

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) 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.

(4) 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.

(5) Staff in the Bureau of 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.

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 used herein, refers to an addition or change to a previously filed grievance.
- (2) Bureau of 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 (8). The Bureau of Inmate Grievance Appeals is located in the Office of Research, Planning and Support Services and is managed by the Chief of Inmate Grievance Appeals.
- (3) Complainant: The inmate filing the grievance.
- (4) Emergency 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.
- (5) Formal Grievance: 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 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.
- (6) General Procedure and Practice: Subject matter of a grievance which has a substantial impact on the general inmate population.
- (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.
- (8) Grievance Appeal, Direct Grievances, or Central Office Review: This is a statement of complaint filed with the Secretary of the Department of Corrections through the use of the Request for Administrative Remedy or Appeal, Form DC1-303. Appeals and direct grievances are addressed in Rule 33-103.007, F.A.C.
- (9) Grievance Coordinator: Refers to the institutional staff member designated by the warden or the bureau chief of the Bureau of Inmate Grievance Appeals to receive, review, investigate, evaluate, and respond to inmate grievances at an institution or facility.
- (10) Grievance of Reprisal: Refers to a grievance submitted by an inmate alleging that staff have or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure.
- (11) HIPAA: Refers to the Health Insurance Portability and Accountability Act of 1996.
- (12) Informal Grievance: This is an initial statement of complaint filed on 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 33-103.019, F.A.C.
- (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 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.
- (14) Recipient: A person or office receiving an inmate grievance for processing.
- (15) Reviewing Authority: 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) Informal Grievance:
Staff member who is responsible for the issue grieved.
 - (b) Formal Grievance:
 1. Major Institutions – warden or assistant warden;
 2. Private Correctional Facilities – warden, 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. Road Prisons, Vocational Centers, Work Camps, Community Correctional Centers, and Contract Community Facilities – warden or assistant warden of the supervising institution.
 - (c) Grievance 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, grievances of reprisal or grievances of a sensitive nature.

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

(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.

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 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) This training shall be provided to all new institutional and community facility employees in conjunction with the institution's and community facility's new employee orientation program.

(b) This training shall also be provided annually for all institutional and community facility staff who respond to inmate grievances.

(c) The provision of training shall be documented on Form DC2-901, Training Attendance Report. Form DC2-901 is incorporated by reference in Rule 33-103.019, F.A.C.

(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 incorporated by reference in Rule 33-103.019, F.A.C.

(a) All incoming inmates shall receive training in the grievance procedure at the institutions that are designated for reception and orientation.

(b) When inmates are transferred from one institution or facility to another, they shall receive training in the inmate grievance procedure as part of their orientation at the new location.

(c) The orientation program shall include the following:

1. Receipt of written notification of the grievance procedure;
2. 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, as well as for the impaired and disabled;
3. Participation in orientation in which the grievance procedure is explained and in which there is an opportunity to ask questions and have them answered orally; and
4. Provisions shall be made for the impaired and disabled to participate in an orientation program.

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 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 paragraphs 33-103.002(15)(a) through (c), 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 paragraphs 33-103.002(15)(a) through (c), 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 paragraphs 33-103.002(15)(b) through (c), 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) Employees shall have access to this rule through rule books maintained in the departments within the institution to which they are assigned.

(4) Inmates shall have access to this rule from the inmate library. Inmates who are not in open population shall be able to access this rule through their housing officer in the confinement unit. Inmates in institutions or facilities without libraries shall have access to this rule from the classification office or security shift supervisor's office.

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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) An informal grievance shall be submitted to the designated staff by personally placing the informal grievance 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 warden shall designate one (1) staff member who shall log all informal grievances and distribute to the appropriate department or staff.

(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 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) The inmate shall not file duplicate informal grievances with different staff members.

(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 top of the page, or on the same line as the word "Request", or on the first line of the request section the inmate shall print the words "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 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. 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.

