

SUBJECT AREA TO BE ADDRESSED: Reading Endorsement.

RULEMAKING AUTHORITY: 1001.02, 1011.62, FS.

LAW IMPLEMENTED: 1001.215, 1011.62, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 10, 2019, 1:00 p.m. EDT.

PLACE: <https://zoom.us/j/356648337>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Myhre, Executive Director, Just Read, Florida! 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-9699 or Richard.Myhre@fldoe.org. To comment on this rule development or to request a rule development workshop, please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available prior to workshop at <https://web02.fldoe.org/Rules/Default.aspx>.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

RULE NOS.: RULE TITLES:

- 27P-22.001 Purpose
- 27P-22.002 Definitions
- 27P-22.003 Eligibility
- 27P-22.004 LMS Working Groups
- 27P-22.005 Local Mitigation Strategy
- 27P-22.006 County Allocations and Project Funding
- 27P-22.007 Application

PURPOSE AND EFFECT: The purpose of this amendment is to better clarify Local Mitigation Strategy and Hazard Mitigation Grant Program requirements and expectations.

SUBJECT AREA TO BE ADDRESSED: Local Mitigation Strategy and Hazard Mitigation Grant Program

RULEMAKING AUTHORITY: 252.35, FS.

LAW IMPLEMENTED: 252.35(2)(a), FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 11, 2019, 10:00 a.m. – 12:00 p.m.

PLACE: Division of Emergency Management, 2575 Shumard Oak Boulevard, Kelly Training Room, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jared Jaworski at (850)815-4537. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jared Jaworski, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)815-4537, jared.jaworski@em.myflorida.com, or Laura Waterman, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone: (850)815-4512, laura.waterman@em.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27P-22.001 Purpose.

This chapter describes the processes for application, project selection and distribution of funds under the Hazard Mitigation Grant Program.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.001.

27P-22.002 Definitions.

(1) “Adoption” means a resolution, ordinance or other formal action taken by the governing body of a county or municipality indicating agreement with and acceptance of the relevant Local Mitigation Strategy.

(2) “Application” means the request for hazard mitigation funding as submitted to the Division of Emergency Management by an Applicant.

(3) “Applicant” means a state agency, local government, Native American tribe or authorized tribal organization or private non-profit organization requesting hazard mitigation funding.

(4) “FEMA” means the Federal Emergency Management Agency.

(5) “Florida Hazard Mitigation Strategy” means Florida’s version of the Hazard Mitigation Plan referred to in 44 C.F.R., Part 206, Subpart M and approved by FEMA. The Florida Hazard Mitigation Strategy (Rev. February 26, 2013) is hereby incorporated into this rule by reference. A copy may be obtained by contacting the Division of Emergency Management.

(6) “Hazard” means a condition that exposes human life or property to harm from a man-made or natural disaster.

(7) “Hazard Mitigation” means any action taken to reduce or eliminate the exposure of human life or property to harm from a man-made or natural disaster.

(8) “Hazard Mitigation Grant Program”, herein referred to as HMGP, means the program authorized under Section 404 of the Stafford Act and implemented by 44 C.F.R., Part 206, Subpart N, hereby incorporated by reference, a copy of which may be obtained by contacting the Division, which provides funding for mitigation projects as identified in the State Hazard Mitigation Strategy.

(9) “Impacted”, as it relates to counties included in the relevant disaster declaration, means that the county has received direct federal assistance from Public Assistance, Individual Assistance, or both, as a result of damages incurred from the relevant disaster.

~~(10)(9)~~ “Local Mitigation Strategy” or “LMS” means a plan to reduce identified hazards within a county.

~~(11)(10)~~ “Project” means a hazard mitigation measure as identified in an LMS.

~~(12)(11)~~ “Repetitive loss structures” means structures that have suffered two or more occurrences of damage due to flooding and which have received payouts from the National Flood Insurance Program as a result of those occurrences.

~~(13)(12)~~ “Working Group” is the group responsible for the development and implementation of the Local Mitigation Strategy.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.002, Amended 7-18-13.

27P-22.003 Eligibility.

(1) Eligible types of projects shall include, but not be limited to, the following:

- (a) Certain New construction activities that will result in protection from hazards;
- (b) Retrofitting of existing facilities that will result in increased protection from hazards;
- (c) Elevation of flood prone structures;
- (d) Vegetative management/soil stabilization;
- (e) Infrastructure protection measures;
- (f) Stormwater management/flood control projects;
- (g) Property acquisition or relocation; and
- (h) Plans that identify and analyze mitigation problems and include funded, scheduled programs for implementing solutions, within the same disaster.

(2) In order to be eligible for funding, projects shall meet the following requirements:

- (a) Conform to the Florida Hazard Mitigation Strategy;

(b) Conform to the funding priorities for the disaster as established in the LMS governing the project;

(c) Conform to 44 C.F.R., Part 9, Floodplain Management and Protection of Wetlands, and 44 C.F.R., Part 10, Environmental Considerations, both hereby incorporated by reference, copies of which may be obtained by contacting the Division;

(d) Eliminate a hazard independently or substantially contribute to the elimination of a hazard where there is reasonable assurance that the project as a whole will be completed; and

(e) Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a disaster.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.003.

27P-22.004 LMS Working Groups.

Each county electing to participate in the HMGP must have a formal LMS Working Group and a current FEMA approved LMS.

(1) Not later than the last working weekday of January of each year the Chairperson of the Board of County Commissioners shall submit to the Division a list of the members of the Working Group and its designated Chairperson and Vice-Chairperson.

(2) The Working Group shall include, at a minimum:

(a) Representation from various agencies of county government which may include, but not be limited to, planning and zoning, roads, public works and emergency management;

(b) Representation from all interested municipalities within the county; and

(c) Representation from interested private organizations, civic organizations, trade and commercial support groups, property owners associations, Native American Tribes or authorized tribal organizations, water management districts, regional planning councils, independent special districts and non-profit organizations.

(3) The county shall submit documentation to show that within the preceding year it has issued a written invitation to each municipality, private organization, civic organization, Native American Tribe or authorized tribal organization, water management district, independent special district and non-profit organization, as applicable, to participate in the LMS working group. This documentation shall accompany the membership list submitted to the Division.

(4) The Working Group shall have the following responsibilities:

- (a) To designate a Chairperson and Vice-Chairperson;
- (b) To develop and revise an LMS as necessary;

(c) To coordinate all mitigation activities within the County;

(d) To set an order of priority for local mitigation projects; and

(e) To submit annual LMS updates to the Division by the last working weekday of each January. Updates shall address, at a minimum:

1. List of Working Group Members including Chair and Vice-Chair:

- 24. Changes to the hazard assessment;
- 32. ~~Updated Changes to the~~ project priority list including estimated costs and potential funding sources;
- 43. Changes to the critical facilities list;
- 54. Changes to the repetitive loss list; and
- 65. Revisions to any maps.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.004, Amended 7-18-13.

27P-22.005 Local Mitigation Strategy.

Each LMS shall have the following components:

(1) A description of the activities of local government and private organizations that promote hazard mitigation; a description of the policies, ordinances or programs that guide those activities; and any deficiencies in the policies, ordinances, and programs with recommendations to correct those deficiencies.

(2) A description of the methods used to engage private sector participation.

(3) A statement of general mitigation goals, with Working Group recommendations for implementing these goals, and estimated dates for implementation.

(4) A description of the procedures used by the Working Group to review the LMS at regular intervals to ensure that it reflects current conditions within the County.

(5) A hazard assessment to include, at the minimum, an evaluation of the vulnerability of structures, infrastructure, special risk populations, environmental resources and the economy to storm surge, high winds, flooding, wildfires and any other hazard to which the community is susceptible.

(6) A description of how emergency management in the community will work with all local Floodplain Managers to identify damaged structures in Special Flood Hazard Areas (SFHAs) for substantial damage determinations. SFHAs are found on the current effective Flood Insurance Rate Maps, and damage is from any source (fire, flood, tornado, etc.).

~~(7)(6)~~ A statement of procedures used to set the order of priority for projects based on project variables which shall include technical and financial feasibility.

~~(8)(7)~~ A list of approved projects in order of priority with estimated costs and associated funding sources.

~~(9)(8)~~ A list of critical facilities that must remain operational during and after a disaster.

~~(10)(9)~~ A list of repetitive loss structures.

~~(11)(10)~~ Maps, in Geographical Information System (GIS) format, depicting hazard areas, project locations, critical facilities and repetitive loss structures.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.005.

27P-22.006 County Allocations and Project Funding.

(1) The available HMGP funds shall be allocated to the impacted counties included in the relevant presidential disaster declaration, as defined in Section 252.34(1), F.S., in proportion to each county’s share of the federal disaster funding from the Public Assistance, Individual Assistance and Small Business Administration programs as of 90 days after the disaster declaration as reported by FEMA.

(a) Eligible and submitted projects for each impacted county included in the relevant presidential disaster declaration will be funded in order of priority as outlined in the LMS Working Group endorsement letter until the allocated funds are exhausted, or all eligible projects are funded, whichever occurs first.

(b) Any allocation remaining after all eligible projects in any declared impacted county are funded shall be reallocated to those counties included in the relevant presidential disaster declaration whose allocation was not sufficient to fund all submitted eligible projects in proportion to each county’s share of unfunded projects.

(2) If funds remain after all eligible projects under subsection (1) above have been funded, then they shall be applied to fund eligible projects submitted from counties not included in the relevant presidential disaster declaration on a first-come-first-served basis until all available funds are obligated.

(3) Once a project has been selected for funding, the agreement between the applicant and the Division regarding the terms and conditions of the grant shall be formalized by contract.

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.006.

27P-22.007 Application.

(1) The following entities may apply for funding under the program:

- (a) State agencies and local governments;
- (b) Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 C.F.R., § 206.221(e), hereby incorporated by reference, a copy of which may be obtained by contacting the Division; and
- (c) Indian tribes or authorized tribal organizations.

(2) The Division shall notify potential applicants of the availability of HMGP funds by publishing a Notice of Funding Availability in the Florida Administrative Register.

(3) Applicants will have not less than ninety (90) days from the date of notification to submit project applications. The opening and closing dates will be specified in the Notice of Funding Availability. Applications mailed to the Division must be postmarked on or before the final due date. Hand-delivered applications must be stamped in at the Division no later than 5:00 p.m. (Eastern Time) on the final due date.

(4) A letter shall accompany each application from the Chairperson or Vice-Chairperson of the LMS Working Group endorsing the project. The endorsement shall verify that the proposed project does appear in the current LMS and state its priority in relation to other submitted projects. Applications without this letter of endorsement will not be considered.

(5) Applications must be submitted using ~~Form No. HMGP, State of Florida Hazard Mitigation Grant Program Application (Effective Date: June, 2012), the most recent application form, which is incorporated into this rule by reference,~~ a copy of which may be obtained by contacting the Division or visiting www.floridadisaster.org.

(6) If the Division receives an incomplete application, the applicant will be notified in writing of the deficiencies. The applicant will have thirty (30) calendar days from the date of the letter to resolve the deficiencies. If the deficiencies are not corrected by the deadline the application will not be considered for funding.

(7) Applications are to be delivered or sent to:

Division of Emergency Management
 Bureau of Mitigation
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399

ATTENTION: Hazard Mitigation Grant Program

Rulemaking Authority 252.35(2)(x) FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New 2-24-02, Formerly 9G-22.007, Amended 7-18-13.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.105 Restoration of Forfeited Gain Time

PURPOSE AND EFFECT: Rulemaking is necessary to remove all references to parole since, pursuant to § 947.23(7), F.S., the Department lacks statutory authority to restore gain time that is forfeited when a parolee’s parole is revoked. Rulemaking is also necessary to clarify that inmates who are convicted of a felony for an offense that occurs during the inmates’ current commitment and inmates found guilty of certain disciplinary offenses are not eligible for restoration of forfeited gain time.

SUBJECT AREA TO BE ADDRESSED: Restoration of forfeited gain time

RULEMAKING AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.28 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.105 Restoration of Forfeited Gain Time.

(1) ~~Restoration of gain time as a positive management tool.~~ Gain time that has been forfeited during an inmate’s ~~under the~~ current commitment as a result of disciplinary action or revocation of ~~parole~~, probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release is eligible for ~~shall be subject to~~ restoration only when the restoration will ~~would~~ produce the same or greater benefits as those derived from the forfeiture ~~in the first place~~. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of ~~parole~~, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives set forth in Rule 33-601.101, F.A.C., are eligible to have their gain time restored for consideration. Restoration will ~~The restoration shall~~ only be considered when an ~~the~~ inmate has clearly performed positively over a period of time, ~~and~~ it appears the inmate will continue this positive adjustment without ~~further~~ violating the rules of the Department ~~department~~ or the laws of the state, ~~state~~ and the inmate is serving the ~~that~~ portion of his ~~or her~~ the sentence that ~~which~~, but for the forfeiture of gain time, would have been completed.

(2) Eligibility.

(a) Restoration of gain time that is forfeited due to ~~loss by~~ disciplinary action may be considered only when the following criteria are satisfied:

1. A minimum of one year has elapsed ~~There must be an elapsed time of at least one year~~ since the last disciplinary action occurred.

2. The inmate is ~~must be~~ serving the ~~that~~ portion of his ~~or her~~ the sentence that ~~which~~, but for the forfeiture of gain time, would have been completed.

3. The inmate’s overall institutional adjustment as evidenced by the inmate’s risk management record in OBIS is

rated as “above satisfactory.” ~~and performance exceed that which is required to comply with all the behavioral objectives and the inmate must have completed or be participating in all available programs recommended by the classification team.~~

4. ~~An inmate will~~ The following groups of inmates shall not be eligible for restoration of forfeited gain time if:

a. ~~The forfeiture is based on~~ Inmates who have a felony conviction for an offense that occurred during the inmate’s current commitment, commitment, or

b. The forfeiture is based on one or more of the following disciplinary infractions that occurred during the inmate’s current commitment. Although the inmate is not eligible for restoration of forfeited gain time associated with the infractions listed below, the inmate is not disqualified from being considered for restoration of forfeited gain time for disciplinary infractions that are not listed. Inmates who have been found guilty of one of the following disciplinary offenses during their current commitment:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed ~~assault~~ Assault, where a physical attack was made against ~~Department~~ department staff;

1-5 Sexual ~~battery or attempted sexual battery~~ Battery;

1-6 Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member or visitor;

1-7 Aggravated battery or attempted aggravated battery on a correctional officer;

1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer;

1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.);

1-10 Aggravated battery or attempted aggravated battery on an inmate;

1-11 Aggravated assault or attempted aggravated assault on a correctional officer;

1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer;

1-13 Aggravated assault or attempted aggravated assault on someone other

than staff or inmates (vendor, etc.);

1-14 Aggravated assault or attempted aggravated assault on an inmate;

1-15 Battery or attempted battery on a correctional officer;

1-16 Battery or attempted battery on staff other than correctional officer;

1-17 Battery or attempted battery on someone other than staff or inmates (vendor, etc.);

1-18 Battery or attempted battery on an inmate;

1-19 Assault or attempted assault on a correctional officer;

1-20 Assault or attempted assault on staff other than correctional officer;

1-21 Assault or attempted assault on someone other than staff or inmates (vendor, etc.);

1-22 Assault or attempted assault on an inmate;

2-1 Participating in riots, strikes, mutinous ~~acts, acts~~ or disturbances;

2-2 Inciting or attempting to incite riots, strikes, mutinous acts, or disturbances – conveying any inflammatory, riotous, or mutinous communication by word of mouth, in writing or by sign, symbol, or gesture;

3-1 Possession of or manufacture of weapons, ammunition, or explosives;

3-3 Possession of narcotics, unauthorized drugs and drug paraphernalia;

3-4 Trafficking in drugs ~~Drugs~~; or unauthorized beverages;

3-7 Possession of aromatic stimulants or depressants, such as paint thinner, glue, toluene, etc.;

3-14 Unauthorized possession or use of a cellular telephone or any other type of wireless communication device, or any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under Section 944.47(1)(a)6., F.S.;

4-1 Escape or attempted escape;

7-6 Arson or attempted arson;
9-22 Robbery or attempted robbery.
9-36 Gang related activities, including
recruitment; organizing; display of
symbols, groups or group photos;
promotion or participation.

5. Once an inmate has gain time restored, a subsequent forfeiture ~~losses~~ of gain time due to a disciplinary action will make the inmate ineligible for further restoration during the inmate's current commitment.

6. Gain time that is forfeited ~~lost~~ prior to an inmate receiving an additional commitment for an offense committed while in custody of the Department ~~department~~ will not be considered for restoration.

(b) An inmate is eligible for restoration ~~Restoration~~ of gain time forfeited due to ~~by~~ revocation of probation (offenses committed prior to 1/1/94 only), community control (offenses committed prior to 1/1/94 only), provisional release, supervised community release, conditional medical release (violations prior to 5/30/97 only), control release (violations prior to 5/30/97 only), or conditional release (violations prior to 5/30/97 only) ~~may be considered~~ only when the inmate was not convicted of a new felony offense for acts there have been no new convictions for offenses that occurred during the period of release. The following criteria must also be satisfied before an inmate is eligible for restoration:

1. A ~~There must be a~~ minimum of one year has elapsed since ~~from~~ the effective date of the ~~parole revocation,~~ probation revocation, community control revocation, or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

2. The inmate has received no disciplinary action ~~must be discipline free (formal reports)~~ since return as a ~~parole,~~ probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

3. The inmate's adjustment and performance exceeds ~~must exceed~~ that which is required to comply with all behavioral objectives set forth in Rule 33-601.101, F.A.C., since return as a ~~parole,~~ probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

4. The inmate has ~~must have~~ completed or is ~~be~~ participating in all available programs recommended during his or her initial classification screening;

5. Any inmate who receives restoration of gain time forfeited due to a ~~parole,~~ probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration of gain time forfeited due to

~~on~~ any subsequent ~~parole,~~ probation, community control, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the community supervision portion of the sentence for the same offense;

6. The inmate is ~~must be~~ serving the portion of his or her ~~the sentence that~~ which, but for the forfeiture of gain time, would have been completed.

