

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.037
 RULE TITLE: State Touring Program

PURPOSE AND EFFECT: The State Touring Program consists of two components: The Artist Roster and Presenter Fee Support. The purpose of this amendment is to establish in rule the most recent guidelines for each component. The Artist Roster Guidelines update eligibility criteria, the application form, panel review and evaluation criteria, and amend materials incorporated by reference. The Presenter Fee Support Guidelines update eligibility criteria, match requirements, the application form, and reporting requirements. The administrative forms used for each component are incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: For the Artist Roster: eligibility criteria, the application form, panel review and evaluation criteria, and amended materials incorporated by reference. For Presenter Fee Support: eligibility criteria, match requirements, the application form, and reporting requirements.

RULEMAKING AUTHORITY: 265.286(1), 265.286(5)(c), 265.286(11) FS.

LAW IMPLEMENTED: 265.286 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: Monday, December 12, 2011, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 302A, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: SE-2.040
 RULE TITLE: Pesticide Active Ingredients Subject to Supplemental Registration Fee

PURPOSE AND EFFECT: The Department’s purpose in revising this rule is to achieve compliance with Section 487.041(1)(d), F.S.

SUBJECT AREA TO BE ADDRESSED: Pesticide active ingredients that have a food residue tolerance as established in 40 Code of Federal Regulations, Part 180 and that are subject to a supplemental fee.

RULEMAKING AUTHORITY: 487.041(1)(d) FS.

LAW IMPLEMENTED: 487.041(1)(d) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Dennis F. Howard, Bureau Chief, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, FL 32399-1650, (850)617-7917

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.030
 RULE TITLE: Instructional Personnel Assessment Systems

PURPOSE AND EFFECT: The purpose of this rule development is to develop procedures for Department of Education review, approval and monitoring of school district systems for personnel evaluation under Section 1012.34, Florida Statutes. Rule revisions will implement the changes to Section 1012.34, Florida Statutes, as prescribed in the Student Success Act (SB 736) of 2011. Changes will include a title change, the inclusion of school administrator evaluation systems, the addition of monitoring requirements, and technical updates to the existing rule to reflect current citations and other conforming language. Please note that this rule was previously numbered 6B-4.010 but has since been transferred to Chapter 6A-5, F.A.C., as shown.

SUBJECT AREA TO BE ADDRESSED: Instructional Personnel and School Administrator Evaluation Systems.

RULEMAKING AUTHORITY: 1001.02, 1012.34 FS.

LAW IMPLEMENTED: 1001.42(18), 1006.281, 1012.12(1)(c), 1012.34, 1012.98 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: December 12, 2011, 4:00 p.m. – 6:00 p.m.; December 13, 2011, 4:00 p.m. – 6:00 p.m.; and December 14, 2011, 10:00 a.m. – 11:00 a.m.

PLACE: December 12th – Hillsborough Community College (Brandon Campus), 10414 E. Columbus Drive, Student Services Building, Rooms 208/210, Tampa, Florida; December 13th – Florida State College at Jacksonville (Deerwood Center), 9911 Old Baymeadows Road, Room B1206, Jacksonville, Florida; December 14th – Via conference call: (866)372-5781. Conference ID# is 26735405. The conference call will begin at 10:00 a.m. and last for a minimum of 30 minutes but will conclude after 30 minutes if no additional callers are on the line. Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn S. Hebda, Deputy Chancellor for Educator Quality, Florida Department of Education, 325 West Gaines St., Suite 1502, Tallahassee, FL 32399, (850)245-0509 or Kathy.Hebda@fldoe.org. To submit a comment on this rule development go to <https://appl.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.023 RULE TITLE: Jose Marti Scholarship Challenge Grant Fund

PURPOSE AND EFFECT: The purpose of the rule development is to review the governing statute, Section 1009.72, Florida Statutes, and the corresponding language of Rule 6A-20.023, F.A.C., for the elimination of the “double budgeting” reference and the elimination of the requirement to set aside funds in the State Student Financial Assistance Trust Fund for year-out funding of renewing students, both which are not in statute. In addition, there are technical statutory reference numbers and terms to be aligned to statute. The effect will be a rule which is consistent with governing law.

SUBJECT AREA TO BE ADDRESSED: Administrative requirements that are not authorized in Florida Statutes, current priority rankings for distribution of scholarship funds, and language updates to align with Section 1009.72, Florida Statutes.

RULEMAKING AUTHORITY: 1001.02(1), 1009.72(1) FS.

LAW IMPLEMENTED: 1009.40, 1009.72 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Antworth, Director, State Programs, Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400, (850)410-5185. To request a rule development workshop, please contact Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://appl.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://appl.fldoe.org/rules/default.aspx>.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.028 RULE TITLE: Florida Bright Futures Scholarship Program.

PURPOSE AND EFFECT: The purpose of this rule development is to clarify the governing statutes, Sections 1009.53, 1009.531, 1009.532, 1009.533, 1009.534, 1009.5341, 1009.535, 1009.536, and 1009.538, Florida Statutes. This new rule will include recent statutory changes requiring all initial and renewing students to annually file the Free Application for Federal Student Aid (FAFSA), and to clarify the 3-year timeframe from high school graduation to accept an initial award. The effect will be a rule which is consistent with governing law.

SUBJECT AREA TO BE ADDRESSED: Clarify student requirements and administrative procedures authorized in Florida Statutes.

RULEMAKING AUTHORITY: 1001.02(1), 1009.53(3) FS.

LAW IMPLEMENTED: 1009.40, 1009.53, 1009.531, 1009.532, 1009.533, 1009.534, 1009.5341, 1009.535, 1009.536, 1009.538 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Antworth, Director, State Programs, Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400; (850)410-5185. To request a rule development workshop, please contact Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://appl.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
33-602.220 Administrative Confinement
33-602.222 Disciplinary Confinement

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to: amend Form DC4-650, incorporated by reference in Rule 33-602.220, F.A.C., to state that the form should be placed in an inmate's infirmary or medical record upon completion of or discharge from observation status; to replace references to "psychologists" and "psychological specialists" with "mental health clinicians" and "mental health specialists," respectively; to clarify library privileges in administrative confinement; to replace references to "certified research aides" with "certified law clerks"; to clarify uniform requirements in confinement; and to generally clean up form references and amend the language for grammatical accuracy.

SUBJECT AREA TO BE ADDRESSED: Security Operations.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) Definitions.

(a) No change.