(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) The recipient shall provide the inmate with a written response even if an interview with the inmate has occurred concerning the subject matter of the grievance. This is required due to the fact that if the inmate desires to pursue his grievance at the next level, except in cases previously noted, he is required to attach a copy of his informal grievance and response.

(b) The recipient shall state that the grievance is either approved, denied, or returned without action. The response shall also state the reason or reasons for the approval, denial, or return.

(c) The recipient shall then sign and date the form and cause the informal grievance to be returned to the inmate. The inmate shall receive the original and one copy of the informal grievance. The second copy shall be forwarded to the correctional sentence specialist for placement in the inmate's file.

(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.

(5) It is the policy of the department that all inmate request forms be answered.

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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.

(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(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, institution or facility name and checking the appropriate box.

(b) The inmate shall sign and date the form, indicating his Department of Corrections number. If the inmate fails to sign the grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance.

(c) The inmate shall state his grievance in Part A. 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 or on attachments, his grievance shall be returned for non-compliance.

(d) The form must be legible and the grievance clearly stated.

(e) Included facts must be accurately stated.

(f) Each grievance must address only one issue or complaint.

(g) The inmate shall attach a copy of the informal grievance and the response to the informal grievance to 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 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 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 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(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(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) 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 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(15)(b), F.A.C.] shall cause the following to occur:

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

(b) A computer generated receipt or Part C, receipt section of the grievance, shall be completed and returned to the inmate;

(c) The subject matter of the grievance, shall be indicated on the receipt according to the classification of grievances, Rule 33-103.013, F.A.C.;

(d) A formal grievance may be returned to the inmate for any one or more of the reasons stated in Rule 33-103.014, F.A.C., with no further processing.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraph 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 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(15)(b), F.A.C., shall retain a complete copy of the grievance on file.

(d) Other attachments are considered to be 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 formal grievance is filed.

(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 Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(8) Mailing Procedures. The warden or person designated in 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 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 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) The establishment of an office through which grievances shall be processed.

(b) The establishment of a logging and tracking system to record and document receipt and mailing of inmate grievances.

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

1. Complete the receipt portion of the DC1-303 form for appeals being forwarded to central office by entering a log/tracking number, date of receipt, and sign as the recipient.
2. Record receipt of the grievance in the institutional log. The staff person shall not read or classify the grievance.
3. Place the grievance in the mail through the institution or facility mail service within one workday.

(d) The inmate shall have his grievance ready for mailing at the time he turns it over to staff for processing as described in paragraph (c) above. Once this process has been completed, the grievance will not be returned to the inmate. If the inmate desires his grievance to be forwarded in a sealed envelope, the inmate shall provide to the staff a properly addressed envelope so that once the grievance is processed by staff, the grievance can be placed into the envelope and sealed for forwarding.

(e) If the inmate elects to mail the grievance to central office directly and bypass the logging/tracking process, the inmate may submit his or her grievance in a sealed envelope to be placed in the institutional bulk mail that is to be mailed daily to central office.

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

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

a. In the case of a formal grievance being filed, by comparing the receipt date on 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 the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. The receiving office shall review the grievance and determine the classification of the grievance and enter the same on the receipt that is returned to the inmate.

3. The receiving office shall then process the grievance filed by the inmate in accord with the provisions set forth in Rule 33-103.006 or 33-103.007, F.A.C., as appropriate.

(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) The employee responding to the formal grievance should not be the same employee who responded to the informal grievance (if one was filed) unless circumstances dictate that this cannot be avoided.

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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 the Request for Administrative Remedy or Appeal, Form DC1-303, to the Office of the Secretary without interference from staff.

(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, his grievance shall be returned for non-compliance;

(c) The inmate shall sign and date the form, indicating his Department of Corrections number. If the inmate fails to sign the grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance;

(d) The form shall be legible and the grievance shall be clearly stated;

(e) Included facts shall be accurately stated; and

(f) Each grievance shall address only one issue or complaint.

