

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: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.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, IF AVAILABLE, IS: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

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

## Section II Proposed Rules

### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.220  
PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to eliminate obsolete definitions.

SUMMARY: The proposed rule eliminates obsolete definitions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on analysis from the Bureau of Classification and Central Records indicating that the rule change merely eliminates definitions that are no longer valid and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 33-601.220 Youthful Offenders – Definitions.

~~(1) Central Office Screening Committee — refers to the committee located in the central office, chaired by the Chief of Classification and Central Records and consisting of one additional representative from the Bureau of Classification and Central Records, an individual designated by the Director of the Office of Program Services, and an individual designated by the Director of the Office of Community Corrections. The purpose of this team is to review recommendations for sentence modification and to submit their findings to the Deputy Director of Institutions for final approval or disapproval.~~

~~(2) Inmate Management Plan Team (IMPT) — refers to a team consisting of the inmate’s classification officer and a representative from security and programs. The team members develop the inmate’s management plan which must be approved by the Institutional Classification Team (ICT), monitor the inmate’s progress, determine the inmate’s eligibility for sentence modification and make recommendations to the ICT as necessary in accordance with the rules.~~

~~(1)(3) Extended Day Program – refers to a 16 hour daytime program at youthful offender institutions that is designed to provide at least 12 hours of activities. The program is structured to include work assignments, educational (vocational and academic) programs, counseling, behavior modification, coordinated movement ~~military style drills~~, systematic discipline, and other programmatic opportunities that will reduce inmate idleness and enhance the young inmate’s chance at becoming a law abiding citizen upon re-entry into the community.~~

~~(4) Inmate Management Plan (IMP) — refers to the individualized plan developed for each inmate based upon information collected from various risk and needs assessments and other documents or reports that identify deficiencies. The plan establishes specific goals and performance objectives for meeting assessed needs in program, work and adjustment areas.~~

~~(5) Release Placement Plan — Refers to a report prepared by the Office of Community Corrections field office staff outlining information relative to the inmate’s proposed employment, residence, family ties or support system, financial resources and other resources available to the inmate upon release.~~

~~(2)(6) Sentence Modification – refers to an alteration or amendment by the court of the original sentence. The modification reduces the time to be served and may impose ~~imposes~~ a term of probation, community control or other community sanctions, which, when added to the term of incarceration, will not exceed the length of the original sentence.~~

~~(3)(7)~~ 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 (SCO).

~~(4)(8)~~ State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

~~(5)(9)~~ Youthful Offender – where used herein, refers to any person who is sentenced as such by the court or is classified as such by the department pursuant to Section 958.11(4) ~~Section 958.04~~, F.S.

Rulemaking Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New 3-13-01, Formerly 33-506.100, Amended 2-19-03, 4-1-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Russell Hosford, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.223  
RULE TITLE: Designation of Institutions for Youthful Offenders

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove the list of specific youthful offender institutions and indicate that youthful offenders may be reassigned to non-youthful offender facilities per Section 958.11, F.S.

SUMMARY: The proposed rule removes the list of specific youthful offender institutions and indicates that youthful offenders may be reassigned to non-youthful offender facilities pursuant to Section 958.11, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on analysis from the Bureau of Classification and Central Records indicating that the rule change only affects internal operations of the Department by permitting more flexibility in where a youthful

offender program will be located and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.223 Designation of Institutions for Youthful Offenders.

(1) Upon completion of the reception process, each youthful offender shall be transferred to an institution designated for his or her age and custody in accordance with Section 958.11, F.S.

(2) Youthful Offenders may be reassigned to non-youthful offender facilities in accordance with Section 958.11, F.S. The following are designated as youthful offender institutions:

- ~~(a) Indian River Correctional Institution;~~
- ~~(b) Lancaster Correctional Institution and Lancaster Work Camp;~~
- ~~(c) Brevard Correctional Institution and Brevard Work Camp;~~
- ~~(d) Sumter Correctional Institution — Male Basic Training Program;~~
- ~~(e) Lowell Correctional Institution Women’s Unit — Basic Training Program;~~
- ~~(f) Lake City Correctional Institution;~~
- ~~(g) Hernando Correctional Institution; and~~
- ~~(h) Taylor Correctional Institution Annex.~~

Rulemaking Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended 3-13-01, Formerly 33-506.103, Amended 12-7-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Russell Hosford, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.225  
 RULE TITLE: Classification Screening for Youthful Offenders in Adult Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to the Office of Youthful Offenders, which no longer exists.

