

September 30, 2011

NOTICE OF PROPOSED RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

CHAPTER NO.: 33-103

RULE:	RULE NO.:
Inmate Grievances - General Policy	33-103.001
Inmate Grievances – Terminology and Definitions	33-103.002
Inmate Grievances - Training Requirements	33-103.003
Inmate Grievances – Staff and Inmate Participation	33-103.004
Informal Grievance	33-103.005
Formal Grievance – Institution or Facility Level	33-103.006
Appeals and Direct Grievances to the Office of the Secretary	33-103.007
Grievances of Medical Nature	33-103.008
Time Frames for Inmate Grievances	33-103.011
Reasons for Return of Grievance or Appeal Without Processing	33-103.014
Inmate Grievances - Miscellaneous Provisions	33-103.015
Follow Through on Approved Grievances	33-103.016
Evaluation of the Grievance Procedure	33-103.018
Inmate Grievances – Forms	33-103.019

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to generally amend what inmates may grieve and to establish a system of limiting the filing of frivolous grievances.

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

WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

33-103.001 Inmate Grievances - General Policy.

(1) through (2) No change.

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

(a) ~~The substance, interpretation, and application of rules and procedures of the department that affect them personally;~~

~~(b) The interpretation and application of state and federal laws and regulations that affect them personally;~~

(c) through (e) renumbered (b) through (d) No change.

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

(a) through (c) No change.

(d) Other matters beyond the control of the department;

(e) Classification decisions such as custody level, work assignment, housing change, transfer, program participation, or placement in close management or administrative confinement.

(5) Staff in the Bureau of Policy Management and Inmate Grievance 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 Specific 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, \_\_\_\_\_.

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) Amendment: Where ~~where~~ used herein, ~~refers to~~ an addition or change to a previously filed grievance.

(2) Bureau of Policy Management and Inmate Grievance Appeals: The bureau authorized by the Secretary to receive, review, investigate, evaluate, and respond to grievance appeals and direct grievances as defined in subsection (10) ~~(8)~~. The Bureau of Policy Management and Inmate Grievance Appeals is located in the Office of the General Counsel Research, Planning and Support Services and is managed by the Chief of Policy Management and Inmate Grievance Appeals.

(3) No change.

(4) Discipline Grievance: A grievance that arises from a complaint about inmate discipline or the disciplinary process in Chapter 33-103, F.A.C. All grievances that arise from complaints about the disciplinary process should be filed at the formal level using Form DC1, 303, Formal Grievance. If the inmate disagrees with the response at the formal level, he or she may file a Disciplinary Grievance to the Office of the Secretary using Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.006. All disciplinary matters appealed to the Office of the Secretary will be responded to by the Bureau of Policy Management and Inmate Appeals.

(5) Emergency Grievance: A grievance ~~Grievance~~ of those matters which, if disposed of according to the regular time frames, would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm to the inmate.

~~(6)(5)~~ Formal Grievance: A ~~This is a~~ statement of complaint filed at the institutional or facility level with the warden, assistant warden, or deputy warden, through the use of Form DC1-303, the Request for Administrative Remedy or Appeal, Form DC1-303. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Formal grievances are addressed in Rule 33-103.006, F.A.C.

(7) Frivolous Filer: An inmate who abuses the grievance process by excessive filings or habitual misuse of the process, whose behavior could hinder access by other inmates and impede staff's ability to resolve legitimate issues within the given timeframes.

(8) Frivolous Grievance – Any grievance that is determined to have no basis in fact and/or is being filed to manipulate staff time and attention and thus abuses the grievance process, thereby impeding the ability of both inmates and staff to address legitimate issues. Examples include filing multiple grievances addressing the same issue and grievances that address issues for which there is no legitimate remedy. When determining if a grievance is frivolous, the number of grievances previously filed or being filed by the inmate shall not be the only determining factor.

~~(6) General Procedure and Practice: Subject matter of a grievance which has a substantial impact on the general inmate population.~~

~~(9)(7)~~ Grievance: A written complaint or petition, either informal or formal, by an inmate concerning an incident, ~~procedure~~, or condition within an institution, facility, or the Department which affects the inmate

complainant personally.

~~(10)(8)~~ Grievance Appeal or, Direct Grievance Grievances, or Central Office Review: A This is a statement of complaint filed with the Secretary of the Department of Corrections through the use of Form DC1-303, the Request for Administrative Remedy or Appeal, Form DC1-303. Appeals and direct grievances are addressed in Rule 33-103.007, F.A.C.

