

Notice of Change/Withdrawal

DEPARTMENT OF CORRECTIONS

RULE NOS.:RULE TITLES:

- 33-103.002 Inmate Grievances - Terminology and Definitions
- 33-103.006 Formal Grievance - Institution or Facility Level
- 33-103.007 Appeals and Direct Grievances to the Office of the Secretary
- 33-103.011 Time Frames for Inmate Grievances

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 156, August 12, 2013 issue of the Florida Administrative Register.

The changes are in response to comments made at a public hearing held on September 27, 2013 and comments made by the Joint Administrative Procedures Committee in letters dated September 11, 2013. The changes are as follows:

Remove 28 CFR 115 from the law implemented sections of Rules 33-103.002, 33-103.006, 33-103.007, and 33-103.011.

Change the last sentence at the bottom of Form DC1-303, above the words "Receipt for Appeals Being Forwarded to Central Office" so it shall read as:

If the inmate does not provide a valid reason or if the Secretary or his designated representative determines that the reason supplied is not adequate, the grievance will be returned to the inmate for processing at the institutional level pursuant to F.A.C. 33-103.007 (6)(d).

Rule 33-103.006(2)(j) shall read as:

(j) If the inmate or third party is filing a grievance involving sexual abuse, it shall be clearly stated in the first line of the grievance that it is a grievance related to sexual abuse. Also on Form DC1-303 the third party filer shall check the box next to Third Party Grievance Alleging Sexual Abuse. If this statement is not included in the grievance and if the third party box is not checked, the grievance shall be responded to. This will not be a reason to return the grievance without action to the filer.

Rule 33-103.006(3)(j)1. shall read as:

1. If an inmate believes he or she is the victim of sexual abuse they should immediately report it. There are several ways that allegations of sexual abuse may be reported, filing a grievance is one of those ways. If an inmate decides to use the grievance process to report sexual abuse they must complete form DC1-303, Request for Administrative Remedy or Appeal and file within the requirements and guidelines listed below. This rule is established to meet the requirements of the Prison Rape Elimination Act (PREA) of 2003. 28 CFR Part 115.

Rule 33-103.006(3)(j)1.g. shall read as:

g. The Department shall claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision due to the need for additional investigation. The inmate shall be notified in writing of the extension and a date by which a decision will be made.

Subsection (3)(j)2. shall be deleted from Rule 33-103.006.