

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims
 RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The Bureau of Victim Compensation has conducted a review of its forms and proposes amendments to the rule to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Revision of Victim Compensation claim forms.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b) FS.

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

TIME AND DATE: 10:00 a.m., May 26, 1999

PLACE: Room G43, The Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jacquelyn Dupree, Chief, Bureau of Victim Compensation, Division of Victim Services and Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (March 1999), effective ~~(10/96)~~, effective 10-1-96, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) BVC 100, entitled "Victim Compensation Claim Form," (6/97)(rev. 2/99), effective 9-24-97.

~~(2) BVC 101, entitled "Confidentiality Request," (4/96), effective 6-25-96.~~

~~(2)(3) BVC 102, entitled "Filing Time Explanation" (1/99), effective _____ "Good Cause Statement, Late Filing," (10/96), effective 10-1-96.~~

~~(3)(4) BVC 103, entitled "Reporting Time Explanation" (2/99), effective _____ "Good Cause Statement, Late Report," (10/96), effective 10-1-96.~~

~~(4)(5) BVC 104, entitled "Non-Cooperation Explanation" (1/99), effective _____ "Good Cause Statement, Noncooperation," (10/96), effective 10-1-96.~~

~~(5)(6) BVC 211, entitled "Notice of Rights - Hearing Request," (3/99), effective _____ (2/96), effective 6-25-96.~~

~~(6)(7) BVC 405, entitled "Employment Report," (1/99), effective _____ (1/96), effective 6-25-96.~~

~~(7)(8) BVC 409, entitled "Treatment Statement," (2/99), effective _____ (1/96), effective 6-25-96.~~

~~(8) BVC 410, entitled "Disability Statement," (1/99), effective _____.~~

(9) BVC 600, entitled "Property Loss Claim Form," (7/97), (rev. 2/99) effective 9-24-97.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b) FS. History-New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, _____.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Standard Measures of Value: Real Property
 RULE NO.: 12D-51.003

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-51.003, F.A.C., is to adopt, by reference, the Standard Measures of Value: General Real Property Appraisal Guidelines to be developed and which will be part of the Manual of Instructions published under section 195.062, F.S. That statute provides that consistent with section 195.032, F.S., the standard measures of value shall be adopted in general conformity with the procedures set forth in section 120.54, F.S., but shall not have the force or effect of such rules and shall be used only to assist tax officers in the assessment of property as provided by section 195.002, F.S.

SUBJECT AREA TO BE ADDRESSED: Standard Measures of Value: General Real Property Appraisal Guidelines.

SPECIFIC AUTHORITY: 195.027(1), 195.032, 213.06(1) FS.

LAW IMPLEMENTED: 195.032, 195.062, 213.05 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:30 a.m., May 26, 1999
 PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

TIME AND DATE: 9:30 a.m., May 27, 1999
 PLACE: 5420 Diplomat Circle, Orlando, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026(voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-51.003 Standard Measures of Value: General Real Property Appraisal Guidelines.
Pursuant to section 195.062, F.S., these guidelines are adopted in general conformity with the procedures set forth in section 120.54, F.S., but shall not have the force and effect of rules. These guidelines are to be used only to assist property appraisers in the assessment of real property, other than classified use real property, as provided by section 195.002, F.S. These guidelines supersede any previous real property appraisal guidelines, other than classified use real property guidelines, and are entitled:

Standard Measures of Value:

General Real Property Appraisal Guidelines Rev. XX/99

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000.

Specific Authority 195.027(1), 195.032, 213.06(1) FS. Law Implemented 195.032, 195.062, 213.05 FS. History--New

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Contract
RULE NO.: 19-8.010

PURPOSE AND EFFECT: To discuss amendments to the reimbursement contract rule to conform the contract to the legislative amendments enacted by the Legislature during the 1999 session for the Florida Hurricane Catastrophe Fund.

SUBJECT AREA TO BE ADDRESSED: The reimbursement contract for the 1999-2000 contract year for the Florida Hurricane Catastrophe Fund.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m. to noon Monday, May 24, 1999

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1340

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON MAY 12, 1999.

Copies of the proposed amended rule and the agenda for the workshop may be obtained from: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; Tel. (850)413-1349. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Bert at least 5 calendar days before the workshop.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
RULE NO.: 33-3.0066

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow for the provision of chemical agents to designated security staff for use in self-defense or to prevent injury to others.

SUBJECT AREA TO BE ADDRESSED: Use of chemical agents.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 FS.

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

TIME AND DATE: 9:00 a.m., May 27, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, FL 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-3.0066 Use of Force.

(1) through (12) No change.

(13) Use of Chemical Agents.

(a) through (b) No change.

(c) In controlled situations when time constraints are not an issue, cChemical agents shall be used only by order of the Superintendent or a high ranking employee specifically designated by the superintendent. For purposes of this

paragraph, "high ranking" means shift supervisor or higher. Additionally, in accordance with (k) below, certified correctional staff will be designated by the superintendent to carry chemical agents and will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until their use is authorized. Shift supervisors, correctional officer sergeants, and other assigned internal security officers shall be issued one dispenser of MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent, with marking dye, which shall be securely encased and attached to the officer's belt.

(l) In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, persons authorized to draw chemical agent when issued from a secure location, person administering and administer the chemical agent, location administered, and reason for use. This information shall be included in section I of the use of force report. Individual chemical agent dispensers carried by staff will be weighed by staff as designated by the superintendent at the beginning and end of each shift. These inspections will be documented on Form DC3-019, Chemical Agent Dispenser Accountability Log, and any discrepancies shall be immediately reported. Form DC3-019 is hereby incorporated by reference. Copies of this form are available from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-1500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, unruly, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the shift supervisor or higher shall be contacted for further instructions.

2. If the shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would prevent the use of chemical agents; and

b. Contact the superintendent, if in the institution, or his designee, if superintendent is not available, and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be ordered by staff to cease his actions.

a. If these efforts fail, the shift supervisor shall order the disorderly inmate to cease his actions and inform him that chemical agents will be administered if he continues his disruptive behavior.

b. Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.

c. Except in cases of emergency, the shift supervisor shall be present during the time of the final counseling period and the administering of chemical agents.

(n)4. Medical Requirements. All The inmates shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination.

(o)(~~n~~) Any part of the body exposed to the chemical agents, especially eyes, shall be flushed with water as soon as possible after exposure.

(14) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History--New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Administrative Confinement	33-3.0081
Protective Management	33-3.0082
Disciplinary Confinement	33-3.0084
Special Management Meal	33-3.0085

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is as follows: clarifies the process and criteria for placing inmates into each confinement status; specifies how often inmates in confinement must be checked and by whom; provides procedures to be followed when

confinement inmates exhibit self-destructive behavior; provides for issuance of a modesty garment when it is necessary to take an inmate's clothes; and revises language concerning conditions of confinement for consistency throughout.

SUBJECT AREA TO BE ADDRESSED: Confinement.

SPECIFIC AUTHORITY: 20.315, 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 HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 10, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 33-3.0081 follows. See Florida Administrative Code for present text.)

33-3.0081 Administrative Confinement.

(1) Description of Administrative Confinement. Administrative confinement is the temporary removal of an inmate from the general inmate population in order to provide for security and safety until such time as more permanent inmate management processes can be concluded.

(2) Administrative confinement is a temporary confinement status that may limit conditions and privileges as provided in subsection (8) 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 and the administrative confinement housing area will permit. Any deviations shall be fully documented as set forth in the provisions of this rule.

(3) Definitions.

(a) Area housing supervisor – the correctional officer sergeant, or above, who is in charge of the confinement unit for a particular shift.

(b) Clinical health care personnel – physician, clinical associate, nurse, CMTC, psychologist or psychological specialist.

(c) Institutional Special Review Team – a team consisting of the assistant superintendent, the correctional officer chief, the classification supervisor, or alternate staff members as appointed by the superintendent. Alternate staff members must

be at the rank of lieutenant or above for security, or correctional probation officer level or above for classification. This team is responsible for assessing inmate protection issues.

(d) Investigating official – the person in charge of the investigation of the circumstances concerning the inmate's confinement. This person must be a shift supervisor, institutional inspector, or classification supervisor or above. The investigating official is authorized to assign others of lesser rank to conduct the investigation.

(e) Senior correctional officer – a correctional officer lieutenant or above.

(f) Special risk inmate – any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

(4) Procedures for Placement in Administrative Confinement.

(a) 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. When an official places an inmate in administrative confinement, this action shall be documented on a Report of Administrative Confinement, Form DC4-813(a), including the reasons for the action and a summary of the inmate's comments. The heading and Section I shall be completed by the official who placed the inmate in administrative confinement. This section shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement. The reason shall correspond with one of the reasons for placement stated in subsection (5) of this rule. Once Section I has been completed, the official who placed the inmate in administrative confinement shall sign Section I and forward the report to classification prior to the end of his or her shift or workday.

(b) The actions of the official placing the inmate in administrative confinement shall be reviewed within 72 hours by a correctional probation officer (CPO). The CPO shall review the reasons and circumstances surrounding the placement of the inmate in administrative confinement and shall personally interview the inmate. If the review cannot be completed within 72 hours by the CPO due to holiday or weekend, a senior correctional officer, who was not the official who originally placed the inmate in administrative confinement, shall complete the review. The review completed by a senior correctional officer shall be documented on Form DC4-815, Daily Record of Segregation, and the CPO shall complete a review within two working days after the weekend or holiday. The CPO shall either concur with the placement of the inmate in administrative confinement or recommend the release of the inmate. The CPO's action shall be documented

in section II of the Report of Administrative Confinement, Form DC4-813(a). The CPO shall also document that the 72 hour review was completed by a senior correctional officer in section II of Form DC4-813(a), if necessary. If the CPO concurs with the placement of the inmate in administrative confinement, the DC4-813(a) does not need to be forwarded to the superintendent and shall be processed for filing. If the CPO recommends that the inmate be released from confinement, the DC4-813(a) shall be forwarded to the superintendent or assistant superintendent for a final decision. The superintendent's or assistant superintendent's decision shall be documented in section III of Form DC4-813(a). The completed DC4-813(a) shall be forwarded to classification for filing.

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

(a) Disciplinary charges have been filed and the inmate needs to be temporarily removed from the general inmate population in order to provide for security or safety until such time as the disciplinary hearing is held. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed seven working days unless the superintendent authorizes an extension. This extension shall be documented on Form DC4-815.

(b) Outside charges are pending against the inmate and the presence of the inmate in the general population would present a danger to the security or order of the institution. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed 20 working days. If it appears that an inmate should continue to be segregated from the general population beyond 20 working days, close management procedures can be initiated pursuant to chapter 33-38.

(c) An inmate shall be placed in administrative confinement pending review for resolving an inmate's request for protection from other inmates. (33-3.0082). An inmate shall be placed in administrative confinement by the senior correctional officer when the inmate presents a signed written statement alleging that he fears for his safety in open population from other inmates and that he feels there is no other reasonable alternative open to him. A senior correctional officer shall also place an inmate who may need protection into administrative confinement pending review for protective management based on evidence that such a review is necessary. The senior correctional officer shall encourage the inmate to provide information and otherwise cooperate with efforts by the institution to investigate the matter and eliminate any danger to the inmate. The protection process including the superintendent's action shall be completed within 15 working days from the initial confinement of the inmate.