~~(11)(9)~~ Grievance Coordinator: The Refers to the institutional staff member designated by the warden or the Chief bureau chief of the Bureau of Policy Management and Inmate Grievance Appeals to receive, review, investigate, evaluate, and respond to inmate grievances at an institution or facility.

~~(12)(10)~~ Grievance of Reprisal: A Refers to a grievance submitted by an inmate alleging that staff have taken or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure.

~~(13)(11)~~ HIPAA: The Refers to the Health Insurance Portability and Accountability Act of 1996.

~~(14)(12)~~ Informal Grievance: This is an initial statement of complaint filed on Form DC6-236, an Inmate Request, DC6-236, with the staff member who is responsible in the particular area of the problem. Form DC6-236 is incorporated by reference in Rule 33-103.005.

~~(15)(13)~~ Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Policy Management and Inmate Grievance Appeals or his or her representative, the Bureau Chief of Classification or his or her representative, and the Library Services Administrator or his or her representative.

~~(16)(14)~~ Recipient: A person or office receiving an inmate grievance for processing.

~~(17)(15)~~ Reviewing Authority: A staff member Staff who are authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary's representative.

(a) No change.

(b) Formal Grievance:

1. No change.

2. Private Correctional Facilities – warden or, deputy warden, or, when determined by staff in the Bureau of Inmate Grievance Appeals that further review is required, the warden, deputy warden, or the Executive Director of the Privatization Commission;

3. No change.

(c) Grievance Appeals: Chief of Policy Management and Inmate Appeals ~~Bureau chief~~, inmate grievance administrator, or correctional services administrator designated by the Secretary to serve as his representative.

(d) Direct grievances:

1. A direct grievance which is to be reviewed by the warden: The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, ~~grievances challenging placement in close management and subsequent reviews~~, grievances of an emergency nature, or grievances of reprisal ~~or grievances of a sensitive nature~~.

2. A direct grievance which is to be reviewed by the Bureau of Policy Management and Inmate Grievance Appeals: the Bureau Chief, or those staff designated by the Secretary to serve as his representative.

~~(18)(16)~~ Response: The information provided to the inmate relative to the decision to approve, deny, or return the grievance and the reasons for the approval, denial, or return.

Rulemaking Specific 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 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, 3-25-08, \_\_\_\_\_.

33-103.003 Inmate Grievances - Training Requirements.

(1) Staff Training. The Bureau of Policy Management and Inmate Grievance Appeals shall develop a standardized plan to be implemented by the Bureau of Staff Development in order to train staff in the use of the inmate grievance procedure. The training shall be designed to familiarize staff with the provisions of Chapter 33-103, F.A.C., and the standardized forms utilized in the grievance procedure.

(a) through (b) No change.

(c) The provision of training shall be documented on Form DC2-901, Training Attendance Report. Form DC2-901 is hereby incorporated by reference ~~in Rule 33-103.019, F.A.C.~~ Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 6-18-07.

(2) Inmate Orientation. Through the use of a standardized lesson plan, inmates will receive training in the use of the inmate grievance procedure by institution or facility staff. Inmates shall sign a statement acknowledging receipt

of training on the inmate grievance procedure. A copy of this statement shall be placed in the inmate file. Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, shall be used for this purpose. Form DC1-307 is hereby incorporated by reference in Rule 33-103.019, F.A.C. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 10-11-00.

(a) through (b) No change.

(c) The orientation program shall include the following:

1. No change.

2. Availability of the The written procedure shall be available in any language spoken by a significant proportion of the institution's population, and appropriate provisions shall be made for those speaking other languages and, as well as for the impaired and disabled;

3. No change.

4. Provisions shall be made for the impaired and disabled to participate in an orientation program.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.003, Amended 8-1-00, 10-11-00, 2-13-03, 10-9-05,\_\_\_\_\_.

33-103.004 Inmate Grievances – Staff and Inmate Participation.

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or identifying facts. Written comments must be received in the office of the reviewing authority as defined in Rule 33-103.002 paragraph ~~33-103.002(15)(b)~~, F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department's

grievance procedure through the submission of written comments to the reviewing authority as defined in Rule 33-103.002 paragraphs 33-103.002(15)(a) through (e), F.A.C. The reviewing authority shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making authority of the reviewing authority as defined in Rule 33-103.002 paragraphs 33-103.002(15)(a) through (e), F.A.C., shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in Rule 33-103.002 paragraphs 33-103.002(15)(b) through (e), F.A.C., has the authority to make necessary changes in this implementation consistent with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00, 2-9-05, 3-25-08,\_\_\_\_\_.

