



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor

RON DESANTIS

Secretary

MARK S. INCH

501 South Calhoun Street, Tallahassee, FL 32399-2500

www.dc.state.fl.us

July 23, 2021

Sharon Jones, Chief Attorney
Joint Administrative Procedures Committee
680 Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400

RECEIVED
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE
11:39 am, Jul 23 2021

Re: Response to Comments - Rule 33-210.101, F.A.C.

Dear Ms. Jones:

The Department of Correction's (hereinafter "Department") responses to the comments in your letter dated July 6, 2021, are as follows:

1. 33-210.101(4)(a): Given the comments in your July 6, 2021 letter and comments received during the June 11, 2021 public hearing, the Department will allow for up to 15 pages of materials (back and front) to be sent in one envelope and scanned. The Department will timely file a Notice of Change on this issue.

2. 33-210.101(4)(b):

The Department does not agree that there is any "disparate" treatment of those who do not read and speak either English, Spanish or Creole.

First and foremost, the proposed rule is more expansive in this regard than the current rule in place. The current rule provides that correspondence shall be written in either English or Spanish See Rule 33-210.101(2)(a), F.A.C. Under the proposed rule, Creole is added. Creole was added because it has become a popular language of use, especially the south Florida area. French Creole is the third highest spoken language in Florida, behind English and Spanish.

Second, the proposed rule provides a strong exception to the language requirement. Specifically, it provides as follows:

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 minimus cost to the Department.

It is important to note that this exception has "shall" language, which requires a warden to approve a request under two specific situations- when there is staff that can translate the correspondence, or when it is otherwise possible to obtain translation services at de minimus cost to the Department.

July 23, 2021

Page 2

The Department needs to be able to translate correspondence sent to inmates for security purposes. This proposed rule will allow correspondence written in an additional language from the previous rule, and provides a strong, clear exception.

3. 33-210.101(5)(f): The Department intends to allow the scanning of correspondence written on greeting cards, as long as the greeting card when unfolded does not go over paper size limitations. The Department, however, will not allow unused or blank greeting cards to be sent to inmates, in which blank cards are sent to an inmate for the inmate to fill out and send to family/friends. The Department will revise Sections 33-210.101(5)(f) and 33-210.101(4)(b) in a timely Notice of Change to clarify all ambiguity on this issue.

4. 33-210.101(6): Please see the Department's response to 33-210.101(4)(b) above.

The Department plans to timely file its Notice of Change before the 90-day deadline of August 16, 2021. If you have any continuing questions or concerns, please let me know.

Sincerely,



Jason W. Holman, Esq.
Assistant General Counsel
Florida Department of Corrections
850-717-3605

RECEIVED
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE
11:39 am, Jul 23 2021