(b) Bureau of Braille and Talking Book Library – ~~refers to~~ the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, due to a disability, are unable to read books in print.

(c) Central Office ADA Coordinator – ~~refers to~~ the employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d) through (f) No change.

(g) Clinical health care personnel – where used herein, refers to a physician, clinical associate, nurse, correctional medical technician certified ~~Correctional Medical Technician~~

~~Certified~~ (CMTC), mental health clinician ~~psychologist~~, psychology intern, psychology resident, or mental health specialist ~~psychological specialist~~.

(h) Institutional Classification Team (ICT) – where used herein, refers to the team consisting of the warden ~~Warden~~ or assistant warden ~~Assistant Warden~~, classification supervisor ~~Classification Supervisor~~, a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(i) State Classification Office (SCO) – ~~refers to~~ a staff member at the central office ~~Central Office~~ level who is responsible for the review of inmate classification decisions. Duties include approving, modifying, or rejecting ICT recommendations.

(j) Security pen – ~~refers to~~ a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(k) Senior correctional officer – ~~refers to~~ a staff member with the rank of correctional officer lieutenant or above.

(l) No change.

(m) Institutional Classification Team Docket – ~~refers to~~ the official record of an Institutional Classification Team hearing.

(n) Offender Based Information System (OBIS) – ~~refers to~~ an electronic data system used by the Department of Corrections to record and retrieve offender information.

(o) Major rule violation – where used herein, refers to means any assault, battery, or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting or attempting to incite or participating in any riot, strike, mutinous act, or disturbance; fighting; possession of weapons, ammunition, explosives, or escape paraphernalia; and any escape or escape attempt.

(p) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:

1. Intentionally masturbates;

2. Intentionally exposes the genitals without authorization;
or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.

(2) Procedures for Placement in Administrative Confinement.

(a) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (5) as a means of promoting the security, order, and effective management of the institution.

Otherwise the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement shall permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be documented in the health care record. Inmates shall be weighed upon admission to administrative confinement, at least once a week while in administrative confinement, and upon leaving administrative confinement. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Special Housing. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C. When an official places an inmate in administrative confinement, this action shall be documented in the electronic classification contact log in OBIS. This entry shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement and a summary of the inmate's comments. The reason must correspond with one of the criteria for placement provided in subsection (3) of this rule. This electronic entry shall be completed the same day the inmate is placed into confinement, and will establish the ICT 72-hour review appointment. Any written statements provided by the inmate shall be forwarded to the ICT for their consideration during the forthcoming 72-hour review.

(c) No change.

(3) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

(a) through (b) No change.

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates; (Rule 33-602.221, F.A.C.). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates; and that the inmate feels there is no other reasonable alternative open to him. A senior correctional officer shall place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available. The inmate shall be encouraged to provide information and otherwise cooperate with the investigation of the matter. The

protective management process, including the ICT's action, shall be completed within 15 working days from the initial confinement of the inmate.

1. The ~~ICT Institutional Classification Team (ICT)~~ shall complete an OBIS electronic classification contact log entry approving the inmate's continuation in confinement. This entry will initiate an appointment for an investigation to be conducted. The investigator shall enter the results of the investigation in the electronic classification contact log in OBIS; this entry will automatically schedule an ICT review appointment.

2. If the inmate submits a request for release in writing at any time during the ICT review or investigation process, the housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision. Form DC6-203 is incorporated by reference in subsection (11) of this rule. The inmate shall complete Form DC6-203 and return it to the housing supervisor for submission to the ICT along with the inmate's written request.

3. Once the investigation is complete, the ICT shall interview the inmate to determine whether the inmate has a legitimate, verifiable need for protection. The ICT shall review all documentation available concerning the need for protection to include any written statements submitted by the inmate. The inmate's written request for release and ~~Form the~~ DC6-203 will also be reviewed. The following elements shall be considered in determining whether protective management is necessary:

a. through f. No change.

g. Other factors such as physical size, build, and age producing a risk from the general inmate population.

4. The ICT shall make recommendations concerning protective management based on the facts within 15 working days from the date of initial confinement. The ICT's findings and recommendations shall be entered in the electronic classification contact log in OBIS; this entry will automatically schedule an SCO review appointment. Whether the ICT recommends protective management or not, the inmate shall remain in administrative confinement at that facility pending review by the SCO. All non-electronic related documentation shall be made available to the SCO by the ICT. The ~~SCO State Classification Office~~ shall approve, disapprove, or return for additional information the recommendation of the ~~ICT Institutional Classification Team~~.

5. The ~~SCO State Classification Office (SCO)~~ shall determine within five working days whether protection is necessary based upon the investigation and any follow-up they deem appropriate. The SCO shall approve or disapprove placement of the inmate in protective management. The SCO's decision shall be documented in the electronic classification contact log in OBIS. If the SCO determines that a need for protection exists, they shall direct that the inmate ~~shall~~ be placed in a protective management unit or transferred to resolve the inmate's need for protection. If a decision is made

to transfer the inmate for housing in a protective management unit or to resolve the inmate's need for protection at the inmate's current location, the inmate shall be kept in administrative confinement until the transfer is completed. Transfers for protection needs shall be effected within five working days. SCO members are authorized to approve transfers. If the SCO determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to Rules 33-103.007 and 33-103.011, F.A.C. The inmate shall be notified of the SCO's decision by the ICT. At the time of notification, the inmate shall be asked if he wants to appeal the decision. The inmate's acknowledgement of being informed of the SCO denial and the inmate's decision on whether or not to appeal shall be documented on the electronically produced Notification of Protective Management Disapproval, Form DC6-137, and the electronic contact log. Form DC6-137 is incorporated by reference in subsection (11) of this rule. The inmate shall remain in administrative confinement until the appeal process is complete.

6. No change.

(d) No change.

(e) An investigation, evaluation for change of status, or transfer is pending and the presence of the inmate in the general population might interfere with that investigation or present a danger to the inmate, other inmates, or to the security and order of the institution. An investigating officer shall have the authority to request that the senior correctional officer place the inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed 15 working days unless one 5 working day extension is granted by the ICT. This extension shall be documented on the Daily Record of Special Housing, Form DC6-229. If it is necessary to continue the inmate's confinement beyond this first extension, written authorization must be obtained from the SCO for a 30 day extension. This authorization shall be attached to ~~the~~ Form DC6-229. The SCO shall have the authority to authorize one additional 30 day extension. Examples of circumstances for placing an inmate in administrative confinement for this reason include:

1. No change.

2. Special review against other inmates, disciplinary, program change, or management transfer. Transfers for this reason shall be given priority.