(3) Processing restoration of forfeited gain time. How processed.

(a) Restoration of gain time will be considered only when an ~~the~~ inmate has met the criteria specified in subsections (1) and (2) ~~of this rule.~~

(b) There is no entitlement for consideration based upon an inmate's request.

(c) If an inmate believes that he or she is eligible for restoration of forfeited gain time, the inmate must make a request for restoration on Form DC6-236, Inmate Request, and submit the request to his or her classification officer. Requests submitted to other Department ~~another department~~ staff will not be processed. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

(d) If an ~~the~~ inmate meets the criteria in subsection (2), the classification officer will ~~shall~~ forward the request to the institutional classification team (ICT) with a recommendation either for or against restoration. If the inmate does not meet the criteria in subsection (2), the classification officer will ~~shall~~ return the request to the inmate, indicating in writing which criteria are ~~is~~ not met.

(e) The ICT will ~~shall~~ consider the request based upon the criteria in subsections (1) and (2) and make a recommendation either for or against restoration to the final approving authority. ~~Regardless of the recommendation made by the ICT, if the ICT recommends restoration of forfeited gain time, the recommendation will shall be forwarded to the final approving authority for final action if the inmate meets all eligibility criteria set for the in subsection (2). If the ICT does not make a recommendation for restoration to the final approving authority, the request shall be returned to the inmate along with the basis for the denial.~~

(f) The final approving authority for a request for restoration of forfeited gain time ~~is~~ will be the Assistant Secretary of Institutions or his or her ~~his or her~~ designee. Upon receipt of the recommendation from the ICT, the final approving authority will ~~shall~~ approve or deny the request ~~recommendation~~ based upon the criteria in subsections (1) and (2).

(g) The institution or facility where the requesting inmate is assigned will be notified, and classification staff at the institution or facility ~~staff~~ will notify the inmate of the decision and the basis for the decision.

Rulemaking Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History—New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02, 4-10-08, 7-15-09, 12-24-09, 2-16-17, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-601.602 Community Release Programs

PURPOSE AND EFFECT: Rulemaking is necessary to remove all references to the Transition Program and the Community-based Therapeutic Program, to reorganize definitions, to make the rule gender neutral, to clarify the rule, to add hyperlinks to incorporated materials, and to amend Forms DC6-118A and DC6-2075.

SUBJECT AREA TO BE ADDRESSED: Community release programs

RULEMAKING AUTHORITY: 944.09, 944.105, 945.091, 946.002, 958.09 FS.

LAW IMPLEMENTED: 944.091, 946.002, 958.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) Definitions.

(a) No change.

(b) Center Work Assignment (CWA) – The portion of the community release program for inmates that allows which allow placement at a community release center to assist with the maintenance, food service duties, or assignment to to ~~an~~ outside work squads while confined at the facility.

(c) Community Release Center – A correctional or contracted facility that houses community custody inmates participating in a community release program.

(d)(e) Community Release Program – Any program that allows inmates to work at paid employment or at a center work assignment, and ~~or~~ to participate in education, training, substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community while in a community release center.

(e) Community Study Release – The portion of the community release program that allows inmates to attend an educational or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.

~~(f)(d) Community Work Release (CWR) – The portion of the community release program that allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.~~

~~(e) Community Study Release – The portion of the community release program that allows inmates to attend an educational or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.~~

~~(f) Community-based Therapeutic Program (CTP) – The portion of the community release program for inmates that provides transitional services which includes substance abuse treatment, educational/vocational services, and self-betterment programs, while in the community, in lieu of placement into community work release (CWR) or center work assignment (CWA).~~

(g) through (k) No change.

~~(l) Transition Program (PWR) – The portion of the community release program for inmates that provides transitional services which includes substance abuse treatment, educational/vocational services, and self-betterment programs, while in the community prior to placement into CWR or CWA.~~

~~(1)(m) State Classification Office (SCO) – The office or office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.~~

~~(n) Community Release Center – A correctional or contracted facility that houses community custody inmates participating in a community release program.~~

~~(m)(o) Work Release Inmate Monitoring System (WRIMS) – A web site application used by contract community release facility staff to record information related to an inmate’s participation in a community release program.~~

(2) Eligibility and Ineligibility Criteria.

(a) Participation in a community release program is a privilege, not a guaranteed right of the inmate. Participation in CWR and CWA is voluntary and the inmate has a right to refuse participation once without adverse actions and may be considered for return participation in CWR or CWA. ~~Placement in PWR and CTP is not voluntary and refusal to participate subjects the inmate to removal and/or disciplinary action in accordance with Rule 33-601.314, F.A.C.~~

(b) An inmate is ineligible for any community release program if he or she has:

1. through 13. No change.

(c) In addition to the above, an inmate is ineligible to be considered for ~~CWR or CWA~~ community work release (CWR) or center work assignment (CWA), or transition (PWR) participation if he or she has:

1. Been terminated from CWR ~~or a CWA, or a PWR~~ for disciplinary reasons during the inmate's current commitment, unless extenuating circumstances exist;
2. No change.
3. Been found guilty of a disciplinary report and received disciplinary confinement as a result of the infraction, in the 60 days prior to placement in CWR ~~or CWA, or PWR~~;
4. The inmate was designated as a Mandatory Program Participation inmate (MPP-Y) and refused to complete or has an unsatisfactory removal from a substance abuse program that the inmate was required to complete at any point during his or her current period of incarceration, ~~incarceration~~ unless the refusal was based upon objections to the religious based content of the program, in which case an alternate non-deity based program will be offered and must be successfully completed. The removal of an inmate from a program for violation of program or institutional rules or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed, ~~completed~~;

(d) In order to be eligible for consideration for placement in a community release program, an inmate must:

1. through 3. No change.
4. For inmates with non-advanceable dates, the inmate must be within:
 - a. ~~28 months of his earliest release date PWR, or~~
 - a.b. 19 months of his or her earliest release date for CWA, or
 - b.e. 14 months of his or her earliest release date for CWR; ~~CWR.~~
5. For inmates who do not have non-advanceable dates, the inmate must be within:
 - a. ~~36 months of his earliest release date for PWR, or~~
 - a.b. 28 months of his or her earliest release date for CWA, or
 - b.e. 19 months of his or her earliest release date for CWR; ~~CWR.~~
6. An inmate whose current commitment includes DUI-BUI Manslaughter, 4th DUI-BUI, Felony DUI-BUI, or DUI-BUI with Serious Injury must have successfully completed substance abuse treatment during the current commitment prior to being considered for CWA or CWR placement; and ~~placement.~~

7. ~~Additional eligibility criteria for placement in CTP:~~
 - a. ~~The inmate has no less than 6 months or more than 12 months left to serve;~~

~~b. Been terminated from CWR, CWA, or PWR for non-violent/non aggressive disciplinary reasons during the inmate's current commitment;~~

~~c. Been terminated from CWR, CWA, or PWR for possession, use, introduction of any controlled substance, alcohol, or aromatic substance;~~

~~d. An inmate is eligible for placement in CTP regardless of the number of commitments;~~

~~e. An inmate is eligible for CTP placement even if he has been found guilty of any non violent/non aggressive disciplinary report in the 60 days prior to placement;~~

~~f. The inmate was designated as a Mandatory Program Participation inmate (MPP-Y) and refused to complete, has an unsatisfactory removal from a substance abuse program that the inmate was required to complete at any point during his current period of incarceration unless the refusal was based upon objections to the religious based content of the program, in which case an alternate non-deity based program will be offered and must be successfully completed, or has not had an opportunity to participate in a substance abuse program. The removal of an inmate from a program for violation of program or institutional rules or for behavioral management problems constitutes an unsatisfactory removal from a program;~~

~~g. An inmate whose current commitment includes DUI-BUI manslaughter, 4th DUI BUI, Felony DUI BUI, or DUI-BUI with Serious Injury, has not completed substance abuse treatment during the current commitment and falls within the timeframe listed in sub subparagraph (2)(d)7.a. of this rule.~~

~~8. The Secretary of the Department or his designee, who for the purpose of this subparagraph shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at a community release center regardless of time constraints for the purpose of participating in a specialized work detail or program.~~

(e) No change.

(f) The Secretary of the Department or his or her designee, who for the purpose of this paragraph shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at a community release center regardless of time constraints for the purpose of participating in a specialized work detail or program.

(g)(f) Community release placements will be made to ensure inmates are housed and managed to promote correctly ~~for~~ public safety or the safety of specific individuals.

(3) Placement of Work Release Inmates.

(a) If an inmate is approved for community release program participation, the SCO shall approve the appropriate transfer with consideration to the requested locations and shall facilitate the inmate's transfer to the approved location.

(b) If the location requested has no bed capacity to accept the inmate, the inmate will be placed on a waiting list for the next available bed.

(c) Any change to the facility assignment or diversion to another community release program facility must be approved by the SCO. This review will determine that the inmate's needs can be served adequately at a different community release center.

(d) Inmates who are diverted to a community release center which they did not request due to lack of bed space at the requested location must be successfully complying with community release program rules and requirements in order to be considered for transfer from one facility to another.

(4) Inmate Conduct While on Community Release.

(a) through (d) No change.

(e) The classification officer or designated contract facility staff shall complete Form DC6-118A, Personalized Program Plan for Community Release Centers, on all inmates assigned to the community release center within 14 days of receipt of the inmate at the center. Form DC6-118A is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida

32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

The effective date of the form is ~~XX/XX/14~~. The completed personalized program plan shall be signed by the inmate, the inmate's classification officer, and the correctional officer major or the designated contract facility staff and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

The effective date of the form is 1-18-11. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed monthly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Monthly Progress Review, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-118C is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is 1-18-11. A copy of the Personalized Program Plan shall be printed and given to the

inmate. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(f) When the inmate is ready for release, a release ~~plan plan~~, shall be completed in order to assist the inmate in his or her release plans or the plan information shall be entered into WRIMS at those facilities at which the system is operational.

(5) Community Study Release.

(a) In order to be considered for community study release, an inmate shall submit a request on Form DC6-126, Inmate Request, to his or her classification officer, who shall forward the request to the SCO. After submitting the request, an inmate shall be considered for participation in the community study release program if providing:

1. through 3. No change.

(b) Any inmate being considered for community study release shall be currently in a community release center and assigned to CWA or, CWR, ~~or PWR~~.

(c) through (d) No change.

(e) Community study release programs shall not interfere with the inmate's employment schedule or, CWA duties, ~~or participation in a transition program~~. The inmate's attendance at classes and transportation time must be scheduled to occur during non-working hours only, unless class attendance is required as part of the inmate's employment.

(f) through (g) No change.

(6) Upon identification by the Department, an inmate shall be considered for placement in a CWA, ~~PWR, CTP~~, or CWR, if providing that the inmate meets all criteria outlined in subsection (2) of this rule.

(a) through (c) No change.

(d) The SCO staff member reviewing the ICT recommendation will utilize the criteria in subsection (2) of this rule to determine the appropriateness for the inmate's placement into CWA or, CWR, ~~PWR, or CTP~~. The SCO staff member shall approve, disapprove, or modify the ICT recommendation.

(e) No change.

(7) Status Changes of Inmates in Community Release Programs. The SCO shall have the authority to approve all status changes for inmates in a community release program ~~Community Release Program~~, as long as the changes are consistent with the criteria set forth in this rule and with the safety and security of the public.

(8) Employment.

(a) No change.

(b) The Department will not authorize an inmate to work at paid employment if:

1. No change.

2. The employer does not provide the inmate with workers' compensation, or, if workers' compensation insurance is not

required by law, other medical and disability insurance to cover the inmate if he or she is injured while on the job;

3. through 5. No change.

(c) through (d) No change.

(e) If the Department authorizes paid employment for an inmate with a given employer and subsequently receives and verifies information that the inmate is not being treated by the employer in a manner comparable to other employees, or it has been determined that it is not in the best interest of the ~~Department~~ ~~department~~, inmate, or public to remain employed with the employer, the correctional officer major or facility director will remove the inmate from such employment with that employer.

(f) No change.

(g) Presidential Executive Order 11755 provides that an inmate is authorized to work in paid employment in the community by a contract or on a federally funded contract ~~if~~ ~~providing~~ the following conditions are met prior to placement or participation in federally funded projects:

1. through 4. No change.

(h) No change.

(i) Facility personnel shall visit the inmate's place of employment for new employers within the first five days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-125 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>. The effective date of the form is 9-2-01.

(j) through (m) No change.

(9) Clothing and Equipment.

(a) No change.

(b) Inmates working at paid employment are authorized to obtain tools, clothing, and equipment normally required for their employment. An inmate working at paid employment shall be permitted to receive one drop-off of necessary clothing, tools, or equipment, including one bicycle, from an individual approved by the correctional officer major or contract facility director. In order to receive a drop-off, the inmate must submit Form DC6-236, Inmate Request, to the classification officer or designated contract facility staff listing the requested items, the name of the individual who will bring the items, and the date the inmate would like the items to be brought. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The request shall be forwarded to the correctional officer major or contract facility director, who may approve some or all of the requested items based on the inmate's need as dictated by his or her work assignment and the security or safety risk posed by the

items. The correctional officer major or contract facility director ~~major/facility director~~ may approve the proposed individual or require the inmate to submit the name of another individual for consideration. An inmate may not receive a drop-off without the approval of the correctional officer major or contract facility director.

(c) No change.

(d) Dropped-off items are subject to search prior to delivery to the inmate to ensure the items:

1. No change.

2. Are needed by the inmate to perform his or her work assignment;

3. through 4. No change.

(e) An inmate may receive one additional drop-off of necessary tools, clothing, and equipment if he or she changes work assignments and the items are necessary due to the new assignment. The inmate must obtain approval for the drop-off as set forth in paragraph (b) above.

(f) through (g) No change.

(h) Advancement of Funds. The facility director at a contract community release center, if authorized by contract, shall advance up to \$75.00 to an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings, as provided in subsection (11), shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated to ensure due process for the collection of any unpaid portion of the advancement. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department ~~of Corrections~~ finds that such action will not jeopardize the inmate's ability to transition himself or herself into the community.

(i) Inmates assigned to a community release program ~~Community Release Program~~ are authorized to possess one cell phone each to assist these inmates in setting up job interviews, cementing family relationships, and establishing contacts necessary to increase their chances for successful reentry into the community.

~~1.a.~~ Possession of a cell phone by an inmate is a privilege that may be forfeited by any inmate who fails to abide by the rules of the Department ~~department~~, or otherwise engages in misuse of this privilege. The only inmates that are allowed to possess or use a cell phone are those in one of the following statuses:

~~a.b.~~ All inmates assigned to CWR;

~~e. Inmates in the last 90 days of PWR;~~
~~b. Inmates assigned to CWA who are within 90 days of the CWR timeframes; and~~

~~e. Inmates assigned to CTP who are within 90 days of release.~~

2. Inmates may only have non-contract (i.e., pre-paid or “pay-as-you-go”) cell phones. However, nothing in this rule precludes inmates from being added to the calling plans of family members.

3. No change.

4. The inmate, correctional officer major or facility director of a contract facility, and the designated staff member will acknowledge and sign Form DC6-2075, Cell Phone Rules and Regulations. Form DC6-2075 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of the form is ~~XX/XX/14~~. Refusal by the inmate to agree to the terms and conditions set forth in Form DC6-2075 and sign same will result in the cell phone being deemed contraband and being disposed of per Rule 33-602.203, F.A.C., and may result in disciplinary action and/or termination from the community work release program.

5. Upon acknowledgement of the DC6-2075 by the inmate, staff will:

a. Add the cell phone to the inmate’s Inmate Personal Property List, Form DC6-224, denoting the make, model, serial number, and associated phone number. Form DC6-224 is incorporated in Rule 33-602.221, F.A.C. This information will also be entered into WRIMS at those facilities at which the system is operational; and

b. Inventory on the inmate’s DC6-224 the pre-purchased, pre-addressed, pre-postage paid bubble wrapped envelope that is to be purchased at the time of the cell phone purchase. The envelope will be used by staff to mail the cell phone to a predetermined family member or individual in the event it becomes necessary upon termination from the community release program, etc.

~~6. Inmates are personally and solely responsible for the care and security of their cell phones. The Department and/or contract provider assumes no responsibility for theft, loss, damage, or vandalism to inmate cell phones, or the unauthorized use of such devices. In the event that a cell phone is damaged or destroyed by Department department and/or contract facility staff during a routine search, emergency search, or while impounded, the warden or his or her her/his designee shall cause an investigation to be made and action taken in accordance with Rule 33-602.203, F.A.C.~~

~~7. All cell phones on the property of the community release center or in an inmate’s possession are subject to search~~

at any time or for any reason in accordance with Rules 33-602.203 and 33-602.204, F.A.C.