SUMMARY: The proposed rule removes reference to the Office of Youthful Offenders because it no longer exists and replaces the reference to indicate that the Bureau of Classification and Central Records is responsible for reviewing classification data for eligible inmates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Since the rule merely changes the organizational title of the central office bureau that is responsible for reviewing classification data and therefore has no impact on small business or the private sector, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 958.11 FS.

LAW IMPLEMENTED: 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.225 Classification Screening for Youthful Offenders in Adult Facilities.

(1) The Bureau of Classification and Central Records ~~Office of Youthful Offenders~~ shall continuously review classification data for inmates eligible for youthful offender designation to determine if the criteria for assignment to the youthful offender program is met. Offenders identified shall be classified and assigned as youthful offenders. Any inmate designated as a youthful offender shall be assigned to a youthful offender facility.

(2) No change.

Rulemaking Specific Authority 958.11 FS. Law Implemented 958.11 FS. History—New 10-11-95, Formerly 33-33.011, 33-506.105, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.226  
 RULE TITLE: Youthful Offender Program Participation

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to define “successful completion” of the youthful offender program for the purpose of a Departmental recommendation for sentence modification, to set forth the process by which a modification is recommended, and to generally clarify the youthful offender program protocol.

SUMMARY: The proposed rule defines “successful completion” of the youthful offender program for the purpose of a Departmental recommendation for sentence modification, sets forth the process by which a modification is recommended, and clarifies the youthful offender program operational protocol.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on analysis from the Bureau of Classification and Central Records indicating that the rule change only impacts internal operations of the Department’s youthful offender programming and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09, 958.04, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.04, 958.11, 958.12 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

## 33-601.226 Youthful Offender Program Participation.

(1) Each institution that houses youthful offenders offender shall provide a programmatically diversified extended day of 16 hours of required inmate participation six days a week, contingent upon available resources.

(2) The schedule of events shall be developed by each warden and approved by the regional director and the Office of Institutions.

(3) Definitions. Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate's eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S. Requests for sentence modification will not be made before successful completion of the extended day program.

(a) Bureau of Admission and Release – the bureau in the central office responsible for overseeing and auditing all the processes involved with sentencing documents received from the courts and for controlling inmates' prison commitment, coordinating release processes, and administering the department's re-entry initiatives. After the youthful offender has successfully participated in the youthful offender program and completed the IMP as developed, a complete evaluation of the case shall be initiated. The evaluations shall include a review and summary of the following areas:

1. Disciplinary record;
2. Gain time earned, forfeited or withheld and reasons for the action taken;
3. Academic and vocational accomplishments;
4. Work assignments which would assist the youthful offender in obtaining future employment;
5. Counseling programs;
6. Substance abuse programs;
7. Other programs and objectives specifically recommended for the youthful offender; and
8. Release placement plan prepared by probation and parole office staff which will include proposed residence, employment, family ties or support systems, financial resources, other resources available to the inmate and any recommendation for continued treatment;
9. Nature of offense and length of sentence.

(b) Bureau of Classification and Central Records – the bureau in the central office responsible for the overall classification system in the department, including reception, facility, work, program, and custody assignments, disciplinary processes, population management, and maintaining active and inactive inmate records. The evaluation of the youthful offender's eligibility for a recommendation for a modification of sentence shall be coordinated by the institutional

classification staff and incorporated into a complete progress report. The completed progress report shall be reviewed and, once approved, signed by the ICT and a representative of the SCO.

(c) Review Board – the team consisting of extended day program staff, to include at least one officer of the rank of sergeant or above and a staff member directly involved in the training and instruction of youthful offenders, responsible for determining advancement through the phases of extended day program. Prior to making a recommendation for sentence modification, the inmate's classification officer shall send a Victim Input Statement, Form DC1 701B, to the victim(s) or the victims' family for comments regarding the release of the inmate. Form DC1 701B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(d) Once the inmate has been approved by the ICT and the SCO for a recommendation for sentence modification, a request for initiation of a Youthful Offender's Release Placement Plan, Form DC6-121, shall be made to the community corrections office in the county where the inmate plans to reside. The community corrections office in the county where the inmate plans to reside shall complete the placement release plan and return it to the requesting institution. Form DC6-121 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(e) The sentence modification package shall include at a minimum the following:

1. The completed release placement plan that has been verified by community corrections field staff;
2. The completed victim input statement forms;
3. A progress report with justification for sentence modification;
4. An order of modification of sentence placing defendant on probation prepared by the classification officer for the judge's signature;
5. A completed Defendant's Waiver of Rights to Modify Sentence and Place Defendant on Probation, Form DC3-235. Form DC3-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(f) The completed sentence modification package shall be forwarded to the Bureau of Classification and Central Records for review by the central office screening committee.