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance. In the case of an emergency grievance, a grievance of reprisal, ~~a grievance of a sensitive nature~~, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, ~~a grievance challenging placement in close management and subsequent reviews~~, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-.314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) rather than initiating an informal or formal grievance.

(a) No change.

(b) After being logged, informal grievances shall be forwarded to the staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in Rule 33-103.002 paragraph 33-103.002(15)(a), F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member.

(c) No change.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) Check the appropriate box indicating to whom he is submitting the informal grievance. If the inmate checks the box designated "other," he or she shall print the name or title of the person the form is going to in the space underneath the box; and complete the other sections of the heading;

(b) On the line reading "Request," the inmate shall check the box to indicate that Form DC6-236 is being used as an "Informal Grievance." Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. The act of asking questions or seeking information, guidance, or assistance is not considered to be a grievance. Answers to inmate requests of this nature shall not be considered as documentation of having met the informal step if they are ~~it is~~ attached to a formal grievance submitted at the next step. Inmate requests improperly submitted as informal grievances shall be treated as inmate requests and the inmate shall be advised that he cannot appeal the response.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. The inmate must limit all grievance narrative to Form DC6-236; no additional pages of narrative will be allowed ~~If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236.~~ The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance. Form DC6-236 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 5-6-11.

(3) Upon receipt of the informal grievance, the recipient shall note the date on the form.

(4) The recipient shall respond to the inmate following investigation and evaluation of the complaint within 10 days as required by paragraph 33-103.011(3)(a), F.A.C.

(a) through (c) No change.

(d) The response to the informal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day. Form DC1-303 is incorporated by reference in rule 33-103.006, F.A.C.

(5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, 1-31-10,\_\_\_\_\_.

33-103.006 Formal Grievance – Institution or Facility Level.

(1) When an inmate decides to file a formal grievance, he or she shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal, and filing within the time limits set forth in Rule 33-103.011, F.A.C. Form DC1-303 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 2-9-05.

(a) In institutions and private correctional facilities, inmates shall direct this form to the warden or assistant warden or deputy warden as defined in paragraph 33-103.002 (17)(b) ~~33-103.002(15)(b)~~, F.A.C.

(b) In road prisons, vocational centers, work camps, community correctional centers, and contract facilities the form shall be sent to the warden or assistant warden of the supervising institution.

(2) Procedural Requirements.

(a) The inmate shall fill out the identifying data at the top of the form, printing his committed name, Department of Corrections number, and institution or facility name and checking the appropriate box.

(b) No change.

(c) The inmate shall state his grievance in Part A only. ~~If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC1-303.~~ If the inmate writes his complaint anywhere other than within the boundaries of Part A, that portion of the grievance outside of the designated space will not be considered or on attachments, his grievance shall be returned for non-compliance.

(d) through (f) No change.

(g) The inmate shall attach a copy of the informal grievance and the response to the informal grievance to Form ~~his DC1-303 form~~, unless the grievance is a direct formal grievance of the following: an emergency grievance; a grievance of reprisal; ~~a grievance of a sensitive nature~~; a medical grievance; a grievance alleging violation of the Americans with Disabilities Act; a grievance involving gain time governed by Rule 33-601.101, F.A.C.; ~~Incentive Gain Time~~; ~~a grievance challenging placement in close management and subsequent reviews~~; a grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.; or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

(h) The inmate shall submit the grievance or appeal to designated staff by personally placing the grievance or appeal in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator's office, or the assistant warden's office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden's office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The institutional grievance coordinator shall log all formal grievances and provide the inmates with receipts. The appeals will be forwarded to the Bureau of Policy Management and Inmate Grievance Appeals after being processed for mailing in accordance with paragraphs 33-103.006(8)(b) and (c), F.A.C. The Bureau of Policy Management and Inmate Grievance Appeals shall log all appeals and forward receipts to the inmates. Grievances and appeals shall be picked up and forwarded by the institutions daily Monday through Friday.

(i) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of Form DC1-303, ~~the Request for Administrative Remedy or Appeal, Form DC1-303~~. Amendments are to be filed only regarding issues unknown or unavailable to the inmate at the time of filing the original grievance and must be submitted within a reasonable time frame of knowledge of the new information.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. Review complaint and contact staff for additional information if necessary;
2. If an emergency is found to exist, initiate action to alleviate condition giving rise to the emergency;
3. Provide formal response to the inmate within 15 calendar days as required by paragraph 33-103.011(3)(d),

F.A.C.; and

4. If an emergency is not found to exist, a response will be provided to the inmate indicating that the complaint is “not an emergency” with instructions to resubmit at the proper level, signed and dated by the responding employee, and returned to the inmate within 72 hours of receipt.

