

WILTON SIMPSON

President



Representative Rick Roth, Chair
Senator Ben Albritton, Vice Chair
Senator Lorraine Ausley
Senator Jason Brodeur
Senator Danny Burgess
Senator Shevvin D. "Shev" Jones
Representative Demi Busatta Cabrera
Representative Anna V. Eskamani
Representative Sam Garrison
Representative Thomas Patterson "Patt" Maney
Representative Angela "Angie" Nixon

CHRIS SPROWLS

Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
japc@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

July 6, 2021

Mr. Jason Holman
Senior Attorney
Department of Corrections
501 S Calhoun St.
Tallahassee, Florida 32399-6548

**RE: Department of Corrections
Proposed Rule Number 33-210.101**

Dear Mr. Holman:

I have reviewed the above-referenced proposed rule, which was advertised in the Florida Administrative Register on May 18, 2021. I have the following comments.

33-210.101(4)(a) The proposed rule states, "[i]nmates are permitted to receive only the following items through incoming routine mail:[c]orrespondence that requires no more than a single first-class postage stamp to be delivered by the U.S. Postal Service." According to the USPS website, first-class postage stamps include the 55 cent "Forever" stamps as well as single 75 cent stamps for irregular sized/square envelopes and a 95 cent single stamp for a 3 oz. letter. Is the intent of the rule to limit the incoming mail to 1 oz., corresponding to a 55 cent stamp, or any weight as long as the cost of mailing is covered by a single stamp? First-class mail is defined by the USPS as weighing 13 oz. or less. Since the USPS has a variety of single stamp denominations that would cover the cost of mailing correspondence weighing up to 13 oz., would those stamps be acceptable as long as no more than one stamp was affixed to the envelope? Although the rule requires no more than "a single first-class stamp" not all stamps issued by the USPS formally indicate "first-class" on their face (e.g. "Forever" stamps are not specifically identified as "first-class"). Thus, the use of the term "first-class postage stamp" is ambiguous and should be revised.

33-210.101(4)(b) Please explain the apparent disparate treatment of “inmates who cannot read and write in English, Spanish or Creole” with the rest of the prison population.

33-210.101(5)(f) “Greeting cards” are prohibited from being “included with or attached to incoming routine mail.” The term “greeting cards” is generic and is, by Merriam Webster’s definition, “a piece of paper or thin cardboard having any of a variety of shapes and formats and bearing a greeting or message of sentiment.” Therefore, the term includes hand-made cards, regardless of whether folded in the traditional greeting card format, or a single sheet of paper. Is the proposed rule text intended to prohibit all forms of correspondence that fall within this definition or only commercially printed greeting cards? Please revise.

Notwithstanding the provision under subsection 33-210.101(5)(f) that greeting cards “may not be included with or attached to incoming routine mail,” subsection(4)(b) provides that correspondence “may be written on greeting cards.” Please revise.

33-210.101(6) Please see the comment for 33-210.101(4)(b).

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,



Sharon Jones
Chief Attorney