~~(g) The central office screening committee shall review the sentence modification request for completeness and shall make a written recommendation to the Deputy Director of the Office of Institutions (classification) to approve or disapprove the request.~~

~~1. If the Deputy Director concurs with the recommendation for sentence modification, the Chief of the Bureau of Classification shall transmit a written request to the sentencing judge to consider modifying the inmate's sentence.~~

~~2. If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.~~

~~(h) One or more of the following will render the inmate ineligible for consideration of a sentence modification to the court:~~

~~1. Conviction for murder, attempted murder, or an offense resulting in a death;~~

~~2. Conviction for sexual battery pursuant to Section 794.011, F.S.;~~

~~3. Conviction for kidnapping pursuant to Section 787.01, F.S.;~~

~~4. Conviction for carjacking pursuant to Section 812.133, F.S.;~~

~~5. Conviction for domestic violence pursuant to Section 741.28, F.S.;~~

~~6. Conviction for home invasion robbery pursuant to Section 812.135, F.S.;~~

~~7. Sentenced as a habitual offender pursuant to Section 775.084, F.S.; or~~

~~8. Currently serving mandatory portion of a sentence pursuant to Section 775.082, F.S.~~

~~(i) If the recommendation is approved by the sentencing judge, the community corrections office shall send the certified court order to the Bureau of Sentence Structure and Population Management for the inmate to be released through the department's release procedures.~~

~~(j) If the judge disapproves the modification request, the community corrections office that handled the modification request shall notify the chief of the Bureau of Classification and Central Records and the ICT. The ICT shall notify the inmate.~~

(4) Extended Day Program Phases. Phases are consecutive. An inmate must complete Phase I before advancement to Phase II and Phase II before advancement to Phase III.

(a) Phase I:

1. Phase I shall consist of a two-week orientation period, including a broad, extensive training program including physical fitness, work assignments, regimented application of discipline, and personal development programs.

2. To advance to Phase II, the inmate must pass an evaluation on orientation materials.

(b) Phase II shall consist of continued demonstration of skills learned in Phase I, adherence to the structure of the extended day program, and consistency and participation in vocational, academic, and betterment programs.

(c) Phase III shall consist of:

1. Continued demonstration of capability in the areas of personal responsibility, job assignments, and academic and vocational programs, as well as all other areas of daily living and activities;

2. Maintenance of high proficiency in achievements;

3. Providing assistance to staff with designated activities; and

4. Evaluation in all areas on a continuous basis to ensure that the inmate should remain in Phase III.

(d) Remedial Phase. The remedial phase is designed for inmates who are not participating in the extended day program such that sentence modification may be achieved and who pose disciplinary and management problems or have basic needs for additional behavior modification measures based on poor institutional adjustment or behavior. The remedial phase shall consist of an extensive period of behavior modification emphasizing compliance with rules, proper institutional adjustment, and appropriate social behavior.

(5) Advancement to Phase III.

(a) The Bureau of Classification and Central Records or designee will review inmates and determine if they meet the criteria for recommendation for modification of sentence. Review will include consideration of the potential rehabilitative benefits that may be achieved through the inmate's participation in Phase III. No inmate has a right to recommendation for modification of sentence. Institutional classification staff is authorized to notify the Bureau of Classification and Central Records or designee of an inmate who meets the criteria for advancement to Phase III as set forth in this rule. The sentencing court shall be notified in writing by the Bureau of Classification and Central Records or designee requesting approval for the inmate to participate in the extended day program such that modification of sentence may be achieved. The state attorney shall, at the same time, be notified that the department is seeking such approval from the court.

1. If the sentencing court approves the department's request that the inmate participate in the extended day program such that a potential recommendation for modification of sentence may be achieved per subsection (6) of this rule, the Bureau of Classification and Central Records or designee will note on the record that the sentencing court has approved this possibility. Institutional classification staff will notify the inmate of the court's response. The 180 day period described in subparagraph (6)(a)1. below commences upon placement.