(b) Grievance of Disciplinary Action – If additional mitigating factors not presented during the disciplinary hearing are provided, a review shall be conducted and applicable modifications made, if necessary.

(c) Grievance of Reprisal.

(d) Grievances involving inmate bank issues ~~Grievance of a Sensitive Nature.~~

(e) Medical Grievance.

(f) Grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time.

(g) Grievance involving sentence structure ~~challenging placement in close management or subsequent review.~~

(h) Grievance alleging violation of the Americans with Disabilities Act.

(i) Grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.

(4) Inmates filing the types of grievances identified in paragraphs (3)(a), (c), and (d) above shall clearly state their reasons for by-passing the informal grievance step and shall state at the beginning of Part A of Form DC1-303, Request for Administrative Remedy or Appeal, the subject of the grievance. Failure to do so and failure to justify filing directly shall result in the formal grievance being returned without action to the inmate with the reasons for the return specified.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraph 33-

103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C.] shall cause the following to occur:

(a) The grievance and related attachments shall be examined for compliance with Chapter 33-103, F.A.C.;

(b) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., a response shall be provided to the inmate within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

(a) The original grievance and one copy shall be returned to the inmate, with the request for interview form (informal grievance) attached. The date the grievance is returned to the inmate (the date the grievance leaves the recipient's ~~recipients~~ office) shall be noted on the form. This is the date that will be used to determine whether or not the inmate has met the fifteen day time limitation in filing his or her appeal to the Office of the Secretary.

(b) The second copy shall be forwarded to the correctional sentence specialist for placement in the inmate's file.

(c) The reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., shall retain a complete copy of the grievance on file.

(d) No change.

(7) The response to the formal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments as required by paragraphs 33-103.007(3)(a) and (b), F.A.C., and forwarding your complaint to the Bureau of Policy Management and Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

(8) Mailing Procedures. The warden or person designated in Rule 33-103.002 ~~paragraph 33-103.002(15)(b)~~, F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances that which require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Policy Management and Inmate Grievance Appeals in ~~the~~ central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

(a) through (b) No change.

(c) A requirement that the staff person designated to accept the grievance to be mailed shall:

1. Complete the receipt portion of Form the DC1-303 form for appeals being forwarded to central office by entering a log/tracking number and, date of receipt, and sign as the recipient.

2. through 3. No change.

(d) through (e) No change.

(f) Upon receipt of a mailed grievance by the reviewing authority as defined in paragraph 33-103.002(15)(b) ~~33-103.002(15)(d)~~, F.A.C., the following shall occur:

1. No change.

a. In the case of a formal grievance being filed, by comparing the receipt date on Form the DC1-303 form to the response date of the informal grievance.

b. In the case of a grievance being filed directly at the institutional level, by comparing the receipt date on Form the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. through 3. No change.

(9) If an inmate is in a special housing unit and wants to file a grievance, he shall submit the grievance to designated staff by placing the grievance in a locked box. The designated staff person shall deliver the box to the institutional grievance coordinator who will unlock the box, remove the grievances, log the grievances, and provide the inmates with receipts.

(10) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07, 3-25-08, \_\_\_\_\_.

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

(1) In the event that an inmate feels that the grievance has not been satisfactorily resolved during the formal grievance procedure, an appeal may be submitted according to the time limits set forth in Rule 33-103.011, F.A.C., using Form DC1-303, the Request for Administrative Remedy or Appeal, ~~Form DC1-303~~, to the Office of the Secretary without interference from staff. Form DC1-303 is incorporated by reference in Rule 33-103.006.

(2) Procedural Requirements.

(a) The inmate shall fill out the identifying data at the top of the form by printing his committed name, Department of Corrections number, and institution or facility name and shall check the appropriate box;

(b) The inmate shall state his grievance in Part A. ~~If additional space is needed, the inmate shall use attachments rather than multiple copies of Form DC1-303.~~ If the inmate writes his complaint anywhere other than within the boundaries of ~~the Part A Box or on attachments,~~ the his grievance shall be returned for non-compliance;

(c) through (f) No change.

(3) The Office of the Secretary has designated the Bureau of Policy Management and Inmate Grievance Appeals to receive, review, investigate, evaluate and respond to appeals and direct grievances filed with the Office of the Secretary. Appeals and direct grievances to the Office of the Secretary shall be turned over that same date to the Bureau of Policy Management and Inmate Grievance Appeals which shall ensure that the grievance is date-stamped in on the date of receipt. Upon receipt of the appeal or direct grievance by the Bureau of Policy Management and Inmate Grievance Appeals, the following shall occur:

The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

(a) through (b) No change.