~~8. Use of the cell phone in any manner contrary to local, state, or federal laws, telephone company regulations, or Department department or institution rules or regulations constitutes misuse and will be dealt with by the Department according to Rule 33-601.314, F.A.C., and applicable law.~~

~~9. An inmate shall not contact by telephone any Central Office or other departmental staff, except those staff assigned to the community release center in which the inmate is assigned, or any person who has advised the warden’s office, the correctional officer major or facility director of a contract facility that he or she does not wish to receive telephone calls from the inmate. Once the inmate is notified of this restriction, any further attempt to communicate by telephone will be considered a violation of this rule and will subject the inmate to disciplinary action and termination from the community release program.~~

~~10. Upon termination or removal from the community release program, the cell phone will be mailed to a predetermined family member or individual in the pre-addressed, pre-postage paid bubble wrapped envelope purchased in advance for this purpose. Cell phones will not be packed as inmate property. Staff will check the cell phone to ensure the SIM card is present and seal the envelope in the presence of the inmate prior to transport. However, if the cell phone has been deemed contraband or evidence ~~contraband/evidence~~ and will be used in court or disciplinary proceedings, it will be retained and disposed of as provided in Rule subsection 33-602.203(8), F.A.C.~~

(10) Transportation.

(a) Transportation for inmates engaged in community release programs shall be by the following means and be approved by the correctional officer major or contract facility director:

1. Employer furnished transportation, the driver of which must be approved by the correctional officer major or contract facility director;

2. Public transportation, ~~including taxi service~~;

3. through 6. No change.

(b) Contract Community Release Centers:

1. No change.

2. Inmates will utilize transportation authorized in paragraph (10)(a) of this rule, unless the warden over the contract community release center determines for public safety reasons another means of transportation is necessary.

3. Such facilities shall provide, at no cost to the Department or the inmate, transportation for medical or mental health services, religious services (if not provided at the community release center), attendance at substance abuse group meetings, and ~~or~~ for shopping.

(c) In order to ensure that inmates are not working long distances from the center, the warden over the community release center shall establish maximum boundaries for employment sites based on the geographic location of the center ~~by center geographic location~~. The maximum boundaries shall not exceed two hours travel time to the employment site from the center facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the community release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety.

(11) Disbursement of Earnings.

(a) An inmate working at paid employment shall agree to deposit his or her total earnings less legally required payroll deductions, or other payroll deductions authorized by the Department, into his or her account in the Inmate Trust Fund. The Department shall have the authority to hold, disburse, or supervise the disbursement of these funds according to a prearranged plan of disbursement.

(b) No change.

(c) The inmate's plan for the disbursement of earnings shall include a provision that no less than 10% of his or her net income will be placed in savings for disbursement upon his or her release. While an inmate is assigned to a community release program, such savings may not be used for any inmate expenditure including ~~but not limited to~~ subsistence payments, transportation fees, or weekly draws. The plan shall also include a provision that no less than 10% of net income will go toward the support of any dependents the inmate may have.

(d) through (e) No change.

(f) Subsistence deductions against individual inmate's earnings will commence with the first labor compensation payment received by the inmate during his or her incarceration and will terminate with the last day of incarceration, regardless of the frequency of the employer's payroll cycle. Inmates released from Department custody in the middle of an employer's pay cycle will be responsible for subsistence for each day in the pay cycle that the inmate was in Department custody. Center staff will manually deduct final subsistence payments for this period from the inmate's trust fund account. However, if an inmate fails to deposit his or her final earnings into his or her Inmate Trust Fund account, a 55% subsistence deduction will be made from the Inmate Trust Fund Account for the days owed by the inmate, based on the inmate's release date, for which the State or the contract facility has not already been compensated. The assessment will be made based on the inmate's last earnings deposited.

(g) An inmate who has been gainfully employed and becomes unemployed through no fault of the inmate's action shall continue to be assessed for subsistence at the rate of \$6.00 per day to the limit of funds available. If an inmate becomes

unemployed through his or her actions, he or she shall continue to be assessed for subsistence to the limit of the funds available. Absent earnings to compute the subsistence deduction, the assessment will be made at the same per diem level as was deducted from the inmate's last regular wages.

(h) A work releasee who is receiving Workers' Compensation or sick pay shall pay subsistence fees commensurate with the rate set forth in paragraph (11)(d) above based on the amount of compensation received, less any legally required payroll deductions.

(i) through (j) No change.

(k) Subsequently, the inmate may request within seven ~~(7)~~ days of the expiration of his or her sentence to establish an outside bank or credit union account. The correctional officer major or contract facility director shall evaluate and approve or disapprove such requests based on the following criteria:

1. Whether the inmate has followed applicable Department rules regarding deposit and handling of his or her income (e.g., whether the inmate deposited all paychecks in a timely fashion); and

2. Whether the account offers, or the opening of the account is contingent upon, initiating an additional contract beyond the establishment of a bank or credit union account (e.g., a credit card offer or requirement).

(l) An inmate is permitted to draw up to \$100.00 from his or her account each week, provided the inmate has sufficient funds, it is in accordance with the inmate's financial/budget section of his or her personalized program plan, and the draw is not taken from the savings required by paragraph (11)(c) above. The largest denomination of monies allowed is a five-dollar ~~five dollar~~ bill.

(m) Any requests for special withdrawal shall be made in accordance with paragraph (3)(a) of Rule 33-203.201, F.A.C. The amount of such requests will be limited to no more than 60% of funds available in the inmate's trust fund account. Special withdrawal requests are limited to one per month unless an emergency arises, such as a sudden change of employment requiring the purchase of appropriate tools, clothing, or equipment. Emergency special withdrawal requests will be evaluated and approved or disapproved by the correctional officer major or contract facility director to ensure that the withdrawal is emergent in nature.

(12) Restitution.

(a) Unless there exist reasons not to order restitution, the Department shall require inmates working at paid employment, under the provision of Section 945.091, F.S., to provide restitution to an aggrieved party for the damage or loss caused as a result of ~~the a prior or~~ current offense of the inmate. For purposes of this rule, fines, court costs, liens, and court ordered payments shall be treated in the same manner as restitution.

(b) through (d) No change.

(e) Restitution requirements shall be recorded on Form DC6-123, Monetary Reimbursement Agreement, and current commitment(s) obligations are to be entered in OBIS by the classification officer. Form DC6-123 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04116>. The effective date of the form is 7-14.

(13) Reasons for Removal from a Community Release Program. An inmate may be removed from a CWA ~~or PWR, CTP, or from CWR~~ for any of the following reasons:

(a) through (b) No change.

(c) There is reason to believe that the inmate will not honor the trust bestowed upon him or her; or

(d) No change.

(14) Process for Removal from a Community Release Program.

(a) When an inmate is removed from a community release program for negative behavior or unsuccessful participation in the program and placed in a secure facility, the inmate shall be recommended for termination from the program by his or her classification officer.

(b) through (c) No change.

(d) If the SCO disapproves the termination, the SCO shall ensure that the inmate is returned to his or her previous community release status.

~~(e) Upon removal from CWA, PWR, or CWR, the inmate can be considered for placement in CTP following the process as outlined in subsection (7) of this rule.~~

~~(e)(f)~~ Inmates in CWR are required to pay for their medical and dental expenses. If unable to afford these expenses, the inmate may be removed from the center and re-evaluated for appropriateness to remain at the center.

(15) Escape from a Community Release Program.

(a) Any time an inmate cannot be located at his or her authorized location, a BOLO (Be On the Lookout ~~For~~)/Warrant shall be requested and the inmate shall be recommended for termination from the community release program in the interest of public safety.

(b) No change.

(c) If, following investigation, it is determined that the inmate did not escape, as defined in Section 945.091(4), F.S., the procedures outlined in subsection (14) of this rule shall be followed in order to review the inmate for reinstatement to a community release program.

(16) No change.

(17) Program Facilities.

(a) through (b) No change.

(c) When funding is available, the Department is authorized to enter into written agreements with any city,

county, federal agency, or authorized private organization for the housing of inmates on community release status in a place of confinement under the jurisdiction of such entity, and for the participation of these inmates in community release.

(18) No change.

Rulemaking Authority 944.09, ~~944.026~~, 944.105, 945.091, 946.002, 958.09 FS. Law Implemented 945.091, 946.002, ~~958.09~~ FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08, 1-18-11, 3-6-14, 7-14-14, 5-29-16, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-602.112 Inmate Death Notification Process

PURPOSE AND EFFECT: Rulemaking is necessary to clarify when the Office of Inspector General must be notified of an inmate’s death and to remove language regarding the responsibility of Classification staff to collect and file an inmate’s death certificate in the inmate’s paper and electronic records.

SUBJECT AREA TO BE ADDRESSED: Inmate death notification process

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 406.50, 406.53, 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.112 Inmate Death Notification Process.

(1) Notice of Death. Upon the death of an inmate while in the custody of the department:

(a) The institution shall immediately notify:

1. The person designated by the inmate to receive notice of his death, which will typically be provided by the chaplain; ~~the chaplain will normally be responsible for giving or arranging such notice;~~

2. The Office of the Inspector General on-call supervisor duty officer via the emergency action center ~~if the death occurred under suspicious circumstances or is the result of unnatural causes;~~

3. ~~The local institution inspector;~~

~~3.4.~~ The Office of Health Services;

~~4.5.~~ Any authorized organ donor organization ~~that~~ which has received prior approval from the deceased for removal and donation of organs;

~~5.6.~~ The nearest consulate of a foreign national's country ~~in~~ ~~the~~ case of the death of a foreign national, ~~the~~ nearest consulate of that national's country; and

~~6.7.~~ The district medical examiner of the district in which the death occurred if the death appears to be ~~is~~ the result of natural causes.

(b) The Office of the Inspector General shall immediately notify:

1. The Florida Department of Law Enforcement;

~~2.1.~~ The district medical examiner of the district in which the death occurred if the death occurred under suspicious circumstances or appears to be ~~is~~ the result of unnatural causes; and

~~3.2.~~ The State Attorney of the judicial circuit in which the death occurred, ~~occurred;~~ and

~~3. The Florida Department of Law Enforcement.~~

(c) No change.

(2) Custody and Disposition of the Body.

(a) through (b) No change.

(c) The body may be claimed by any relative or friend of the deceased, ~~deceased~~ or by a representative of a fraternal organization of which the deceased was a member, ~~member~~ or by the Anatomical Board at the University of Florida Health Science Center, provided that the Anatomical Board may not claim the body of any military dischargee described in Section 406.53, F.S. If competing claims to the body are received, they shall be honored in the following order:

1. through 8. No change.

(3) If the body of the deceased inmate is not claimed as outlined in paragraph (2)(c), disposal shall be by burial or cremation, as determined by the warden or his or her designee, based on cost considerations and available space, locally or at the department's designated cemetery, and whether the deceased inmate is entitled to burial in a national cemetery as a veteran of the armed forces. The warden or his or her designee shall make a reasonable effort, including contacting the county veterans service office or regional office of the United States Department of Veterans Affairs, to determine if the deceased inmate is entitled to burial in a national cemetery as a veteran of the armed forces. When cremation is the option selected for disposal, the institution or facility shall:

(a) Ensure that cremation is not prohibited by the tenets of the faith preference of the deceased inmate; and-

(b) No change.

~~(4) In all cases of inmate death, the warden shall furnish to the Bureau of Classification and Central Records a copy of the death certificate obtained from the appropriate authority in the~~

~~county in which the death occurred. In cases where an inquest is held, the warden shall insure that a copy of the coroner's report is furnished to the Bureau of Classification and Central Records.~~

Rulemaking Specific Authority 944.09 FS. Law Implemented 406.50, 406.53, 944.09 FS. History—New 10-8-76, Amended 9-24-81, Formerly 33-3.09, Amended 6-2-88, 2-18-90, 2-12-97, Formerly 33-3.009, 33-401.301, Amended 3-25-02, 9-9-03, 2-15-06, _____

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-602.201 Inmate Property

PURPOSE AND EFFECT: Rulemaking is necessary to clarify rule language, remove references to inmate personal property, make the rule gender neutral, add death row to the list of statuses with restricted property under certain circumstances, allow for the possession of legal materials by an inmate transferred to an outside community hospital or by an inmate transferred for a court appearance, add earrings and tablet armbands to the obsolete property list, clarify the approved sources of certain approved property, remove MP3 players and MP3 player arm bands from the approved property list, add health care appliances as defined in rule to the approved property list; remove laundry soap from the approved property list, add tablets to the approved property list, revise Form DC6-220, and revise Form DC6-224.

SUBJECT AREA TO BE ADDRESSED: Inmate property allowances and restrictions

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 944.09 F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) The reception center chief of security will ~~shall~~ ensure that an inmate property file is established for each new inmate. ~~property files are established for all new inmates.~~ The inmate property file will ~~shall~~ become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property must ~~shall~~ be placed in this file in chronological order.

The chief of security or designee ~~at each institution is shall be~~ responsible for the maintenance of the inmate property file. An addendum will be made to Form ~~DC6-224~~ DC6-220, Inmate ~~Personal~~ Property List, any time the status of ~~an inmate's~~ inmate ~~personal~~ property changes. Form DC6-224 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of this form is ~~XX/XX 11-21-09~~. Examples of changes include when an inmate receives additional property through an approved source or when the inmate chooses to dispose of a broken or worn out item.

(2)(a) When an inmate is initially received by the ~~Department~~ department, the receiving or property officer ~~will~~ shall take charge of the inmate's ~~personal~~ property. The officer ~~will shall~~ inventory all items in the inmate's possession at that time using Form DC6-224, ~~Inmate Personal Property List~~.

(b) After final disposition is completed, the officer ~~will~~ shall give one copy of ~~Form DC6-224~~ the receipt to the inmate along with that property the inmate is authorized by the ~~Department~~ department to keep. ~~Property~~ ~~Personal~~ property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of ~~Form DC6-224~~ will the receipt shall be placed with any property that is not authorized within the ~~Department~~ department and that is to be stored. One copy of ~~Form DC6-224~~ will the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of ~~Form DC6-224~~ will the receipt shall be given to the inmate. One copy of ~~Form DC6-224~~ will the receipt shall be placed in the inmate property file.

(c) ~~Unauthorized~~ The unauthorized property will be held at the institution for 30 days. During this ~~30-day~~ 30-day period, ~~an~~ the inmate ~~will shall~~ be given an opportunity to have ~~any~~ unauthorized property the items picked up by an approved visitor, relative, or friend, ~~and~~ or to mail money or valuables to ~~his or her family~~ their families or other ~~person of his or her~~ choosing persons of their choice at no expense to the ~~Department~~ department. The ~~30-day~~ 30-day period will not include any time during which ~~a grievance or grievance appeal~~ an appeal or grievance pertaining to the disposition of the property is pending. Persons picking up items must pre-arrange with the warden for pick-up at a specific time during administrative working hours (Monday through Friday 8:00 a.m. ~~to through~~ 5:00 p.m.).

(3) Upon arrival at any facility of the ~~Department~~ department, an inmate will have all ~~personal~~ property in his ~~or~~ her possession inventoried by security staff. Any ~~unauthorized~~ property items that are not authorized by rule, or any authorized property that is in excess of the allowed amounts ~~noted as listed~~

in Appendix One of this rule, ~~will shall~~ be confiscated and stored pending disposition. The inmate ~~will shall~~ be ~~given a~~ copy of Form DC6-224 ~~issued a receipt~~ for such items. When it becomes necessary to confiscate and impound the authorized ~~personal~~ property of an inmate subsequent to his reception ~~at an~~ in the institution, it will be immediately inventoried by an officer in the presence of the inmate, and a ~~written,~~ signed receipt, Form DC6-220, Inmate Impounded ~~Personal~~ Property List, itemizing the property will be given to the inmate. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The effective date of this form is ~~XX/XX 10-23-06~~. ~~This form was revised on 10-08~~. If the inmate's behavior is such that the security and order of the institution is jeopardized by his presence during the inventory process, the inmate's presence ~~will shall~~ not be required. In such cases, a second officer ~~will shall~~ witness the inventory process. Proper procedures will be ~~followed taken~~ to safeguard and store such property so as to prevent its loss, damage, or theft. Upon release of the property, a signed ~~copy of DC6-220~~ receipt will be obtained from the inmate. Money in excess of the amount allowed by Rule 33-601.602, F.A.C., ~~institutional policies~~ found in the possession of an inmate will be handled in accordance with ~~Rule paragraph~~ 33-602.203(5)(a), F.A.C.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the ~~Department~~ department once an inmate is permanently assigned ~~to an institution~~, provided the inmate has sufficient storage space. An inmate may not use ~~another~~ inmate's ~~other inmates'~~ storage space or other non-authorized storage ~~containers,~~ containers or store property in locations other than his ~~or her~~ assigned housing unit.

(b) Wardens are authorized to establish local clothing storage procedures based upon confinement or other high security status when possession of multiple items presents a security risk for inmates in that status. Local clothing storage procedures ~~must shall~~ comply with the following:

1. Clothing ~~will shall~~ be exchanged on a one-for-one basis;
2. Inmates must have the opportunity for at least three exchanges per ~~week,~~ week or the same opportunity for exchange as provided to other inmates at the institution, whichever is greater;
3. Local clothing storage procedures must be consistently applied ~~to for~~ all inmates of a particular security or housing status. Additional restrictions or removal of clothing items for ~~an individual inmate~~ inmates for safety or security reasons ~~must shall~~ be handled and documented in accordance with rules applicable to the ~~inmate's particular~~ confinement status.

4. An inmate on work release is allowed to have an expanded inventory of clothing and supplies consistent with his or her work requirements as approved by the warden.

(c) Wardens will shall establish local procedures whereby a married inmate can receive his or her wedding band if the wedding band was not brought with the inmate at the time of reception into the Department department.