3. through 4. No change.

(f) No change.

(4) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. The regional director of institutions and the emergency action center in central office shall be advised of the emergency. If the

emergency situation exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period. Prior to placing inmates in the same cell, the inmates will be interviewed by the housing supervisor to ensure that none of the inmates constitutes ~~constitute~~ a threat to any of the others.

(b) No change.

(c) Prior to placement of an individual in an administrative confinement cell, it shall be thoroughly inspected to ensure that it is in proper order, and the inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221, Cell Inspection, shall be used for this purpose. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C. Routine searches of each cell may be conducted at any time, but will be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Special Housing. All inmates will be searched prior to entering the confinement unit and upon departure. All items entering the confinement unit will be thoroughly searched, to include at a minimum, food cart and trays, laundry and linens, and inmate property.

(d) The administrative confinement cells shall be physically separate from other confinement cells, and the cell doors will feature remotely controlled locking devices; whenever possible given the physical design of the facility, ~~The and the~~ number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. Whenever such location is not possible, physical barriers shall preclude the cross association of those in administrative confinement with those in other ~~status~~ confinement status. Administrative confinement cells shall be built to permit verbal communication and unobstructed observation by the staff. The officers assigned will exercise care to maintain the noise within the unit to a reasonable level. Visual inspections shall be conducted of each cell, to include at a minimum; observations for clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes or towels, and air and heater vents that have been obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(5) Conditions and Privileges.

(a) Clothing – Inmates in administrative confinement shall be required to wear the Class A uniform as described in Rule 33-602.101, F.A.C., during waking hours established by the warden or designee and inmates in administrative confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the chief of security. Shower slides may be

substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and ~~Linen linen~~ – bedding and linen for those in administrative confinement shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-229, and the ~~chief~~ Chief of ~~security~~ Security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The original will be placed in the inmate's property file and a copy of the form will be given to the inmate. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates shall be allowed to possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. All property retained by the inmate must fit into the storage area provided.

(d) Comfort Items – inmates in administrative confinement shall be permitted the same personal hygiene items and other medically needed or prescribed items as is permitted general population inmates unless there is an indication of a security problem. Inmates in administrative confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in administrative confinement are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Daily Record of Special Housing, Form DC6-229, which must be reviewed by the ~~chief~~ Chief of ~~security~~ Security. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, ~~and~~ feminine hygiene products for women, and toilet tissue.

(e) through (f) No change.

(g) Canteen Items – inmates in administrative confinement shall be allowed to make canteen purchases once every other week. Items sold to administrative confinement inmates shall be restricted when reasonably necessary for institutional safety and security.

1. No change.

2. Inmates in administrative confinement shall be allowed to purchase a maximum of five non-food canteen items. Stamps, envelopes, security pens, and notebook paper; each count as one item. For example, three security pens count as one item. Twenty-five stamps or fewer shall count as one item and two packages or less of notebook paper shall count as one item.

(h) No change.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the warden or designee. The warden or designee shall notify the control room in writing when approval is given in advance of the visitor arriving at the institution. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or designee shall determine whether a pre-approved visit will be contact or non-contact ~~in accordance with based on one or all of the criteria set forth in subsection (2) of Rule 33-601.735, F.A.C.~~

(j) No change.

(k) Legal Access – legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit. An inmate in confinement may be required to conduct legal business by correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate's attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper, security pens, and envelopes for this purpose through a canteen order. An inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a certified ~~law clerk~~ research aide for the purpose of preparing legal documents, legal mail, or filing a grievance.

(l) No change.

(m) Writing ~~Utensils~~ ~~utensils~~ – inmates in administrative confinement may possess a maximum of four (4) security pens. Other types of pens and pencils shall be confiscated and stored until the inmate is released from administrative confinement status. Inmates who are in possession of working pens or pencils when placed in administrative confinement will be issued a security pen. Inmates who are not indigent must purchase additional pens when needed from the canteen. If security pens are unavailable, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the ~~Department~~ ~~department~~ has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a “writer/reader” shall be allowed access to such for the purpose of reading or preparing correspondence.

(n) Reading materials – inmates in administrative confinement shall be provided access to admissible reading material as provided in Rule 33-501.401, F.A.C., unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security, or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with paragraph (9)(c) of this rule.

(o) Library – only one book at a time may be checked out. Books shall be checked out once weekly and inmates may possess no more than one soft-back library book at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have his or her tape player and devotional and scriptural materials and any other books on tape that are in compliance with the ~~the~~ admissibility requirements of ~~in~~ Rule 33-501.401, F.A.C. Inmates will be allowed to check out one book on tape per week and possess no more than one checked-out book at any given time. The actual number of tapes may be more than one per book.

(p) Exercise – those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on ~~the~~

~~Daily Record of Special Housing~~, Form DC6-229. Medical restrictions can also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate’s limitations. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on ~~the Daily Record of Special Housing~~, Form DC6-229.

(q) If items of clothing, bedding, or property are removed in order to prevent the inmate from inflicting injury to himself or herself or others, to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred.

(6) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs; unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains will be used in addition to the handcuffs.

(b) through (e) No change.

(f) Any inmate who has demonstrated behavior that is or could be harmful to him or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. ~~Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.~~ Form DC4-650 is incorporated by reference in subsection (11) of this rule.

(g) No change.

(7) Visits to Administrative Confinement. The following staff members shall be required to officially inspect and tour the administrative confinement unit. All visits by staff, other than the 30 minute checks described in paragraph (a) below, shall be documented on the Inspection of Special Housing

Record, Form DC6-228. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. The staff member shall also document his or her visit on the Daily Record of Special Housing, Form DC6-229, if any discussion of significance or action or behavior of the inmate occurs or any important information is obtained ~~that which~~ may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) ~~Every At least every~~ 30 minutes by a correctional officer, but on an irregular schedule. These checks shall be documented on Form DC6-209, Housing Unit Log.

(b) through (c) No change.

(d) Weekly by the ~~chief Chief of security Security~~ (when on duty at the facility) except in case of riot or other institutional emergency.

(e) through (h) No change.

(8) Review of Administrative Confinement.

(a) No change.

(b) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if determined necessary by mental health staff. All such assessments shall be documented in the mental health record. The ~~mental health clinician psychologist or mental health psychological~~ specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90-day period.