1. The institutional special review team shall initiate an investigation to gather information. A member of the special review team shall complete the heading and section IA of the DC4-868, Report of Protective Management. The team member shall utilize the documentation in the DC4-813(a), Report of Administrative Confinement, for the information necessary to complete this portion of the report. The report shall then be forwarded to the investigative official assigned to investigate the reasons for protection. The investigator shall complete Section IB of the report and return it to the special review team.

2. If the inmate submits a request for release in writing at any time during a review for protection process that was initiated by the inmate, a member of the special review team shall interview the inmate as soon as possible and shall release the inmate from administrative confinement if it appears that the inmate does not need protection. If administrative confinement pending review for protection was imposed on the inmate, the process set forth in this rule shall continue until completed.

3. Once the investigation is complete, the institutional special review team shall hold a hearing with the inmate to determine whether the inmate should be released to open population. The team shall review all documentation available concerning the need for protection to include any written statements submitted by the inmate. The team shall document its findings and recommendations on the Report of Protective Management, Form DC4-868. The following elements shall be considered in determining whether protective management is necessary:

- a. A record of having been assaulted;
- b. A reputation among the inmate population, attested to in writing by staff, as an informant or trial witness;
- c. Verified threats, verbal abuse, or harassment;
- d. A former criminal justice activity resulting in verified threats, verbal abuse, or harassment;
- e. A conviction of a crime repugnant to the inmate population;
- f. Reliable, confirmed evidence of sexual harassment;
- g. Other factors such as physical size, build and age producing a risk from the general inmate population.

4. The team shall submit its findings and recommendations to the superintendent on the Report of Protective Management, DC4-868. The superintendent shall determine whether protective management or some other alternative measure is necessary based on the facts within 15 working days from the date of initial confinement. If the superintendent determines that protection is necessary, the inmate shall be placed in protective management at that facility or another or shall be recommended for a transfer to resolve the inmate's need for protection. The final action shall be documented on the Report of Protective Management, DC4-868. In the event of transfer or placement into protective

management, the DC4-868 need not be submitted to the regional director. In the event the superintendent determines that protection is not appropriate and recommends that the inmate return to the general population, the DC4-868 shall be forwarded to the regional director.

5. The regional director shall determine within five working days whether protection is necessary based upon the investigation and any follow-up he or she deems appropriate. The regional director shall approve or disapprove placement of the inmate in protective management. The regional director's decision shall also be documented on the Report of Protective Management and this report shall be returned to the institution. If the regional director determines that a need for protection exists, he or she will indicate in the Report of Protective Management that the inmate shall be placed in a protective management unit or transferred, whichever is appropriate. If the regional director determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to 33-29.007 and 33-29.011. The inmate shall have two days from the date of notification to appeal the decision instead on the normal 15 days for appeal. The notification of the inmate shall be documented on the Report of Protective Management, DC4-868. The inmate shall remain in administrative confinement until the appeal process is complete.

6. Within three working days after an inmate has been approved for protective management, a determination shall be made as to appropriate housing. The inmate shall remain in administrative confinement until this decision is made. If a decision is made to transfer the inmate, the inmate shall be kept in administrative confinement until the transfer is completed. Transfers for protection needs shall be completed within five working days. Regional directors are authorized to make intra-regional transfers.

(d) 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 10 day extension is granted by the superintendent. This extension shall be documented on the Daily Record of Segregation, DC4-815. If it is necessary to continue the inmate's confinement beyond this first extension, written authorization must be obtained from the regional director for a 30 day extension. This authorization shall be attached to the DC4-815. The regional director shall have the authority to authorize additional 30 day extensions as necessary. Examples of circumstances for placing an inmate in administrative confinement for this reason include:

1. Pending an evaluation for placement in close management.

2. Special review or some type of disciplinary or management transfer. Transfers for this reason shall be given priority.

3. Pending an investigation into allegations that the inmate is in fear of a staff member.

4. Any other reason when the facts indicate that the inmate must be removed from the general inmate population for the safety of any inmate or group of inmates or for the security of the institution.

(e) Mental health reasons. Clinical health care personnel shall have the authority to place an inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed five calendar days.

(f) When an inmate is received on transfer from another institution and there is not sufficient time to review the inmate file and classify the inmate into general population. A senior correctional officer or above has the authority to place an inmate into administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed two working days. If the initial review suggests that a further investigation is necessary prior to release, the inmate's status can be changed to pending investigation.

(6) Review of Administrative Confinement.

(a) A correctional probation officer shall review inmates in administrative confinement every week. If an inmate is confined for more than 30 days, a formal assessment and evaluation report shall be required. 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. The classification supervisor and the superintendent or the assistant superintendent shall approve such reports. The goal of the correctional probation officer shall be toward returning the inmate to open population as soon as the facts of the case suggest that this can be safely accomplished.

(b) Inmates shall be weighed upon admission to the confinement unit. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC4-815, Daily Record of Segregation.

(c) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological assessment by appropriate mental health staff to determine his mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the superintendent with the facts of the case. The superintendent shall then make a final decision regarding continuation of confinement. All such assessments shall be documented in the mental health record. If the decision is to

continue confinement and that confinement extends beyond 90 days, a new psychological assessment shall be completed each 90-day period.

(d) Inmates in administrative confinement shall receive a personal contact a minimum of:

1. Daily by a clinical health care person.

2. As frequently as necessary, but not less than weekly, by a correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

3. Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

(e) A documented visual health and welfare/security check shall be made of all inmates in administrative confinement:

1. Daily by the area housing supervisor.

2. At least every 30 minutes by a correctional officer.

(f) Administrative housing areas will be visited:

1. Daily by the officer-in-charge on duty for all shifts except in case of riot or other institutional emergency.

2. Daily by the correctional officer chief (when on duty at the facility) except in case of riot or other institutional emergency.

(g) Any inmate who has demonstrated behavior that is or could be harmful to himself 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 DC4-815 and followed with an Incident Report, Form DC3-301.

(7) Administrative Confinement Facilities.

(a) The number of inmates housed in an administrative confinement cell shall not exceed the number of bunks in the cell. Exceptions may be made during an emergency situation as approved by the superintendent, but such exceptions shall not continue for more than 24 hours without the specific authorization of the regional director. Prior to placing inmates in the same cell, a determination shall be made that none of the inmates constitute a threat to any of the others.

(b) All administrative confinement cells shall be equipped with appropriate toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. In such event, the inmate occupant shall be furnished with an adequate supply of

drinking water by other means to prevent dehydration. This action shall be documented on Form DC4-815, Daily Record of Segregation.

(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.

(d) The administrative confinement cells shall be physically separate from disciplinary confinement cells, whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement. Administrative confinement cells shall be built to permit verbal communication and unobstructed observation by the staff.

(8) Conditions and Privileges.

(a) Comfort Items – Inmates in administrative confinement shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. 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 Segregation, Form DC4-815, which must be reviewed by the correctional officer chief. 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, internal and external feminine hygiene products for women, and toilet tissue.

(b) Personal Hygiene--Inmates in administrative confinement shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. At a minimum each inmate in confinement shall shower three times per week and on days that an inmate works.

2. Male inmates shall be required to shave at least three times per week. Hair care shall be the same as that provided to and required of the general population inmates.

(c) Correspondence – Inmates in administrative confinement shall have the same opportunities for correspondence that are available to the general inmate population.

(d) Visiting – All visits for inmates in administrative confinement must be approved in advance by the superintendent or his designee. Requests for inmates in administrative confinement to visit shall be in writing to the superintendent. Those inmates who are a threat to the security

of the institution shall be denied visiting privileges. Attorney-client visits shall not be restricted except on evidence that the visit would be a threat to security or order.

(e) 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. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and shall not be permitted in confinement cells.

(f) Reading materials and other privileges shall be permitted on an individual basis for those inmates in administrative confinement. Safety, sanitation and security factors shall be considered when making such decisions.

(g) Library Services – Only one book at a time may be checked out. Books may be checked out once weekly.

(h) Inmates shall be allowed to retain personal property including watches, rings and health and comfort items unless there is a indication of a security problem, in which case removal of any item shall be documented on Form DC4-815 and a property receipt issued.

(i) Diet – All inmates in administrative confinement shall receive normal institutional meals as are available to the general inmate population except that if any item on the normal menu might create a security problem in the confinement area, then another item of comparable quality shall be substituted. Substitutions shall be documented on the Daily Record of Segregation, Form DC4-815.

(j) Counseling Interviews – Inmates in administrative confinement may be removed from their cells to attend any counseling session when there is no security problem involved.

(k) Clothing and Bedding.

1. 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 DC4-815 and approved by the correctional officer chief. 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 shroud/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 DC4-815. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. 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 officer in charge or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC4-815 and the chief correctional officer shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(l) Telephone – Telephone privileges are allowed for emergency situations and when necessary to ensure the inmate’s access to courts.

(m) 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 two hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC4-815. The superintendent or assistant superintendent shall restrict exercise for an individual inmate when the inmate continues to pose a serious threat to the safety, security and order of the institution by recent demonstrations of violence; by continuing threats of physical harm, written or spoken, toward staff and other inmates; by involvement in acts which seriously interfere with the staff’s daily security functions; or by actions demonstrating an extreme escape risk. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for the shortest length of time to accomplish the goal of safety, security and order within the institution and shall be documented on Form DC4-814. Medical restrictions can also place limitations on the exercise periods. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution.

(n) Canteen Items.

1. 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.

2. Inmates in administrative confinement shall be allowed to purchase a maximum of four canteen food items. In making this determination, it is the number of food items that is counted, not the type of item. For example, three packages of cookies counts as three items, not one item.

3. Inmates in administrative confinement shall be allowed to purchase a maximum of five non-food canteen items. In making this determination, with the exception of stamps and

notebook paper, it is the number of non-food items that is counted, not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

(o) Writing utensils. Inmates in administrative confinement shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and held until the inmate is released from administrative confinement status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

(9) Administrative Confinement Records.

(a) A Report of Administrative Confinement, Form DC4-813(a), shall be kept for each inmate placed in administrative confinement. A photocopy of the DC4-813(a), with section I completed, shall be kept in administrative confinement with the other confinement records for each inmate. Upon completion of the DC4-813(a), the white copy of the form will be mailed to central office to be filed in the central office inmate record and the yellow copy will be filed in the institutional inmate record.

