliation.

Legal Foundation

Federal Law

- **U.S. Constitution, Amendment XIV** – Equal Protection Clause guarantees equal treatment under the law.

- **Civil Rights Act of 1964, Title VI (42 U.S.C. § 2000d)** – Forbids discrimination in any state-funded program.
- **Rehabilitation Act of 1973, § 504 (29 U.S.C. § 794)** – Ensures disabled inmates can participate equally in all programs.
- **Americans with Disabilities Act (ADA), 42 U.S.C. § 12131–12134**
– Requires public institutions, including prisons, to accommodate disabilities.
- **Washington v. Davis**, 426 U.S. 229 (1976) – Discriminatory intent or effect violates equal protection.
- **Turner v. Safley**, 482 U.S. 78 (1987) – Prison regulations must have a legitimate, reasonable purpose.

Florida Statutes

- **§ 760.01–760.11, Fla. Stat. (Florida Civil Rights Act)** – Prohibits discrimination by any state-run institution.
- **§ 944.8031, Fla. Stat.** – Requires DOC to promote rehabilitation and reentry programs equally to all inmates.
- **§ 944.09(1), Fla. Stat.** – Directs DOC to maintain humane, fair rules and operations.
- **§ 413.08, Fla. Stat.** – Protects disabled persons' rights to access public services and facilities.

Florida Administrative Code (Chapter 33)

- **F.A.C. 33-601.101** – Classification and program assignments must be fair and non-discriminatory.

- **F.A.C. 33-208.002** – Employee Conduct; requires impartial treatment of all inmates.
 - **F.A.C. 33-602.101** – Mandates humane custody and prohibits biased or unequal treatment.
 - **F.A.C. 33-208.002(3)** – Prohibits discrimination based on disability, gender, or race.
-

Examples of Violations

- Denying someone access to a class or program because of race, gender, or disability.
 - Offering vocational training only to specific groups or dorms.
 - Refusing ADA accommodations that would allow participation.
 - Giving job or education preferences based on favoritism or staff bias.
 - Retaliating against inmates who complain about unfair treatment.
 - Removing a person from a program for filing grievances or legal motions.
-

What To Do If This Right Is Violated

1. Document the Incident

- Record dates, names, and exact statements or memos denying access.
- Keep any notices or written rejections you receive.

2. File a Grievance (F.A.C. 33-103)

- Use **Form DC6-236**. State the rule or law violated (e.g., “Violation of F.A.C. 33-601.101 and § 760.01 Fla. Stat.”).
- Request written justification for the denial.

3. Appeal to the Warden or Secretary

- If ignored or denied, appeal directly to the **DOC Central Office** in Tallahassee.
- Families may also write certified letters citing the same laws and F.A.C. rules.

4. Contact Oversight Agencies

- **Florida Commission on Human Relations (FCHR):** investigates discrimination in state programs.
- **U.S. Department of Justice, Civil Rights Division:** reviews equal-protection and ADA violations.
- **Florida DOC Inspector General:** for staff misconduct or retaliation.

5. Pursue Civil Remedies

- After completing DOC’s grievance process, an inmate may file a **civil-rights lawsuit (42 U.S.C. § 1983)** for discrimination or retaliation.

Practical Tips

- Always request program access **in writing** — verbal requests leave no proof.
- Ask for written reasons if you’re denied entry or removed from a program.
- Families can call or email the Classification or Programs Office to verify

eligibility.

- Track every grievance number and response deadline.
- Stay calm and factual in all paperwork — emotional language weakens credibility.

In Plain Words

You have the right to learn, to work, and to build something better for yourself — no matter who you are.

Equal access means every door that leads to rehabilitation must open for everyone who knocks.

If they try to shut that door on you, you have the right — and the law — to open it again.

Faith, identity, and fairness are not privileges—they are protections. The system can restrict your movement, but not your beliefs, your equality, or your right to be seen as human. No one loses their culture, their voice, or their worth behind the walls. Equal treatment, respect, and freedom of faith are not favors—they're the law.