

July 27, 2015

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.001

RULE TITLE: Inmate Grievances – General Policy

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to make it clearer to both inmates and Department staff that “grievances” that violate Rule 33-602.203(7), F.A.C., “Control of Contraband,” will not be treated as grievances, but as contraband.

SUMMARY: The proposed rule will add a new subsection (3), stating clearly that if an inmate submits what purports to be a grievance, but that violates Rule 33-602.203(7), Control of Contraband, such “grievance” shall constitute and be treated as contraband, will not be returned to the inmate, and will constitute no part of the grievance process. Moreover, the issue of such “grievances” shall be reported by staff through the appropriate channels.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Department has determined that this rule will not have an adverse impact on small business and is not expected to directly or indirectly increase regulatory costs more than \$200,000 within a year of taking effect. A SERC has not been prepared by the Department. The Department has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), FS. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, FS

LAW IMPLEMENTED: 944.09, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan McManus, Chief of Policy Management and Inmate Appeals.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2015.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 27, 2015.