(4) Upon receipt of the grievance appeal or direct grievance, the Chief of Policy Management and Inmate Grievance Appeals shall cause the following to occur:

(a) through (d) No change.

(e) Following appropriate investigation and evaluation by staff of the Bureau of Policy Management and Inmate Grievance Appeals, a response shall be provided to the inmate. The degree of investigation is determined by the complexity of the issue and the content of the grievance.

(f) The response shall state whether the appeal or direct grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial, or return. The criteria considered in approving, denying, or returning an appeal or direct grievance will vary with the facts of the grievance.

(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) Attach a copy of his formal grievance and response;

(b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary

action (excluding corrective consultations), medical issues, admissible reading material, ~~placement in close management and subsequent reviews~~, violation of the Americans with Disabilities Act, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., ~~Incentive Gain Time~~;

(c) Attach any other documentation that the inmate has that is pertinent to the review and that the inmate wants reviewed. Attachments as required by the rule that do not meet the requirements of this rule may result in the grievance being returned to the inmate.;

(d) No change.

(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of Form DC1-303, ~~the Request for Administrative Remedy or Appeal, Form DC1-303~~.

(6) Direct Grievances.

(a) Emergency grievances and, grievances of reprisals, ~~or grievances of a sensitive nature~~ may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303.

Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using Form DC1-303, ~~the Request for Administrative Remedy or Appeal, Form DC1-303~~. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency, or is a grievance of a reprisal, ~~or a grievance of a sensitive nature~~. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. The inmate must clearly state the reason for not initially bringing the complaint to the attention of institutional staff and by-passing the informal and formal grievance steps of the institution or facility, except in the case of a HIPAA violation grievance, which must be filed directly with the Office of the Secretary.

3. The inmate may forward grievances of these four types to the Office of the Secretary in a sealed envelope by following the procedure set out in paragraph 33-103.006(8)(d), F.A.C. When a direct grievance alleging violation of HIPAA is received at the Office of the Secretary, the Bureau of Policy Management and Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use

and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Policy Management and Inmate Grievance Appeals to ensure appropriate filing and routing.

(b) Emergency Grievances. An emergency grievance may be filed directly with the Secretary. Upon receipt, staff of the Bureau of Policy Management and Inmate Grievance Appeals shall take the following actions as soon as possible, but no later than two calendar days following receipt:

1. through 2. No change.

3. Provide a formal response to the inmate within 15 calendar days; and

4. If an emergency is not found to exist, the grievance will be stamped “not an emergency<sub>1</sub>”; signed and dated by the responding employee<sub>2</sub> and returned to the inmate within three working days of receipt as his reasons for bypassing the previous level of review will not be valid.

(c) Grievances filed directly with the Office of the Secretary that are grievances of reprisal, ~~grievances of a sensitive nature~~, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

(d) Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, ~~or a grievance of a sensitive nature~~, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these four types of grievances.

(7) No change.

(8) Copies.

(a) The original copy of the grievance shall be returned to the inmate. The response shall be stamped “MAILED/FILED WITH AGENCY CLERK” along with the date mailed; the response shall be mailed on the same date that it is stamped. The response is deemed filed with the agency clerk on the date that it is stamped and mailed. The time period for appeal begins to run on the date that the response is stamped and mailed. If the inmate is transferred, it is his or her responsibility to notify the Bureau of Policy Management and Inmate Grievance Appeals.

(b) One copy of the grievance shall be sent to the warden of the institution or facility the inmate is assigned to

for review and forwarding for inclusion in the inmate file.

(c) The second copy shall be forwarded to the Bureau of Classification and Central Records for inclusion in the inmate's central office file.

(d) Attachments are considered a part of the grievance and shall not be returned to the inmate, except in those cases where the inmate submits sufficient copies of attachments at the time the grievance appeal is filed.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06, 3-25-08, \_\_\_\_\_.

33-103.008 Grievances of Medical Nature.

(1)(a) If a formal grievance of a medical nature is filed at the institutional level, it shall be forwarded to the institution's chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the warden or assistant warden or deputy warden to ensure appropriate filing and routing. If the chief health officer is not the responding employee, the chief health officer shall review and initial the response prior to returning the grievance. ~~In the absence of the chief health officer, the review and initialing of the grievance will be made by the Director of Regional Health Care or the acting chief health officer who is designated in writing by the Director of Regional Health Care.~~

~~(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(b), F.A.C., it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.~~

~~(e)~~ Other procedures applicable to the processing of a formal grievance of a medical nature are as stated in Rule 33-103.006, F.A.C.