2. If the sentencing court disapproves of the inmate's participation in the extended day program such that the inmate may achieve modification of sentence, the inmate shall complete incarceration pursuant to the terms of the commitment order. The Bureau of Classification and Central Records or designee will note on the record that the sentencing court has denied the inmate the possibility of sentence modification. Institutional classification staff will notify the inmate of the court's response.

(b) If not previously identified by the department and approved for participation by the sentencing court, a Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for advancement to Phase III. If approved by the ICT for advancement, the Bureau of Classification and Central Records or designee will review the inmate for eligibility for a potential recommendation for modification of sentence under subsection (6) of this rule. If not deemed eligible, the inmate shall remain in Phase III, subject to the provisions of subsection (4) of this rule, completing incarceration pursuant to the terms of the commitment order. Form DC6-188 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September, 2011.

(6) Recommendations for Modification of Sentence.

(a) The following will result in an evaluation by the Bureau of Classification and Central Records or designee of the inmate's eligibility for recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S.:

1. Potential for successful participation in all phases of the youthful offender extended day program, to include participation in Phase III of the extended day program for a minimum of 180 days; and

2. Reclassification to minimum or community custody.

(b) Successful participation in the extended day program is defined as:

1. Satisfactory gain time ratings in Phase III for a minimum of 180 days. Those days for which the youthful offender does not participate satisfactorily shall be repeated. Any break in service of these days for reasons not in the inmate's control will be considered when determining days to be repeated.

2. Participation in recommended programs;

3. No disciplinary reports as defined in Rule 33-601.302, F.A.C., for the previous four months; and

4. No more than four corrective consultations as defined in Rule 33-601.303, F.A.C., for the previous four months.

(c) Evaluation of the inmate's eligibility will include:

1. Review of circumstances of offense;

2. Institutional adjustment; and

3. Achievements.

(d) One or more of the following will render the inmate ineligible for recommendation of a sentence modification to the court:

1. Conviction for murder, attempted murder, or an offense resulting in a death;

2. Conviction for sexual battery pursuant to Section 794.011, F.S.;

3. Conviction for kidnapping pursuant to Section 787.01, F.S.;

4. Conviction for domestic violence pursuant to Section 741.28, F.S.;

5. Sentenced as a habitual offender pursuant to Section 775.084, F.S.; or

6. Currently serving mandatory portion of a sentence pursuant to Section 775.082, F.S.

(7) Extended Day Program Assessment. Each inmate shall be required to participate in Phase III in a satisfactory manner for a minimum of 180 days in order to successfully complete the program.

(a) The review board shall continually assess the inmate's participation in the program and recommend status assignments, which may include a recommendation to repeat days for which an overall unsatisfactory report was received.

(b) Inmates who have successfully participated for the required time period but who are awaiting release by the sentencing court or other releasing authority shall remain subject to the rules of the department and the extended day program. Failure to adhere to these rules may be grounds for removal from the program, withdrawal of the department's request to the court for modification of the inmate's sentence, or a request by the department to rescind modification of sentence. Form DC6-194, Order Rescinding Modification of Sentence, will be completed by the Bureau of Classification and Central Records or designee and provided to the court with the request to rescind modification of sentence. Form DC6-194 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September, 2011.

(8) Removal from Consideration for Recommendation.

(a) An inmate can be removed from the program for health reasons, expiration of sentence, or when such removal is in the best interest of the inmate or the security of the institution and in accordance with Section 958.11, F.S.

(b) If removal is for behavioral or disciplinary reasons, the inmate will not be reconsidered for a recommendation for modification of sentence.

(9) Sentence Modification Process.

(a) Inmates who have satisfactorily participated in the extended day program will be recommended for sentence modification.

(b) Institutional classification staff shall notify the Bureau of Classification and Central Records or designee of those inmates expected to achieve successful participation and forward a completed Form DC6-195, Defendant's Waiver of Rights in Modification of Sentence, no earlier than 60 days but no later than 45 days prior to the inmate's expected completion of the program. Form DC6-195 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September, 2011.

(c) The Bureau of Classification and Central Records or designee shall approve the ICT's recommendation, disapprove the recommendation, or refer the matter back to the ICT for additional information.

(d) If approved by the Bureau of Classification and Central Records or designee, a cover letter reporting that the inmate is participating satisfactorily in the program and is expected to complete will be sent to the community corrections intake office within the circuit of the sentencing court by the Bureau of Classification and Central Records or designee within three 3 working days from the receipt of an e-mail or telephone call from the facility that the inmate is expected to complete the program.

