

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

In Re: Petition to Initiate Rulemaking

DC Case No.: DC 14-119

Petitioner: Ronald Clark, DC# 812974

*Will be refilling this issue
attaching the grievances.*

FINAL ORDER

On June 17, 2014, the State of Florida, Department of Corrections, ("Department") received a petition to initiate rulemaking ("Petition") from inmate Ronald Clark, DC# 812974 ("Petitioner"). The Petition requests that the Department amend Rule 33-601.830, Florida Administrative Code, to require two hours of outdoor exercise three days a week for death row inmates. Petitioner alleges this is necessary because the current 3 hour periods (twice weekly) lead to inmates being in the death row recreational yard for 3 hours with no bathroom break, there is no shelter in the yard from the elements, and if recreation time is cancelled then inmates lose half of their weekly exercise time.

The Petition is hereby **DENIED** on the following grounds. Rulemaking is unnecessary *BS* because pursuant to Section 945.025(1), Florida Statutes, the Department of Corrections shall have supervisory and protective care, custody, and control of the inmates, buildings, grounds, property, and all other matters pertaining to its facilities and programs. Section 945.04, Florida Statutes, states the Department is responsible for the security and orderly operation of all of its facilities. Rule 33-601.830(7)(j), Florida Administrative Code, states that an exercise schedule for death row inmates shall be implemented to ensure a minimum of six hours per week of exercise out-of-doors. Rule 33-602.101(2)(c), Florida Administrative Code, states each inmate shall be issued sufficient clothing, including outer clothing. If Petitioner feels that he is not receiving adequate exercise time, that he is being denied access to a bathroom, or that he is being

exposed to harsh weather on the death row exercise yard than this is an issue of compliance with existing rules and should be addressed through the inmate grievance process pursuant to Chapter 33-103, Florida Administrative Code.

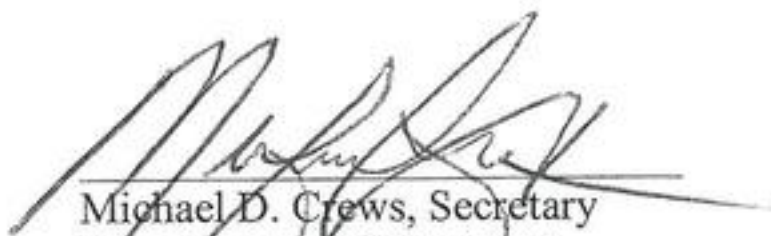
A Grievance system that's Pure garbage!!

This order may be appealed within thirty days by filing a notice of appeal with the Department and the district court of appeal. Except in cases of indigence, the court will require a filing fee and the Department will require payment for preparing the record on appeal. For further explanation of the right to appeal, refer to Section 120.68, Florida Statutes, and the Florida Rules of Appellate Procedure.

Additionally, pursuant to Quigley v. Florida Department of Corrections, 745, So.2d 1029 (Fla. 1st DCA 1999), and its progeny, initial appellate judicial review of the merits of this Final Order is not available to prisoners under the Administrative Procedures Act. Prisoners may only seek judicial review of whether this Final Order: (1) was issued within thirty days of the Petition filing; and/or (2) provided a written statement of the reasons for denying the Petition.

DONE AND ORDERED this 8th day of July, 2014.

FILED-AGENCY CLERK
Initials J. B.
JUL 08 2014
Time 12:01 P.M.
Department of Corrections



Michael D. Crews, Secretary
Department of Corrections
501 S. Calhoun St.
Tallahassee, Florida 32399

Copies furnished to:

Ronald Clark, DC# 812974
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Raiford, Florida 32026-4000

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Joint Administrative Procedures Committee
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welcome to the Florida Dept of "CORRUPTION"