(c) If an inmate is confined for more than 30 days, the ICT shall interview the inmate and shall prepare a formal assessment and evaluation report after each 30 day period in administrative confinement. Such reports may be in a brief paragraph form detailing the basis for confinement, what has transpired since the last report, the decision concerning continued confinement, and the basis for that decision.

(d) No change.

(9) Administrative Confinement Records.

(a) ~~Form DC6-229, A Daily Record of Special Housing, Form DC6-229,~~ shall be maintained for each inmate as long as the inmate is in administrative confinement. ~~The~~ Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves, and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal

opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the ~~chief Chief of security Security~~ shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. ~~The~~ Form DC6-229 shall be maintained in the housing unit for 30 days, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(b) ~~Form DC6-229B, A Daily Record of Special Housing – Supplemental, Form DC6-229B,~~ shall be completed and attached to the current ~~Daily Record of Special Housing,~~ Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C.

(c) ~~Form DC6-228, An Inspection of Special Housing Record, Form DC6-228,~~ shall be maintained in each administrative confinement unit. Each staff person shall sign such record when entering and leaving the confinement unit. Prior to leaving the confinement unit, each staff member shall indicate any specific problems including any inmate who requires special attention. No other unit activities shall be recorded on Form DC6-228. Upon completion, ~~the~~ Form DC6-228 shall be maintained in the housing unit and forwarded to the ~~chief Chief of security Security~~ on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(d) ~~Form DC6-209, A Housing Unit Log, Form DC6-209,~~ shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(10) Staffing Issues.

(a) Officers assigned to a confinement unit shall be reviewed at least every 18 months. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of the Special Housing Unit Rotation Review, Form DC6-295. Form DC6-295 is incorporated by reference in Rule 33-602.222, F.A.C. The required supervisor shall conduct an interview with the officer and complete section II of ~~the~~ Form DC6-295 and forward the form to the chief of security. The chief of security shall review personnel records, to include performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance; and shall interview the officer and ~~officer's officers'~~ supervisors for the period of review when necessary. The chief of security shall, upon completion of his or her review, complete section III of

Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision will be documented in section VI of ~~the~~ Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The inspector general ~~Inspector General~~ shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18 month period. The regional director of institutions shall review the circumstances for possible reassignment.

(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator; ~~Office of Research, Planning and Support Services,~~ Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC4-650, Observation Checklist, effective ~~date~~ 4-8-08.

(b) Form DC6-203, Protection Waiver/Appeal Decision, effective ~~date~~ 1-19-03.

(c) Form DC6-137, Notification of Protective Management Disapproval, effective 1-19-03.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09, 7-5-10, _____.

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) Bureau of Braille and Talking Book Library – ~~refers to~~ the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who, due to a disability, are unable to read books in print.

(b) Central Office ADA Coordinator – ~~refers to~~ the employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(c) Clinical Health Care Personnel – where used herein, refers to a physician, clinical associate, nurse correctional medical technician certified (CMTC), mental health clinician ~~psychologist~~, psychology intern, psychology resident, or mental health ~~psychological specialist~~.

(d) Review = where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's disciplinary confinement status to determine if changes or modifications in the confinement status are required or recommended.

(e) Visit = where used herein, refers to the official inspection and tour of a confinement unit by a staff member.

(f) Disciplinary Confinement = ~~refers to~~ a form of punishment in which inmates found guilty of committing violations of the Department ~~department~~ rules are confined for specified periods of time to individual cells based upon authorized penalties for prohibited conduct.

(g) Disciplinary Hearing = ~~refers to~~ an administrative proceeding in which it is determined if sufficient evidence exists to find an inmate guilty of a rule violation.

(h) Disciplinary Team = ~~refers to~~ a team made up of at least two staff persons appointed by the warden, one of whom shall be a correctional officer lieutenant or above.

(i) Institutional Classification Team (ICT) = where used herein, refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the State Classification Office ~~state classification office~~.

(j) Security Pen – ~~Pens refers to~~ a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(k) Shift Supervisor = ~~refers to~~ the correctional officer in charge of security on any work shift.

(l) State Classification Office (SCO) = ~~refers to~~ a staff member at the central office level responsible for the review of inmate classification decisions including approving, modifying, or rejecting ICT recommendations.

(m) No change.

(2) Placement in Confinement.

(a) No change.

(b) Disciplinary confinement cells shall be physically separate from other confinement statuses whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in other housing statuses. The disciplinary confinement cells shall be approximately the same square footage as utilized for general population. Disciplinary confinement units shall be built to permit verbal communication and unobstructed observation by staff. Visual inspections shall be conducted of each cell, to include at a minimum; observations for clothes lines, pictures attached to the walls and lockers, windows or light fixtures covered with paper, clothes or towels, and air and heater vents that have been

obstructed. When sufficient natural light is unavailable, interior cell lights shall be left on during day and evening hours.

(3) Disciplinary Confinement Cells.

(a) Inmates shall not be housed in disciplinary confinement cells in greater number than there are beds in the cells. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director of institutions and to the Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director of institutions to continue to house inmates beyond the 24-hour period in such conditions. Prior to placing inmates in the same cell, the inmates shall be interviewed by the housing supervisor to ensure that none of the inmates ~~constitutes~~ constitute a threat to any of the others.

(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Special Housing. Form DC6-229 ~~is~~ ~~has been~~ incorporated by reference in Rule 33-601.800, F.A.C.

(c) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order, and the inmate housed in that cell will then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C. Routine searches of each cell are authorized at any time, but shall be conducted, at a minimum, each time an inmate is removed from the cell for a shower. All searches shall be documented on Form DC6-229, Daily Record of Special Housing. All inmates shall be searched prior to entering the confinement unit and upon departure. All items entering the confinement unit shall be thoroughly searched, to include at a minimum, food carts and trays, laundry and linens, and inmate property.

(d) The officers assigned shall exercise care to maintain noise levels in confinement units at a reasonable level so as not to interfere with normal operating activities.

(4) Conditions and Privileges.

(a) Clothing. Inmates in disciplinary confinement shall be required to wear the Class A uniform as described in Rule 33-602.101, F.A.C., during waking hours established by the

warden or designee and ~~Inmates in disciplinary confinement~~ shall be provided the same clothing and clothing exchange as the general inmate population. Exceptions shall be made on an individual basis when evidence suggests it would be in the best interest of the inmate or security of the institution. In such cases, the exceptions shall be noted on the Daily Record of Special Housing, Form DC6-229, and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to him or herself or to others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) No change.