(e) The community corrections intake office shall complete Form DC6-193, Order Modifying Sentence, and submit it to the court for approval or disapproval within 5 working days from receipt of the request. Form DC6-193 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September, 2011.

(f) The community corrections intake office shall ensure that Form DC6-193 is received from the sentencing court and shall route the form to the Bureau of Admission and Release.

(g) The appropriate Admission and Release staff and the Bureau of Classification and Central Records or designee will be notified of the receipt of Form DC6-193.

(h) Upon receipt of the court's written action, the appropriate staff in the Bureau of Admission and Release shall make the necessary sentence structure adjustments and, if applicable, initiate release processes.

(i) If the sentence modification order is not received within 5 working days after the inmate completes the program, the Bureau of Classification and Central Records or designee shall notify by email or by telephone the community corrections intake office that submitted the sentence modification packet to the court. The community corrections intake office staff shall contact the sentencing judge to determine the status of the request for sentence modification. Community corrections

intake staff shall notify the Bureau of Classification and Central Records or designee of the status of the request for sentence modification. If the community corrections intake office staff member obtains the approved DC6-193, the staff member shall forward the form to the Bureau of Admission and Release, and the processes enumerated in paragraphs (9)(g) through (9)(h) of this rule shall be followed.

(j) If the sentencing court disapproves the sentencing modification, the community corrections intake office shall notify the Bureau of Classification and Central Records or designee. The Bureau of Classification and Central Records or designee shall notify the ICT at the institution housing the inmate, and the provisions of paragraph (9)(k) of this rule shall be followed.

(k) If modification of sentence is denied by the sentencing court, the Bureau of Classification and Central Records or designee will approve transfer of the inmate to an appropriate facility. If the inmate is recommended for work release, the SCO will review the recommendation pursuant to the criteria set forth in Rule 33-601.602, F.A.C., and approve if appropriate. The ICT shall notify the inmate of the court's denial.

(10) Nothing in this rule is intended to prohibit an inmate from petitioning the court if the inmate believes he or she has successfully participated in the program on the basis set forth in this rule or on the basis of other facts he or she believes are relevant.

Rulemaking Specific Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, 958.04, 958.11, 958.12 FS. History--New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Russell Hosford, Assistant Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Edwin G. Buss, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: April 22, 2011  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: May 13, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.716  
 RULE TITLE: Visiting Record Management  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to update terminology and to transfer via rulemaking Form DC6-111C from Rule 33-601.737, F.A.C., to this rule.  
 SUMMARY: The terminology of the rule is updated to coordinate with other visiting rules, and Form DC6-111C is being moved to this rule from Rule 33-601.737, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on the fact that the rule is only being amended to incorporate a form in a different location, the change will not have an impact on small business or the private sector and the rule therefore is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.716 Visiting Record Management.

(1) No change.

(2) Department staff shall document all requests for visits, ~~and~~ decisions made with regard to visiting, and pertinent comments on the automated visiting record.

(3) No change.

(4) Inmates shall be permitted to remove or request to add visitors to their inmate visiting records by completing Form DC6-111C, a Remove/ Add Visitor Request, Form DC6-111C, provided by institutional classification staff. ~~Form DC6-111C~~ is hereby incorporated by reference in ~~Rule 33-601.737, F.A.C.~~ A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date is October, 2011. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Removals shall only be permitted every six months. Visitors whose visiting privileges are suspended ~~or revoked~~ shall not be removed from an inmate's approved visiting list ~~while in the respective status~~ and the inmate shall not be allowed to replace the visitor with another approved visitor.

(5) No change.

(6) A visitor shall ~~not~~ be permitted to be on ~~the more than one inmate's~~ approved visiting record of all inmates who are unless they are immediate family as well as one non-family inmate members except as provided in subsection (7) below ~~33-601.716(7), F.A.C.~~

(7) A visitor who is approved as ~~immediate~~ family on an inmate's visiting record shall not be considered for visitation with a non-~~immediate~~ family ~~member~~ inmate if both inmates are housed at the same institution unless:

(a) The ~~immediate~~ family member inmate is transferred to another institution or is released from incarceration.

(b) The visitor is already approved to visit a non-~~immediate~~ family inmate prior to the ~~immediate~~ family member inmate being received at the same institution. Visitation shall be allowed, but not on the same day.

