

Notice of Change/Withdrawal

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-210.101 Routine Mail

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 47 No. 96, May 18, 2021 issue of the Florida Administrative Register.

The following changes were precipitated by comments received from the general public during a public meeting on June 11, 2021 and from JAPC on July 6, 2021, July 28, 2021, September 10, 2021 and September 13, 2021. This Notice of Change supplements the Notice of Change posted on September 8, 2021.

33-210.101 Routine Mail

(1) through (3) No Change.

(4) Inmates are permitted to receive only the following items through incoming routine mail:

(a) Up to and including 15 pages of written materials, including correspondence, unless ~~the written materials pertain to an inmate's legal case, health, or other significant issues and an inmate receives~~ prior approval is obtained from the warden to receive send in correspondence from a specific sender of greater than 15 pages. Each page can be no larger than 8 1/2" x 11" in size; material can be on both sides of a page. No item can be glued, taped, stapled or otherwise affixed to a page. Requests to receive send correspondence of greater than 15 pages shall be made to the warden ~~or designee~~ prior to receipt of sending the material using Form DC6-236, Inmate Request. Exceptions to the 15-page limitation requirement shall be granted by the warden only when extraordinary circumstances are shown. Examples of extraordinary circumstances include imminent death of a friend or family member in which regular correspondence is not possible and when the health and/or safety of an inmate is involved. Exceptions to the 15 page limitation are intended for correspondence concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden ~~or his/her designee~~ shall advise the sender and the mail room of his or her approval or disapproval of the request within 15 days of receipt of the request.

(b) Written correspondence that is written in English, Spanish, or Creole. Inmates who cannot read and write in English, Spanish, or Creole may request approval from the warden to correspond and receive correspondence in the language that the inmate can read and write using Form DC6-236, Inmate Request. The warden shall approve such requests when there is Department staff who can translate the correspondence or when it is otherwise possible to obtain translation services to translate the correspondence at a de minimis minimus cost to the Department. For purposes of this rule, a de minimis cost to the Department is a cost less than \$1.00 (one dollar). Correspondence may be written on greeting cards, but greeting cards containing electronic or other non-paper parts, cards that are constructed in such a way as to permit concealment of contraband, or cards that are larger than 8" x 10" when unfolded will not be permitted. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

(c) through (d) No change.

(5) No Change.

(6) Electronic processing of routine mail reduces the introduction of contraband through the routine mail process. Any incoming routine mail received by the Department or a Department contractor for electronic mail processing shall be opened and examined and is subject to being read by designated Department employees and by the Department contractor. If the warden has approved an inmate to receive correspondence written in a language other than English, Spanish, or Creole, the correspondence may be translated to confirm that it complies with all applicable Department rules. If the correspondence cannot be translated by a Department employee where an inmate is housed or by the Department contractor, the correspondence will be processed, and a copy will be sent to another institution or the central office for translation, in which case the deadline for the amount of time to process mail does not begin until after an item has been translated. Incoming routine mail that is properly addressed and otherwise in compliance with applicable Department rules shall not be held for processing for more than 72 hours after receipt by the Department or a Department contractor, excluding weekends and holidays. Except for inmates in certain housing assignments identified in paragraph (7) below, mail processed electronically will be available to inmates through kiosk and tablet services pursuant to Rule 33-602.900, F.A.C. All original incoming routine mail that is received for electronic mail processing shall be retained for 90 days by the Department contractor from the date of receipt, after which it will be shredded. The sender of incoming routine mail that is to be or that is processed electronically may request that the original correspondence and contents be returned by sending a written request with a self-addressed stamped envelope to the Department contractor any time prior to the expiration of the 90-day retention period. Following an inmate's release, digitized files of an inmate's routine mail are available from the contractor on a data storage device, upon a written request to the contractor. A written request

October 11, 2021

from a former inmate must be received by the contractor within 30 days of a former inmate's release, and the contractor has 30 days from receipt of a written request in which to comply with the request. The contractor's contact information can be found on the Department's public website at <http://www.dc.state.fl.us/>. ~~Scanned routine mail does not constitute "purchased content" pursuant to Rule 33-602.900(5)(s), F.A.C. and scans will not be available to an inmate upon an inmate's release.~~

(7) through (22) No Change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, 7-2-09, 5-9-10, 12-5-12, 4-1-13, 7-8-14, 5-25-16,_____.