(b) An Inspection of Confinement Record, Form DC4-814, shall be maintained in each administrative confinement area. Each staff person shall sign such record when entering and leaving the confinement area. Prior to leaving the confinement area, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC4-814 will be maintained in the housing area and forwarded to the correctional officer chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(c) A Daily Record of Segregation, Form DC4-815, shall be maintained for each inmate as long as he is in administrative confinement. The DC4-815 shall be utilized to document any and all activities, including cell searches, any items removed, showers, recreation, haircuts and shaves. If items that inmates in administrative confinement are not normally prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The items denied or removed will be documented on Form DC4-815 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer will 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 will also be noted. The DC4-815 shall be maintained in the housing area until the inmate is released from administrative confinement at which time the form will be forwarded to the superintendent for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record.

(d) The following forms are hereby incorporated by reference. A copy of any of these forms may be obtained from the Office of Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, a self-addressed stamped envelope must accompany the request.

1. Form DC4-813(a), Report of Administrative Confinement, effective date 7-10-90.

2. Form DC4-814, Inspection of Confinement, effective date 7-10-90.

3. Form DC4-815, Daily Record of Segregation, effective date 7-10-90.

Specific 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, _____.

33-3.0082 Protective Management.

Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of the general population as the individual inmate's safety and security concerns permit.

(1) through (2) No change.

(3)(a) The number of inmates housed in a housing unit shall not exceed the number of beds in the housing unit. Exceptions may be made during an emergency situation as approved by the superintendent, but such exceptions shall not continue for more than 24 hours without the specific authorization of the regional director or designee. Prior to placing inmates in the same housing unit, or cell where they are housed together or otherwise in direct contact with each other, an inquiry shall be made as to whether any of the inmates constitutes a threat to any of the others.

(b) through (c) No change.

(d) The protective management housing units shall ~~should~~ be physically separate from disciplinary confinement cells, whenever possible. Whenever such location is not possible, physical barriers shall ~~should~~ preclude the cross association of those on disciplinary confinement with those on protective management. Protective management housing units shall ~~should~~ be built to permit verbal communication and unobstructed observation by the staff.

(e) No change.

(4)(a) Inmates in protective management who do not receive out of cell time shall receive a personal contact a minimum of:

1. At least every hour by a correctional officer.
2. Daily by the officer-in-charge on duty for the day or evening shift, except in case of riot or other institutional emergency.
3. Daily by a clinical health person representative of the medical department or daily sick call opportunity.
4. Weekly by the chaplain. More frequent visits shall ~~should~~ be made upon request of the inmate, if the chaplain's schedule permits.

(b) No change.

(c) The institutional special review team shall cause a formal evaluation report to be prepared every 30 days on each inmate in protective management. The ~~report shall be reviewed by the team~~ shall review the report. Such reports may be in brief paragraph form stating the basis of the assignment, what has transpired since the last report, and any new facts relevant to the decision to continue protective management. Any inmate assigned protective management for more than 30 days shall be given a psychological assessment by appropriate mental health the professional staff to determine his mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the superintendent with the facts of the case. The superintendent shall then make a final decision regarding continuation of protective management. All such assessments shall be documented in the mental health record. If the decision is to continue protective management ~~and~~ that extends beyond 90 days, a new psychological assessment shall be accomplished each 90-day period.

(d) ~~For the purposes of this rule, "special management inmate" refers to Any inmate who has demonstrated behavior that is or may be harmful to himself or herself shall be designated as a special risk inmate, other inmates, or staff, or who has become an extreme security risk. 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 continuing observation is provided by a correctional officer or medical staff provide observation. Visual~~ These checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk management inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC4-815 and followed with preparation of an Incident Report, Form DC3-301. Inmates who are assaultive or attempt to escape, damage property, or otherwise become an extreme security risk shall be placed in a location, either in protective management or another designated area, where more frequent observation and checks can be made.

(5) Work assignments – within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall ~~may~~ be cancelled for an individual inmate or a work squad when staff concludes the work or work assignment would subject the inmate to danger or if adequate staff protection is not available. Each occurrence of work cancellation will be documented with reasons for the action and shall be reviewed by the superintendent or assistant superintendent the following day. Refusal of a work assignment shall result in disciplinary action pursuant to Chapter 33-22. Inmates who refuse work assignments will not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to rule 33-11.0065 in the same manner as general population.

(6) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a dayroom or common area equipped in a similar manner as those for general population. Out-of-cell time includes ~~may consist of any of~~ the following activities:

(a) Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of two hours per week of exercise out of doors. ~~Exceptions to this requirement may be made when facts document that such exercise periods should not be granted.~~ The superintendent or assistant superintendent is authorized to ~~may~~ restrict exercise for an individual inmate when the inmate continues to pose a serious threat to the safety, security and order of the institution by recent demonstrations of violence, by continuing threats of physical harm, written ~~or~~ and spoken, toward staff and other inmates; by involvement in acts which seriously interfere with the staff's daily security functions; or by actions demonstrating an extreme escape risk. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for the shortest length of time to accomplish the goal of safety, security and order within the institution and shall be documented on Form DC4-867, Record of Protective Management. Medical restrictions may also place limitations on exercise periods. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution.

(b) Religious activities – a weekly non-denominational service shall be held for protective management inmates in the chapel. This service shall ~~may~~ be held at the protective management housing unit if security reasons prevent chapel service. The chaplain shall arrange for religious consultations

between inmates and outside volunteers, counsel with clergy and the opportunity to receive religious sacraments similar to that afforded to the general population when requested.

(c) Self-improvement programs or leisure activities shall be available in their housing area, or in separate locations within the institution that conform with the need for security. ~~Self-improvement programs~~ Such program participation may include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, television, quiet activities or letter writing. Inmates in protective management shall be permitted to make canteen purchases at least once per week either through a personal visit to the canteen or delivery. Inmates in protective management shall be allowed to visit the library and check out books at least once weekly, except as provided in 33-3.0082(7).

(d) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate law clerk. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided appropriate paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units.

(e) No change.

(f) Visiting – A visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. A visiting time for protective management inmates shall be set aside in the visiting park either before or after visiting hours for general population inmates, during visiting hours if separate facilities for visitation are available, or on different days from the general population. Visiting shall ~~may~~ be limited by the superintendent or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision ~~is may be~~ limited. The superintendent is authorized to make eExceptions ~~may be made~~ for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with 33-5.011 and shall not be restricted except on evidence that the visit would be a threat to security and order. ~~All visits must be approved in advance, by~~ The superintendent or designee must approve all visits in advance.

(g) Telephone – Inmates in protective management shall be allowed to make one call per week of at least 10 minutes, except at Florida State Prison. However, if telephones are available in the dayroom, protective management inmates shall be allowed to make calls in the same manner as general population inmates. Calls shall be allowed at Florida State Prison and all other institutions; in emergency situations; and

when necessary to ensure the inmate's access to courts; ~~or in any other circumstance when a call is authorized by the superintendent or assistant superintendent.~~

(h) Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall ~~may~~ be served in the day room or the inmate's housing unit; ~~otherwise the inmate shall be expected to eat in the designated dining room.~~ Inmates in protective management shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall ~~may~~ be substituted. ~~Other~~ Substitutions shall be documented on the Record of Protective Management, Form DC4-867.

(i) No change.

(7) No change.

(8) Conditions and Privileges.

(a) Comfort Items – Inmates in protective management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses; and hearing aids; ~~etc.~~, except when security requirements dictate otherwise. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. Action taken shall be documented ~~recorded~~ on the Record of Protective Management Form, DC4-867, which must be reviewed by the correctional officer chief. 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, toilet tissue, and internal and external feminine hygiene products ~~sanitary napkins~~ for women. Comfort items shall be the same as those provided general population inmates.

(b) No change.

(c) Inmates shall be allowed to retain personal property including a watch, a radio, a ring, authorized self-improvement and reading materials and similar health and comfort items as general population inmates unless there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC4-867 and a property receipt shall be issued. All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for general population inmates.

(d) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall ~~may~~ be required ~~by staff~~ for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or

health problem or when additional clothing is required for a work assignment. In such cases, when clothing is denied to an inmate it shall be noted on Form DC4-867, stating the reasons for such denial.

(e) No change.

(f) Other privileges ~~will~~ ~~may~~ be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order or effective management of the institution. All such restrictions shall be documented on Form DC4-868 and reported to the superintendent. The superintendent ~~is authorized to~~ ~~may~~ restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The superintendent's decision for continuing restriction shall also be documented on Form DC4-867.

(g) Protective management inmates ~~shall~~ ~~may~~ be handcuffed or otherwise restrained when individual security concerns associated with that inmate require such action.

(h) No change.

(9) Whenever the inmate requests in writing, or the institutional special review team ~~determines~~ ~~feel~~ that the inmate could be returned to the open population or that a transfer could resolve the need for protection, the team shall document its findings and recommendations on a progress report. The team shall submit the progress report, along with the inmate's written statement, to the superintendent. The superintendent shall determine whether the inmate is to be released to open population or transferred. In cases where the regional director initially approved the protection needs, the progress report, with the superintendent's comments will be forwarded to the regional director. In such cases, the regional director shall review the release recommendation. If the regional director approves the inmate shall be released from protective management.

(10) Protective Management Records.

(a) No change.

(b) An Inspection of Confinement Record, Form DC4-814, shall be maintained in each protective management area. ~~Each Such record shall be signed by the staff person~~ shall sign the record when entering and leaving the protective management area. ~~each~~ the staff member will indicate any specific problems including any inmate who requires medical attention.

(c) A Record of Protective Management, Form DC4-867, shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC4-867 will be forwarded to the superintendent for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made by medical staff, the special review team, or other staff dealing directly with the inmate. If items are denied

or removed from the inmate, the senior correctional officer on duty must approve the action. The items denied or removed will be ~~documented~~ ~~noted~~ on the Form DC4-867 and the chief correctional officer will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer will ~~document~~ ~~make a notation of~~ any unusual occurrences or changes in the inmate's behavior and any action taken, if necessary. Changes in housing location or any other special action will also be documented noted.

(11) ~~The following forms Form DC4-867 and DC4-868 are hereby incorporated by reference. The effective date of these forms is December 4, 1990.~~ A copy of the forms may be obtained from the ~~Adult Services Program Office of Security and Institutional Management,~~ Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, a self-addressed envelope must accompany the request must be accompanied by a self-addressed stamped envelope.

(a) Form DC4-867, Record of Protective Management, effective date December 4, 1990.

(b) Form DC4-868, Report of Protective Management, effective date December 4, 1990.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 6-23-83, Formerly 33-3.082, Amended 3-12-84, 7-10-90, 12-4-90, 4-26-98, _____.

33-3.0084 Disciplinary Confinement.

(1) Confinement Facilities and Conditions.

(a) Cells. Inmates placed in disciplinary confinement should normally be placed in single cells. The confinement cells should be approximately the same square footage as utilized for general population inmates. Inmates will not be housed in disciplinary confinement cells in greater number than there are bunks in the cells. The only exception to this policy would be during an emergency situation as approved by the superintendent. However, if this exception exists in excess of twenty-four (24) hours, ~~then~~ the ~~s~~Superintendent must get specific authorization from the ~~r~~Regional ~~d~~Director to continue to house inmates in this manner.

