

## Notice of Proposed Rule

### DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-103.001 Inmate Grievances – General Policy

**PURPOSE AND EFFECT:** Rule amendment is necessary to add the requirement that, when requesting that the Department adopt, amend, or repeal a rule, an inmate must file a Petition to Initiate Rulemaking, in addition to using the grievance process described in Chapter 33-103, Florida Administrative Code, prior to seeking relief in court. This amendment will promote efficiency and conserve judicial resources by providing the Department and inmates an additional opportunity to resolve inmate concerns regarding the Department's administrative rules prior to the inmate seeking relief in court.

**SUMMARY:** The proposed amendment adds the requirement that, when requesting that the Department adopt, amend, or repeal a rule, an inmate must file a Petition to Initiate Rulemaking, in addition to using the grievance process described in Chapter 33-103, Florida Administrative Code, prior to seeking relief in court.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. 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), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 944.09, 944.331, F.S.

**LAW IMPLEMENTED:** 944.09, 944.331, F.S.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399 (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Office of the General Counsel, Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### **33-103.001 Inmate Grievances – General Policy.**

(1) The purpose of the grievance procedure is to provide an inmate with a channel for the administrative settlement of a grievance. In addition to providing the inmate with the opportunity of having a grievance heard and considered, this procedure will assist the Department by providing additional means for internal resolution of problems and improving lines of communication. This procedure will also provide a written record in the event of subsequent judicial or administrative review. The inmate grievance procedure was fully certified by the United States Department of Justice in March, 1992, pursuant to the requirements of Sections 944.09 and 944.331, F.S.

(2) through (3) No change.

(4) 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) No change.

(c) Reprisals against inmates for filing a complaint or appeal under the inmate grievance procedure, or for participating in an inmate grievance proceeding;

(d) through (e) No change.

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

(a) The substance of state and federal court decisions;

(b) The substance of state and federal laws and regulations;

(c) No change.

(d) Other matters beyond the control of the Department.

(6) If an inmate is requesting that the Department adopt, amend, or repeal a rule, the inmate must file a Petition to Initiate Rulemaking in addition to utilizing the grievance process in Chapter 33-103, F.A.C. The requirements for filing a Petition to Initiate Rulemaking can be found in s. 120.54(7), F.S.

(7)(6) 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 must ~~are required to~~ cooperate with staff in the inmate grievance office by providing accurate and timely information.

*Rulemaking Authority 944.09, 944.331, FS. Law Implemented 944.09, 944.331, 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, 11-17-15,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Daniel A. Johnson, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ricky D. Dixon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 26, 2023