(c) Personal Property. Inmates in confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless there is an indication of a security problem. Inmates in disciplinary confinement may also possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. If removal of any item in the inmate's possession is determined necessary, ~~the~~ correctional staff shall document their actions on ~~the~~ Form DC6-229, Daily Record of Special Housing, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for her or his confiscated items by completing the Inmate Impounded Personal Property List, Form DC6-220. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates in disciplinary confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol.

(d) through (i) No change.

(j) Legal visits. Attorney-client visits shall be allowed as provided in Rule 33-601.711, F.A.C., ~~Legal Visitors~~, and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or his or her designee must approve all visits in advance.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and security pens in order to prepare legal papers or notify visitors of confinement status. An inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a certified law clerk for the purpose of preparing legal documents, legal mail, or filing a grievance.

(l) No change.

(m) Correspondence.

1. Inmates in disciplinary confinement shall be allowed routine correspondence privileges unless restricted as provided in Rule 33-601.308, F.A.C., ~~Disciplinary Action~~. Inmates shall be encouraged to write their families to advise them of their anticipated visiting status. Indigent inmates shall be provided paper and envelopes for this purpose.

2. Grievance forms, Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy, shall be made available to the inmate at any time, regardless of his or her confinement status, and shall be transmitted to the addressee without delay. Forms DC6-236 and DC1-303 are incorporated in Rule 33-103.011, F.A.C.

(n) No change.

(o) Reading Material. Scriptural and devotional reading materials that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., shall be permitted for those inmates in disciplinary confinement units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security, or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with paragraph (9)(b) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have his or her ~~their~~ tape players and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. No change.

2. If the inmate requests a copy of the physical fitness program, the wellness specialist or confinement unit correctional officer shall provide the inmate with an in-cell exercise guide and document this action on ~~the~~ Form DC6-229; ~~Daily Record of Special Housing~~.

3. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in Rule 33-602.220, F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC6-229; ~~Daily Record of Segregation~~. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on ~~the Daily Record of Segregation~~; Form DC6-229.

(q) Weighing. Inmates shall be weighed upon entering disciplinary confinement, at least once a week while in disciplinary confinement, and upon leaving disciplinary confinement. The weight of the inmate shall be documented on Form DC6-229, Daily Record of Special Housing Segregation.

(r) If items of clothing, bedding, or property are removed in order to prevent the inmate from inflicting injury to him or herself or others, to prevent destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred.

(5) No change.

(6) Restraint and Escort Requirements.

(a) Prior to opening a cell door for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains will be used in addition to the handcuffs, and the escort officers shall be particularly vigilant.

(b) through (e) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members shall be required to officially inspect and tour the disciplinary confinement unit. All visits by staff, other than the 30 minute checks described in subparagraph 1. below, shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated in Rule 33-601.800, F.A.C. The staff member shall also document his or her visit on the Daily Record of Special Housing, Form DC6-229, if any discussion of significance or; action or behavior of the inmate; or any other important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted a minimum of:

1. through 10. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to him or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or the Inmate Suicide Precautions procedure at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form

DC4-650 is incorporated by reference in Rule 33-602.220, F.A.C. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report ~~incident report~~, Form DC6-210. ~~Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.~~

(8) Review and Release from Disciplinary Confinement.

(a) through (b) No change.

(b) Any inmate assigned to disciplinary confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. The mental health clinician ~~psychologist~~ or mental health ~~psychological~~ specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90-day period.

(c) No change.

(d) The SCO shall review the report prepared by the ICT and the mental health clinician ~~psychologist~~ or mental health ~~psychological~~ specialist concerning the inmate's disciplinary confinement at the next on-site visit; and shall interview the inmate before determining the final disposition of the inmate's disciplinary confinement.

(e) No change.

(9) Daily Record of Special Housing Segregation.

(a) Form DC6-229, ~~A Daily Record of Special Housing, Form DC6-229~~, shall be maintained for each inmate as long as the inmate is in disciplinary confinement.

(b) ~~The~~ Form DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, weighing of inmates, recreation, haircuts and shaves, and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in disciplinary confinement are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229, and the chief of security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The housing supervisor shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the

housing unit for 30 days. After each 30-day review by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(10) Form DC6-229B, ~~A Daily Record of Special Housing – Supplemental, Form DC6-229B~~, shall be completed and attached to the current ~~Daily Record of Special Housing~~, Form DC6-229, whenever additional written documentation is required concerning an event or incident related to the specific inmate. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C.

(11) No change.

(12) Form DC6-209, ~~A Housing Unit Log, Form DC6-209~~, shall be maintained in each confinement unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(13) Staffing issues.

(a) Officers assigned to a disciplinary confinement unit shall be reviewed at least every 18 months. The shift supervisor or confinement lieutenant shall initiate the review by having the officer complete section I of the Special Housing Unit Rotation Review, Form DC6-295. Form DC6-295 is incorporated by reference in subsection (14) of this rule. The supervisor shall conduct an interview with the officer, ~~and~~ complete section II of Form DC6-295, and forward the form to the chief of security. The chief of security shall review personnel records, to include performance appraisals, incident reports, use of force reports, and any other documentation relevant to the officer's assignment and job performance; and shall interview the officer and the officer's supervisors for the period of review when necessary. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision shall be documented in section IV of Form DC6-295 and returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The inspector general ~~Inspector General~~ shall notify the warden and regional director of institutions of any officer involved in eight or more use of force incidents in an 18-month period. The regional director of institutions shall review the circumstances for possible reassignment.

(14) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, 6-25-08, 6-8-09, 7-5-10_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-7.521	Definitions
40E-7.527	Hunting
40E-7.538	Special Provisions for Management Areas of the District Open to the Public
40E-7.5381	Special Provisions for Right of Way of the District
40E-7.5382	Special Provisions for Vacant Undesignated District Lands Open to the Public

PURPOSE AND EFFECT: To amend Rules 40E-7.521, 40E-7.527, 40E-7.538, 40E-7.5381, and 40E-7.5382, F.A.C., to comply with a recent amendment to Section 790.33, F.S. (HB 45, 2011), which provides exclusive authority to the Legislature to regulate firearms and ammunition, thereby making the District rules regarding firearms and ammunition null and void as of October 1, 2011.