1. All disciplinary confinement cells ~~shall~~ ~~will normally~~ be equipped with appropriate toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary ~~The master control for the running water may be placed outside the cell in the event it becomes necessary to cut off running water in a cell~~ due to misbehavior. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC4-815, Daily Record of Segregation.

2. Prior to placement of an individual in a disciplinary confinement cell, it will 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.

3. Disciplinary confinement cells shall be physically separate located separately from administrative confinement and protective management cells, whenever possible. Whenever such location is not possible, physical barriers shall preclude the cross association of those in disciplinary confinement with those in administrative confinement and protective management. Disciplinary confinement units shall be built the general inmate population, but in a common area to permit verbal communication and to allow for unobstructed observation by staff. Additionally, whenever possible, disciplinary confinement cells should be located separately from administrative and protective confinement cells and close management cells.

4. Each confinement cell shall provide for a minimum of twenty foot-candles of light, including natural lighting, unless the behavior of the occupant is such that removal of such light is necessary in order to control behavior. In such cases, approval of the senior correctional officer is required and such approval will be documented on the Daily Record of Segregation, DC4-815. Such light restriction will be for the shortest period necessary to gain control of the inmate. Once the inmate is removed from the light restricted status, such removal will also be noted on the DC4-815. The removal decision will also be made by the senior correctional officer.

5. Care shall be exercised to maintain noise levels in confinement units at a reasonable level so as not to interfere with normal human activities.

(b) Clothing and Bedding.

1. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are clear facts to suggest that on an individual basis exceptions shall be made for the welfare of the inmate or the security of the institution. In such cases, the exceptions should be noted on the DC4-815 Form and approved by the correctional officer chief Superintendent. 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 shroud/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 DC4-815. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. Bedding and linen for those in disciplinary confinement shall be issued and exchanged the same as is provided to the general inmate population. Again, Any exceptions shall be based on potential harm to individuals or a clear threat to the security of the institution. Such exceptions shall be documented reflected on the DC4-815.

(c) Diet and Meals. Inmates in disciplinary confinement shall receive a meals representative of the food served the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement area shall may be substituted for by another item of comparable quality and quantity.

(d) Comfort Items. Inmates in confinement will be afforded the following comfort items as a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), internal and external feminine hygiene products sanitary napkins for women, and toilet tissue.

(e) No change.

(f) Weighing. Inmates shall will be weighed upon entering disciplinary confinement, at least once a week while in confinement, and upon leaving confinement and a record made thereof. The weight of the inmate shall be documented on Form DC4-815, Daily Record of Segregation.

(g) No change.

(h) Correspondence.

1. Inmates in disciplinary confinement shall be allowed routine correspondence privileges unless restricted as provided in rule 33-22.008, Disciplinary Action. Inmates shall be encouraged to write their family to advise them of their anticipated visiting status.

2. Grievance forms will also be made available to the inmate at any time regardless of his confinement status. Such forms will be immediately transmitted to the addressee without delay.

(i) Legal Access.

1. Inmates An inmate in disciplinary confinement shall be permitted to have access to their personal legal papers and law books, to correspond with the may be required to conduct legal business by correspondence rather than a personal visit to the law library, to have the law library deliver research materials to their cells, and to if security requirements prevent a personal visit with certified inmate law clerks. However, all Steps shall must be taken to ensure that the inmates are is not denied needed access while in disciplinary confinement.

2. Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

~~3.2.~~ Legal visits shall be allowed as provided in rule 33-5.011, Legal Visitors.

~~4.3.~~ Inmates will be provided ~~appropriate~~ paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in confinement cells.

(j) Telephone. Inmates in disciplinary confinement ~~shall~~ ~~are not be normally~~ allowed telephone privileges except in cases of emergency or when necessary to ensure the inmate's access to attorneys or the courts and only when alternative means of access are not feasible. Calls to ~~courts or~~ attorneys shall not be monitored.

(k) Visiting Privileges.

1. Inmates in disciplinary confinement will be allowed visits only under unusual circumstances when specifically authorized by the ~~s~~Superintendent or his designated representative.

2. When an inmate is denied visiting privileges or has special visiting restrictions, it is the responsibility of the inmate to inform the visitors of such restrictions. Staff ~~shall should~~ specifically point out this responsibility to the inmate at such time as the restrictions become effective. If sufficient time has lapsed so that visitors could have been informed, then the visiting restrictions ~~shall may~~ be imposed even though visitors arrive and request visits. However, if insufficient time precluded notification of the visitors of the restrictions imposed, consideration ~~shall should~~ be given for a special visitors pass. Such special consideration may be for a shorter period than the full visiting day.

(l) Personal Property. Inmates are allowed to retain eyeglasses, hearing aids, personal watches, and rings in confinement unless their actions require removal of such. ~~Superintendents may approve additional items on an individual basis.~~

(m) No change.

(n) Exercise. Those inmates confined on a twenty-four hour basis (excluding showers and clinic trips) may exercise in their cells. However, if confinement extends beyond a thirty-day period an exercise schedule ~~shall should~~ be implemented to ensure a minimum of two hours per week of exercise outside of the cell. Such exercise periods ~~shall should~~ be documented on Form DC4-815 ~~the confinement records~~. Exceptions to this requirement may be made only when ~~clear and compelling~~ facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. The reasons for any exercise restrictions shall be documented.

(o) Canteen Items. Inmates in disciplinary confinement shall be allowed to purchase canteen items once every other week with the following restrictions:

1. Inmates in disciplinary confinement are prohibited from possessing or purchasing any canteen food items.

2. Inmates in disciplinary confinement shall be allowed to purchase a maximum of five non-food canteen items. In making this determination, with the exception of stamps and notebook paper, it is the number of non-food items that is counted, not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item. Non-food items shall be limited to security pens, paper, stamps, soap, roll-on or stick deodorant, toothbrush, shampoo and shower slides.

(p) Writing utensils. Inmates in disciplinary confinement shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and held until the inmate is released from disciplinary confinement status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

~~(q)(r)~~ Restrictions.

1. Any privilege listed within this section, except essential health items; ~~(including prescribed medication);~~ and receiving and sending legal mail or grievance forms ~~shall be subject to restriction may be restricted~~ when an inmate's conduct and behavior become unmanageable.

~~2. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or others or to prevent the destruction of property or equipment.~~

~~2.3.~~ When any privilege is restricted or any item is removed from an inmate's cell ~~in accordance with paragraphs 1. and 2. above,~~ the action taken must be approved by the senior correctional officer. The action taken and the reason for it shall be documented ~~recorded~~ on the Daily Record of Segregation, Form DC-815. A receipt shall be given for any property taken. This action must be reviewed and approved by the correctional officer chief no later than the next working day following this action.

(2) Release From Disciplinary Confinement.

(a) A correctional probation officer ~~Disciplinary Team members~~ will frequently review the case of each inmate in disciplinary confinement, determine the inmate's attitude and return the inmate to the regular inmate population when, ~~in the Team's opinion,~~ he may reasonably be expected to adequately adjust and conform to the rules and regulations. Disciplinary confinement ~~shall should~~ always be for the shortest period of time that accomplishes the desired results of favorable

adjustment. ~~The CPO is authorized to shorten t~~Time in disciplinary confinement ~~may be shortened~~ for good behavior and attitude.

(b) No inmate will be held in disciplinary confinement to exceed the maximum penalty for the rule violation. Any inmate assigned to disciplinary confinement for 30 days ~~shall~~ ~~is to~~ be given a psychological assessment by appropriate mental health ~~the professional~~ staff to determine his mental condition. The assessment shall include a personal interview. The psychologist shall prepare a report to the Superintendent with the facts of the case. The ~~s~~Superintendent will then make a final decision regarding continuation of confinement. All such assessments ~~shall are to~~ be documented in the mental health record. If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment will be completed ~~accomplished~~ each 90-day period. If ~~no there is not~~ psychological staff are available at the institution or facility, the ~~s~~Superintendent shall make the decision whether to continue the disciplinary confinement.

(3) Visits to Disciplinary Confinement.

(a) Disciplinary confinement areas housing inmates shall require a physical visit to each cell at least:

1. Hourly by a correctional officer.

2. Daily by the Officer-in-Charge on duty for the day or evening shift, except in the case of riot or other institutional emergency.

~~1.3-~~ Daily by a clinical health care person representative of the ~~Medical Department~~ except at Road Prisons and Community Facilities where full-time medical staff is not available. At such facilities the correctional officer assigned to the confinement area will check inmates in confinement at least every two hours to see whether any inmate has any obvious medical abnormalities, whether there is a need for immediate health care, and whether there is a need to bring anything to the attention of the contract physician. The contract physician must see all inmates in disciplinary confinement at least weekly.

~~2.4-~~ As frequently as necessary by a correctional probation officer ~~Disciplinary Team members~~ to ensure that the inmate's welfare is properly provided for and to determine the time and method of release.

~~3.5-~~ Weekly by the Chaplain ~~if possible~~. The Chaplain is also authorized to ~~He may also~~ provide spiritual guidance and counsel to inmates in confinement and may distribute religious materials.

(b) A documented visual health and welfare/security check shall be made of all inmates in disciplinary confinement:

1. Daily by the housing area supervisor.

2. At least every 30 minutes by a correctional officer. ~~An Inspection of Confinement Record, DC4-814, will be maintained in each disciplinary confinement housing area in~~

~~the institution. All persons making visits to confinement will sign this form at the time of each visit. By signing the form, the officer is certifying that he has checked the confinement area.~~

(c) Disciplinary confinement housing areas will be visited:

1. Daily by the officer-in-charge on duty for all shifts except in the case of riot or other institutional emergency.

2. Daily by the correctional officer chief (when on duty at the facility) except in cases of riot or other institutional emergency.

~~(d)(e) For the purposes of this rule, "special management inmate" means~~ Any inmate who has demonstrated behavior that is or could be harmful to himself 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 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 provide 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 until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be noted on Form DC4-815 and shall be followed with an incident report, Form DC3-301 could place himself, other inmates, or staff in a situation where grievous harm may be inflicted or who has become an extreme security risk. An inmate who, in the opinion of staff, has become a special management inmate while in disciplinary confinement should be placed in a location, either in confinement or another designated area, where more frequent observation can be given and checks made by the correctional officer or medical staff at least every 30 minutes until the inmate is no longer considered a special management inmate.

(4) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC4-815, will be maintained on each inmate in disciplinary confinement. Inmates placed in confinement shall be weighed. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC4-815, Daily Record of Segregation. The supervising officer of the day and the evening shift, health care representatives of the medical staff, and a disciplinary team member will sign the DC4-815 form whenever they make a visit to a specific inmate. Full and complete remarks are to be made in the following situations:

~~1.(a)~~ Security Custodial Department – Supervising Officer.

~~a.1-~~ Whenever a check of inmates is made on routine or special basis.

~~b.2-~~ When there is an unusual occurrence in the inmate's behavior.