(3) The Office of the Secretary has designated the Bureau of 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 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 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) In the case of an appeal being filed with the central office, by comparing the receipt date on the DC1-303 form to the response date of the formal grievance.

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

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

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

(b) A receipt shall be provided to the inmate;

(c) The subject matter of the grievance shall be indicated on the receipt according to the classification of the grievance, as specified in Rule 33-103.013, F.A.C.

(d) A grievance appeal or direct grievance may be returned to the inmate for any one or more of the reasons stated in Rule 33-103.014, F.A.C., without further processing.

(e) Following appropriate investigation and evaluation by staff of the Bureau of 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) Submit the complete form with attachments to the Office of the Secretary in accordance with subsection 33-103.006(8),

F.A.C. Failure to submit a complete grievance shall result in the grievance being returned to the inmate without action.

(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 the Request for Administrative Remedy or Appeal, Form DC1-303.

(6) Direct Grievances.

(a) Emergency grievances, 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 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 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 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 Inmate Grievance Appeals shall take the following actions 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 the condition giving rise to the emergency;
3. Provide 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", signed and dated by the responding employee and returned to the inmate within three working days of receipt as his reasons for by-passing 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) If the grievance is returned to the institution or facility or privatization commission for further investigation or response, the inmate may, following receipt of that response, re-file with the Office of the Secretary pursuant to Rule 33-103.007, F.A.C., if he is not satisfied with the response.

(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 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 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.

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.

(c) 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 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 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.

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.

33-103.009 Grievance Relating to Admissible Reading Material.

A complaint concerning disapproval of reading material shall be processed according to the provisions of Rule 33-504.401, F.A.C., and this chapter.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 9-8-92, Formerly 33-29.009.

33-103.010 Grievances Regarding Lost Personal Property.

Grievances concerning lost personal property shall be processed according to the provisions of this chapter and paragraphs 33-602.201(14)(a) through (e), F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 6-1-97, 12-7-97, Formerly 33-29.010, Amended 2-9-05.

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 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) Formal Grievances – Must be received no later than 15 calendar days from:

1. The date on which the informal grievance was responded to; or
2. The date on which the incident or action being grieved occurred if an informal grievance was not filed pursuant to the circumstances specified in subsection 33-103.006(3), F.A.C.

(c) Grievance Appeals to the Office of the Secretary – Must be received within 15 calendar days from the date of the response to the formal grievance.

(d) Direct Grievances to the Office of the Secretary – Must be received within 15 calendar days from the date on which the incident or action which is the subject of the grievance occurred.

(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(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) Informal Grievances – Within 10 calendar days following receipt of an informal grievance by the staff member, a written response shall be provided to the inmate. See Rule 33-103.005, F.A.C.

(b) Formal Grievances – The reviewing authority as defined in paragraph 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) Grievance Appeals and Direct Grievances to the Office of the Secretary – Shall be responded to within 30 calendar days from the date of the receipt of the grievance. See Rule 33-103.007, F.A.C.

(d) Emergency Grievances – Shall be responded to within 15 calendar days of receipt pursuant to paragraphs 33-103.006(3)(a) and 33-103.007(6)(b), F.A.C.

(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 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.

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.

33-103.011 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 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) Formal Grievances – Must be received no later than 15 calendar days from:

1. The date on which the informal grievance was responded to; or
2. The date on which the incident or action being grieved occurred if an informal grievance was not filed pursuant to the circumstances specified in subsection 33-103.006(3), F.A.C.

(c) Grievance Appeals to the Office of the Secretary – Must be received within 15 calendar days from the date of the response to the formal grievance.

(d) Direct Grievances to the Office of the Secretary – Must be received within 15 calendar days from the date on which the incident or action which is the subject of the grievance occurred.

(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(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) Informal Grievances – Within 10 calendar days following receipt of an informal grievance by the staff member, a written response shall be provided to the inmate. See Rule 33-103.005, F.A.C.