SUBJECT AREA TO BE ADDRESSED: Prohibition of the possession of ammunition or the discharge of firearms of District Public lands.

RULEMAKING AUTHORITY: 373.019, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.1391, 373.59, 373.1401, 790, 810.09 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 WEEKLY.

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 hours before the workshop/meeting by contacting: South Florida Water Management District Clerk at (800)432-2045, x 2087 or (561)682-2087. 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 IS: Steve Coughlin, Section Administrator, Land Stewardship Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680 telephone 1(800)432-2045, ext.

2603 or (561)682-2603 or by email to scoughlin@sfwmd.gov. For procedural questions, please contact: Charron Follins, Senior Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, ext 6293 or (561)682-6293 or by email cfollins@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-7.521 Definitions.

When used in this part:

(1) through (9) No change.

~~(10) “Firearm” means a shotgun, rifle, pistol, revolver or muzzleloader designed to expel a projectile by the action of an explosive and any air gun, gas gun, blow gun, crossbow, spear, or any other device mechanically propelling an arrow, spear, or other projectile or any starter gun or blank firing device.~~

(11) through (31) renumbered (10) through (30) No change.

Rulemaking Specific Authority 373.019, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.1391, 373.59 FS. History—New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03, 7-12-06_____.

~~40E-7.527 Hunting; Possession and Use of Firearms or Hunting Devices.~~

(1) Consistent with applicable provisions of local, state and federal law, concerning hunting or the possession and use of firearms or other types of hunting devices, such as the rules of the Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, ~~unlawful possession, discharge, and use of firearms or other types of hunting devices or, trapping devices~~ and the releasing of free-running hunting dogs are prohibited on District lands unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations. ~~Nothing contained in Chapter 40E-7, Part V, F.A.C., shall be construed to prohibit the lawful possession of concealed weapons by persons properly licensed by the State of Florida to carry concealed weapons. The prohibition on the possession and discharge of firearms or other types of hunting devices shall not apply on land approved by the District for use as a small arms shooting range.~~

(2) through (3) No change.

(4) No person shall hunt ~~or possess a firearm or other type of hunting device~~ except during regulated hunting seasons established and managed by the Florida Fish and Wildlife Conservation Commission.

(5) through (9) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.1401, 373.59, 790, 810.09 FS. History—New 5-24-94, Amended 1-1-01, 1-5-03, 7-12-06_____.

40E-7.538 Special Provisions for Management Areas of the District Open to the Public.

(1) through (2) No change.

(3) Gardner-Cobb Marsh Management Unit in Osceola County.

(a) through (c) No change.

~~(4) Possession of a firearm or other types of hunting devices in Ike Hammock is prohibited.~~

(4) Lower Kissimmee River Management Area located in Polk, Osceola, Highlands, Glades, and Okeechobee Counties.

(a) through (c) No change.

~~(4) Safety Zones within the Public Use Area in Okeechobee, Highlands, Osceola, and Polk Counties.~~

~~1. All firearms and other types of hunting devices and firearms shall be unloaded.~~

~~2. A person in possession of a Special Use License to camp within the Safety Zone at the Oak Creek Campsite during a hunting season shall have firearms and other types of hunting devices unloaded and secured in a locked firearm or other type of hunting device case while in camp and while in direct travel to and from the campsite.~~

(5) through (9) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History–New 1-1-01, Amended 1-5-03, 7-12-06,_____.

40E-7.5381 Special Provisions for Right of Way of the District.

The following shall be prohibited on all Right of Way of the District; which include rights-of-way, canals, levees, maintenance berms, and spoil mounds:

(1) Hunting.

~~(2) Discharge of firearms or other types of hunting devices.~~

(3) through (12) renumbered (2) through (12) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History–New 7-12-06, Amended_____.

40E-7.5382 Special Provisions for Vacant Undesignated District Lands Open to the Public.

The following shall be prohibited on vacant undesignated lands, as that term is defined in subsection 40E-7.521(30), F.A.C.

~~(1) Possession of a firearm or other types of hunting devices.~~

(2) through (6) renumbered (1) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History–New 7-12-06, Amended_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.: RULE TITLE:

59B-9.034 Reporting Instructions

PURPOSE AND EFFECT: The agency is proposing amendment to Rule 59B-9.034, F.A.C., to modify the CPT code range for cardiac catheterization.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Reporting Instruction in Rule 59B-9.034, F.A.C.

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 15, 2011, 9:00 a.m.

PLACE: Agency for Health Care Administration, First Floor Conference Room B, Building 3, 2727 Mahan Drive, Tallahassee, Florida 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 5 days before the workshop/meeting by contacting: Patrick Kennedy at (850)412-3757. 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 IS: Patrick Kennedy at (850)412-3757

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-9.034 Reporting Instructions.

(1) No change.

(a) No change.

(b) 92980 through 92998 and ~~93451 93500~~ through 93599.

Includes percutaneous transluminal coronary angioplasty (PTCA) and Cardiac Catheterization.

(c) through (d) No change.

(2) No change.

(a) through (e) No change.

(3) through (5) No change.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New 1-1-10, Amended 12-5-10,_____.

Editorial Note: see former Rule 59B-9.015, F.A.C.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:

59C-1.0355 Hospice Programs

PURPOSE AND EFFECT: The agency is proposing to update the rule to reflect changes to the hospice rule as currently defined in Title 59C, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule is updated to include the dates of material incorporated by reference in the rule as adopted May 3, 2010, and the dates of the data included in the semi-annual reports.

RULEMAKING AUTHORITY: 408.15(8), 408.034(3), (6) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(3), (4) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marisol Novak, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)412-4401

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.020 **RULE TITLE:** Ambulatory Surgical Center Services