(d) An inmate is authorized to possess one tablet, subject to any prohibition, restriction, or limitation as provided by law or Department rule. Possession of a tablet by an inmate receiving inpatient mental health services will be in accordance with Rule 33-404.102, F.A.C. All tablets on the property of an institution or facility are subject to search at any time for any reason in accordance with Rules 33-602.203 and 33-602.204, F.A.C. Inmates on work release shall be allowed to have an expanded inventory of clothing or supplies for their work requirements as approved by the warden.

(e) An inmate is ~~Inmates shall be~~ required to maintain receipts for items purchased from an authorized source for as long as he or she possesses they possess the items. An authorized source includes the canteen, the friends and family program, and any vendor authorized to conduct business with the Department department that has been approved to make items available for purchase by the inmate to the inmates. In instances where items purchased from an authorized source are added to Form DC6-224, ~~Inmate Personal Property List~~, by the property officer, the inmate will not be required to maintain the original receipt from the authorized source. Perishable food and beverage items purchased from an authorized source are intended for immediate consumption and may not be stored in an inmate's housing area. Perishable food and beverage items are those that are unsealed or that require refrigeration. Nonperishable food or beverage items may not be kept longer than 30 days, as evidenced by the receipt from an authorized source, and will shall be considered contraband if found in the possession of an inmate more than 30 days after purchase.

(f) An inmate transferred from a jail or private prison to a ~~Department of Corrections institution or facility is shall be~~ permitted to retain only that property that is authorized by the Department department in Appendix One. Any unauthorized item will be confiscated and held by the institution or facility for 30 days. During this 30-day 30-day period, the inmate will shall be given an opportunity to have the items picked up by an approved visitor, relative, or friend, friend or to mail the items to persons of his or her choosing their choice at no expense to the ~~Department of Corrections~~. The 30-day 30-day time period will not include any time during which a grievance or grievance appeal pertaining to the disposition of the property is pending.

(5) Unauthorized Property. Property (Also see Control of Contraband, Rule 33-602.203, F.A.C.).

(a) Property that is contraband pursuant to Rule 33-602.203, F.A.C., will shall be handled as provided in that rule.

1. If an inmate receives postage stamps in the mail that, when added to the number already in the inmate's his possession, place the inmate him over the maximum allowed, the inmate will he shall be allowed to send the excess stamps out at his or her own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra stamps as soon as they are received. The stamps must be sent out; the institution will not store excess stamps for inmates. Excess stamps found in an inmate's property will be considered contraband.

2. If an inmate receives or obtains printed photographs from any source in the mail that, when added to the number already in the inmate's his possession, place the inmate him over the maximum allowed, the inmate will he shall be allowed to send the excess photographs out at his or her own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra photographs as soon as they are received. Excess photographs found in an inmate's property will be considered contraband.

3. An inmate who is in possession of the maximum number of items articles allowed by this rule and who wishes to replace a worn item must contact the property officer to arrange to discard or send the worn item out at his or her own expense before purchasing a replacement item.

(b) Property that is authorized for inmates in general population such as shaving powders, oils, and lotions will shall be unauthorized or restricted based upon an inmate's confinement or other high security status when that item presents a security risk. Further limits on personal items for inmates in confinement or other high security statuses are authorized as referenced in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.800 and 33-601.820, and 33-601.830, F.A.C.

(6) Storage of Excess Legal Materials.

(a) through (b) No change.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or chief of security that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate will shall be given a written order from an employee of the Department department providing:

a. The inmate will shall have seven calendar days one week (seven calendar days) to organize and inventory his or her legal material and separate excess inactive legal material from excess active legal material; and

b. If, after organizing and inventorying his or her legal material material, the inmate will not be able to fit active legal material in his or her assigned ~~inmate~~ locker, the inmate will

~~shall~~ complete Form DC6-2006, Request for Storage of Excess Active Legal Material, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02183> and Form DC6-2008, Excess Active Legal Material Inventory List, ~~and submit them to be submitted~~ to the warden for review. Form DC6-2006 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02183>. The effective date of this form is 7-8-03. Form DC6-2008 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02185>. The effective date of this form is 7-8-03.

3. If time is needed in excess of seven calendar days for the inmate to organize and inventory his or her legal material, the inmate ~~must, shall~~, prior to the expiration of the seven calendar day period, submit a Form DC6-236, Inmate Request, ~~an inmate request~~ to the warden to ask for additional time to complete ~~the~~ his review. The inmate ~~must shall~~ specify the basis for the request for additional time and how much additional time will be required to complete organizing and inventorying legal material. The total period of time for the inmate to complete this review ~~will shall~~ not exceed 30 calendar days. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

4. In the event the inmate refuses to organize and inventory his or her legal material as ordered, the inmate ~~will shall~~ receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, the inmate ~~will shall~~ receive a disciplinary report and the Department ~~department shall~~ organize and inventory the material. The inventory ~~will shall~~ be performed in the same manner as the staff review described in subparagraph (6)(c)5. ~~5.~~ below.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material ~~will shall~~ be subject to a cursory review by Department ~~department~~ staff to ensure compliance with Department ~~department~~ rules regarding utilization of excess storage, approved property, and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any), and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material ~~will shall~~ be collected by two designated employees and placed in one or more boxes ~~a box(es)~~ with interlocking flaps for storage pending disposition. The warden or designee ~~will shall~~ notify the inmate on Form DC6-2007, Excessive Inactive Legal Material Disposition Determination, of the determination ~~and~~ that the inmate ~~will have has~~ 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor, relative, or friend or sent out at the inmate's

expense as provided in subparagraph (6)(c)6. ~~below.~~ The institution will otherwise destroy the material. This notification ~~will shall~~ be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the ~~three-day three-day~~ waiting period. The ~~30-day 30-day~~ limit ~~does shall~~ not include any time that a grievance or grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph (6)(c)7. ~~below.~~ For purposes of this subparagraph, the warden's designee may include the property room supervisor. Form DC6-2007 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02184>. The effective date of this form is 7-8-03. ~~For purposes of this subparagraph, the warden's designee may include the property room supervisor.~~

6. The cost of sending the inactive legal material to a relative or friend ~~will shall~~ be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account ~~will shall~~ be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid in full.

7. If the inmate intends to appeal the determination and wishes to have the order to dispose of excess inactive legal material within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, ~~Inmate Request~~, that he or she intends to appeal the determination to the Office of the Secretary. The written notice must be filed within 15 calendar days of the determination. It ~~must shall~~ include a statement by the inmate that the inmate intends to appeal the determination and must specifically identify the documents or papers on which the appeal is to be based. ~~Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.~~

8. If the inmate fails to file written notice with the warden within 15 calendar days of the determination, fails to provide Form DC6-2007, ~~Excess Inactive Legal Material Disposition Determination~~, as an attachment to the appeal, addresses more than one issue, or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., the appeal ~~will shall~~ be returned without response to the issue raised.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts ~~and as well as~~ ~~to~~ have the order to dispose of the excess inactive legal material within 30 days stayed while the court appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, ~~Inmate Request~~, that he or she intends to appeal the

determination to the courts. The written notice must be filed within 30 calendar days of receipt of the response from the Office of the Secretary, must identify the court in which the appeal has been filed, must include a statement by the inmate that the inmate intends to appeal the determination, and must specifically identify the documents or papers on which the appeal is based.

10. If the inmate's appeal is denied, the inmate will shall have 30 days to make arrangements to have the excess inactive legal materials picked up by an approved visitor, relative, or friend, or pay to have the material sent to one of these approved individuals. If the material is not picked up or mailed out within 30 days, the institution will shall destroy it.

11. Prior to being stored in excess storage, excess active legal material will shall be placed in one or more boxes a box(es) with interlocking flaps, will shall be numbered in sequential order, and will shall have the inmate's name and department number clearly written on the top and side of each box. Prior to being sealed, the box(es) will shall be inspected by staff, in the presence of the inmate, for contraband. Each box will shall be sealed in the presence of the inmate prior to being placed into excess storage. Form DC6-2008, Excess Active Legal Material Inventory List, must shall be completed or updated by the inmate before a box the box(es) is sent or returned to excess storage.

12. In no event will an inmate's active legal material be destroyed or removed from the facility except, in accordance with procedures for disposition of inmate personal property provided in this rule, as authorized and directed in writing by the inmate.

13. No change.

(d) Excess Inactive Legal Material. Excess inactive legal material will shall be sent out of the institution or facility by the inmate at the inmate's expense, as provided in subparagraph (6)(c)6. above. If the inmate does not want to pay to send the excess inactive legal material out, the this material will be destroyed in accordance with this rule and Rules 33-602.201 and 33-602.203, F.A.C., regarding inmate property and contraband.

(e) Inmate Access to Excess Active Legal Material.

1. When an inmate wants access to a box of active legal material stored in excess storage, the inmate must shall:

a. Notify the property room officer by submitting Form DC6-236, Inmate Request; and and,

b. Clearly indicate by number the box being to be requested.

2. Barring an emergency need demonstrated by the inmate, e.g., a court deadline that requires an immediate response by the inmate, the property room officer will shall provide the requested box to the inmate within three workdays from date of

receipt of the request, which must shall be date stamped when received.

3. After receipt of a box of active legal material legal materials from excess storage, the inmate will shall then be permitted to exchange those active legal materials in the requested box with other active legal materials in the inmate's assigned locker.

4. The legal material to be exchanged will shall be inspected for contraband by staff and sealed in the presence of the inmate prior to the box being returned to excess storage.

5. Form DC6-2008, Excess Active Legal Material Inventory List, must shall be used and updated each time legal material is stored in or exchanged with legal material from excess storage.

(f) Transfer. An inmate being transferred to another institution will shall be permitted to take along all of the inmate's legal material. The transferred inmate's legal material must be maintained and possessed in accordance with the receiving institution's available locker storage space.

(7) Impounded Property.

(a) When it is necessary to take and impound items of personal property belonging to or in the possession of an inmate, that property will shall be taken, handled, processed, and secured in a manner that will safeguard it from loss, damage, destruction, or theft while it is under the control of the Department department. If the property impounded does not belong to the inmate in possession of the property, an investigation will shall be conducted to determine if the owner of the property knowingly permitted the use of the property. If so, the property will shall be handled as contraband. If it can be determined that the property was stolen or otherwise taken without permission, the impounded property will shall be returned to the rightful owner unless otherwise prohibited by this rule or by Rule 33-602.203, F.A.C. Inmates must report stolen items immediately to the housing officer. The officer will shall complete Form DC6-210, Incident Report, an incident report and an attempt will be made to locate the missing property. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(b) When personal property of an inmate is impounded taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. A new inmate New inmates being processed into the Department department at one of the reception centers will have his or her their property recorded on Form DC6-224 DC6-220, with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule.

At the time of receipt into the ~~Department~~ ~~department~~ each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the ~~Department~~ ~~department~~ to dispose of the property should the inmate abandon it. Form DC6-226 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02180>. The effective date of this form is 11-21-00.

1. The inventory ~~will shall specifically~~ list and identify each item or ~~list~~ each group or package of personal items such as letters, legal papers, etc., ~~maintained in a collection etc. as an assortment~~ on Form DC6-220.

2. ~~Form DC6-220 must~~ ~~The inventory list shall~~ be signed and dated by the employee recording the inventory and signed by the inmate, each in the presence of the other, unless doing so would be a danger or a threat to security, or unless the inmate is unavailable.

3. If an inmate refuses to sign ~~Form DC6-220 the inventory list~~ or is not present, that fact will be noted on the inventory and signed by the employee making the inventory and also by a second employee present ~~during the inventory~~.

4. through 5. No change.

(c) No change.

(d) Authorized property impounded during a period of close management, administrative confinement, or disciplinary confinement ~~will shall~~ be held at the institution and returned to the inmate at the end of such period.

(e) If it is appropriate to return part, but not all, of the impounded property to the inmate, the following procedure will be followed:

1. That part of the property being returned will be listed on the approved release, Form DC6-225, Inmate Partial Property Return Receipt, and any property found to be missing at that time will be noted on the form. Form DC6-225 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02179>. The effective date of this form is 11-21-00. The employee making the release and the inmate will date and sign the release form, each in the presence of the other. One signed copy of the release form ~~will shall~~ be given to the inmate. One copy ~~will shall~~ be attached to the original inventory list and kept with the remaining impounded property until all property is returned to the inmate, at which time ~~the copy #~~ will be placed in the inmate's property file.

2. The remaining unauthorized impounded property ~~will shall~~ be held by the institution for 30 days. It ~~is shall be~~ the responsibility of the inmate to make arrangements to have the

property picked up by an approved visitor, relative or friend. In the alternative, the inmate may pay to have the property mailed to one of these approved individuals. The 30-day time period ~~does shall~~ not include any time during which ~~a grievance or grievance appeal an appeal or grievance proceeding~~ relating to the impounded property is pending. This paragraph does not apply to property that will be returned to the inmate pursuant to paragraph (7)(d) after release from close management, administrative confinement, or disciplinary confinement.

3. When property is picked up by an authorized individual, the person receiving the property ~~must shall~~ sign ~~Form DC6-227 the inventory list~~ acknowledging receipt of the property. When arrangements for mailing of property have been made by the inmate, the inmate ~~must shall~~ sign ~~Form DC6-224 the inventory list~~ indicating ~~the that~~ property to be mailed.

(f) When all of the impounded property is being returned, the following procedure will be followed:

1. No change.

2. The inmate will sign and date the original ~~Form DC6-220 inventory list~~ to indicate that all of the impounded property has been received. The employee will sign as a witness and the ~~form will receipt shall~~ be placed in the inmate's ~~personal~~ property file.

3. If items of ~~personal~~ property ~~listed~~ on the inventory list cannot be located at the time the property is returned, those items ~~will shall~~ be indicated as being missing on the inventory list.

(g) When an inmate whose ~~personal~~ property has been taken and impounded is transferred to another ~~institution or facility~~, that property ~~will shall~~ be transported with the inmate or as soon as possible ~~after the inmate is transferred thereafter~~. It is the responsibility of the sending location to ensure that only authorized property is transported and that the inmate has signed the proper receipt for the property, Form DC6-227, Receipt for Personal Property. Form DC6-227 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02181>. The effective date of this form is 11-21-00. The procedures for returning property listed in paragraph (7)(f) ~~above will shall~~ be followed. When the inmate has excessive authorized property that cannot be transported with the inmate, the procedures for making a partial return listed in paragraph (7)(e) ~~above will shall~~ be followed.

(h) Except in emergency situations such as transfers immediately following a disturbance or institutional evacuation, whenever an inmate is transferred from one institution to another, the inmate's ~~personal~~ property and ~~personal~~ property file ~~will shall~~ be transferred with ~~the inmate him~~. The sending institution ~~has shall have~~ the responsibility of

ensuring that the inmate being transferred has only that property that belongs to the inmate ~~him~~ and that such property is authorized. The inmate and the officer inspecting the property must shall sign and date Form DC6-227, ~~Receipt for Personal Property~~, at the time of transfer. Any property that is left behind or missing will shall be noted on the form.

(i) If an inmate is transferred without his or her personal property, the property will shall be forwarded to the inmate by the sending institution within five working days, or as soon thereafter as possible if conditions resulting from an the emergency preclude forwarding within five days. The property, along with Form DC6-224, will an itemized list, shall be placed in a sealed container for transporting. A staff member at the receiving institution will shall, in the presence of the inmate to whom the property belongs, check the property against the property list to ensure that all property is accounted for. The inmate must shall sign Form DC6-227, ~~Receipt for Personal Property~~, when the property is given to the inmate. Any discrepancies will shall be noted on the form. If the inmate refuses to sign Form DC6-227, a notation to that effect will shall be placed on the form and a second employee will shall witness and sign the form.

(8) Any inmate transferring to an outside ~~community~~ hospital in the community for treatment or to a court appearance will shall take only personal hygiene items, items and prescription medication issued by health services, and legal materials related to the court appearance in a quantity not to exceed the contents of a small banker's box or as otherwise ordered by the court. Remaining ~~personal~~ property will shall be inventoried utilizing Form DC6-220, ~~Inmate Impounded Personal Property List~~, and stored in a secure location. When the inmate returns, he or she will only be allowed to possess those items that the inmate possessed before being transferred, only those items that he possessed before transfer will be allowed.

(9) Any inmate being released by parole or expiration of sentence must shall take all personal property with him or her and sign Form DC6-227, ~~Receipt for Personal Property~~, at the time of release.

(10) When, with the prior knowledge of the ~~Department~~ department, an inmate is not under the immediate control of the ~~Department~~ department for more than 24 hours and the inmate's his personal property does not accompany him or her, it will be inventoried and held until the inmate's his return.

(11) When an inmate dies, escapes, or otherwise voluntarily abandons his or her property, the procedures listed below will be followed:

(a) through (b) No change.

(c) If this effort is successful, a signed Form DC6-227 receipt for the property will be obtained from the person taking

possession of the property, and the receipt will be placed in the inmate's ~~personal~~ property file.

(d) If the effort to locate the person or persons is not successful, or if the person or persons listed fail to make arrangements to take possession, the property will be given to charity. Funds in the Inmate Trust Fund inmate bank trust fund will be handled in accordance with Rule 33-203.201, F.A.C.

(e) Abandoned property will be held by the institution for a period of 30 days to ensure sufficient time to implement incorporate the procedures outlined above.

(12) The warden or designee will shall determine how an inmate's ~~personal~~ property will shall be managed when the inmate has to appear at a disciplinary hearing by evaluating the following factors:

(a) No change.

(b) The likelihood of disruptive and belligerent behavior on the part of the inmate in the event that he or she is found guilty at the disciplinary hearing; and and;

(c) No change.

(13) The warden or designee is authorized to require an inmate to bring all of his or her personal property to a the disciplinary hearing if the warden or designee determines that this is necessary after evaluating the factors set out in subsection (12) above.