(2) If a grievance appeal of a medical nature is received by the Office of the Secretary, the Bureau of Policy Management and Inmate ~~Grievance~~ Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to

respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Policy Management and Inmate Grievance Appeals to ensure appropriate filing and routing. Other procedures applicable to the processing of a grievance appeal of a medical nature are as stated in Rule 33-103.007, F.A.C.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., ~~45 C.F.R. Part 160, 164.~~ History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, 2-9-05, 3-25-08, \_\_\_\_\_.

#### 33-103.011 Time Frames for Inmate Grievances.

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

##### (1) Filing of Grievances.

(a) Informal Grievances – Must be received within 20 days ~~a reasonable time~~ of when the incident or action being grieved occurred. ~~Reasonableness shall be determined on a case by case basis. Availability of witnesses and relevant documentary evidence are factors, among others, which should be looked at in determining reasonableness.~~

(b) through (d) No change.

(2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(17)(b) ~~33-103.002(15)(b)~~ and (c), F.A.C., or the Secretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.

##### (3) Responding to Grievances.

(a) No change.

(b) Formal Grievances – The reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.

(c) through (d) No change.

(4) The time limit for responding to grievances and appeals may be extended for a reasonable period agreeable to both parties if the extension is agreed to in writing by the inmate. Unless the grievant has agreed in writing to an extension, expiration of a time limit at any step in the process shall entitle the complainant to proceed to the next step of the grievance process. If this occurs, the complainant must clearly indicate this fact when filing at the next step. If the inmate does not agree to an extension of time at the central office level of review, he shall be entitled to proceed with judicial remedies as he would have exhausted his administrative remedies. The Bureau of Policy Management and Inmate Grievance Appeals will nevertheless ensure that the grievance is investigated and responded to even though an extension has not been agreed to by the inmate.

(5) If the 15th day referenced in paragraphs 33-103.011(1)(b), (c) and (d), F.A.C., falls on a weekend or holiday, the due date shall be the next regular work day.

Rulemaking Specific 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 33-29.011, Amended 2-9-05, 3-25-08,\_\_\_\_\_.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

(1) The informal grievance, formal grievance, direct grievance ~~filed direct~~, or grievance appeal, hereafter referred to as “grievance,” ~~in this section of the rule~~ may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.

(a) The grievance addresses more than one issue or complaint.;

(b) The grievance is so broad, general or vague in nature that it cannot be clearly investigated, evaluated, and responded to.;

(c) The grievance is not written legibly and cannot be clearly understood.;

(d) The formal grievance was not received within 15 calendar days of the date of the response to the informal grievance.;

(e) The formal grievance was not received within 15 calendar days of the date on which the incident or action being complained about occurred, if an informal grievance was not filed pursuant to subsection 33-103.006(3), F.A.C.;

(f) through (l) No change.

(m) The inmate has been designated a frivolous filer as defined in Rule 33-103.002, F.A.C., and is filing more

than the allowable number of grievance during the restriction period. This will not apply to emergency grievances

~~The inmate has used multiple copies of grievance forms rather than attachments as continuation sheets.~~

(n) through (o) No change.

(p) The inmate is raising allegations and charges in a grievance appeal that have not been raised below at the previous level. (Since this is an appellate review process and not a fact-finding process, it is not appropriate to raise new allegations, charges, and facts that the previous decision maker has not had an opportunity to investigate and respond to.)

(q) No change.

(r) The inmate has filed a supplement to a grievance or appeal ~~that which~~ has already been accepted. An exception will be made when the supplement contains relevant and determinative information ~~that which~~ was not accessible to or known by the inmate at the time the original grievance or appeal was filed.

(s) Complaints are raised by an inmate regarding incidents, ~~procedures, policies or rules~~ that do not affect the inmate personally.

(t) The inmate ~~had~~ filed a grievance at the institutional level that should have been filed directly with the Office of the Secretary.

(2) An inmate who has a grievance returned to him for reasons stated in subsection (1) above [excluding paragraph (1)(d), (e), (h), (i), (n), (o), (q), (r) or (s)] may refile utilizing the proper procedure or correct the stated deficiency and refile if upon receipt of this notification the filing is within time frames allowable if the return is for a reason other than filing frivolous grievances. When a grievance is returned to an inmate for being improperly filed, the inmate shall be told why the grievance was returned and told that in order ~~for him~~ to receive administrative review of his complaint he must correct the defects and re-submit the grievance within the time frames set forth in Rule 33-103.011, F.A.C., unless instructed otherwise in the grievance response. Instructions to resubmit are not necessary if a grievance is returned for reasons stated in paragraph (1)(d), (e), (h), (i), (n), (o), (q), (r), (m) or (s). Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended 6-29-03, 2-9-05, \_\_\_\_\_.

