

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) Each inmate shall be entitled to invoke the grievance procedure regardless of any disciplinary, classification or other administrative action or legislative decision to which the inmate may be subject. Each institution shall ensure that the grievance mechanism is accessible to inmates who have disabilities. This may be accomplished by providing assistance through the institution library if requested.

(3) No purported inmate grievance presented that violates the provisions of subsection 33-602.203(7), F.A.C., including any purported grievance that presents a copyright or attempted copyright of an inmate's name, absent prior written authorization from the warden, may shall be treated or processed as a grievance. Any purported inmate grievance that violates the provisions of subsection 33-602.203(7), F.A.C., shall be treated as contraband, shall not be processed as a grievance or returned to the inmate, is not a grievance, and shall not constitute any step of the grievance process for purposes of exhaustion. When such a purported grievance is submitted and contains any allegation of physical abuse, excessive force, or sexual abuse, or any other allegation that, if true, would put the inmate's physical well-being in jeopardy, the allegation(s) shall be reported to the Office of the Inspector General. Any purported grievance containing such an allegation shall, nonetheless, be treated as contraband, shall not be processed as a grievance or returned to the inmate, is not a grievance, and shall not constitute any step of the grievance process for the purposes of exhaustion.

(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) The interpretation and application of state and federal laws and regulations that affect them personally;
- (c) Reprisals against inmates for filing a complaint or appeal under the inmate grievance procedure, or for participating in an inmate grievance proceeding;
- (d) Incidents occurring within the institution that affect them personally;
- (e) Conditions of care or supervision within the authority of the Florida Department of Corrections, except as noted herein.

(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) Parole decisions;
- (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)~~ 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,_____.