(b) Formal Grievances – The reviewing authority as defined in paragraph 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) Grievance Appeals and Direct Grievances to the Office of the Secretary – Shall be responded to within 30 calendar days from the date of the receipt of the grievance. See Rule 33-103.007, F.A.C.

(d) Emergency Grievances – Shall be responded to within 15 calendar days of receipt pursuant to paragraphs 33-103.006(3)(a) and 33-103.007(6)(b), F.A.C.

(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 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.

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.

33-103.012 Grievance Records.

(1) A log shall be made of each formal grievance, direct grievance, or appeal and shall contain, at a minimum, the following information:

- (a) Inmate name;
- (b) Prison number;
- (c) Date that the grievance or appeal was received;
- (d) Nature of the grievance or appeal and issue or question to be resolved;
- (e) Disposition of grievance or appeal;
- (f) Reasons for disposition;
- (g) Date of disposition.

(2) This log shall be retained on file for a minimum of 4 years following final disposition of the grievance or appeal. Copies of all grievances or appeals that are filed shall be maintained on record for a minimum of 4 years.

(3) A log shall be made of each informal grievance and shall contain, at a minimum, the following information:

- (a) Inmate name;
- (b) Prison number;
- (c) Date that the grievance or appeal was received;
- (d) Staff member responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff who is to respond to the informal grievance.

(4) The Department shall maintain the confidentiality of inmate grievance records to the extent permitted under Florida law.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.012, Amended 2-9-05, 3-25-08.

33-103.013 Classification of Grievance.

Following receipt of the grievance or appeal, a computer generated receipt or part C of Form DC1-303 shall be completed and sent to the inmate except for grievances returned for one or more of the reasons cited in Rule 33-103.014, F.A.C. The subject area of the receipt shall indicate the major topic area of the grievance or appeal according to the following classifications:

- (1) Transfers – Complaints or objections concerning movement to and from institutions and facilities.
- (2) Program Assignments – Complaints or objections concerning work, education, housing and other assignments; custody and security classification, classification decisions and actions; progress reviews, protective custody.
- (3) Communications – Complaints or objections concerning mail, visiting, telephones, packages, letters and requests to staff.
- (4) Confinement – Complaints or objections concerning administrative and disciplinary confinement, privileges, program participation, living conditions.
- (5) Discipline – Complaints concerning the entire disciplinary process, excluding specific complaints concerning the conditions of confinement.
- (6) Institutional Operations – Complaints concerning clothing, sanitation, time schedules, general policies, heat and ventilation, safety, security matters, privileges, services and activities.
- (7) Medical and Dental – All complaints concerning medical, dental, psychiatric and psychological services, and HIPAA.
- (8) Legal – Complaints concerning sentence computation, release dates, gain time, jail time credits, religious, due process.
- (9) Grievance Process – Forms unavailable, response not received.
- (10) Complaints Against Staff – Discrimination, harassment, negligence, improper conduct or language.
- (11) Personal Property – Loss, damage, confiscation, transfer of personal property.
- (12) Food Service – Complaints concerning any aspect of food service.
- (13) Miscellaneous – All other types of complaints not covered above.
- (14) Admissible Reading Material: Complaints filed pursuant to Rules 33-103.009 and 33-501.401, F.A.C.
- (15) ADA – Americans with Disabilities Act.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 12-22-92, 8-10-97, 2-18-99, Formerly 33-29.013, Amended 6-29-03, 2-9-05.