(c) The visitor is already approved to visit a non-~~immediate~~ family ~~member~~ inmate prior to being transferred to the same institution housing a ~~an immediate~~ family ~~member~~ inmate. Visitation shall be allowed, but not on the same day.

(8) An approved visitor who is on the visiting list of two or more ~~immediate~~ family ~~member~~ inmates who are at the same institution may visit the inmates at the same time.

(9) A visitor approved to visit as a non-~~immediate~~ family ~~inmate member~~ shall not be removed from the visiting list of the inmate for purposes of visiting another non-~~immediate~~ family ~~member~~ inmate at the same institution.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 9-29-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.718  
 RULE TITLE: Review of Request for Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to transfer via rulemaking Form DC6-111D from Rule 33-601.737, F.A.C., and to amend the form to permit staff to consider an applicant's relationship to the inmate if the applicant is a victim.

SUMMARY: Form DC6-111D is being transferred from Rule 33-601.737, F.A.C., to this rule. Form DC6-111D is updated to permit staff to evaluate a victim's relationship to an inmate for whom the victim has requested visitation privileges.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than



\$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on the fact that the rule is only being amended to incorporate a form in a different location, and based on analysis from the Bureau of Classification and Central Records that the form change only affects internal operations and would not impact small business or the private sector, the rule is not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.718 Review of Request for Visiting Privileges.

In approving or disapproving visiting privileges, assigned institutional classification officer shall review Form DC6-111A, the Request for Visiting Privileges, ~~Form DC6-111A~~, and shall consider all factors related to the security, order, or effective management of the institution. Form DC6-111A is incorporated by reference in Rule 33-601.715, F.A.C.

(1) No change.

(2) The assigned institutional classification officer staff shall evaluate a person’s criminal history and visiting background using Form DC6-111D, the Visitor Screening Matrix, ~~Form DC6-111D~~. Form DC6-111D is hereby incorporated by reference. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is October, 2011.

(3) ~~Form DC6-111D~~ is incorporated by reference in Rule 33-601.737, F.A.C.

Rulemaking Specific Authority 944.09, ~~944.23~~ FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 9-29-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2011

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.737  
RULE TITLE: Visiting – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal the rule and incorporate the forms into substantive visiting rules located in Chapter 33-601, F.A.C.

SUMMARY: The rule is being repealed, as the six forms incorporated are being transferred to substantive rules within Chapter 33-601, F.A.C., via rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that these rules will not have an adverse impact on small business and are not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on the fact that the rule is being repealed only to move the forms within to different locations in substantive rules, the repeal does not affect small business or the private sector and is therefore not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.737 Visiting – Forms.

Rulemaking Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, 3-21-06, 3-29-07, 8-23-07, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin G. Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2011

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.: 62-730.020  
62-730.021  
RULE TITLES: Definitions  
References, Variances and Case-by-Case Regulations

62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.180	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.183	Land Disposal Restrictions
62-730.220	Applications for Permits and Other Authorizations

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2009 and June 30, 2010 to the federal hazardous waste regulations. The Florida Department of Environmental Protection (FDEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, at least once a year FDEP incorporates Federal rule changes into Chapter 62-730, F.A.C., the state hazardous waste rule.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.704, 403.72, 403.721, 403.722, 403.724, 403.8055 FS.

LAW IMPLEMENTED: 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.724, 403.727 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or julie.c.rainey@dep.state.fl.us.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2008, and the amendment to the definition of “New hazardous waste management facility or new facility” in the Federal Register dated March 18, 2010 (75 FR 12989),

except for the optional addition of “or 267.101” to subsection (2) of the definition of “facility” in the Federal Register dated September 8, 2005 (70 FR 53419).

(2) through (5) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History–New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09,\_\_\_\_\_.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2008: 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 260.21; 260.23; 260.30; 260.31; 260.32; 260.33; 260.40 and 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect. The Department adopts by reference the March 18, 2010 (75 FR 12989) Federal Register which deletes Appendix I of Part 260.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History–New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08, 5-8-09,\_\_\_\_\_.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2008, and all appendices, ~~and~~ the amendments to 40 CFR Part 261 as published in the Federal Register dated December 1, 2008 (73 FR 72912), the corrections as published in the Federal Register dated March 18, 2010 (75 FR 12989), the partial withdrawal of the corrections published in the Federal Register dated June 4, 2010 (75 FR 31716), and the amendments to 261.4(a)(16) and 261.38 as published in the Federal Register dated June 15, 2010 (75 FR 33712), with the exceptions described in paragraphs (1)(a) through (d) of this section.