(14) Missing Inmate Property.

(a) When an inmate's property is returned after being stored for any reason and items documented on Form DC6-224, ~~Inmate Property List~~, cannot be located, this fact will shall be documented on the form. Any request for compensation or replacement of missing items will shall be initiated via the inmate grievance process by the inmate whose property is missing.

(b) If the grievance is approved, the assistant warden or other designee of the warden will shall conduct an investigation of the loss. The investigation will shall be completed and forwarded to the warden or designee within 30 days.

(c) If the loss is substantiated by the investigation, the warden or designee will shall forward to the Department of Corrections Environmental Health, Safety and Risk Management Office a cover letter recommending a with recommendation of payment amount, a copy of the investigation with supporting documentation including proof of ownership (Form DC6-224), and a completed Department of Financial Services Lien Disclosure Statement, DFS-D0-1404. The Lien Disclosure Statement is hereby incorporated by reference. Copies of the Lien Disclosure Statement are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02316>. The effective date of this from the Lien Disclosure Statement is 1-08.

(d) The Department of Corrections Environmental Health, Safety and Risk Management Office ~~will shall~~ review and forward the claim to the Department of Financial Services, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, ~~will shall~~ be used to notify the institution of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office. Form DC6-238 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02182>. The effective date of this form is 3-13.

(e) No change.

(15) Transfer of Property. Inmates shall not transfer ~~any property in their possession items of personal property~~ to any other individual by way of loan, sale, trade, barter, or donation.

(16) Religious Property.

(a) No change.

(b) Unless otherwise prohibited by ~~Department department~~ rule, inmates ~~are shall be~~ permitted to possess, for personal use, religious publications as defined in Rule 33-503.001, F.A.C., that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

(c) Unless otherwise prohibited by ~~Department department~~ rule or by paragraph (16)(e) below ~~of this subsection, an inmate is inmates shall be~~ permitted to possess the following items adhering to the tenets of a particular religion for wearing or carrying at all times or for use during individual worship in ~~the inmate's their~~ assigned cell or individual sleeping area if assigned to open dormitory housing. Such religious items must be documented on Form DC6-224, ~~Inmate Personal Property List~~. When an inmate makes a change in religious preference, the inmate must dispose of all ~~of~~ the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal ~~must shall~~ be in accordance with paragraph (16)(i) below and must be done before the inmate ~~will shall~~ be permitted to possess items adhering to the new religious preference. An inmate ~~is shall be~~ allowed to maintain the following religious items in his ~~or her~~ individual housing unit unless specific and definable security concerns require storage and usage elsewhere. An inmate ~~will shall~~ not be transported to the chapel for the purpose of using an item for individual worship if the inmate possesses the item in his ~~or her~~ housing area; however, if an inmate does not possess a necessary item for individual worship in his ~~or her~~ housing area and the item is available at the institutional chapel, the inmate ~~will shall~~ not be prohibited from being transported to the chapel for the purpose of using the item for individual worship.

1. through 2. No change.

(d) Religious items to be stored and used in the chapel. The following religious items pose a general security risk when allowed in an inmate's cell or sleeping area if assigned to an open dormitory housing unit. Inmates ~~are shall be~~ permitted to use the following religious items or materials only under the supervision of the chaplain or an approved volunteer, and these items ~~will shall~~ be stored in the chapel:

1. ~~Tarot Tarot~~ cards;
2. Wiccan ~~stones stones~~ or crystals;
3. Buddhist – Zafu.

(e) Limitations on Use of Religious Property. When an inmate is prohibited from retaining possession of religious items due to transfer to a different management or housing status, such items ~~will shall~~ be stored and returned to the inmate once he ~~or she~~ has been transferred back to a setting in which the items are permissible pursuant to this rule.

1. Inmates in a transitional care unit, an isolation cell, observation cell, isolation management room, crisis stabilization unit, on self-harm observation status, or housed at a Mental Health Treatment Facility (~~MHTF~~) are not permitted to store or use religious property, other than religious publications as provided in paragraph (16)(b) above ~~(a) of this subsection~~, without review and approval by the inmate's Multidisciplinary Services Team.

2. Inmates on close management or maximum management status and inmates in disciplinary or administrative confinement ~~are shall be~~ permitted to possess religious publications, items for wearing or carrying at all times, and items for individual worship unless the warden or designee finds that the inmate's possession of ~~an the~~ item poses a specific and definable safety or security threat. In determining whether an item presents a specific and definable threat, the following ~~will shall~~ be considered:

a. through b. No change.

(f) Religious property and other religious items ~~must shall~~ be acquired through an authorized source, bona fide religious organization, or donor.

(g) The chaplain at the institution ~~will shall~~ serve as advisor to staff and inmates in the area of religious property listed in paragraphs (16)(c) and (16)(d) above ~~of this subsection~~. Should issues arise concerning the appropriateness of any particular religious item that is alleged to be permitted by this subsection, the institutional chaplain will evaluate the item in conjunction with security staff to determine whether the item is permissible. The agency chaplaincy services administrator ~~will shall~~ provide advice and guidance to the ~~Department department~~ regarding approved religious items, religions and religious items not listed in this rule, and other ~~Department department~~ religious issues.

(h) Inmate requests for religious property not listed in this rule ~~will shall~~ be reviewed by the agency chaplaincy services administrator to determine whether the item adheres to the

tenets of the inmate’s particular religion. If the chaplaincy services administrator determines that the item adheres to the tenets of the inmate’s religion, the Bureau Chief of Security Operations ~~will~~ ~~agency security bureau chief shall~~ conduct a review to determine whether the item presents a specific and definable threat to safety, security, and order of an institution or facility. ~~security and order~~. In determining whether an item presents such a threat, ~~a threat to security and order~~ the following will shall be considered:

- 1. through 2. No change.
- (i) Disposal of Religious Property.

1. Religious property that must be disposed of in order for an inmate to remain in compliance with the provisions of this rule (e.g., to remain within limits on the number of permissible items) will shall be retained by the institution or facility for 30 days. The inmate may mail out the item(s) during this time at no expense to the Department ~~department~~ or may elect to give the item(s) to the institutional chaplain for disposal in a manner respecting the tenets of the religion faith to which the item adheres. If after 30 days the inmate has not disposed of the property, it will shall be transferred to the chaplain for disposal in a manner respecting the tenets of the religion faith to which the item adheres.

2. Religious property that must be disposed of in order for an inmate to receive items adhering to a different religious preference faith pursuant to paragraph (16)(c) above may be mailed out at no expense to the Department ~~department~~ or may be given to the institutional chaplain for disposal in a manner respecting the tenets of the religion faith to which the item adheres.

APPENDIX ONE
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department ~~department~~ institutions and facilities except community correctional centers. Except for items specified below as “exemptions,” property received must be in compliance with this list. Inmates in possession of property previously approved by the Department ~~that of Corrections~~ which meets the description of property on the list will shall be allowed to retain the property. Inmates transferring to Department institutions or department facilities from private correctional facilities will shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold by an authorized source, items purchased in canteens at private facilities will not always be admissible in Department institutions or department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued.

All items from an authorized source are subject to availability and may not be available for purchase. Items found in the possession of an inmate that are in excess of the established “quantity” will shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item must shall not exceed that value. The terms “authorized source” and “state issue” refer to the sources from which property can be obtained ~~after January 1, 1996~~. All items with the “authorized source” designation are shall be available in all institutional canteens or through orders from an authorized source. All authorized source items are transferable between Department ~~department~~ institutions and facilities. “State issue” means that an the institution or facility has the authority to issue this item to inmates based upon the character of the institution or facility, the location of the institution or facility, the housing or work assignment of the inmate, or other factors related to institution, facility, or inmate needs. Institutions housing death row inmates will shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items are shall be allowed to retain the items until they are no longer serviceable, but will shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups, ~~cups~~ and lids
- Pantyhose
- Nail clippers larger than 2 1/2” ~~2-1/2”~~
- Earrings, post type
- Tablet armband holder

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
4	each		Athletic Bra (authorized source – female only)
1	each		Belt (state issue)
4	each		Bras, <u>may be athletic style</u> (state issue or authorized source – female only) *inmates may possess both stated-issued and authorized source-purchased bras, but the total combined number cannot exceed four
1	each		Coat (state issue)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (authorized source)

1	each	Hats (state issue)			Quantity as specified by Rule 33-501.401, F.A.C.
2	pair	Pajamas – long (state issue or authorized source)	1	each	Bowl – plastic (authorized source)
		Light blue or white – female only	1	package	Breath tablets (authorized source)
		Light blue – male <u>only</u>	1	each	Calendar – Calendar , as specified by Rule 33-501.401, F.A.C.
7	each	Panties (state issue or authorized source – female only)	*		Canteen purchases – *limited by approved storage space space ;
3	each	Pants (state issue)			Canteen bag (authorized source)
1	each	Raincoat or poncho Poncho – clear (state issue or authorized source)	1	each	Checkers (light wood or plastic, standard checkers only)
1	each	Robe (state issue – female only)	1	set	(authorized source order)
3	each	Shirt, outer (state issue)			Chess (light wood or plastic, 2 inches max. height) (authorized source order)
4	each	Shirt, t-shirt T-Shirt (state issue or authorized source – gray for female, white for male) *inmates may possess both state-issue and authorized source-purchased source—purchased shirts, but the total combined number cannot exceed four 4-	1	set	Coffee mug – plastic (authorized source)
			1	each	Comb-pocket type, no handles (non-metal) (state issue or authorized source)
1	pair	Shoes, athletic Athletic (authorized source)	*		Correspondence – *limited by <u>approved</u> storage space limitations
1	pair	Shoes, boots Boots (authorized source or state issue)	1	pack	Cotton swabs (plastic or paper stems only) (authorized source)
2	each	Shorts, athletic (navy blue) (authorized source)	2	each	Crème rinse and conditioner (authorized source)
1	each	Shorts, athletic (blue only) (male only) (state issue)	1	each	Cup, drinking – plastic (authorized source)
3	each	Shorts, athletic (blue only) (female only) (state issue)	1	package	Dental floss; (floss loops only, <u>unwaxed</u>), unwaxed (authorized source)
1	each	Shower cap, clear only (female only) (authorized source)	1	each	Denture adhesive (state issue or authorized source)
1	pair	Shower slides (authorized source)			Denture cup (authorized source order)
6	pair	Socks (state issue or authorized source)	1	each	Deodorant and antiperspirant (no aerosols) (authorized source)
1	each	Supporter, athletic (male only) (authorized source)	2	each	Domino (light wood or plastic, standard size) (authorized source order)
2	each	Sweatshirts (gray only) (authorized source order)	1	set	Earbuds (<u>state issue or authorized source</u>)
4	each	Undershorts (male only) (state issue or authorized source)	1	Set	Earphone pads (replacement) (authorized source order)
2	each	Underwear, thermal (state issue or authorized source)	1	pair	Ear rings, post type (female only) (authorized source order)
			1	pair	Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
NON-CLOTHING PERSONAL ARTICLES					
Quantity	Unit	Value	Articles		
Number in use			Batteries (authorized source)	*	
25	each		Roller clips – plastic only (females only), (authorized source)		
*			Books (legal, educational, religious, fiction) – <u>quantity</u>		

1	pack	Emery board – cardboard (authorized source)	dosage		drops, nasal spray, etc.; no no imidazoline,
25	each	Envelopes – legal (#10 size) (authorized source)			tetrahydrozoline, or hydrochloride compounds (authorized source –
5	each	Envelopes – oversized (10" x 13") (authorized source)			as approved by health services)
*		Envelopes, self-addressed stamped – *the *the total in the inmate’s possession must shall not exceed the limit of <u>one</u> 4 pack	2	each	Hearing aid (state issue or personal)
2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that <u>an inmate inmates</u> already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed; <u>contact</u> → Contact lenses will only be provided if medically <u>indicated</u>) indicated	1	each	Hobby craft – at locations where program exists and subject to storage space limitations
			1	each	Insect repellent (authorized source)
			1	each	Jigsaw puzzle (authorized source order)
			1	each	Keyboard (authorized source)
			1	each	Laundry bag (state issue or authorized source)
			1	each	Lip balm (authorized source)
			1	each	Locks, combination (V68 series) (authorized source)
1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (authorized source)	1	each	Make-up bag, clear only (female only) (authorized source)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or authorized source)	1	each	Mirror, <u>plastic, non-breakable (5” x 7” max.)</u> plastic, nonbreakable, 5” x 7” max. (authorized source)
*		File folders (*limited by <u>approved</u> storage space)	1	each	<u>Moisturizer</u> Moisturizer (authorized source)
20		Greeting cards and accompanying envelopes	1	each	Mouthwash (authorized source)
1	each	Hairbrush – nonmetal, handles for females only (authorized source)	1	each	<u>MP3 Player</u> (authorized source)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (authorized source)	1	each	<u>MP3 Player arm band holder</u> (authorized source)
1	each	Hair net (female only) (authorized source)	1	each	Nail clippers, not to exceed 2 1/2" (authorized source)
25	each	Hair rollers (female only) (authorized source)	2	pack	Notebook paper (authorized source)
2	each	Handballs or <u>racquetballs</u> racketballs (authorized source)	4	each	Pens, ballpoint, flair-type, pencils with erasers, or security pens (<u>no markers</u>) , no markers (authorized source)
1	each	Headphones for use with radio (authorized source)	*		Periodicals – *as specified by Rule 33-501.401, F.A.C., and <u>limited</u> <u>by approved</u> storage space <u>limitations</u>
Maximum		Health aids – headache and cold remedies, antacids,	1	each	Photo album, non-metal (authorized source)
weekly		antifungal preparations, cough	50	each	Photographs (personal)
			2	decks	Playing cards (standard) (authorized source)
			5	each	Pony tail holder (fabric) or hair

			claws (plastic) (female only) <u>(authorized source)</u>			ounce 1st class) (authorized source)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)	1	each	Sunglasses, no mirror type (authorized source)
*			Prosthesis or health care appliance as defined in Rule 33-210.201, F.A.C. — *as approved by health services	1	each	Sunscreen lotion (authorized source)
				1	<u>each</u>	<u>Tablet (state issue or authorized source)</u>
1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (authorized source)	1	each	Talcum powder (authorized source)
1	each		Razor, disposable (female only) (state issue) (female inmates only)	1	each	Toilet paper <u>Paper</u> (state issue or authorized source)
1	each	50.00	Razor, battery operated, non-rechargeable (authorized source order)	1	each	Toothbrush (state issue or authorized source)
*			Religious requirements – as approved by chaplaincy <u>services</u> services , (examples: head covering, prayer rug)	2	each	Toothpaste and <u>toothpaste</u> toothpaste with mouthwash (state issue or authorized source)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)	2	each	Towels (state issue)
1	each	100.00	Ring, engagement (<u>female only</u>) (personal, female only)	1	each	Wallet (authorized source)
1	each	100.00	Ring, wedding (personal)	1	each	50.00 Watch (personal or authorized source)
1	each		Roller cap, clear only (female only) (authorized source)	1	each	Watch band (nylon and Velcro only) (authorized source)
<u>25</u>	<u>each</u>		<u>Roller clips, plastic only (female only) (authorized source)</u>	2	each	Washcloths (state issue or authorized source)
1	set		Scrabble (authorized source order)			Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, 1-25-10, 7-4-10, 10-26-11, 8-19-12, 11-20-12, 3-3-13, 6-8-14, 8-17-16, _____.
1	each		Screen protector (authorized source)			
2	each		Shampoo (authorized source)			
1	each		Shaving cream (authorized source)			
1	each		Shaving powder (authorized source)			
1	pair		Shoe laces (authorized source)			
1	each		Shoe wax (<u>liquid</u> Liquid only, <u>non-flammable non-flammable</u> , no nitrobenzene) (<u>authorized source</u>) ; (authorized source)			
2	each		Soap, bath (state issue or authorized source)			
1	each		Soap dish (authorized source)			
<u>4</u>	<u>each</u>		<u>Soap, laundry (female only) (authorized source)</u>			
*			Special needs – *special devices as approved for compliance with medical needs			
1	each		Spoon, plastic (authorized source)			
40	each		Stamps (the equivalent of 40 1-			

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-602.204 Searches of Inmates

PURPOSE AND EFFECT: Rulemaking is necessary to clarify and reorganize the rule, to establish that the Department may use x-ray body scanner technology to search inmates for contraband, and to reiterate that x-ray technology intended for the diagnosis or treatment of injury or disease will not be used for such purpose.

SUBJECT AREA TO BE ADDRESSED: Searches of inmates

RULEMAKING AUTHORITY: 944.09, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.47, 944.472, 944.473 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Substantial rewording of Rule 33-602.204, F.A.C., follows. See Florida Administrative Code for present text.

33-602.204 Searches of Inmates.

Searches of inmates will be conducted to control the introduction and movement of contraband, and to prevent escapes. When searching an inmate, staff must follow established search protocol to ensure the safety of staff and the inmate.

(1) Clothed searches.

(a) Inmates should be searched while fully clothed whenever possible since most contraband can be detected using this method of search if it is properly conducted.

(b) With proper training, a correctional officer may conduct searches of clothed inmates without prior approval from his or her supervisor.

(c) Visual and metal detector searches may be routinely conducted on clothed inmates, and may be conducted at random.

(d) In addition to visual or metal detector searches, a search of clothed inmates may be conducted utilizing x-ray body scanner technology intended for security use when available.

1. Any inmate entering or exiting the secure perimeter of a Department institution or who is suspected of hiding contraband inside his or her body may be searched utilizing x-ray body scanner technology intended for security use.