33-103.015 Inmate Grievances - Miscellaneous Provisions.

(1) Inmates shall be allowed to seek assistance from other inmates or staff members in completing the grievance

forms as long as the assistance requested does not interfere with the security and order of the institution.

(2) Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any living unit or confinement unit. Form Dc6-236 is incorporated by reference in Rule 33-103.005, F.A.C. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C.

(3) The warden, assistant warden, or deputy warden (deputy warden applicable to private facilities only) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, ~~grievances challenging placement in close management and subsequent reviews,~~ grievances of an emergency nature, or grievances of reprisal ~~or grievances of a sensitive nature~~ that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden; the assistant warden or deputy warden shall only be authorized to sign as acting warden in the warden's absence, and must indicate "Acting Warden" beside his or her signature.

(4) No change.

(5) The response to an informal grievance and a formal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining Form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments as required, and forwarding your complaint to the warden, assistant warden, deputy warden or the Bureau of Policy Management and Inmate Grievance Appeals.

(6) At no time will an inmate who is alleging that he was physically abused as described in Section 944.35(3), F.S., or alleging reprisal by staff, as defined in Rule 33-103.002 ~~subsection 33-103.002(10)~~, F.A.C., be directed to submit his or her grievance to the staff person who is the subject of the complaint, nor will the grievance be referred to a staff person who is the subject of the complaint.

(7) Writing paper and writing utensils shall be provided to those inmates who have insufficient funds in their accounts at the time the materials are requested if such are needed to prepare the grievance or grievance appeal. These supplies shall be available from the institution library, classification department, classification staff, and the

housing officer of any living unit or confinement unit.

(8) Copying services for documents to be included as attachments to a grievance or grievance appeal shall be handled according to Rule 33-501.302, F.A.C., except that copying services shall not be provided to make copies of Form DC6-236 or Form DC1-303, ~~attachments that are a continuation of the request portion of Form DC6-236, or attachments that are a continuation of Part A of Form DC1-303.~~

(9) No change.

(10) If an inmate is identified as abusing the grievance process by filing frivolous grievances as defined in 33-103.002, F.A.C., the warden or designee shall counsel the inmate regarding the consequences of abusing the grievance system. If system abuse continues the warden or his/her designee shall give the inmate a written warning to cease the activity. If the inmate continues filing frivolous grievances, the warden or designee shall scan and attach all related grievance documents to include the written warning and forward to the Bureau of Policy Management and Inmate Grievance Appeals electronically. In coordination with insitutional staff, the Bureau of Policy Management and Inmate Grievance Appeals will determine if the inmate meets the definition of a frivolous filer pursuant to Rule 33-103.002, F.A.C. If it is determined that the inmate has filed frivolous grievances after being counseled and receiving a written warning:

(a) The insitution will be notified through electronic mail of the decision to limit the inmate's ability to file non-emergency grievances. A copy of this notice will be provided to the inmate.

(b) The inmate will be limited to 5 non-emergency grievances per week (7 calendar days) for a period of 90 days. Institutional staff will track and monitor the inmate's grievance activity during the period of restriction. The period of restriction will begin on the day the inmate has been notified in writing.

(c) If after 90 days the inmate has had no incidents of filing frivolous grievances the restriction shall be lifted.

(d) If the inmate continues to file frivolous grievances during the 90 day restriction period, institutional staff may request to the Bureau of Policy Management and Inmate Grievance Appeals through electronic mail an extension of the restriction time period. The period of restriction may be exrended for 30 days. If the Bureau determines that the inmate has continued to file frivolous grievances during the restricted period, the period of restriction shall be extended for 30 days, The 30 day extension shall be added to the end of the original 90 day restriction period and the institution shall be notified electronically of the decision. A copy of the notice shall be provided to the inmate. Restriction extensions of 30 days each may be granted for as long as the inmate continues to

abuse the grievance process.

(e) An inmate will not be identified as a frivolous grievance filer based solely on the number of grievances filed.

(f) An inmate's ability to file grievances on issues outlined in 33-103.007 will not be limited by the designation as a frivolous filer.