(a) ~~The Project XL site specific regulations in 40 CFR 261.4(b)(16) [Reserved], 261.4(b)(18), and 261.6(a)(2)(v).~~

(b)1. through 2. No change.

~~(b)3. Replace 40 CFR 261.23(a)(8) with “It is a forbidden explosive as defined in 49 CFR 173.54, or would have been a Class A or Class B explosive as defined in 49 CFR 173.52 and 49 CFR 173.53.”~~

(c) through (4) No change.

Rulemaking Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10,\_\_\_\_\_.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2010 ~~July 1, 2009~~, including the Appendix with the exception of 40 CFR 262.34(e) and the Project XL site-specific regulations in 262.10(j) and Subparts I and J.

(2) through (7) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10,\_\_\_\_\_.

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 2010 ~~July 1, 2008~~.

(2) through (3) No change.

Rulemaking Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09,\_\_\_\_\_.

62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) The Department adopts by reference 40 CFR Part 264 revised as of July 1, 2010 ~~July 1, 2008~~, including all appendices, with the exceptions described in paragraphs (1)(a) through (c) of this section.

(a) through (e) No change.

(2) The Department adopts by reference 40 CFR Part 265 revised as of July 1, 2010 ~~July 1, 2008~~, including all appendices, with the exceptions described in paragraphs (2)(a) through (e) of this section.

(3) through (6) No change.

Rulemaking Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History—New 5-19-82, Amended 3-4-82, 5-20-82, 7-14-82, 8-30-82, 10-7-82, 11-25-82, 2-3-83, 3-31-83, 5-19-83, 1-5-84, 2-2-84, 11-7-84, 7-5-85, 10-3-85, Formerly 17-30.18, Amended 5-5-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, 6-28-88, Formerly 17-30.180, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.180, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09,\_\_\_\_\_.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2010 ~~July 1, 2008~~, ~~except for the Project XL site-specific regulations in Subpart O.~~

(2) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09,\_\_\_\_\_.

62-730.183 Land Disposal Restrictions.

The Department adopts by reference 40 CFR Part 268 revised as of July 1, 2010 ~~July 1, 2008~~, and all appendices, with the exception of subsections (1) and (2) of this section.

(1) through (2) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 1-25-89, Formerly 17-30.183, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.183, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08, 5-8-09,\_\_\_\_\_.

62-730.220 Applications for Permits and Other Authorizations.

(1) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of July 1, 2008: 270.1(c) except for the Project XL site-specific regulations in 270.1(c)(2)(ix); 270.2, except for the optional amendments to the definition of “permit” and “Standardized Permit” in the Federal Register dated September 8, 2005 (70 FR 53419); 270.3; 270.4, including the corrections in the Federal Register dated March 18, 2010 (75 FR 12989); 270.6; 270.10 except for the optional amendments to 270.10(a) and (h) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.11; 270.12 through 270.28; 270.30; 270.31; 270.32(b)(2); 270.33; 270.51 except for the optional amendments to 270.51(e) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.61; 270.62; 270.65; 270.66; 270.68; 270.72; 270.79 through 270.230; and 270.235. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect.

(2) through (11) No change.

Rulemaking Authority 403.061, 403.087, 403.704, 403.721, 403.722, ~~403.8055~~ FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-9.002  
 RULE TITLE: Physician Survey Procedures

PURPOSE AND EFFECT: To update the survey questions.

SUMMARY: In order to obtain better data, the department determined that it would be beneficial to make a few changes to the survey questions that physicians must respond to at time of license renewal.

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.

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

RULEMAKING AUTHORITY: 458.3191(4), 459.008(4) FS.

LAW IMPLEMENTED: 381.4018, 458.3191, 459.0081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica Swanson Rivenbark

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.002 Physician Survey Procedures.

(1) At time of licensure renewal, each medical doctor and osteopathic physician who renews his or her license on line at [www.FLHealthSource.com](http://www.FLHealthSource.com) must fully complete on line all applicable portions of the physician workforce survey, form DH-MQA 1119, entitled Physician Workforce Survey, effective 09/11, ~~08/09~~ which is incorporated herein by reference. This form can be obtained at \_\_\_\_\_ and also may be viewed at <http://www.doh.state.fl.us/mqa/medical/index.html> or at <http://www.doh.state.fl.us/mqa/osteopath/index.html>. The address where physicians who do not renew online are required to obtain, complete and submit a paper copy of the survey with their renewal is 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399.