2. Scanned images will only be viewed by correctional officers of the same sex as the inmate being searched, except in an emergency situation for the protection of staff, inmates, or the public.

3. The Department must maintain a log to track each time an inmate is searched utilizing x-ray body scanner technology intended for security use to ensure that an inmate does not exceed the recommended radiation exposure limit.

(e) With the exception of scanned images described in paragraph (1)(d) above, searches of clothed male inmates may be conducted by staff who are of the opposite sex from the inmates.

(f) Searches of clothed female inmates by male staff must only be conducted during an emergency situation as determined by the shift supervisor. The only exception to this is when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the

search due to an imminent threat of physical violence when an immediate search is necessary to secure the inmate to prevent injury to staff, inmates, or the public.

(g) Before the search of a clothed inmate begins, the inmate must remove the contents of his or her pockets, and remove his or her shoes and hat. The shoes, hat, and personal effects removed from the inmate's pockets must be inspected prior to conducting the search of the clothed inmate.

(2) Unclothed body searches.

(a) Unclothed body searches of inmates will only be conducted by correctional officers who are the same sex as the inmate, except in an emergency situation for the protection of staff, inmates, or the public.

(b) An inmate will generally be subject to an unclothed body search upon his or her arrival at an institution from court, another institution, or from any other place where the inmate may have come in contact with the public. When an inmate is apprehended after an escape, attempted escape, or hideout, he or she will be subject to an unclothed body search. There may be other occasions that warrant an unclothed body search, such as before an inmate is admitted to confinement or at any time when an inmate is suspected of carrying contraband.

(c) Inmates on outside work squads provided to other agencies while under supervision do not require an unclothed body search upon their return to the institution. A clothed search will normally be utilized when checking in these inmates. If there is reason to believe an inmate is concealing contraband on his or her body, an unclothed body search will be performed.

(d) When there are established written institutional policies and procedures that require a Correctional Officer I to perform unclothed body searches of inmates in the performance of his or her routine duties, permission from a higher-ranking officer is not required prior to conducting the search.

(e) Except for the above, the following procedures will be followed when conducting an unclothed body search of an inmate:

1. A correctional officer of the rank of at least Correctional Officer II must supervise unclothed body searches whenever possible. If a Correctional Officer II cannot be physically present during an unclothed body search, then the Sergeant or a higher-ranking officer must give his or her permission before the search can be conducted. In facilities where it is not possible for a shift to have a Correctional Officer II on duty, the Shift Officer in Charge must give his or her permission before an unclothed body search can be conducted.

2. Before an unclothed body search can be conducted, an inmate suspected of hiding contraband on his or her body must be removed out of view of the inmate population. If only one inmate is being searched, the search will be conducted in an area accessible only to the inmate and the staff conducting the search. In cases involving more than one inmate, they may all

be searched at the same time and in view of each other. Only those inmates and staff conducting the search will be present during the search.

3. During an unclothed body search, the inmate will remove all clothing, place it in a pile, then move away from the pile a few paces. The search will include hair, ears, and mouth (dentures must be removed). The entire body will then be checked including armpits, hands, pubic region, between the toes, soles of the feet, external anal area, and inner portions of the legs.

4. Internal examination of body orifices, when required, will be made by medical personnel only. Any bandages or casts will be thoroughly examined by medical staff.

5. Every article of clothing and personal property will be thoroughly searched.

(3) Body orifice and cavity searches.

(a) Body orifice and cavity searches of inmates will only be conducted by appropriate Health Services staff who may be of the opposite sex from the inmates.

(b) Body orifice and cavity searches will only be conducted when authorized by the warden, assistant warden, or the Correctional Officer Chief upon a finding that there exists a reasonable suspicion that an inmate has contraband secreted in a body cavity. Reasonable suspicion may be established from any of the following evidence:

1. Confidential information received from a reliable source.

2. Irregularities found in the area of the body during an unclothed body search.

3. Observed actions or behavior that creates a reasonable suspicion that an inmate has secreted contraband within a body cavity.

(c) The following procedures and conditions apply to body orifice and cavity searches:

1. The degree and intensity of the search must be the least required to bring the search to a conclusion.

2. Oral cavity searches may be conducted visually as a routine element of any search of an inmate. When evidence indicates an inmate is concealing contraband in his or her mouth, the following steps will be taken:

a. The inmate will be restrained or be placed under constant visual observation.

b. No restraints or holds may be applied in any manner which inhibit breathing or swallowing. However, the inmate may be physically controlled and isolated from other inmates if necessary in order to avoid his or her disposal of the contraband.

c. When there is reasonable cause to believe contraband has been swallowed, any attempt to retrieve the contraband will be accomplished by Health Services staff.

d. No physical intrusion into the inmate's oral cavity will be attempted by any other person other than Health Services staff.

3. Physical intrusion. The forcible retrieval of contraband by intrusion into the inmate's body may be conducted for any of the following reasons:

a. When a member of the Health Services staff has determined that failure to remove the contraband presents an imminent danger to the health of the inmate; or

b. When the contraband is clearly identified and constitutes a clear and present danger to the security of the institution or the safety of the inmate or other persons; or

c. When it is necessary to retrieve the contraband for purposes of identification or to secure it as evidence, and the contraband cannot be retrieved by any less intrusive or forcible manner.

4. Physical isolation and observation. When the inmate cannot or will not voluntarily remove and surrender the contraband, or when a physician has determined that the physical removal of contraband may be hazardous to the health and safety of the inmate, the inmate may be placed in a medically approved isolated setting under constant visual supervision until the contraband can be retrieved through natural means. The natural process of waste elimination will be used as an alternative to forcible intrusion into the body cavities or surgery when a physician determines that the natural method is feasible and does not pose a hazard to the inmate's health and safety.

5. The search must be reasonably necessary for institutional security, for the safety of persons, or for evidence involving a criminal offense.

6. Prior to the initiation of the first phase of the search, and before each successive escalation of the search, the individual will be given ample opportunity to voluntarily remove and surrender the contraband.

7. A Correctional Security Shift Supervisor or Correctional Officer III of the same sex as the inmate must be physically present when the search is made.

8. The search will be made only by a physician or a designated member of the Health Services staff working under sanitary conditions and in a medically approved way.

9. Force may be used only to the extent necessary to make the person submit to the examination.

10. Blood, urine, and saliva may be taken from the person and subjected to laboratory analysis to determine the presence of alcohol, narcotics, or dangerous drugs, where there is a clear indication that such evidence will be found.

11. X-ray technology intended for the diagnosis or treatment of injury or disease will not be used to determine if contraband is concealed in an inmate's body cavity area.

12. Complete and detailed documentation of all body cavity searches must be submitted to the warden. Such documentation must include the following information:

a. Chronology of events leading to the search and escalation of the search process.

b. Name and rank of all persons participating in the search process or supplying information which justified the search.

c. All evidence and information regarding the justification for each degree of the search.

d. Results at the conclusion of the search.

Rulemaking Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.47, 944.472, 944.473 FS. History—New 4-8-81, Amended 7-3-85, Formerly 33-3.065, Amended 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, Formerly 33-3.0065, Amended 2-8-00, 9-4-05.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.: RULE TITLES:

64I-4.001 Investigation Procedures for Complaints and Notifications of Observed Violations

64I-4.004 Fines

64I-4.005 Smoking Cessation Program Approval

PURPOSE AND EFFECT: To update the rules governing enforcement of the Clean Indoor Air Act to include vaping and to update the application form for smoking or vaping cessation program approval as required by recently enacted legislation.

SUBJECT AREA TO BE ADDRESSED: Enforcement of Clean Indoor Air Act.

RULEMAKING AUTHORITY: 386.207, 386.2125, FS.

LAW IMPLEMENTED: 381.0012, 386.2045(5), 386.206, 386.207, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sonja Bradwell, 4052 Bald Cypress Way, Bin C-23, Tallahassee, Florida 32399 or Sonja.Bradwell@FlHealth.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-13.010 Nursing Services

PURPOSE AND EFFECT: The Agency is proposing to amend a rule within Chapter 59A-13, F.A.C., Prescribed Pediatric Extended Care Centers (PPEC). The Agency proposes to update Rule 59A-13.010, F.A.C., Nursing Services, to clarify qualifications and requirements for nursing services within Prescribed Pediatric Extended Care Centers.

SUMMARY: Rule 59A-13.010, F.A.C., Nursing Services details nursing requirements for Prescribed Pediatric Extended Care Centers. The Agency proposes to update the rule to clarify qualifications and requirements for nursing services within Prescribed Pediatric Extended Care Centers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A SERC has not been prepared by the agency. For rules listed where no SERC was prepared, the Agency prepared a checklist for each rule to determine the necessity for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 400.914, FS.

LAW IMPLEMENTED: 400.914(1)(d), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, October 21, 2019, 10:30 a.m. - 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Room 100, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jacqueline Williams, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4437. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jacqueline Williams at (850)412-4437 or email at: LTCStaff@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-13.010 Nursing Services.

(1) A registered nurse (RN) will serve full-time as the Director of Nursing. The Director of Nursing must have at least the following qualifications:

- (a) Hold a current Florida registered nurse license.
- (b) Hold a current certification in Cardiopulmonary Resuscitation (CPR).
- (c) Have a minimum of two (2) years general pediatric nursing experience of which at least six (6) months must have been spent caring for medically fragile infants or children in a pediatric intensive care, neonatal intensive care, PPEC or similar care setting during the previous five (5) years.

(2) The Director of Nursing is responsible for the daily operation of the PPEC center.

(3) Registered nurse staffing standards:

(a) The registered nurse must have at least the following qualifications and experience:

1. Licensed as a registered nurse in Florida, pursuant to Chapter 464, F.S., ~~and two (2) or more years of pediatric experience, with at least six (6) months experience caring for medically or technologically dependent children.~~

2. Current certification in CPR.

3. ~~Pediatric nursing experience, defined as being responsible for the care of acutely ill or chronically ill children, within the previous 24 months.~~

(b) The registered nurse staff must provide:

1. Nursing interventions; educational services to increase the parent's or guardian's confidence and competence in caring for the child with special needs; assistance to facilitate coping with the effects of chronic illness on the child and family and support effective relationships among siblings and the ill child;

interventions to foster normal development and psychosocial adaptation.

2. Information regarding availability and access to community resources.

3. A collaborative relationship with the interdisciplinary health team.

(4) Licensed practical nurse (LPN) staffing standards:

Licensed practical nurses working in a PPEC center must be supervised by a registered nurse and have the following qualifications and experience;

(a) Hold a current Florida licensed practical nurse license pursuant to Chapter 464, F.S.; and

~~(b) Have two (2) years experience in pediatrics; and~~

~~(b)(c)~~ Hold a current certification in CPR.

(5) Direct care personnel staffing standards. For the purposes of this subsection, other direct care personnel include: nursing assistants, nursing assistants certified pursuant to Chapter 464, F.S., patient care technicians, medical assistants, Emergency Medical Technicians (EMT) or Paramedics licensed pursuant to Chapter 401, F.S., and individuals with training and experience in education, social services or child care related fields.

(a) Direct care personnel must meet the following requirements:

- 1. Have one (1) year experience in the care of infants and toddlers,
- 2. Employment references documenting skill in the care of infants or ~~and~~ children, and,
- 3. Hold a current certification in CPR.

(b) Direct care personnel must work under the supervision of the registered nurse and be responsible for providing direct care to PPEC center children.

(6) Total staffing for nursing services and direct care must, at a minimum, meet the following ratios:

Children	Total Staff	RN	RN or LPN	Direct Care, or Licensed Nurse (RN or LPN)
1	1	1		
2-6	2	1		1
7-9	3	1	1	1
10-12	4	1	1	2
13-15	5	2	1	2
16-18	6	2	1	3
19-21	7	2	2	3
22-24	8	2	2	4
25-27	9	3	2	4
28-30	10	3	2	5
31-33	11	3	3	5
34-36	12	3	3	6
37-39	13	4	3	6

40-42	14	4	3	7
43-45	15	4	4	7

If the PPEC center has a census of more than 45 children, the staffing must increase by one staff for every three (3) children alternating between a direct care staff and licensed nurse.

Rulemaking Authority 400.914(1) FS. Law Implemented 400.914(1)(d) FS. History—New 3-8-89, Formerly 10D-102.010, Amended 6-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jacqueline Williams

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mary Mayhew, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 09, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 11, 2019

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.008
 RULE TITLE: Educational Requirements for Applicants without ETAC/ABET Accredited Engineering Technology Degrees

PURPOSE AND EFFECT: The purpose of the amendment is to implement the statutory changes in Sections 5 and 6, Chapter 2019-86, Laws of Florida, which authorizes rulemaking to allow engineering technology degrees to meet the education criteria necessary to establish eligibility for licensure in Florida.
 SUMMARY: New rule text to implement statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.013(1) FS.

LAW IMPLEMENTED: 471.013(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.008 Educational Requirements for Applicants without ETAC/ABET Accredited Engineering Technology Degrees.

(1) Applicants having a baccalaureate degree in engineering technology from programs that are not accredited by ETAC/ABET must demonstrate:

(a) A minimum of 24 college semester credit hours of higher mathematics and basic sciences. Credit hours may be substituted with engineering science courses that are not used to satisfy the requirements of paragraph (1)(c).

1. A minimum of 9 semester hours of mathematics which must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential calculus and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics, and advanced calculus. Computer skills and/or programming courses cannot be used to satisfy mathematics requirements.

2. A minimum of 12 semester hours in basic sciences, which must include at least three courses. These courses must be in general chemistry, calculus-based physics, biological sciences, or earth sciences (geology, ecology, or oceanography), but no more than two of the three courses may be in the same area. For an applicant who has earned both a baccalaureate degree in engineering technology and a graduate degree in engineering, only two courses are required. Additional courses towards the requisite 24 semester hours of mathematics and basic sciences may include physical science, natural science, and/or an advanced science. Computer skills and/or programming courses cannot be used to satisfy basic science requirements.

(b) A minimum of 9 college semester credit hours in general education. Examples of acceptable courses include philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, (micro and macro), professional ethics, and social responsibility. Examples of other general education courses deemed

acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law. No more than 6 credit hours can come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, construction management, systems engineering/analysis, production, or industrial engineering/management will not be counted. Up to 6 credit hours of languages other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not. Other means towards satisfying the general education requirement are as follows: Earning a doctoral degree is equivalent to 10 credit hours if the degree is from a college or university in the U.S. that has an EAC/ABET-accredited engineering or ETAC/ABET engineering technology program in a related discipline at the baccalaureate level.

(c) A minimum of 40 college semester credit hours of engineering technology, engineering science, or engineering design taught within the college or by the faculty of engineering. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering technology courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, engineering economics, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Course work should incorporate hands-on laboratory work as described in ETAC/ABET criteria, and shall contain a sufficiently designed engineering technology program to provide minimal competency in the use of engineering algorithms and procedures. Graduate-level engineering courses may be included to fulfill curricular requirements in this area. A maximum of six credit hours will be granted for thesis, dissertation, special topics and independent study at any level. Graphics or surveying courses will not be considered to meet engineering technology, science and design requirements. Cooperative training, practicums, internships, and continuing education activities will not receive credit.

(d) Credit will also be given for other technical coursework that enhances the applicant's ability to practice engineering as defined in Chapter 471.005(7), F.S.

(2) An applicant whose only educational deficiency is under paragraph (1)(b), above, shall be entitled to receive conditional approval to take the Fundamentals of Engineering examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours required in paragraph (1)(b), above.

(3) College Level Examination Programs (CLEP) examinations that are outlined at <http://clep.collegeboard.org/exams> may be recognized as satisfying education deficiencies, provided the exams are in courses that meet the requirements of paragraph (1)(b), above. CLEP exams in biology, chemistry, natural sciences, and/or calculus may be used to meet the requirements of paragraph (1)(a), above. For credit to be given, the applicant shall achieve a passing score as determined by CLEP; 3 credit hours shall be granted for each exam, unless the applicant provides evidence that a college or university with an EAC/ABET or ETAC/ABET accredited engineering program will grant more credit. College- or university-level courses can also be taken to satisfy deficiencies. Credit shall not be given for a college, university, or CLEP course if credit in a similar course has already been earned.

(4) An applicant with an engineering technology degree from a non-ETAC/ABET-accredited degree program must request an evaluation of his or her credentials through Josef Silny & Associates, Inc., International Education Consultants, 7101 SW 102 Avenue, Miami, FL 33173.

(5) The FBPE education committee shall make the final decision regarding equivalency of education credentials and shall make recommendations to the Board as to whether an applicant shall be approved for admittance to the examination or for licensure by endorsement. The applicant requesting an equivalency determination by the Board bears the burden of presenting evidence regarding equivalency to the Board.

(6) Credit toward meeting the education requirements will only be given for coursework with a Grade of 'C' or better. Rulemaking Authority 471.008, 471.013(1) FS. Law Implemented 471.013(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2019

violation of paragraph 61G15-19.001(6)(s), F.A.C. If a violation is proven, the penalty shall be within the guidelines established by sub-subparagraph 61G15-19.004(2)(g)4.i., F.A.C.

(3) through (4) No change.

Rulemaking Authority 455.213(6), 455.2178, 471.008, 471.017(3) FS. Law Implemented 455.2177, 455.2178, 471.017(3) FS. History—New 9-16-01, Amended 7-13-04, 8-20-12, 1-2-18, 8-1-18, _____.

61G15-22.009 Exemptions.

(1) ~~New~~ Licensees who have achieved licensure by examination, ~~pursuant to Section 471.013, F.S.~~, shall be exempt for their first renewal period. This exemption does not apply to licensees by endorsement, licensees who directly registered for examination with NCEES, or to licensees upon reinstatement of previously void licenses. This exemption does not apply to the requirement of section 471.0195, F.S., regarding Advanced Building Code training.

