

April 27, 2015

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-103.001 Inmate Grievances – General Policy

PURPOSE AND EFFECT: The purpose and effect of the amendment is make clear that inmate grievances that violate Rule 33-602.203(7), F.A.C., will not be treated as grievances, but as contraband. This puts all inmates and Department staff on notice of how such grievances shall be handled.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances

RULEMAKING AUTHORITY: 944.09, FS

LAW IMPLEMENTED: 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:

33-103.001 Inmate Grievances – General Policy.

(1) – (2) No changes.

(3) No inmate grievance presented that violates the provisions of Rule 33-602.203(7), F.A.C., including any grievance which presents a copyright or attempted copyright of an inmate’s name, absent prior written authorization from the warden, shall be treated or processed as a grievance. Any inmate grievance that violates the provisions of Rule 33-602.203(7), F.A.C., will be treated as contraband, will not be processed as a grievance or returned to the inmate, and shall not constitute any step of the grievance process for purposes of exhaustion. When grievances of this nature are submitted that contain serious allegations, staff shall report the issue through the appropriate channels.

(4) (3) Inmates can file complaints regarding the following matters:

(a) – (e) No changes.

~~(5)~~ (4) Inmates cannot file complaints regarding the following matters:

(a) – (d) No changes.

~~(6)~~ (5) Staff in the Bureau of Policy Management and Inmate Appeals shall have unlimited access to information required to respond to inmate grievances and appeals. All department employees are required to cooperate with staff in the inmate grievance office by providing accurate and timely information.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.001, Amended 10-11-00, 10-28-07, 5-27-12, _____.