~~c.3-~~ When it becomes necessary to notify the ~~m~~Medical ~~d~~Department.

d.4. When it becomes necessary to restrict any privilege or remove any clothing, bedding or comfort item for the inmate's own protection or to prevent destruction.

e.5. If the inmate refuses food.

f.6. Cell changes.

g.7. Release to population.

h.8. To further explain a notation made under the "Physical Appearances" or "Attitude" sections of the Daily Record of Segregation.

i.9. When medication is issued by the sSecurity sStaff upon medical instructions.

2.(b) Medical Department.

a.1. When the inmate is ordered removed from confinement and where relocated.

b.2. When the inmate's diet is ordered changed.

c.3. When changes of clothing, bedding or other restrictions are ordered.

d.4. When complaints are received and treatment is given.

e.5. When any unusual circumstances occur.

f.6. When medication is dispensed.

3.(e) ~~Correctional Probation Officer Disciplinary Team.~~

a.1. Upon each review of the case.

b.2. Upon release from confinement.

(b) The DC4-815, Daily Record of Segregation, shall be maintained in the housing area until the inmate is released from disciplinary confinement, at which time the form shall be forwarded to the superintendent for review. Once reviewed, the form shall be forwarded to classification to be filed in the institutional inmate record.

(5) Inspection of Confinement Record. Form DC4-814, Inspection of Confinement Record, shall be maintained in each disciplinary confinement area. Each staff person shall sign the form when entering and leaving the disciplinary confinement area. Prior to leaving the disciplinary confinement area, each staff member shall indicate any specific problems, including identification of any inmate who required special attention. Upon completion, the DC4-814 will be maintained in the housing area and will be forwarded to the correctional chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

Specific 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, _____.

33-3.0085 Special Management Meal.

(1) through (3) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC3-013, Special Management Meal Report, and forward the report to the Chief cCorrectional oOfficer chief for review. Form DC3-013, Special Management Meal Report, is hereby

incorporated by reference. A copy of this form may be obtained from the Office of Security and Institutional Management Operations, Department of Corrections, 2601 Blair Stone Road 1311 Winewood Boulevard, Tallahassee, Florida 32399-2500. If forms are to be mailed, ~~the request must be accompanied by~~ a self-addressed stamped envelope must accompany the request. The effective date of this form is _____ ~~the same as the effective date of this rule.~~

(b) If the Chief cCorrectional oOfficer chief determines that the behavior cannot be corrected through routine counseling or by established disciplinary procedures, a discussion shall take place at the inmate's cell between the inmate, the oOfficer in cCharge, and the reporting officer, if needed. The oOfficer in cCharge shall complete the discussion section of the report. The Special Management Meal Report shall document the reasons for recommending the special management meal and shall include a summary of the inmate's comments or objections. When an inmate has been recommended for placement on the special management meal, the cChief hHealth oOfficer or other designated health care medical staff member shall indicate on the Special Management Meal Report whether there is any medical reason that would prohibit placing the inmate on special management meal status. When there is a medical problem, the cChief hHealth oOfficer or other designated medical staff member shall ~~then~~ determine whether the inmate can be placed on the special management meal or whether an alternative special meal can be prescribed. No inmate shall be placed on special management meal status without medical approval. The Chief cCorrectional oOfficer chief shall then forward the report to the sSuperintendent for approval.

(c) The sSuperintendent or his designee shall approve or disapprove all recommendations for placement on the special management meal based on the criteria set forth in subsection (2) above.

(5) Canteen privileges authorized by 33-3.0081(8)(9)(n)(m), ~~33-3.0082(9)(j)6~~, and ~~33-38.003 33-3.0083(3)(f)~~ for inmates in administrative confinement; ~~protective confinement~~, and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) The Chief cCorrectional oOfficer chief and a clinical health care person representative of the medical staff shall visit each inmate on special management meal status on a daily basis, except in case of riot or other institutional emergency. The shift supervisor shall act as the chief correctional officer's designee and shall conduct the daily visit in the chief's absence. The purpose of the daily visit is to follow the inmate's progress while on the special management meal and to determine when the inmate should be removed from the special management meal status.

(7) An inmate may be removed from special management meal status at any time based on:

- (a) The recommendation of the ~~Chief~~ ~~Correctional Officer~~ ~~chief~~ and the approval of the ~~Superintendent~~; or
- (b) Medical reasons as determined by the ~~Chief~~ ~~Health Officer~~ or other designated ~~health care~~ ~~medical~~ staff.
- (8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, Amended 3-4-92, 5-27-97, 11-25-98, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Privileges in Close Management	33-38.0038
Assignment to Close Management	33-38.005
Review of Assignment to Close Management	33-38.006
Case Management Responsibilities	33-38.009
Close Management Facilities	33-38.010
Other Conditions and Privileges	33-38.011
Close Management Records and Forms	33-38.012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is as follows: restricts purchase of canteen items and possession of specific items by close management inmates; provides for more frequent observation of close management inmates; provides specific procedures for staff to follow when close management inmates demonstrate self-destructive behavior; provides for issuance of a modesty garment in situations where an inmate’s clothes must be removed; increases the time limit for notice of close management review; removes the custody scoresheet requirement from the close management review process; and allows for electronic signature of the close management review form, corrects the title reference to a form incorporated by reference in another rule.

SUBJECT AREA TO BE ADDRESSED: Close management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., June 10, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-38.0038 Privileges in Close Management.

The inmate’s movements within the institution and contacts with other persons shall be restricted and privileges for specific management levels shall be limited.

(1) Privileges for inmates assigned to close management level I who maintain a satisfactory adjustment (as defined in rule 33-11.0035):

- (a) through (c) No change.
- (d) Make canteen purchases once per month, unless restricted by disciplinary team action. Canteen purchases are

subject limited to the following limitations health and comfort items and writing supplies, including stamps, unless modified by rule 33-38.011(1) and (2):

1. Close management I and II inmates, including those inmates housed in disciplinary confinement status, shall not be allowed to purchase any canteen food items.

2. Close management I and II inmates shall be allowed to purchase a maximum of 5 non-food canteen items. In making this determination, with the exception of stamps and notebook paper it is the number of non-food items that is considered, not the type of item. For example, three security pens count as three items, not one item. 25 stamps or fewer count as one item and two packages or less of notebook paper count as one item.

- (e) through (h) No change.
- (2) No change.

(3) Privileges for inmates assigned to close management level III in addition to the privileges provided for in levels I or II are:

- (a) through (b) No change.

(c) Inmates who are on close management III status and have not received a disciplinary report for 90 days while on close management III status shall be allowed to purchase a maximum of four canteen food items. In making this determination, it is the number of food items that is considered, not the type of food. For example, three packages of cookies count as three items, not one item. Any disciplinary reports received by the inmate between the time that the inmate requests canteen food items and the delivery of those items shall result in disapproval of those requested items.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, Amended 10-1-95, Amended 4-14-98, 9-2-98, _____.

33-38.005 Assignment to Close Management.

(1) The close management review shall be documented on a ~~R~~report of ~~C~~close ~~M~~management, ~~F~~form DC4-813(c). The inmate shall be given a minimum of ~~48~~ ~~24~~ hours to prepare for the review and may present information verbally or in writing for consideration by the close management review team. The close management review team is authorized to postpone the case review to allow the inmate additional time to prepare. A staff assistant shall be assigned when the team determines the inmate is illiterate or does not understand English, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself or herself or when the inmate indicates that he or she needs or desires staff assistance.

It is the responsibility of the staff assistant to explain the close management recommendations and procedures to the inmate. The designated staff assistant shall be authorized to:

(a) through (d) No change.

(2) The close management review team shall inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after ~~at~~ the conclusion of the review.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--Formerly 33-3.0083, Amended 10-1-95, _____.

33-38.006 Review of Assignment to Close Management.

The close management review team shall convene as often as necessary to ensure each inmate is reviewed at least once every six months to determine if continuation, modification, or removal from close management status is appropriate.

(1) The report of close management will be completed by ~~a~~ the correctional probation officer assigned to close management and will serve as a scheduled progress report for the inmate. The following elements shall be considered:

(a) through (e) No change.

(2) The review by the close management review team shall include the following:

(a) The correctional probation officer review as documented on Fform DC4-813(c), Report of Close Management.

~~(b) Completion of an updated custody score sheet.~~

~~(b)(e)~~ Review of the Daily Record of Confinement, Form (DC4-815).

~~(c)(d)~~ Review of the reasons for placement into close management.

~~(d)(e)~~ Interview of the inmate by the close management review team pursuant to 33-38.005(3).

~~(e)(f)~~ Review of the inmate file or any other information essential to complete the review.

(3) The action of the team shall be documented on the Report of Close Management, Form DC4-813(c). Each team member shall sign the report by hand or electronically. If signed by hand, with the name shall be typed or printed under the signature.

(4) through (7) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--Formerly 33-3.0083, Amended 10-1-95, 4-14-98, _____.

33-38.009 Case Management Responsibilities.

(1) Inmates in close management shall be reviewed by the assigned correctional probation officer every week and the review shall be documented on the Daily Record of Segregation confinement, Form DC4-815.

(2) Any inmate assigned to close management for more than 30 continuous days shall be given a psychological assessment by appropriate mental health professional ~~medical~~

staff to determine his mental condition. For inmates who remain in confinement beyond 90 continuous days, a psychological assessment shall be completed each 90 day period. The assessment shall include a personal interview. All psychological assessments will be documented in the inmate's mental health record file. Only those cases recommended for a change in status need to have a report prepared for the superintendent. The superintendent shall then make a final decision regarding continuation of confinement based on the facts and recommendations in the report.

(3) A written assessment and evaluation report by a correctional probation officer ~~the inmate's classification team~~ is required on inmates in close management each six months for review by the close management review team on Form DC4-813(c).

(4) Inmates in close management shall receive a personal contact a minimum of:

~~(a) At least every hour by a correctional officer.~~

~~(b) Daily by the housing unit supervisor on duty for the day and evening shift, except in the case of an institutional emergency.~~

~~(a)(e)~~ Daily by a clinical health care person ~~representative of the medical department.~~

~~(b)(d)~~ As frequently as necessary, but not less than weekly, by the inmate's assigned correctional probation officer to ensure that the inmate's welfare is properly provided for, and to determine the need for any program change recommendations.

~~(e) The officer in charge on duty for the day or evening shift shall visit the housing unit to observe the operation and make any adjustments appropriate.~~

~~(c)(g)~~ Weekly by the chaplain if possible. More frequent visits shall ~~should~~ be made upon request of the inmate, if the chaplain's schedule permits.

(5) A documented visual health and welfare/security check shall be made of all inmates in close management:

(a) Daily by the area housing supervisor.

(b) At least every 30 minutes by a correctional officer.

(6) Close management housing areas will be visited:

(a) Daily by the officer in charge on duty for all shifts except in the case of riot or other institutional emergency.

(b) Daily by the correctional officer chief (when on duty at the facility) except in case of riot or other institutional emergency.