(2) through (3) No changes.

~~Rulemaking Specific~~ Authority 455.213(6), 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2019
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2019

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-2.0026
RULE TITLE: Federally Regulated Appraisal Management Company Annual Report and Notification.

PURPOSE AND EFFECT: The Board proposes the promulgation of this rule to create a rule for the federally regulated appraisal management company annual report and notification.

SUMMARY: A rule will be created for the federally regulated appraisal management company annual report and notification.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 475.614, 475.621, 475.6235 FS.

LAW IMPLEMENTED: 475.621 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison McDonald, Executive Director, Florida Real Estate Appraisal Board, 400 West Robinson Street, #N801, Orlando, FL 32801.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.0026 Federally Regulated Appraisal Management Company Annual Report and Notification.

(1) The purpose of the Annual Report is to calculate and collect, if appropriate, the Appraisal Management Company National Registry fee.

(2) In accordance with the provisions contained in 12 U.S.C. 3338, on an annual basis, each authorized representative or controlling person of a Federally Regulated Appraisal Management Company (AMC) registered with the State shall submit an Annual Report and Notification to the Department on FREAB Form 6, Federally Regulated Appraisal Management Company - Annual Report and Notification Form (effective 8/2019), hereby adopted and incorporated by reference, which can _____ be _____ obtained _____ from http://www.flrules.org/Gateway/reference.asp?No=Ref-____ or <http://myfloridalicense.com/dbpr/re/documents/FREAB6.pdf>.

(3) The Annual Report shall include:

(a) identifying information for the AMC;

(b) the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in the State during the previous year, or from the

commencement of business for AMCs not in existence for the entire previous year.

(4) The annual basis shall be the period from October 1 to September 30 of each calendar year.

(5) Beginning in November 2019, the Annual Report and Notification and AMC National Registry fee shall be due by November 30 of each calendar year.

(6) An AMC who does not timely submit an Annual Report and/or the AMC National Registry Fees shall not appear on the AMC National Registry as eligible to operate in Florida.
Rulemaking Authority 475.614, 475.621, 475.6235 FS. Law Implemented 475.621 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-1.011 License Fees and Examination Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the language and temporarily reduce the next biennial renewal fee by 50% for school instructor, corporation, partnership, limited liability company or limited liability partnership registration July 1, 2019 and ending June 30, 2021. The biennial fee will return to the current fee July 1, 2021.

SUMMARY: Updating language and temporary 50% reduction in the biennial renewal fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Executive Director, Florida Real Estate Commission, 400 W. Robinson Street, #N801, Orlando, FL 32801, Lori.Crawford@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.011 License Fees and Examination Fees.

(1) through (5) No change.

(6) The license fees for school related categories shall be as follows:

(a) No change.	
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(b) Effective July 1, 2014, the initial licensure biennial Permit Fees shall be:

Real Estate School Permit holder	No change.
Real Estate School Additional Location for Permit holder	No change.
No change.	

(c) Effective July 1, 2019, the biennial license renewal fees shall be:

Real Estate School	\$104.00
Real Estate School Additional Location	\$45.00
School Instructor, temporary 50% fee reduction through June 30, 2021:	\$32.00

Beginning July 1, 2021, the biennial license renewal fee for School Instructors returns to the previous amount of \$64.00.

(7) No change.

(8) Effective July 1, 2014, the initial licensure fee application for registration of a corporation, partnership, limited liability company or limited liability partnership is:

No change.	
No change.	

(9) Effective July 1, 2019, a temporary 50% reduction of the biennial license renewal fee of a corporation, partnership, limited liability company or limited liability partnership registration until June 30, 2021, fee shall be:

No change	\$3672.00
No change	\$3264.00

Beginning July 1, 2021, the biennial license renewal fees return to the previous amounts of \$72.00 or 64.00, respectively.

Rulemaking Authority 475.05 FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS. History—New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-

13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, 11-17-03, 3-8-05, 12-6-07, 8-18-08, 5-8-13, 6-29-14, 9-16-15, 9-13-16, 9-27-17, 8-15-19,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2019
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 11, 2019

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2019
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 9, 2019

Section III

Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-1.060 Enrollment Policy
 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. 45 No. 88, May 6, 2019 issue of the Florida Administrative Register.

Rule text has been changed as follows:

59G-1.060 Provider Enrollment Policy.

(1) through (2), No change.

(3) The following forms are incorporated by reference and available on the Florida Medicaid Web portal at <http://portal.flmmis.com/flpublic>, and as follows:

(a) through (b), No change.

~~(c) Certification of Funds, AHCA Form 5000 3532, May 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref>~~

(d) through (g) redesignated (c) through (f), No change.

~~(h) Florida Medicaid Electronic Funds Transfer (EFT) Authorization Agreement, AHCA Form 5000 1063, <http://www.flrules.org/Gateway/reference.asp?No=Ref>~~

~~(i) Florida Medicaid National Provider Identifier (NPI) Registration, AHCA Form 5000 1060, <http://www.flrules.org/Gateway/reference.asp?No=Ref>~~

~~(j) Group Membership Authorization Form, AHCA Form 5000 1061, <http://www.flrules.org/Gateway/reference.asp?No=Ref>~~

(k) through (w) redesignated (g) through (s)., No change.
 All references to forms within the rule text have been updated with the form's effective date, if applicable.

The Florida Medicaid Provider Enrollment Policy has been updated as follows:

Section 1.0, Introduction, No change.

Section 2, General Enrollment Policy, is updated as follows:

Section 2.1, Enrollment Application Process, first paragraph now reads:

Providers must submit an enrollment application using the Online Provider Enrollment Wizard (Wizard), incorporated by reference in Rule 59G-1.060, F.A.C., and available on the Florida Medicaid Web portal at <http://portal.flmmis.com/flpublic>.

Sections 2.2 through 2.3, No change.

Section 2.4, Application Types, is updated as follows:

Section 2.4.1 Group Membership now reads:

Group membership authorization is required when forming, joining, or separating from a group. Providers must submit a Group Membership Authorization, AHCA Form 5000 1061, incorporated by reference, and available at <http://portal.flmmis.com> when joining a group, or when separating from a group.

Sections 2.5 through 2.15, No change.

Section 3.0, Enrollment Application – Specific Requirements, is updated as follows:

Section 3.1, No change.

Section 3.2 Tax Identification Numbers, second paragraph now reads:

Sole proprietors and sole proprietors enrolling as a member of a group must enroll with the provider's Social Security Number. Florida Medicaid is authorized to collect this information in accordance with section 1902(a)(78) of the Social Security Act.

Sections 3.3 through 3.8, No change.

Add section 3.9 Florida Medicaid Electronic Funds Transfer Authorization, as follows:

Providers must submit a bank letter or voided check or deposit slip to receive direct reimbursement from Florida Medicaid.

Sections 4.0 through 8.0, No change.

Section 9.0 Appendices, is updated as follows:

Sections 9.1 through 9.2, No change.

Section 9.3, Appendix C: General Document Requirements, now reads:

Provider Type, All Provider Types, the following language is removed from the table:

~~Fully Enrolled Required Documents~~

~~Florida Medicaid Electronic Funds Transfer Authorization Agreement, AHCA Form 5000-1063,~~

~~incorporated by reference (with bank letter or voided check/deposit slip for providers who receive direct reimbursement from Florida Medicaid)~~

~~Florida Medicaid National Provider Identifier (NPI) Registration, AHCA Form 5000-1060, _____, incorporated~~

~~by reference (if required in accordance with 45 CFR Part 162) Additional Documents for Sole Proprietor Enrolling as a~~

~~Member of a Group or Group~~

~~Group Membership Authorization, AHCA Form 5000-1061, incorporated by reference~~

~~(applications must include a signed authorization for each member of the group not required for limited or~~

~~ORP enrollment)~~

~~Limited Enrolled and Ordering or Referring Providers (ORPs) Required Documents~~

~~Limited enrolled providers must provide the documents listed above.~~

~~Exception: Limited enrolled providers and ORPs are not required to submit the Florida Medicaid Electronic~~

~~Funds Transfer Authorization Agreement, AHCA Form 5000-1063, incorporated by reference.~~

Section 9.4, Appendix D, Provider Specific Documents, has been changed as follows:

All references to forms within the Policy, including the Appendices have been updated with the applicable form's effective date, and clarification that the referenced form is incorporated by reference in Rule 59G-1.060, F.A.C.

Section 9.5, Appendix E, Provider Specific Documents.

The following change has been made to the Table:

Provider Type Code 39, Provider Type Description Behavior Analysis (*Groups only*), Health Care Clinic License or Proof of Exemption Requirement Date December ~~July~~ 1, 2020.

Section IV Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection hereby gives notice: That it has issued an order on September 25, 2019 granting Cynthia Gonzalez's Petition for a Waiver. The Petition was received on July 11, 2019. Notice of receipt of this Petition was published in the Florida Administrative Register on August 12, 2019. The petition requested a waiver from Rule 62-769-800, F.A.C., which requires a payment of \$500.00 under the Abandon Tank Restoration Program. No public comment was received. The Order, file number 19-1416, granted the Petition to Rule 62-769-800, F.A.C., based on a showing that Petitioner demonstrated that a strict application of the rule against Petitioner violated the principal of fairness and because the purpose of the underlying statute will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: Monica Brady, Department of Environmental Protection, Attention Program Accounting, MS 4575, 2600 Blairstone Road, Florida 32399; telephone (850)245-8844; Monica.J.Brady@floridadep.gov during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection hereby gives notice: That it issued an order on September 25, 2019 granting Ramon Rosquete's Petition for a Waiver (Order). The Petition was received on July 20, 2019. Notice of receipt of this Petition was published in the Florida Administrative Register on August 12, 2019. The petition requested a waiver from Rule 62-769-800, F.A.C., which requires a payment of \$500.00 under the Abandon Tank Restoration Program. No public comment was received. The Order, file number 19-1416, granted the Petition to Rule 62-769-800, F.A.C., based on a showing that Petitioner demonstrated that a strict application of the rule against Petitioner violated the principal of fairness and because the purpose of the underlying statute will be or has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: onica Brady, Department of Environmental Protection, Attention Program Accounting, MS 4575, 2600 Blairstone Road, Florida 32399; telephone (850)245-8844; Monica.J.Brady@floridadep.gov during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:

64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination

The Board of Psychology hereby gives notice: that on May 28, 2019, a Notice of Intent to Deny Petition for Waiver and Variance was filed. The Petition for Waiver or Variance was filed by Alicia Elisa Ayala Laconich, on March 19, 2019, seeking a waiver or variance from paragraph 64B19-11.0035(2)(b), F.A.C., which requires an original, signed letter on official letterhead sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education. The Notice was published in Volume 45, No. 60, of the Florida Administrative Register, on March 27, 2019. The Board, at its meeting held on April 26, 2019, in Tampa, FL, voted to deny the Petition for Waiver or Variance finding that the Petitioner did not show that the purpose of the underlying statute would be achieved by other means than application for the above rule.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, or telephone (850)245-4373, or by electronic mail – Allen.Hall@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:

64B19-12.0085 Delinquency Fee

The Board of Psychology hereby gives notice: that on December 11, 2018, a Notice of Intent to Deny Petition for Waiver and Variance was filed. The Petition for Waiver or Variance was filed by Sigal Levy, on October 1, 2018, seeking a waiver or variance from Rule 64B19-12.0085, F.A.C., regarding the amount of the delinquency fee for late renewal of an active or inactive license. The Notice was published in Volume 444 No. 193, of the Florida Administrative Register, on October 3, 2018. The Board, at its meeting held on November 8, 2018, in Tallahassee, FL, voted to deny the Petition for Waiver or Variance finding that the Petitioner did not show that waiver of the renewal fee would cause a substantial hardship or violate the principles of fairness. Nor has she shown that the purpose of the underlying statute, would be achieved by other means than application for the above rule.

A copy of the Order or additional information may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, or telephone (850)245-4373, or by electronic mail – Allen.Hall@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.004 Selection Procedures for Developments

The Florida Housing Finance Corporation hereby gives notice: On September 23, 2019, the Florida Housing Finance Corporation issued an order granting Blue CASL II, LLC a waiver of paragraph 67-48.004(3)(g) Fla. Admin. Code (2016) so that the Development Type is changed from Mid-Rise 4 stories to Mid-Rise 5 stories. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on July 30, 2019 and notice of the receipt of petition was published on August 2, 2019 in Vol. 45, Number 150, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.026 HC Credit Underwriting Procedures

The Florida Housing Finance Corporation hereby gives notice: On September 23, 2019, the Florida Housing Finance Corporation issued an order granting Villa Capri II Associates, Ltd, a waiver of subsection 67-21.026(10) Fla. Admin. Code (2015) to allow the use of a stipulated sum contract with the general contractor. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on August 13, 2019 and notice of the receipt of petition was published on August 15, 2019 in Vol. 45, Number 159, F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On September 23, 2019, the Florida Housing Finance

Corporation issued an order granting Clermont Ridge, Ltd. a waiver of subsection 67-48.002(83) Fla. Admin. Code (2017) so that TB Affordable will be considered a non-profit entity. This waiver is conditioned on Petitioner ensuring that Provident and TB Affordable, through its related entity CR GC, each receive at least 15% of the Developer Fee. Petitioner's request to change the Principals of each Developer by adding CR GC as a Co-Developer, pursuant to paragraph 67-48.004(3)(b), Fla. Admin. Code (2017) was granted. Petitioner's request to change the Applicant entity by adding TB Affordable as the 51% General Partner, changing Provident from a General Partner to a Special Limited Partner with a 10% ownership interest, and reducing Blue Sky Clermont's ownership interest to 39% was granted. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on August 30, 2019 and notice of the receipt of petition was published on September 4, 2019 in Vol. 45, Number 172, F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

The Florida Motor Vehicle Repair Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2019, 1:30 p.m.

PLACE: Call-in number: 1(888)585-9008, participant code: 114-840-063#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Florida Motor Vehicle Repair Advisory Council.

A copy of the agenda may be obtained by contacting: Amy Topol, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3800.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Amy Topol at (850)410-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The Charter School Appeal Commission announces a hearing to which all persons are invited.

DATE AND TIME: October 11, 2019, 9:00 a.m. until completion

PLACE: 325 West Gaines Street, 1706 Turlington Building, Tallahassee, FL 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida East Coast Charter School, Inc. vs. The School Board of Volusia County, Florida

A copy of the agenda may be obtained by contacting: Karen Hines-Henry at Karen.Hines@fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Karen Hines-Henry at Karen.Hines@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen Hines-Henry at Karen.Hines@fldoe.org.

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces a hearing to which all persons are invited.

DATES AND TIMES: A Teacher Hearing Panel will begin at 8:30 a.m. or as soon thereafter as can be heard on October 8, 2019.

A Teacher Hearing Panel will begin at 11:30 a.m. or as soon thereafter as can be heard on October 8, 2019.

An Administrator Hearing Panel will begin at 3:00 p.m. or as soon thereafter as can be heard on October 8, 2019.

A Teacher Hearing Panel will begin at 10:00 a.m. or as soon thereafter as can be heard on October 9, 2019.

A Teacher Hearing Panel will begin at 1:30 p.m. or as soon thereafter as can be heard on October 9, 2019.

A Commission Member Training is being conducted immediately following the Teacher Hearing Panels on October 9, 2019.

A Chair and Co-Chair Meeting will begin at 9:00 a.m. or as soon thereafter on October 10, 2019.

A Teacher Hearing Panel will begin at 10:30 a.m. or as soon thereafter as can be heard on October 10, 2019.

A Teacher Hearing Panel will begin at 1:30 p.m. or as soon thereafter as can be heard on October 10, 2019.

A Commission Member Training is being conducted immediately following the Teacher Hearing Panels on October 10, 2019.

PLACE: Embassy Suites, 1100 Southeast 17th Street Causeway, Fort Lauderdale, Florida 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The Commission Member Training is being held to train members of the Commission. A Chair and Co-Chair meeting is being held to discuss the practices and policies of the Commission and other current issues.

A copy of the agenda may be obtained by contacting: Gretchen Kelley Brantley at (850)245-0455.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gretchen Kelley Brantley at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Lisa Forbess or Gretchen Kelley Brantley at (850)245-0455.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation announces a public meeting to which all persons are invited.

DATES AND TIMES: October 15, 2019, 5:30 p.m. – 7:30 p.m.; October 22, 2019, 5:30 - 7:30 p.m.

(SAME INFORMATION WILL BE PROVIDED AT EACH MEETING)

PLACE: October 15, at the Charlotte Harbor Event and Conference Center, 75 Taylor Street, Punta Gorda, FL 33950; October 22, at the First Alliance Church - Family Life Center, 20444 Midway Blvd, Port Charlotte, FL 33952

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to a public meeting to help create a Corridor Vision Plan for US 41 in Charlotte County. The goal for this effort is to formulate a Corridor Vision Plan that will be reflective of where your community would like to be and how we, as a partner, can better understand your needs. The purpose of these public meetings is to get your input on how US 41 supports the various community's visions and needs in Charlotte County. We are looking to the public to help us refine and finalize concepts for problem areas and help to complete the US 41 Corridor Vision Plan for Charlotte County.

