

RULE CHANGE REQUEST

A, James W. Harkleroad

There was a time when anyone could submit a request to have an operational (Florida Administrative Code - FAC) rule modified/deleted.

Whether that permission is still available I have no idea. Bureaucrats are notorious for applying the "NIH Rule", ("since it was NOT INVENTED HERE it is no good.") ~~to~~ The easiest way to apply it is to deny anyone else the opportunity to say anything.

But a generally unknown aspect of the rule change request is that using it permits one to skip the long, technical, grievance process.

In other words, the rule change request process is a court recognized method of notifying the bureaucrats that a problem exists.

And if that problem is not fixed then they can be sued in federal court.

Following is four (4) rule change requests that I submitted in July of 2021.

Time will tell what the bureaucrats do.

REF: FAC 33-203.101 Canteen Operations.

I am requesting that this rule be modified with the following addition:

(9) One operational canteen will be designated to sell only five items/scans or less, when there are no more inmates in the "5-or-less" line then the canteen will be open to those who wish to purchase more than five (5) different items.

This rule change is requested because inmates who wish to purchase only a few items are having to stand in line for an hour or more - and sometimes have to wait until the next day because time has run out - because of inmates with long purchase lists.

REF: FAC 33.204.003 Food Services - Standards of Operation

I am requesting that this rule be modified with the following addition:

(8) Inmate shall be given a minimum of ten (10) minutes in which to consume their meal.

This rule change request is being made because each institution operates their dining hall according to their own rules. This results in a wide range of time limits. As little as three (3) to four (4) minutes in some institutions.

REF: FAC 33-612.900 Kiosks And Tables.

I am requesting that this rule be modified with the following addition:

"Access to (placing a Tablet in, or removing it from) a Tablet Recharging Station (TRS) shall be provided during the following time periods.

- (1) After breakfast, before count.
- (2) After the midday meal.
- (3) After the evening meal, before count.
- (4) Prior to evening master count.
- (5) Friday, Saturday and other late nights - prior to evening lockdown.

This rule change request is being made because not every institution has, or maintains, a schedule.

REF: FAC 33-602.101 Care of Inmate

I am requesting that this rule be modified as follows:

(2)(b)8. Inmate shall wear shoes (personal, state issued or

or closed-cell resin) in all areas. The exception being the wearing of shower slides to and from the shower.

This rule change request is being made because currently inmates in Disciplinary Confinement (DC) may only have shower slides to wear. By current rule this means that any inmate who has a call-out, or is being released, from DC is violating the PAC by wearing shower slides. The inmate is then subject to receive a Disciplinary Report and a continuation of DC status until the time of release from the DOC.