

November 25, 2015

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-210.101 Routine Mail

PURPOSE AND EFFECT: The purpose and effect of the amendment is to prohibit inmates of the Department of Corrections from sending or receiving photographs that depict nudity through routine mail.

SUBJECT AREA TO BE ADDRESSED: Department of Corrections routine inmate mail

RULEMAKING AUTHORITY: 944.09 FS

LAWS IMPLEMENTED: 20.315, 944.09 FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA

ADMINISTRATIVE REGISTER. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AS FOLLOWS:

33-210.101 Routine Mail.

(1) through (10) No change

(11) Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) through (j) No change

(k) Contains photographs which depict nudity;

(l)(4) Contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(m)(4) Contains an advertisement promoting any of the following where the advertisement is the focus of, rather than incidental to, the publication, or the advertising is prominent or prevalent throughout the publication.

1. through 4. No change

~~(n)(m)~~ Is not in compliance with incoming mail regulations set forth in subsections (2) and (3) of this rule (incoming mail only);

~~(o)(n)~~ Contains or appears to contain unknown or unidentifiable substances; or

~~(p)(o)~~ Otherwise presents a threat to the security, order, or rehabilitative objectives of the Correctional System, or to the safety of any person.

(12) 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, _____.