A copy of the agenda may be obtained by contacting: June Farrell, Project Manager at 1(863)519-2329 or by email at June.Farrell@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cynthia Sykes, District One Title VI Coordinator at 1(863)519-2287 or by email at Cynthia.Sykes@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: June Farrell, Project Manager at 1(863)519-2329 or by email at June.Farrell@dot.state.fl.us or Bessie Reina, Planning Studio Manager at 1(863)519-2656 or by email at bessie.reina@dot.state.fl.us.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2019, The Governing Board meeting, 11:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention Andrea Dzioba, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)643-1915, or by visiting the District's website at sjrwm.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Civil Rights Coordinator at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

SPACE FLORIDA

The Space Florida announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 3, 2019, 9:00 a.m.

PLACE: Dial In Number: 1(866)528-2256, Guest Code: 4875556#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Investment Committee

A copy of the agenda may be obtained by contacting: Elizabeth Loving at eloving@spaceflorida.gov or (321)730-5301, ext. 241.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Elizabeth Loving at eloving@spaceflorida.gov or (321)730-5301, ext. 241. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elizabeth Loving at eloving@spaceflorida.gov or (321)730-5301, ext. 241.

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

The Department of Elder Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 8, 2019, 3:00 p.m.

PLACE: Department of Elder Affairs Headquarters, Room 301, 4040 Esplanade Way, Tallahassee, FL 32399 or by phone: 1(888)585-9008, conference room number 539 017 756 #

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SHIP Priority 9 Steering Committee will meet to discuss the strategies and objectives adopted by the Steering Committee of the State Health Improvement Plan (SHIP) that relate to the Priority Area 9 of the SHIP.

A copy of the agenda may be obtained by contacting: Jacqueline Pinto via phone: (850)414-2034 or Email: PintoJ@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jacqueline Pinto via phone: (850)414-2034 or Email: PintoJ@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jacqueline Pinto via phone: (850)414-2034 or Email: PintoJ@elderaffairs.org.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

The DEPARTMENT OF MANAGEMENT SERVICES announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 11, 2019, 9:00 a.m.

PLACE: Betty Easley Conference Center, Room 152, Southwood State Campus, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Slavery Memorial Review Committee is meeting to review artist submissions and to select finalists for final commission consideration.

A copy of the agenda may be obtained by contacting: Lee Modica, Administrator, at Lee@LeeModica.com or (850)766-7117.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Amanda Peterson at (850)922-7535, or through email at ADA.Coordinator@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lee Modica, Administrator, at Lee@LeeModica.com or (850)766-7117.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:

61G3-16.006 Restricted Barber License

The Florida Barbers' Board announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2019, 9:00 a.m. or soon thereafter.

PLACE: The Floridays Resort, 12562 International Drive, Orlando, Florida 32821, 1(866)797-0022.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business. Portions of the meeting will be closed pursuant to subsection 286.011(8), Florida Statutes to discuss settlement options in DOAH Case No. 19-3722RP. Persons attending the meeting will be: Board Members Michelino NiBaldi, Veronica Wold, Eddie Stewart, Russell Mayer, Antonett Munchalfen, Executive Director Krista Woodard, Attorneys Timothy Frizzell and Robert Milne.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Barbers' Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Barbers' Board, 2601 Blair Stone Road, Tallahassee, Florida 32399, (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NOS.:RULE TITLES:

62-701.510 Water Quality Monitoring Requirements

62-701.730 Construction and Demolition Debris Disposal and Recycling

The Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: Friday, October 18, 2019, 9:00 a.m. – 12:00 Noon

PLACE: Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, Florida. The public may attend this workshop in person, or via webinar. To attend via webinar, register

at <https://register.gotowebinar.com/register/2600828087025901825>. After registering, you will receive a confirmation email containing information about joining the webinar. After joining the webinar, you will be given an Audio PIN that enables us to unmute your phone line during the workshop. You may also attend the workshop by calling 1(888)585-9008, Access Code: 509-396-638, without registering or joining the webinar. However, without the Audio PIN you will not be able to ask questions or make comments.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to allow additional public comment on the proposed modifications to Rules 62-701.510 and 62-701.730, Florida Administrative Code (F.A.C.), which ensure adequate protection of water resources from specific contaminants leaching from waste disposed in solid waste management facilities. The current water quality monitoring parameters for solid waste management facilities are minimum standards for water quality monitoring. Therefore, the Division recommends revising Rules 62-701.510 and 62-701.730,

F.A.C. to include additional parameters as part of a solid waste facility's minimum water quality monitoring plan.

A copy of the agenda may be obtained by contacting: Cory Dilmore, P.E., 2600 Blair Stone Road, MS 4565, Tallahassee, FL 32399-2400, cory.dilmore@dep.state.fl.us, (850)245-8712.

A copy of the preliminary draft is available at <https://floridadep.gov/waste/permitting-compliance-assistance/content/chapter-62-701-fac-rulemaking>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cory Dilmore. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cory Dilmore, (850)245-8712.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATE AND TIMES: November 14, 2019, 3:30 p.m.; or immediately upon completion of the Audit & Compliance Committee Meeting scheduled to begin at 3:00 p.m. on the date identified herein.

PLACE: South Florida Community Care Network, LLC d/b/a Community Care Plan, 1643 Harrison Parkway, Suite H-200, Sunrise, Florida 33323.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Care Plan announces that the Member Meeting scheduled for October 24, 2019, 3:30 p.m., published in Vol. 45/119 on June 17, 2019, has been rescheduled to take place on November 14, 2019, 3:30 p.m.; or immediately upon completion of the Audit & Compliance Committee Meeting scheduled to begin at 3:00 p.m. on the date identified herein.

A copy of the agenda may be obtained by contacting: Mary Cronje at mcronje@ccpcare.org or (954)622-3224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Susan Mansolillo at SMansolillo@ccpcare.org or (954)622-3232. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Justin Marshall, Esq., General Counsel, South Florida Community Care Network, LLC d/b/a Community Care Plan, at jmarshall@ccpcares.org or (954)622-3402.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATE AND TIME: November 14, 2019, 3:00 p.m.

PLACE: South Florida Community Care Network, LLC d/b/a Community Care Plan, 1643 Harrison Parkway, Suite H-200, Sunrise, Florida 33323

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Care Plan announces that the Audit and Compliance Committee Meeting scheduled for October 24, 2019, 3:00 p.m., published in Vol. 44/251 on December 28, 2018, has been rescheduled to take place on November 14, 2019, 3:00 p.m.

A copy of the agenda may be obtained by contacting: Mary Cronje at mcronje@ccpcares.org or (954)622-3224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Susan Mansolillo at SMansolillo@ccpcares.org or (954)622-3232. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Justin Marshall, Esq., General Counsel, South Florida Community Care Network, LLC d/b/a Community Care Plan, at jmarshall@ccpcares.org or (954)622-3402.

GLOBAL 5 COMMUNICATIONS

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2019, 5:00 p.m. – 7:00 p.m.

PLACE: Lake Mary Events Center, 260 N. Country Club Road, Lake Mary, FL 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) is hosting an informational open house for interim improvements to Interstate 4 (I-4) in Seminole County as part of the I-4 Beyond the Ultimate projects. These construction projects will help

keep traffic flowing smoothly and safely in the area and will lay the groundwork for future improvements.

The projects include reconstructing the E.E. Williamson Road bridge over I-4, adding an auxiliary lane on eastbound I-4 from the end of the I-4 Ultimate project to Lake Mary Boulevard, resurfacing eastbound I-4 from the end of the I-4 Ultimate project to County Road 46A, and from State Road 46 to east of U.S. 17/92, and resurfacing westbound I-4 from Lake Mary Boulevard to east of U.S. 17/92.

The meeting will be an open house, where participants can visit any time between 5:00 p.m. and 7:00 p.m. FDOT staff and others associated with the projects will be available to discuss the construction activities and answer questions. There will not be a formal presentation. Participants may provide public comments directly to project staff at any time during the informational open house. Written comments from all interested parties will be accepted by the department at the informational open house.

Comments regarding the eastbound I-4 milling and resurfacing projects, the eastbound I-4 auxiliary lane project, or the reconstruction of the E.E. Williamson Bridge over I-4 should be addressed to: Abhijeet Desai, P.E., FDOT Project Manager, by mail at 719 S. Woodland Blvd., Mail Station 542, DeLand, Florida 32720, or via email at Abhijeet.Desai@dot.state.fl.us.

Comments regarding the westbound I-4 milling and resurfacing project should be addressed to: J. Todd Helton, P.E., FDOT Project Manager, by mail at 719 S. Woodland Blvd., Mail Station 542, DeLand, Florida 32720, or via email at Todd.Helton@dot.state.fl.us.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting Jennifer Smith, FDOT District Five Title VI Coordinator via email at Jennifer.Smith2@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: N/A

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: David Parks, Community Outreach Specialist, at 1(844)858-4636 or DavidParks@i4ultimate.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Abhijeet Desai, P.E., FDOT Project Manager, at (386)943-5591 or by email at Abhijeet.Desai@dot.state.fl.us, or J. Todd Helton, P.E., FDOT Project Manager, at (386)943-5207 or Todd.Helton@dot.state.fl.us.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Florida Condominiums, Timeshares and Mobile
Homes

NOTICE IS HEREBY GIVEN that that the Division of Florida
Condominiums, Timeshares, and Mobile Homes, Department
of Business and Professional Regulation, State of Florida, has
declined to rule on the petition for declaratory statement filed
by Howard Fellman, In Re: Mission Viejo Condominium
Association, Inc., Docket No. 2019032253 on June 21, 2019.
The following is a summary of the agency’s declination of the
petition:

The Division is unable to issue a declaratory statement
regarding past conduct; and the Division is unable to issue a
declaratory statement that seeks guidance for the determination
of conduct of another person.

A copy of the Order Declining of the Petition for Declaratory
Statement may be obtained by contacting: the Department of
Business and Professional Regulation, Division of Florida
Condominiums, Timeshares, and Mobile Homes, 2601 Blair
Stone Road, Tallahassee, Florida 32399-1030, (850)488-1631;
lscmhpublicrecords@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Florida Condominiums, Timeshares and Mobile
Homes

NOTICE IS HEREBY GIVEN that the Division of Florida
Condominiums, Timeshares, and Mobile Homes, Department
of Business and Professional Regulation, State of Florida, has
declined to rule on the petition for declaratory statement filed
by Tonya Raschke, In Re: Cannongate Property Owners
Association, Inc., Docket No. 2019028883 on June 4, 2019. The
following is a summary of the agency’s declination of the
petition: A declaratory statement is not an appropriate remedy
where there is related pending litigation, as exists in this case;
First, the Division’s jurisdiction over homeowners’
associations is extremely limited, and includes only procedural
issues pertaining to the Division’s arbitration of election, recall,
or covenant enforcement disputes; Petitioner’s first question
does not request the Division’s opinion on the applicability of a
statutory provision, rule, or order of the Division to Petitioners’
particular set of circumstances as required by section 120.565,
Florida Statutes; the Division is unable to issue a declaratory
statement regarding past conduct; and The answer to
Petitioner’s question (3) is no. subsection 61B-80.122(2),

Florida Administrative Code, states that “[a] timely filed
motion for rehearing tolls the time in which a party must file to
recover its costs and attorney’s fees, until after disposition of
the motion for rehearing or reconsideration.”

A copy of the Order Declining of the Petition for Declaratory
Statement may be obtained by contacting: the Department of
Business and Professional Regulation, Division of Florida
Condominiums, Timeshares, and Mobile Homes, 2601 Blair
Stone Road, Tallahassee, Florida 32399-1030, (850)488-1631;
lscmhpublicrecords@myfloridalicense.com.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been
filed with the Division of Administrative Hearings on the
following rules:

NONE

Notice of Disposition of Petition for Administrative
Determination has been filed with the Division of
Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

University of Florida

Notice of Bid

University of Florida Procurement Services will receive sealed
bids for ITB20KO-116, Annual Contract for Underground

Utility Construction, on October 29, 2019, 3:00 p.m. at 971 Elmore Drive, Gainesville, FL. Non-mandatory pre-bid meeting will be held October 9, 2019, 2:00 p.m. at 971 Elmore Drive, Gainesville, Florida, Gainesville, FL. Vendor questions and requests for clarification are due on October 15, 2019, 5:00 p.m. All questions can be directed to Karen Olitsky, Procurement Agent III, at kolitsk@ufl.edu. For bid documents and other information visit <https://procurement.ufl.edu/vendors/schedule-of-bids/>.

DEPARTMENT OF EDUCATION

University of Florida

UF-401 Music Building Renovation

The University of Florida Board of Trustees announces that Professional Services in the discipline of engineering will be required for the project listed below:

Project: UF-401, Music Building Renovation (Gainesville, Florida)

The School of Music was constructed in 1970 is in dire need of renovations to correct numerous building deficiencies. Most prominently, the HVAC system is significantly inadequate to control the climate within the building, as a considerable number of spaces open into hallways and patios that are not closed off from the outside elements. In addition to inadequate heating and cooling for occupants, uncontrollable humidity levels are causing damage to musical instruments and interior building finishes. Subsequently, a 2016 UF Environmental Health and Safety Indoor Environmental Quality Assessment recommends a full system replacement of the HVAC system.

The primary components of the electrical system are all original to the building and were rated for an expected useable life of 25 years, resulting in an underpowered system which is unable to accommodate current demands of the School of Music.

The estimated construction budget is approximately \$4,900,000. The project will be delivered using the Construction Manager at Risk method and construction shall be fast tracked.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection, structural, and civil engineering consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, and Workers' Compensation.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references,

workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant firm and all engineering and landscape architecture consultants (firms) from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information – can be found on the Planning Design& Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time, on Thursday October 10, 2019. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Planning Design & Construction, 245 Gale Lemerand Drive / P.O. Box 115050, Gainesville, FL 32611-5050, Telephone: (352)273-4000, Internet: www.facilities.ufl.edu.

DEPARTMENT OF JUVENILE JUSTICE

RFP 10632 – Public Meetings

RFP 10632 – The Department is seeking Respondents to provide Detention Screening and Intake services twenty- four (24) hours per day, seven days per week, fifty-two (52) weeks per year for youth referred to the Department or transported to the site by local law enforcement. The Department is required to provide such services for each youth alleged to have committed a delinquent act. The Detention Screening and Intake function shall be performed in accordance with Department policies and Quality Improvement Standards established for Detention Screening and Intake. Services will be provided in Brevard, Okaloosa and Orange counties. All public meetings for this RFP are advertised on the Vendor Bid System at:

http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=148876.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, September 19, 2019 and 3:00 p.m., Wednesday, September 25, 2019.

Rule No.	File Date	Effective Date
5E-3.018	9/23/2019	10/13/2019
53ER19-63	9/24/2019	9/24/2019
59A-3.242	9/20/2019	10/10/2019
61H1-25.001	9/25/2019	10/15/2019
61H1-33.006	9/25/2019	10/15/2019
62-761.200	9/23/2019	10/13/2019
62-761.210	9/23/2019	10/13/2019
62-761.405	9/23/2019	10/13/2019

62-761.420	9/23/2019	10/13/2019
62-761.500	9/23/2019	10/13/2019
62-761.800	9/23/2019	10/13/2019
64ER19-3	9/19/2019	9/19/2019
64B8-9.0141	9/24/2019	10/14/2019
64B32-2.001	9/20/2019	10/10/2019
64B32-2.003	9/20/2019	10/10/2019
65C-1.003	9/24/2019	10/14/2019

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

Notice of Adoption of 2019 – 2020 Regulatory Plan

On September 24, 2019, the Governing Board of the Southwest Florida Water Management District adopted its 2019–2020 Regulatory Plan, as required by Section 120.74, F.S. The District’s 2019–2020 Regulatory Plan, which identifies and describes each rule the agency proposes to adopt or amend in the next 12 months, is available at the following link: <https://www.swfwmd.state.fl.us/resources/plans-reports/open-government-annual-regulatory-plan>

For more information on this Regulatory Plan, please contact: Chris Tumminia, Deputy General Counsel, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 N., Tampa, Florida 33637, at 1(813)985-748, ext. 4658, or Chris.Tumminia@swfwmd.state.fl.us.

NAVIGATION DISTRICTS

Florida Inland Navigation District

Public Notice of Inspection Trip

The Florida Inland Navigation District’s Board of Commissioners, the USACE, and other interested parties and agencies, will be conducting a waterway inspection of a portion of the New River in Fort Lauderdale, FL, beginning at 4:00 p.m. on October 10, 2019. The trip will originate and conclude at Water Taxi Stop #4 near Riverside Hotel, 620 Los Olas Boulevard, Fort Lauderdale, FL 33301-2235. The purpose of this inspection trip is to view and discuss the waterway and

projects and issues associated with the waterway. No actions will be taken by the District during this trip. Please contact the District office at 1314 Marcinski Road, Jupiter, FL 33477-9427, telephone: (561)627-3386 for more information.

DEPARTMENT OF MANAGEMENT SERVICES
Public Employees Relations Commission
Notice of Publication of 2019-2020 Regulatory Plan
NOTICE IS HEREBY GIVEN that on September 25, 2019, the Public Employees Relations Commission (PERC) published its 2019-2020 Regulatory Plan in accordance with subsection 120.74(2), Florida Statutes. The Regulatory Plan is available on PERC's website at http://perc.myflorida.com/annual_regulatory_plan_2019-2020.pdf.

DEPARTMENT OF FINANCIAL SERVICES
Division of Funeral, Cemetery, and Consumer Services
NOTICE OF PUBLICATION OF AGENCY REGULATORY PLAN
Pursuant to subparagraph 120.74(2)(a)3., Florida Statutes, notice is hereby given that the Board of Funeral, Cemetery, and Consumer Services Regulatory Plan is available, effective October 1, 2019, at the following web address: <https://www.myfloridacfo.com/division/FuneralCemetery/Board/documents/2019-2020AnnualRegulatoryPlan.pdf>

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