(2) No change.

Rulemaking Authority 458.3191(4), 459.0081(4) FS. Law Implemented 381.4018, 458.3191, 459.0081 FS. History—New 4-21-08, Amended 10-20-08, 9-30-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica Swanson Rivenbark

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D. Ph.D, FACP

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-11.001  
 RULE TITLE: Application for Licensure

PURPOSE AND EFFECT: The Board proposes to revise the rule to reflect changes to the incorporated application revised June 2011.

SUMMARY: Changes to the incorporated application revised June 2011.

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.

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

RULEMAKING AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.0635, 461.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-11.001 Application for Licensure.

(1) Any person desiring to be licensed as a podiatric physician shall apply to the Board of Podiatric Medicine. The application shall be made on the Application for Podiatric Examination & Initial Licensure Form DH-MQA 1138 (revised 6/11 ~~08/09~~), hereby adopted and incorporated by reference, that can be obtained from the Board of Podiatric Medicine’s website at <http://www.doh.state.fl.us/mqa/podiary/index.html>.

(2) An application file for licensure is not complete unless and until it contains verification of a passing score from examination of the National Board of Podiatric Medical Examiners, including Part I, Part II, and the PMLexis Examination. Such verification must be received by the Board office directly from the provider of the National Board of Podiatric Medical Examiners examination.

Rulemaking Authority 461.005 FS. Law Implemented 456.017(1)(c), 461.006 FS. History—New 1-29-80, Amended 12-9-82, Formerly 2IT-11.01, Amended 10-14-86, 1-26-88, 6-20-88, 7-3-89, 6-24-92, Formerly 2IT-11.001, Amended 7-6-94, Formerly 61F12-11.001, Amended 1-1-96, 7-15-96, Formerly 59Z-11.001, Amended 9-3-98, 2-8-00, 4-22-08, 6-17-09.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2011  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2011

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NOS.:	RULE TITLES:
2A-7.001	Definitions
2A-7.0021	Eligibility
2A-7.0022	Application Process

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly.

The agency has determined that these rules are strictly for clarification of eligibility and documentation requirements and processes for victims of domestic violence and stalking, and will have no regulatory cost or impact on small businesses. Accordingly, they do not require ratification by the Legislature.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-6.0902	Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners
6A-6.09022	Extension of Services in English for Speakers of Other Languages Program

6A-6.0903	Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 20, May 20, 2011 issue of the Florida Administrative Weekly.

Sub-subparagraph (2)(a)3.c. of Rule 6A-6.0902 is revised as follows:

c. Level of mastery of basic competencies or skills in English and heritage language according to ~~appropriate~~ local, state or national criterion referenced standards;

Paragraph (3)(d) of Rule 6A-6.0902 is revised as follows:

(d) Parents have the right to have their child immediately removed from a language instruction educational program and to decline to enroll the student in such a program or choose other instructional options, if available. For purposes of this subparagraph, a “language instruction educational program” means an instruction course in which an ELL is placed for the purpose of developing and attaining English proficiency and which may make instructional use of both English and a child’s ~~heritage~~ native language. Nothing herein shall alter the duty of the district to provide highly qualified, duly certified or endorsed ESOL instructors in accordance with Rule 6A-1.09441, F.A.C., and the Course Code Directory and Instructional Personnel Assignments that is incorporated by reference therein. If any parent or guardian of an ELL communicates a refusal to have his or her child enrolled in an ELL program, the District shall have the student’s principal or another representative of the school meet with the parent to:

1. Describe the range of programs and services that he child could receive if the parent does not refuse, including the methodology the District plans to employ to address the student’s educational needs and the training and qualifications of teachers and any others who would be employed in teaching the student;

2. Discuss the benefits their child is likely to gain by being enrolled in an ELL program and receiving ELL services;

3. Explain that, notwithstanding any past practice, the District shall not require students to be assigned to programs specifically designated for ELLs, or schools containing such programs, in order to receive ELL services.

Section (3) of Rule 6A-6.09022, is revised as follows:

(3) The ELL Committee shall review the student’s academic record holistically and shall consider the assessment results from the assessment administered under item (2) above and the following criteria to determine whether the student is English language proficient:

~~(a)~~ Extent and nature of prior educational or academic experience, social experience, and a student interview;