~~(7)(5)~~ For the purposes of this rule, "special management inmate" means Any inmate who has demonstrated behavior that is or could be harmful to himself 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 should be initiated. Suicidal inmates shall be removed to a designated

~~area where a correctional officer or health care staff will provide 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 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 DC4-815, to be followed by the completion of an Incident Report, Form DC3-301 could place himself, other inmates, or staff in a situation where grievous harm may be inflicted or who has become an extreme security risk. An inmate who, in the opinion of the senior correctional officer on duty, has become a special management inmate while in close management shall whenever possible be placed in a location, either in confinement or another designated area, where more frequent observation can be given and checks made by the correctional officer or medical staff at least every 30 minutes until the inmate is no longer considered a special management inmate.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--Formerly 33-3.0083, Amended 10-1-95, 4-14-98,_____.

33-38.010 Close Management Facilities.

(1) The number of inmates housed in a close management cell shall not exceed the number of beds in the cell except during an emergency situation as approved by the superintendent. Such exceptions shall not continue for more than 24 hours without the specific authorization of the regional director.

(2) All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. In such event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC4-815, Daily Record of Segregation.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--Formerly 33-3.0083, Amended 10-1-95, 4-14-98,_____.

33-38.011 Other Conditions and Privileges.

(1) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses, ~~and hearing aids, etc.~~, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed from inmates in close management, the senior supervising correctional officer on duty shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken will be recorded on the Daily Record of Segregation confinement, Form DC4-815, which must be

reviewed and approved by the correctional officer chief. Property receipts will be given for any personal property removed. The following comfort items will be provided as a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), internal and external feminine hygiene products sanitary napkins (female), and toilet tissue.

(2) Inmates shall be allowed to retain personal property including watches, rings and health and comfort items unless there is an indication of a security ~~concern problem~~, in which case removal of any item will be documented on form DC4-815 and a property receipt issued. The superintendent shall determine, based on institutional considerations, whether additional property is to be allowed. Radios, tape players, record players, television sets, and other electronic entertainment devices are not authorized for inmates in close management, except as authorized by rule 33-3.002(17).

(3) Personal Hygiene – Inmates in close management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

(a) through (b) No change.

~~(c) Bedding and linen will be issued and exchanged for close management inmates the same as for the general population.~~

(4) through (5) No change.

(6) Diet – All inmates in close management shall receive institutional meals as are available to the general inmate population, except that if any item on the menu might create a security problem in the close management area, then another item of comparable quality may be substituted. Other substitutions shall be documented on the Daily Record of Segregation confinement, Form DC4-815.

(7) No change.

(8) Clothing and Bedding – ~~Belts may be removed. Inmates in close management 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 required for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC4-815 and approved by the correctional officer chief. Shower slides or slip on canvas shoes for cell use may be substituted for regulation shoes. Otherwise the clothing for inmates in close management shall be comparable to that available to the general inmate population except when security concerns dictate otherwise. In such cases, when clothing is denied to an inmate it shall be noted on form DC4-815, stating the reasons for such denial. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty shroud/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 DC4-815. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. Bedding and linen for inmates in close management 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 and shall be documented on Form DC4-815.

(9) 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, there shall be an exercise schedule providing a minimum of 2 hours per week of exercise outside of the cell. Such exercise periods shall be documented on Form DC4-815 in the confinement records. Exceptions to this requirement shall may be made only when safety and security concerns can document such exercise periods should not be granted and the withholding of exercise is approved by the close management review team. Medical restrictions may also place limitations on the exercise periods. Wellness programs may be available for the exercise period provided such activity does not interfere with the safety of staff and inmates or security of the institution.

(10) No change.

(11) Writing Utensils. Inmates in close management status shall possess only security pens, with a possession limit of four pens. Other types of pens shall be confiscated and held until the inmate is released from close management status. A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure. If no security pens are available, the inmate shall be allowed to sign out a regular pen from the close management unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances.

Specific Authority 944.09 FS, Law Implemented 944.09 FS, History—Formerly 33-3.0083, Amended 10-1-95,_____.

33-38.012 Close Management Records and Forms.

(1) A report of close management, form DC4-813(c), shall be kept for each inmate placed in close management. A photocopy of the DC4-813(c) shall be kept in the close management unit with the other close management records for each inmate. Upon completion of the DC4-813(c), the white copy of the form will be mailed to central office to be filed in the central office inmate record and the pink copy will be filed in the institutional inmate record.

(2) An inspection of confinement record, form DC4-814, shall be maintained in each close management area. Each Such record shall be signed by the staff person shall sign the form when entering and leaving the close management area. Prior to

leaving the close management area, each the staff member will indicate any specific problems including any inmate who required special attention. Upon completion, the DC4-814 Inspection of Confinement Record will be maintained in the housing area and forwarded to the correctional chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(3) A Ddaily Rrecord of Segregation confinement, form DC4-815, shall be maintained for each inmate as long as he is in close management. The DC4-815 shall be utilized to document any and all activities, including cell searches, removal of any items, showers, recreation, and haircuts and shaves. If items that inmates in close management are not normally prohibited from possessing are denied or removed from the inmate, the shift officer in charge or the confinement or close management lieutenant senior correctional officer on duty must approve the action initially. The items denied or removed shall be documented noted on the Form DC4-815 and the chief correctional officer shall make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer 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 DC4-815, Daily Record of Segregation shall be maintained in the housing area until the inmate is released from close management at which time the form will be forwarded to the superintendent for review. Once reviewed, these forms will be forwarded to classification to be filed in the institutional inmate record.

(4) Form DC4-813(c), Report of Close Management, is hereby incorporated by reference. A copy of this form is available from the Adult Services Program Office of Security and Institutional Management, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, the request must be accompanied by a self-addressed stamped envelope must accompany the request. The effective date of this form is October 1, 1995.

Specific Authority 944.09 FS, Law Implemented 944.09 FS, History—Formerly 33-3.0083, Amended 10-1-95, 4-14-98,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLE:	RULE NO.:
Forms and Instructions	40D-1.659

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to adopt by reference various well construction and water use permitting forms. The Water Use Permitting forms are currently referenced in Rule 40D-2.101, Content of Application; and the Well Construction Forms are currently referenced in Rule 40D-3.037, Rules and Publications Incorporated by Reference.

SUBJECT AREA TO BE ADDRESSED: The adoption by reference of various well construction and water use permitting forms.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions which have been approved by the Governing Board are incorporated by reference into this Chapter and can may be obtained from the District.

GROUND WATER

1. APPLICATION FOR WATER WELL CONTRACTOR'S LICENSE FORM NO. WWCL (/99)

2. NOTICE OF VIOLATION FORM NO. 42.20-009 (11/98)

3. PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM FORM NO. 41.10-003 2/94/MH

4. STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY, OR ABANDON A WELL FORM NO. 41.10-410(1) REV. 4/95

5. WARNING LETTER FORM NO. WWWL (/99)

6. WELL COMPLETION REPORT FORM NO. 41.10-410(2)(8/96)

7. WELL GROUTING/ABANDONMENT FORM FORM NO. 41.10-410 (8/96)

8. WELL VERIFICATION FOR ALL NON-DOMESTIC WELLS LOCATED IN THE MOST IMPACTED AREA OR THE EASTERN TAMPA BAY WATER USE CAUTION AREA FORM NO. 42-10-005 (10/95)

Well Location Verification

Application for Registration as Well Driller

Bond for Drilling Contractors

Supplemental Bond for Test and Foundation Hole Contractors, Engineering Testing Laboratories

Application for a Permit to Construct a Well Under a Special Certification of Registration

Application for Firm Identification Number

Confirmation of Firm Identification Number

Sworn Written Complaint Form

Well Abandonment Report

Warning Notice

Application for a Permit to Construct a Well and Used along with Department of Environmental Regulation Water Well Contractor's Well Completion Report

1. GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY FORM NO. WUP-1 FORM 46.20-001 (12/98)

2. GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY FORM NO. WUP-2 FORM 46.20-002 (12/98)

3. INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER FORM NO. WUP-3 FORM 46.20-003 (12/98)

4. WATER USE APPLICATION SUPPLEMENTAL FORM - AGRICULTURE FORM NO. WUP-4 FORM 46.20-004 (12/98)

5. WATER USE APPLICATION SUPPLEMENTAL FORM - INDUSTRIAL OR COMMERCIAL FORM NO. WUP-5 FORM 46-20.005 (12/98)

6. WATER USE APPLICATION SUPPLEMENTAL FORM - MINING AND DEWATERING FORM NO. WUP-6 FORM 46.20-006 (12/98)

7. WATER USE APPLICATION SUPPLEMENTAL FORM - PUBLIC SUPPLY FORM NO. WUP-7 FORM 46.20-007 (12/98)

8. WATER USE APPLICATION SUPPLEMENTAL FORM - RECREATION OR AESTHETIC FORM NO. WUP-8 FORM 46.20-008 (12/98)

Instructions and Forms for Completing the Consumptive Use Permit (CUP) Application Form

Southwest Florida Water Management District Consumptive Use Permit Application

Southwest Florida Water Management District (SWFWMD) Consumptive Use Permit

SURFACE WATER

Application for Permit - Used for Docks or Piers and Bulkheads

(1) through (11) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 420.53, 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History-New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water RULE CHAPTER NO.: 40D-2

RULE TITLE: Content of Application RULE NO.: 40D-2.101

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to eliminate the incorporation of water use permitting forms in 40D-2.101, F.A.C., and provide a reference to Rule 40D-1.659, F.A.C., where these forms will concurrently be incorporated.

SUBJECT AREA TO BE ADDRESSED: The elimination of the incorporation by reference of water use permitting forms in Rule 40D-2.101, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.229 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.101 Content of Application.

In order to obtain a Water Use Permit, an applicant shall file with the District the appropriate form entitled "Water Use Permit Application" including the appropriate supplemental forms. The Water Use Permit application forms numbered WUP-1 through WUP-8 are hereby incorporated by reference into Rule 40D-1.659, F.A.C., this chapter and are available from the District upon request. These forms shall become effective on October 23, 1989. The Application shall include the following information:

(1) through (7) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.229 FS. History-Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Regulation of Wells 40D-3

RULE TITLE: RULE NO.:

Rules and Publications Incorporated by Reference 40D-3.037

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to eliminate the incorporation of various well construction forms in 40D-3.037, F.A.C., and provide a reference to Rule 40D-1.659, F.A.C., where these forms will concurrently be incorporated.

SUBJECT AREA TO BE ADDRESSED: The elimination of the incorporation by reference of various well construction forms in Rule 40D-3.037, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.309, 373.323, 373.342 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.037 Rules and Publications Incorporated by Reference.

(1) through (2) No change.