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

(1) The informal grievance, formal grievance, 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) The inmate did not provide a valid reason for by-passing the previous levels of review as required or the reason provided is not acceptable. This evaluation is made on a case by case basis and the reasons for rejecting the complaint will vary with the facts alleged in the complaint.
 - (g) The grievance did not have the attachments required: informal grievance and response, except as allowed in paragraphs 33-103.006(3)(a) through (h), F.A.C., or the formal grievance and response, except as provided for in subsection 33-103.007(6), F.A.C.;
 - (h) The direct grievance to the Office of the Secretary was not received within 15 calendar days of the date that the incident or action being grieved occurred; or
 - (i) The grievance appeal was not received within 15 calendar days from the date of the response to the formal grievance.
 - (j) The inmate has not filed his grievance at the location he is presently assigned to as required in subsection 33-103.015(4), F.A.C.
 - (k) The inmate is being advised to re-file an informal grievance with a specific staff member.
 - (l) The inmate has written his or her complaint outside of the boundaries of the space provided on the grievance form or request form.
 - (m) The inmate has used multiple copies of grievance forms rather than attachments as continuation sheets.
 - (n) A decision has already been rendered to an inmate by a particular office on the issue currently being grieved before it.
 - (o) The inmate is grieving a matter beyond the control of the Department as described in subsection 33-103.001(4), F.A.C.
 - (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) The inmate has filed more than one appeal of a grievance. This would not include the situation where an inmate wishes to appeal the denial of his grievance as well as allege non-compliance with the grievance process. Since these are two separate issues, they would have to be raised in separate grievances.
 - (r) The inmate has filed a supplement to a grievance or appeal which has already been accepted. An exception will be made when the supplement contains relevant and determinative information 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. 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) or (s).

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.

(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, 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) All informal and formal grievances, except those administrative appeals filed directly with the Office of the Secretary, must be filed at the institution or facility to which the inmate is presently assigned. "Presently assigned" means the institution or facility in which the inmate is housed at the time he files either the informal or formal grievance. When either the informal or formal grievance complaint concerns an informal or formal grievance that occurred at another location, it shall remain the responsibility of the staff at the inmate's present location to handle the informal or formal grievance. The final resolution of the informal or formal grievance is the responsibility of the warden at the institution to which the inmate is presently assigned. Direct contact with outside staff may be necessary in resolving the informal or formal grievance.

(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 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 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) If an inmate files more than one grievance or appeal dealing with the same or very similar issues, the institution or central office has the option of consolidating these grievances for purposes of providing a response to the inmate.

(10) 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.

(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 subsection 33-103.006(8), F.A.C.

(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.

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 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 DC1-306, Grievance Approval Action Form. Form DC1-306 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) The approving employee shall then send 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 DC1-306. The grievance coordinator shall then provide 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 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) Form DC1-306 shall then be returned to the grievance coordinator who shall ensure that the warden completes Section VI of the form.

(f) The grievance coordinator shall complete Section VII of form DC1-306, place a copy of the form in the grievance record log and attach a copy of 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 which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:

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

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

(c) The warden shall forward the DC1-306 to the institutional grievance coordinator who shall complete Sections II, III, and IV of form DC1-306. The grievance coordinator shall then provide 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 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) Upon completion of the corrective action, Form DC1-306 shall then be returned to the grievance coordinator who shall ensure that the warden completes Section VI of the form.

(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 form DC1-306 to the Chief of 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 Inmate Grievance Appeals is updated and that a copy of form DC1-306 is sent to the central office inmate file.

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.

33-103.017 Inmate Grievances - Reprisal.

(1) Inmates shall be allowed access to the grievance process without hindrance. Staff found to be obstructing an inmate's access to the grievance process shall be subject to disciplinary action ranging from oral reprimand up to dismissal in accordance with Rules 33-208.001-.003, F.A.C. Good faith use of or good faith participation in the grievance process shall not result in reprisal against the inmate.

(2) An inmate shall be subject to disciplinary action if the inmate knowingly includes false, threatening, obscene, or profane statements in the grievance or any of its attachments. In this instance the inmate shall be subject to administrative action in accordance with the provisions of Rules 33-601.301-.314, F.A.C., or criminal prosecution. Notwithstanding administrative or criminal proceedings, the grievance shall be responded to on its merits.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.016, Amended 10-11-00, 2-9-05, 10-28-07.

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 Office of Internal Audit and from monthly reports prepared by the Bureau of Inmate Grievance Appeals.

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, 2601 Blair Stone Road, 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 8-27-07.
- (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.

Specific 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.