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 59G-4.020, F.A.C., is to incorporate by reference the revised Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2012. The revised handbook will now incorporate updated policy related to reimbursement. An update is needed to the reimbursement policy, procedure codes and payment groups used for ambulatory surgical centers (ASCs). This rule updates the procedure codes payable in the ASC setting and payment groups used to reimburse ASCs for services by Florida Medicaid. Additionally, various policy clarifications have been made.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services. An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.020, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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: Wednesday, December 14, 2011, 3:30 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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: Pamela Kyllonen at the Bureau of Medicaid Services, (850)412-4211. 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 IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4211, e-mail: pamela.kyllonen@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, ~~January 2012~~ ~~January 2004~~, ~~updated January 2005 and January 2006~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C.~~ ~~The Both handbooks is~~ are available from the Medicaid fiscal agent's ~~Web site~~ website at www.mymedicaid-florida.com ~~http://floridamedicaid.aes-inc.com~~. ~~Select~~ Click on Public Information for Providers, then Provider Support, and then ~~on~~ Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7 Provider Inquiry at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented ~~409.902, 409.906, 409.907, 409.908, 409.912, 409.913~~ FS. History–New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, 10-2-05, 7-2-06, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.071
 RULE TITLE: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.071, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supply Services Provider Fee Schedules, November 2011. The amendment updates Durable Medical Equipment (DME) and medical suppliers who provide services to Medicaid recipients.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules. An additional area to be addressed during the workshop will be the potential regulatory impact the amendment to Rule 59G-4.071, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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: Monday, December 12, 2011, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. 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 IS: Dan Gabric, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, ~~November 2011~~ November 2011, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, ~~November 2011~~ November 2011, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent’s Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History–New 5-7-07, Amended 5-8-08, 9-28-11,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.110
 RULE TITLE: Hearing Services

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 59G-4.110, F.A.C., is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2012. The revisions to the coverage and limitations handbook include policy clarification, place of service clarification, additional definitions, a new cochlear and BAHA implant policy, and updated fiscal agent information.

SUBJECT AREA TO BE ADDRESSED: Hearing Services

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.110, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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: Thursday, December 15, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room C, Tallahassee, Florida 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 48 hours before the workshop/meeting by contacting: Kathryn R. Stephens at the Bureau of Medicaid Services, (850)412-4235. 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 IS: Kathryn R. Stephens, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, telephone: (850)412-4235, e-mail: kathryn.stephens@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2012 July 2006, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com> <http://floridamedicaid.aes-inc.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center Inquiry at 1(800)289-7799 and selecting Option 7 377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.012, 409.913 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, 7-26-05, 8-18-05, 11-29-06,

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.:	RULE TITLES:
60L-36.002	Political Activities
60L-36.005	Disciplinary Standards

PURPOSE AND EFFECT: To correct the inadvertent omission of the term "local" when the rule was last amended. The statute specifically mentions local office, so it should be included in Rule 60L-36.002, F.A.C. Also to update Rule 60L-36.005, F.A.C., changes to reflect the deadline for appeal established in Section 110.227(5)(a), F.S., as well as changes from HB 887, which was signed by the Governor on June 10, 2008.

SUBJECT AREA TO BE ADDRESSED: Stipulating that career service employees may hold local public office if authorized by the agency head and approved by the Department; including an involuntary transfer of more than 50 miles by highway as one of the actions requiring employee notification; and referring to Section 110.227(5)(a), Florida Statutes to identify the number of days for appeal rights.

RULEMAKING AUTHORITY: 110.1055, 110.201(1), 110.233(4)(a), 110.1055, 110.1221, 110.201(1), 110.227(2), 110.233, 110.403(1), 110.403(5), 110.605(1), 110.605(4) FS.

LAW IMPLEMENTED: 110.233(4)(a), 110.1221, 110.201, 110.227, 110.403, 110.605 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: December 8, 2011, 11:00 a.m. – 1:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, FL 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 48 hours before the workshop/meeting by contacting: Ms. Kimberly L. Kemp, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)488-8176, Kimberly.Kemp@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Kimberly L. Kemp, HR Consultant, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)488-8176, Kimberly.Kemp@dms.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-36.002 Political Activities.

(1) Section 110.233(4)(a) of the Florida Statutes, prohibits a career service employee from holding, or being a candidate for, public office while in the employment of the state or taking any active part in a political campaign while on duty or within the period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, a career service employee may be a candidate for or hold local public office when authorized by the agency head and approved by the Department as involving no interest which conflicts or activity which interferes with his or her state employment. The following procedures shall apply to requests for that authorization and approval.

(a) through (d) No change.

(2) through (6) No change.

Rulemaking Specific Authority 110.1055, 110.201(1), 110.233(4)(a) FS. Law Implemented 110.233(4)(a) FS. History–New 1-22-02, Amended 5-16-04, _____.

60L-36.005 Disciplinary Standards.

(1) through (4) No change.

(5) Agencies shall make known to permanent career service employees the procedures specified in Section 110.227, Florida Statutes. Section 110.227(5)(a), Florida Statutes, establishes procedures for suspension, reduction in pay, demotion, involuntary transfer of more than 50 miles by highway, or dismissal of permanent career service employees. An agency taking such action shall, in addition to furnishing notice of intent to take such action, furnish the employee with written notice of final action. The written notice of final action shall advise the employee of appeal rights under Section 110.227(5)(a), Florida Statutes, under any applicable collective bargaining agreements, and under any other applicable statutory provisions, such as Parts VI or VIII of Chapter 112, Florida Statutes. The ~~fourteen-day~~ deadline for appeal established in Section 110.227(5)(a), Florida Statutes, shall be measured from the date the employee receives the written notice of final action.

Rulemaking Specific Authority 110.1055, 110.1221, 110.201(1), 110.227(2), 110.233, 110.403(1), 110.403(5), 110.605(1), 110.605(4) FS. Law Implemented 110.1221, 110.201, 110.227, 110.403, 110.605 FS. History–New 1-22-02, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-304.300	St. Marks River Basin TMDLs
62-304.315	Chipola River Basin TMDLs
62-304.330	Pensacola Bay TMDLs
62-304.335	Perdido Bay TMDLs
62-304.435	Upper East Coast Basin TMDLs Spruce Creek.
62-304.500	Ocklawaha Basin TMDLs
62-304.510	Upper St. Johns River TMDLs.
62-304.520	Indian River Lagoon Basin TMDLs
62-304.625	Peace River Basin TMDLs
62-304.640	Withlacoochee Basin TMDLs
62-304.705	St. Lucie Basin TMDLs
62-304.735	Everglades Basin TMDLs
62-304.800	Caloosahatchee River Basin TMDLs.

PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for waters in the following basins: St. Marks River, Chipola River, Pensacola Bay, Perdido Bay, Upper East Coast, Ocklawaha, Upper St. Johns River, Indian River Lagoon, Peace River, Withlacoochee, St. Lucie, Everglades, and Caloosahatchee River. Pursuant to Section 403.067(6), F.S., TMDLs must be adopted in rule by the Secretary of the Department. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for the impaired waters in the above listed basins.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.067 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Mandrup-Poulsen, Administrator, Watershed Evaluation and TMDL Section, 2600 Blair Stone Road, Mail Station 3555, Tallahassee, FL 32399-2400, Telephone (850)245-8449
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.645
RULE TITLE: Springs Coast Basin TMDLs
PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for waters in the Springs Coast basin. Pursuant to Section 403.067(6), F.S., TMDLs must be adopted in rule by the Secretary of the Department. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. TMDL development is proceeding for those waters on the Department’s Verified List of Impaired Waters.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for the impaired waters in the above listed basin. At this time, the Department is concurrently noticing a workshop to receive public comments on the draft dissolved oxygen and nutrient TMDLs for the Stevenson Creek tidal segment (WBID 1567), to be adopted in rule 62-304.645. The draft TMDL document for this impaired water will be placed on the Department’s TMDL website (<http://www.dep.state.fl.us/water/tmdl/>) by November 23 and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the draft TMDLs through December 23, 2011. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or via email at: jan.mandrup-poulsen@dep.state.fl.us. This rule development has been given OGC case number 08-2478. A copy of the agenda may be obtained by contacting: Ms. Pat Waters,

Watershed Evaluation and TMDL Section, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by calling (850)245-8449.

If requested in writing and not deemed unnecessary by the agency head, a rule development workshop for other WBIDS within the Springs Coast basins will be noticed in the next available Florida Administrative Weekly.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.067 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, December 9, 2011, 9:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Center Blvd., Suite 100, Pinellas Park, Florida 33782-6141.

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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Administrator, Watershed Evaluation and TMDL Section, 2600 Blair Stone Road, Mail Station 3555, Tallahassee, FL 32399-2400, Telephone (850)245-8449

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-3.004
RULE TITLE: Acupuncture Examination

PURPOSE AND EFFECT: The Board proposes to add additional portions of the national exam to the approved examination and amend the rule to include an effective date of implementation of this rule.

SUBJECT AREA TO BE ADDRESSED: Acupuncture Examination. This notice of rule development replaces the rule development notice which published in the October 21, 2011 issue of the Florida Administrative Weekly.

RULEMAKING AUTHORITY: 456.017, 457.104 FS.

LAW IMPLEMENTED: 456.017, 457.104 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.017
RULE TITLE: Optional Informed Consent for Cataract Surgery

PURPOSE AND EFFECT: The Board proposes the development of a rule to address an optional informed consent form which physicians may use as their consent form for cataract surgery.

SUBJECT AREA TO BE ADDRESSED: Pursuant to Section 458.351(6), F.S., the Board intends to set forth the optional informed consent form which physicians may utilize for cataract surgical procedures.

RULEMAKING AUTHORITY: 458.351(6) FS.

LAW IMPLEMENTED: 458.351(6) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.012
RULE TITLE: Optional Informed Consent for Cataract Surgery

PURPOSE AND EFFECT: The Board proposes the development of a rule to address an optional informed consent form which physicians may use as their consent form for cataract surgery.

SUBJECT AREA TO BE ADDRESSED: Pursuant to Section 459.026(6), F.S., the Board intends to set forth the optional informed consent form which physicians may utilize for cataract surgical procedures.

RULEMAKING AUTHORITY: 459.026(6) FS.

LAW IMPLEMENTED: 459.026(6) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-3.007 RULE TITLE: Active Status License Fee

PURPOSE AND EFFECT: Board proposes the rule amendment to reduce the renewal fee.

SUBJECT AREA TO BE ADDRESSED: Active Status license Fee.

RULEMAKING AUTHORITY: 468.1145(1) FS.

LAW IMPLEMENTED: 456.036, 468.1145(8) 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-2.016 RULE TITLE: Residential Fee Collection

PURPOSE AND EFFECT: The purpose of this new rule is to allow for the equitable collection of third party benefits from clients that receive funds in excess of their person needs allowance and room and board payments. This rule will have the effect of reducing excessive and unnecessary payments to clients or their representative payees, and will help to prevent clients from being disqualified from Medicaid due to the availability of excess funding.

SUBJECT AREA TO BE ADDRESSED: Residential service fees; Section 402.33, Florida Statutes.

RULEMAKING AUTHORITY: 393.501(1), 402.33 FS.

LAW IMPLEMENTED: 402.33 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 2, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, 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: Fran Blanton, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)922-4204, fran_blanton@apd.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fran Blanton, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)922-4204, fran_blanton@apd.state.fl.us

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-24.144 RULE TITLE: Monroe County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes reducing vessel speeds on the Florida Intracoastal Waterway within Monroe County where necessary to manage and promote the use of this state waterway for safe and enjoyable boating.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits on the Florida Intracoastal Waterway within Monroe County.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, December 13, 2011, 6:30 p.m. – 8:00 p.m.

PLACE: Murray E. Nelson Government Center, 102050 Overseas Highway, Key Largo, Florida 33037

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: ADA Coordinator, at (850)488-6411. 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: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)488-5600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-24.164
RULE TITLE: Volusia County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to address possible rule changes reducing vessel speeds on the Florida Intracoastal Waterway within Volusia County where necessary to manage and promote the use of this state waterway for safe and enjoyable boating. Additionally we intend to fix inconsistencies between the rule text and the map identified as Drawing A.

SUBJECT AREA TO BE ADDRESSED: Vessel speed limits on the Florida Intracoastal Waterway within Volusia County.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, December 14, 2011, 6:30 p.m. – 8:00 p.m.

PLACE: City of Ormond Beach Commission Chambers, 22 South Beach Street, Ormond Beach, Florida 32175

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: ADA Coordinator, at (850)488-6411. 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: Captain Richard Moore, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian St., Tallahassee, Florida 32399-1600, (850)488-5600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF NATURAL RESOURCES

Division of Administration

RULE NOS.:	RULE TITLES:
16A-10.001	Adoption by Reference
16A-10.002	Definitions
16A-10.003	Department’s Status as a Legal Entity
16A-10.004	Standard Lease Agreement Form
16A-10.005	Multiple Leases
16A-10.006	Lease Extensions
16A-10.007	Standard Notice of Renewal
16A-10.008	Special Facilities for the Physically Disabled – Compliance with Standards
16A-10.009	Special Facilities for the Physically Disabled – Standards Waived or Modified

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule is no longer required. Section 255.25, Florida Statutes, requires agencies to comply with the Department of Management Services’ Rule 60H-1.016, F.A.C.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

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: Repealing this unnecessary rule will not have an adverse impact or impose a regulatory cost.

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.