(3) Well Construction Forms "State of Florida Permit Application to Construct, Repair, Modify or Abandon Well," form number 41.10-410(1), REV. 4/95; "Public Supply Well Information and Classification Form," form number 42.10-001, revised August 1992; "Well Completion Report," form number 41.10-410(2) REV. 6/95; and "Well Verification," form number 42.10-005(2/94), are hereby incorporated by reference into Rule 40D-1.659, F.A.C., and made a part of this rule and are available from the District upon request.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.309, 373.323, 373.342 FS. History-New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Policy	40E-7.611
Definitions	40E-7.621
Policy Review & Goal Setting Committee	40E-7.623
Bid Incentive Program	40E-7.628
Proposal Evaluation & M/WBE Criteria	40E-7.631
Sheltered Market Program	40E-7.633
Annual, Long-Term, and Project-Specific Goals	40E-7.635
District Implementation	40E-7.637
Emergency Waiver of Participation Goals	40E-7.639
Compliance	40E-7.645
Good Faith efforts	40E-7.647
Reciprocal Certification	40E-7.651
Certification Eligibility	40E-7.653
Certification Review Process	40E-7.655
Graduation from M/WBE Program	40E-7.659
Recertification Review Procedures	40E-7.661
Suspension, Debarment, Revocation or Decertification	40E-7.664
Penalties for Fraudulent M/WBE Representation	40E-7.6645
Application for Additional Areas of Certification	40E-7.665

Administrative Hearings 40E-7.667

PURPOSE AND EFFECT: The M/WBE Contracting Rule 40E-7, Part VI, F.A.C. ("Rule") had an effective implementation date of October 1, 1996. Subsequently, the 1998 Legislature enacted Section 288.7031 Florida Statutes requiring all political subdivisions of the State (including the District) to modify their programs to incorporate new M/WBE certification criteria. Additionally, as required by rule, the District's Policy Review and Goal Setting Committee (PR&GSC) has met periodically during the past two years to monitor the M/WBE program implementation and to consider policy interpretations and potential changes. Some of the policy issues that have surfaced may potentially require rule changes. In conjunction with the mandated legislative changes and the input from the PR&GSC, the Office of Supplier Diversity & Outreach (SDO) would like to solicit public input on the current rule and the District's implementation of the program over the past two years.

SUBJECT AREA: The proposed rule development concerns proposed changes to the District's M/WBE Contracting Rule, Chapter 40E-7.611-40E-7.667, F.A.C.

SPECIFIC AUTHORITY: 373.607 FS.

LAW IMPLEMENTED: 373.607 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES AND DATES INDICATED BELOW:

TIME AND DATE: 9:30 a.m. – 12:00 p.m., June 3, 1999

PLACE: South Florida Water Management District Headquarters, Storch Room (Building B-1), 3301 Gun Club Road, West Palm Beach, Florida

TIME AND DATE: 9:30 a.m. – 12:00 p.m., June 8, 1999

PLACE: South Florida Water Management Ft. Myers Service Center, Auditorium, 2301 McGregor Blvd., Ft. Myers, FL

TIME AND DATE: 1:00 p.m. – 4:00 p.m., June 15, 1999

PLACE: South Florida Water Management Fort Lauderdale Field Station, Joe Lopez Conference Room, 2535 Davie Road, Davie, FL

TIME AND DATE: 9:30a.m. – 12:00 p.m., June 18, 1999

PLACE: Stuart City Hall, 121 S. W. Flagler Avenue, Stuart, FL

TIME AND DATE: 9:30 a.m. – 12:00 p.m., June 24, 1999

PLACE: State of Florida Department of Health, Auditorium, 1728 NW 9th Avenue, Okeechobee, FL

TIME AND DATE: 1:00 p.m. – 4:00 p.m., June 30, 1999

PLACE: Miami-Dade Community College North Campus, Auditorium, 11380 NW 27th Avenue, Miami, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Catherine Linton, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6322 or (561)682-6322 (internet: clinton@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected

persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Pediatric Rehabilitative Services

RULE NO.: 59G-4.260

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate by reference the revised Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, in 59G-4.260.

SUBJECT AREA TO BE ADDRESSED: Prescribed Pediatric Rehabilitative Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 1:00 p.m., May 17, 1999

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room G, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenn Jones, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7310

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of 59G-4.260 follows. See Florida Administrative Code for present text.)

59G-4.260 Prescribed Pediatric Extended Care Services Prescribed Pediatric Rehabilitative Services.

(1) This rule applies to all Prescribed Pediatric Extended Care (PPEC) service providers enrolled in the Medicaid program.

(2) All Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, incorporated by reference, and the Florida Medicaid Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905(2), 409.913(5)(e), ~~(8)(b)~~, 409.908 FS. History--New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE TITLE: Prospectus Amendments
 RULE NO.: 61B-31.001

PURPOSE AND EFFECT: The purpose of this rule chapter is to consider additional circumstances in which a Prospectus can be amended. The effect of this rule, consistent with section 723.006, Florida Statutes, is to expand the list of allowable amendments to an approved Prospectus

SUBJECT AREA TO BE ADDRESSED: The rule addresses additional circumstances in which amendments to a Prospectus can be made.

SPECIFIC AUTHORITY: 723.006(8) FS.

LAW IMPLEMENTED: 723.006(8) FS.

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

TIME AND DATE: 10:00 a.m., May 26, 1999

PLACE: Fuller Warren Building, Conference Room, #B03, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Mary Denise O'Brien, Department of Business and Professional Regulation, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-1007

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Norred, Chief, Bureau of Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or Mary Denise O'Brien, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Examination Review Procedures
 RULE NO.: 61G6-6.006

PURPOSE AND EFFECT: The Board intends to create a new rule which will set forth the examination review procedures.

SUBJECT AREA TO BE ADDRESSED: Examination review procedures.

SPECIFIC AUTHORITY: 455.217(3) FS.

LAW IMPLEMENTED: 455.217(3) FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter on May 26, 1999

PLACE: The Hilton Ocean Front Resort, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-6.006 Examination Review Procedures.

(1)(a) An applicant who fails the examination is entitled to review, subject to the conditions set forth in Rule 61-11.017, copies of the applicant's examination questions, pertinent exhibits related to those questions, the correct answers to those questions, the applicant's responses to the same questions, the scratch papers used at the examination, and the grades and grading key used in the licensure examination.

(b) Test booklets used by the candidate during the examination are not retained. Candidates reviewing the examination will be provided with a clean, exact copy of the original test booklets. They will not be given the actual test booklets they used during the examination. Consequently, any marks or notes made by candidates in their test booklets during the examination will not be available during the review.

(2) Unsuccessful examinees may not bring other persons with them to the examination review. The examination review is limited to the examinee and cannot be extended to expert witness(es) and/or attorneys. The review session will be conducted in accordance with the examination administration procedures to the extent possible and feasible. Only those text books and other reference materials listed in the Candidate

Information Brochure and reference list and which were permitted at the examination will be used during the review session.

(3) Prior to the commencement of examination reviews, examinees shall be instructed and shall sign a statement stating that they understand that no notes or recordings may be taken from the examination review room, that they shall be monitored during the review, and that they have the right to challenge any question which the examinee believes may be ambiguous or any solution which the examinee believes may be incorrect and to request a hearing if the challenge is found to be without merit. The challenges must be submitted in writing during the review. Any challenges or supporting documentation submitted after the candidate has left the review room shall not be analyzed. At least 30 days must elapse between examination review and any subsequent retake of that examination.

(4) If a successful challenge results in a regrade of an examination, that regrade shall be limited to the candidate who filed the successful challenge and shall apply only if the examination successfully challenged is the last examination for which the candidate has tested.

(5) The examinee may file a petition for a hearing which must be in writing and postmarked within twenty-one days from the date on the grade notification or twenty-one days from the date of the post-examination review, or from the date on the letter notifying the candidate of the Department's evaluation decision regrading his/her challenges, if any, and must clearly identify the question(s) that the examinee believes is ambiguous or the test solution(s) that the examinee believes is incorrect.

Specific Authority 455.217(3) FS. Law Implemented 455.217(3) FS. History-New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Proof of Completion by Certificate by Certificate Holders and Registrants
RULE NO.: 61G6-9.0105
PURPOSE AND EFFECT: The proposed rule will set forth the form to be used by licensees and registrants to prove completion of their continuing education requirements.
SUBJECT AREA TO BE ADDRESSED: Proof of completion by certificate by certificate holders and registrants.
SPECIFIC AUTHORITY: 489.507(3), 489.509, 489.517 FS.
LAW IMPLEMENTED: 489.517 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-9.0105 Proof of Completion by Certificate Holders and Registrants.

Proof of completion of the continuing education requirements shall be submitted by the certificate holder or registrant with his or her renewal application on Form BPR/ECLB.CERT.COMP.5/99, which is hereby incorporated by reference, effective _____, copy of which may be obtained from the Board office.

Specific Authority 489.507(3), 489.517(3) FS. Law Implemented 489.517(3) FS. History-New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Medical Records of Deceased Veterinarians, Retention, Time Limitations
RULE NO.: 61G18-18.001

PURPOSE AND EFFECT: The purpose of the proposed amendments is to change the time required for medical records to be retained, and the time the executor, administrator, personal representative or survivor should publish the notice indicating to the owner of the patients of the deceased veterinarian that the veterinarian's medical records will be disposed of or destroyed.

SUBJECT AREA TO BE ADDRESSED: Medical Records of Deceased Veterinarians.

SPECIFIC AUTHORITY: 474.206, 455.242 FS.

LAW IMPLEMENTED: 455.242 FS.

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

TIME AND DATE: 10:00 a.m., May 24, 1999

PLACE: Room 324, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32302

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Currie, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-18.001 Medical Records of Deceased Veterinarian; Retention, Time Limitations.

(1) The executor, administrator, personal representative or survivor of a deceased veterinarian licensed pursuant to Chapter 474, Florida Statutes, shall retain medical records in existence upon the death of the veterinarian concerning any patient of the veterinarian for at least a period of two (2) three (3) years from the date of the death of the veterinarian.

(2) No change.

(3) At the conclusion of a twenty-two (22) thirty four (34) month period of time from the date of the veterinarian's death, or thereafter, the executor, administrator, personal representative, or survivor shall cause to be published once during each week for four (4) consecutive weeks, in the newspaper of greatest general circulation in the county where the veterinarian resided, a notice indicating to the owners of the patients of the deceased veterinarian that the veterinarian's medical records will be disposed of or destroyed one (1) month or later from the last day of the fourth week of publication of notice.

Specific Authority 474.206, 455.242 FS. Law Implemented 455.242 FS. History--New 9-15-80, Formerly 21X-18.01, Amended 7-26-90, Formerly 21X-18.001, Amended 7-4-95, 12-30-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Approval of Courses

RULE NO.: 61G19-9.004

PURPOSE AND EFFECT: The proposed rule will provide for granting continuing education credit for attendance at meetings of the Florida Building Code Commission or any of its technical committees.

SUBJECT AREA TO BE ADDRESSED: Approval of Courses.

SPECIFIC AUTHORITY: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 FS.