(11) A copy of these rules shall be available for access by inmates at a minimum in the inmate library and from the housing officer of any confinement unit.

(12)(11) Provisions shall be made to ensure that grievances submitted by confinement inmates are collected on a daily basis, and that those grievances which require mailing are processed in accordance with Rule 33-103.006 subsection 33-103.006(8), F.A.C.

(13)(12) Staff shall respond to inquiries made by the Bureau of Inmate Grievance Appeals by the close of business on the seventh day after the request.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, 2-9-05, 9-4-05, 10-28-07,\_\_\_\_\_.

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances that which are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of Form form DC1-306, Grievance Approval Action Form. Form DC1-306 is hereby incorporated by reference in Rule 33-103.019, F.A.C. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 08-01-00.

(b) The approving employee shall then send Form form DC1-306 and a copy of the approved formal grievance to the grievance coordinator in the event they are not one and the same.

(c) The grievance coordinator shall complete Sections II, III, and IV of Form form DC1-306. The grievance coordinator shall then provide the form DC1-306 and a copy of the approved grievance to the staff member(s) assigned responsibility for implementing the approved action. The grievance coordinator shall monitor this process.

(d) The assigned staff member(s) shall complete Section V of Form form DC1-306, stating what steps were taken to implement the approved action. This shall not be done until after the steps have been taken. The assigned

staff member(s) shall have 30 calendar days from the date the grievance was approved within which to implement the approved action. In the event that actual implementation cannot be completed within the 30 day period due to circumstances beyond the control of department staff, the assigned staff member(s) shall indicate this and the reasons therefor in Section V within the 30 day period. The form shall be held by the assigned staff member until the corrective action has been taken.

(e) No change.

(f) The grievance coordinator shall complete Section VII of Form form DC1-306, place a copy of the form in the grievance record log, and attach a copy of the form DC1-306 to the copy of the approved grievance in the inmate's file. A copy of the form shall not be sent to central office.

(2) Appeals and direct grievances to the Office of the Secretary. All grievances that which are approved by the ~~Office of the Secretary~~/Bureau of Policy Management and Inmate Grievance Appeals shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of Form form DC1-306.

(b) The approving employee shall then mail Form form DC1-306, along with a copy of the approved grievance or appeal, to the appropriate warden's office.

(c) The warden shall forward Form the DC1-306 to the institutional grievance coordinator who shall complete Sections II, III, and IV of the form DC1-306. The grievance coordinator shall then provide the form DC1-306 and a copy of the approved grievance to the staff member(s) assigned responsibility for implementing the approved action. The grievance coordinator shall monitor this process.

(d) The assigned staff member(s) shall complete Section V of Form form DC1-306 stating what action was taken to carry out the approval. This shall not be done until after the action has actually been taken. The assigned staff member(s) shall have 35 calendar days from the date the grievance or appeal was approved within which to implement the approved action. In the event that actual implementation cannot be completed within the 35 day period due to circumstances beyond the control of department staff, the assigned staff member(s) shall indicate this and the reasons therefor in Section V. The form shall be held by the assigned staff member until the corrective action has been taken.

(e) No change.

(f) The grievance coordinator shall place a copy of the completed form in the inmate's institutional file, retain a copy for his record, and forward the original and canary copy of the form DC1-306 to the Chief of Policy

Management and Inmate Grievance Appeals within 45 calendar days from the grievance approval date. The Chief shall ensure that the inmate grievance log in the Bureau of Policy Management and Inmate Grievance Appeals is updated and that a copy of Form form DC1-306 is sent to the central office inmate file.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06, 3-25-08, \_\_\_\_\_.

33-103.018 Evaluation of the Grievance Procedure.

The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Office of Internal Audit. This evaluation shall include information obtained from a survey of staff and inmates, review of employees' and inmates' comments on the effectiveness and credibility of the procedure ~~pursuant to subsection 33-103.004(2), F.A.C.~~, on-site visits to institutions and facilities by staff of the Bureau Office of Internal Audit, and from monthly reports prepared by the Bureau of Policy Management and Inmate Grievance Appeals.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended 2-9-05, \_\_\_\_\_.

33-103.019 Inmate Grievances – Forms.

~~The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 2-9-05.~~

~~(2) Form DC6-236, Inmate Request, effective 10-19-09.~~

~~(3) Form DC1-306, Grievance Approval Action Form, effective 8-1-00.~~

~~(4) Form DC2-901, Training Attendance Report, effective 6-18-07.~~

~~(5) Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, effective 10-11-00.~~

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, 6-18-07, 8-27-07, 10-19-09, Repealed.