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

TIME AND DATE: 9:00 a.m., May 28, 1999

PLACE: Hyatt Orlando, 6375 West Irlo Bronson Memorial Highway, Kissimmee, Florida 34747

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-19R

RULE CHAPTER TITLE: Stationary Sources –

RULE CHAPTER NO.:

Preconstruction Review 62-212

RULE TITLE: Prevention of Significant Deterioration (PSD)

RULE NO.:

62-212.400

PURPOSE AND EFFECT: To amend the PSD rule in accordance with EPA guidance to provide an exemption from PSD review (and BACT analysis) for Pollution Control Projects (PCPs) in two industry categories, namely, pulp and paper and municipal solid waste landfills.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would revise the PSD rule to exempt from PSD review those pulp and paper and municipal solid waste landfill projects that are considered environmentally beneficial and qualify as PCPs according to EPA guidance.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 26, 1999

PLACE: Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Venkata Panchakarla, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, FL 32399-2400, or call (850)488-0114, or e-mail panchakarla_v@dep.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-212.400 Prevention of Significant Deterioration (PSD).

(2)(a) Facility and Project Exemptions.

2. Pollution Control Project Exemptions.

a. A pollution control project that is being added, replaced, or used at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h), adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule.

b. A significant net increase in the actual emissions of a collateral pollutant that would occur solely as a result of a project undertaken for the purpose of complying with the hazardous air pollutant emission reduction requirements of 40 CFR Part 63, Subpart S, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the

preconstruction review requirements of this rule, provided the owner or operator demonstrates to the Department that such increase would not cause or contribute to a violation of any ambient air quality standard, maximum allowable increase, or visibility limitation.

c. A significant net increase in the actual emissions of a collateral pollutant that would occur solely as a result of a project undertaken for the purpose of complying with the non-methane organic compound emission reduction requirements of 40 CFR Part 60, Subpart Cc or WWW, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule, provided the owner or operator demonstrates to the Department that such increase would not cause or contribute to a violation of any ambient air quality standard, maximum allowable increase, or visibility limitation.

3. Temporary Clean Coal Technology Demonstration Project Exemption. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project that meets the requirements of 40 CFR 52.21(b)(2)(iii)(i), adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule. A temporary clean coal technology demonstration project shall have the meaning provided in 40 CFR 52.21(b)(36), adopted and incorporated by reference at Rule 62-204.800, F.A.C.

~~4.3.~~ Permanent Clean Coal Technology Demonstration Project Exemption. The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering shall not be subject to the preconstruction review requirements of this rule, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant unit-by-unit basis. A clean coal technology demonstration project shall have the meaning provided in 40 CFR 52.21(b)(35), adopted and incorporated by reference at Rule 62-204.800, F.A.C.

~~5.4.~~ Very Clean-Coal Fired Electric Utility Steam Generating Unit Exemption. The reactivation of a very clean-coal fired electric utility steam generating unit, as defined under 40 CFR 52.21(b)(38), adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.500, Amended 2-2-93, Formerly 17-212.400, Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98,_____.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: RULE NO.:

Massage Establishment Safety and Sanitary Requirements 64B7-26.003

PURPOSE AND EFFECT: The purpose of the development is to reorganize the rule and to implement all provisions of Section 480.043(2) which require rules.

SUBJECT AREA TO BE ADDRESSED: Massage Establishment Safety and Sanitary Requirements.

SPECIFIC AUTHORITY: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 480.043(2) 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLES: RULE NOS.:

Continuing Education Requirements for Board Approval of 64B7-28.009

Continuing Education Programs 64B7-28.010

PURPOSE AND EFFECT: The purpose of rule 64B7-28.009 is to permit 4 hours continuing education credit for adult cardio-pulmonary resuscitation (CPR), provided the course is sponsored by the American Red Cross or the American Heart Association, or is instructed by persons certified to instruct courses for those organizations.

SUBJECT AREA TO BE ADDRESSED: Continuing Education; Requirements for Board Approval of Continuing Education Programs.

SPECIFIC AUTHORITY: 480.035(7), 480.0415, 455.564(6), 480.0425 FS.

LAW IMPLEMENTED: 455.564(6)(7), 480.0415, 480.0425 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.009 Continuing Education.

(1) through (3)(b) No change.

(c) The remaining hours may include courses on communication with clients and other professionals, insurance relating to third party payment or reimbursement for services, psychological dynamics of the client-therapist relationship, risk management, including charting, documentation, record keeping or infection control other than the HIV/AIDS course required by Section 455.604, Florida Statutes, or massage practice management. The remaining hours may also include up to 4 hours credit for adult cardio-pulmonary resuscitation (CPR), provided the course is sponsored by the American Red Cross or the American Heart Association, or is instructed by persons certified to instruct courses for those organizations.

(4) through (5) No change.

Specific Authority 455.564(7), 480.035(7), 480.0415 FS. Law Implemented 455.564(7), 480.0415 FS. History–New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, _____.

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) No change.

(2) Each program presented by an approved provider shall:

(a) Meet the standards of Rule 64B7-28.009(2)(a), (b) or (c)(b);

(b) through (7) No change.

Specific Authority 455.564(6), 480.035(7), 480.0415, 480.0425 FS. Law Implemented 455.564(6), 480.0415, 480.0425 FS. History–New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-29.010, Amended 2-18-98, 10-26-98, _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Definitions
RULE NO.: 64B7-29.001

PURPOSE AND EFFECT: The purpose for this amendment is to conform the apprenticeship requirements to the requirements for approved massage therapy schools.

SUBJECT AREA TO BE ADDRESSED: Equipment required for Massage Therapists sponsoring apprenticeships.

SPECIFIC AUTHORITY: 480.035(7), 480.041(5)(a) FS.

LAW IMPLEMENTED: 480.041(1)(b),(5)(a) 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-29.001 Definitions.

(1) through (4) No change.

(5)(a) through (d) No change.

(e) Hydro-therapy equipment, which must include cold packs and hot packs, ~~and at least one of the following:~~

~~1. Steamroom or cabinet~~

~~2. or sauna~~

~~3. or whirlpool bath.~~

Such equipment shall be that which is generally acceptable in the massage profession.

(f) No change.

Specific Authority 480.035(7), 480.041(5)(a) FS. Law Implemented 480.041(1)(b),(5)(a) FS. History–New 11-27-79, Amended 12-18-84, Formerly 21L-29.01, Amended 4-7-86, 12-22-92, Formerly 21L-19.001, 61G11-29.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Minimum Requirements for Board of
RULE NO.: 64B7-32.003

PURPOSE AND EFFECT: The purpose of the rule development is to develop faculty qualifications at Board-approved massage schools.

SUBJECT AREA TO BE ADDRESSED: Faculty Qualifications.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.0465, 480.046(1)(d),(f) 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE CHAPTER TITLE: Fee Schedule
RULE CHAPTER NO.: 64B10-12

PURPOSE AND EFFECT: The Board proposes to discuss the rules within this chapter and determine if the rules will require amendments due to possible computer based testing in the future.

SUBJECT AREA TO BE ADDRESSED: Collection and payment of fees; application for licensure; payment for duplicating licenses, certificates, and permits; reexamination fee; renewal fee; provisional license application fee; endorsement fee; initial licensure fee; inactive status; change of status fee; temporary license; preceptor certification and recertification fee; administrator-in-training application fee; unauthorized practice fee; delinquency fee.

SPECIFIC AUTHORITY: 455.574(2), 455.587(6), 455.641, 455.711, 468.1685(1), 468.1695(2),(5), 468.1705(1), 468.1725(2), 468.1735 FS.

LAW IMPLEMENTED: 455.574(2), 455.587(6), 455.641, 455.711, 468.1685(1), 468.1695(3),(5), 468.1705(1),(4), 468.1715, 468.1725, 468.1735 FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter on May 13-14, 1999

PLACE: Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Requirements for Licensure
RULE NO.: 64B24-2

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify the rules related to requirements for licensure.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is changes that need to be made to clarify the rules related to requirements for licensure. During the rule

development process, the Department may decide to amend any or all of the rule sections contained in Chapter 64B24-2 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 455.521(5), 467.005, 467.0125, 467.006 FS.

LAW IMPLEMENTED: 455.564, 467.011, 467.0125, 467.006 FS.

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

TIME AND DATE: 3:00 p.m., May 21, 1999

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32312, (850)385-3553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marie Frazee, Staff Attorney, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Training Programs
RULE NO.: 64B24-4

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify and amend the rules relating to midwifery training programs.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is changes that need to be made to clarify the rules related to midwifery training programs. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 64B24-4 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 455.521(5), 467.005, 467.009 FS.

LAW IMPLEMENTED: 467.009, 467.205 FS.

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

TIME AND DATE: 3:00 p.m., May 21, 1999

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32312, (850)385-3553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marie Frazee, Staff Attorney, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Renewal, Inactive Status, Reactivation
RULE NO.: 64B24-5

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify and amend the rules relating to licenses to practice midwifery, including the renewal of the license, inactive status of the license, and the reactivation of an inactive license.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is changes that need to be made to clarify the rules related to licenses to practice midwifery, including the renewal of the license, inactive status of the license, and the reactivation of an inactive license. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 64B24-5 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 455.521(5), 467.005, 467.012 FS.
LAW IMPLEMENTED: 467.013(3), 467.017(1), 467.012 FS.

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

TIME AND DATE: 3:00 p.m., May 21, 1999
PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32312, (850)385-3553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marie Frazee, Staff Attorney, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Continuing Education
RULE NO.: 64B24-6

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify and amend the rules relating to continuing education for licensed midwives.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is changes that need to be made to clarify the rules relating to continuing education for licensed midwives. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 64B24-6 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 455.521(5), 467.005, 467.012(3) FS.

LAW IMPLEMENTED: 455.564(8), 467.012(3) FS.

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

TIME AND DATE: 3:00 p.m., May 21, 1999
PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32312, (850)385-3553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marie Frazee, Staff Attorney, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Midwifery Practice
RULE NO.: 64B24-7

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify and amend the rules relating to the practice of midwifery.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is changes that need to be made to clarify the rules relating to the practice of midwifery. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 64B24-7 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 455.521(5), 467.005 FS.
LAW IMPLEMENTED: 467.009, 467.011, 467.0125, 467.015, 467.016, 467.019, 467.006, 467.017, 467.014, 467.203 FS.

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

TIME AND DATE: 3:00 p.m., May 21, 1999
PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32312, (850)385-3553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marie Frazee, Staff Attorney, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Discipline
RULE NO.: 64B24-8
PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify and amend the rules relating to the disciplinary procedures for the practice of midwifery.
SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is changes that need to be made to clarify the rules relating to the disciplinary procedures for the practice of midwifery. During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 64B24-8 of the Florida Administrative Code.
SPECIFIC AUTHORITY: 455.521(5), 467.005, 467.203, 455.627(1) FS.
LAW IMPLEMENTED: 455.627, 467.203 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 3:00 p.m., May 21, 1999
PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32312, (850)385-3553
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marie Frazee, Staff Attorney, Department of Health, Office of the General Counsel, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLES: Reporting Requirements for Physicians
for Sexually Transmissible Diseases (STDs),
Including HIV and AIDS
Reporting Requirements for Laboratories
Partner Notification
Blood Testing of Pregnant Women.
Enforcement and Penalties
RULE NOS.: 64D-3.016
64D-3.017
64D-3.018
64D-3.019
64D-3.020
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to comply with 120.536(2), F.A.C., by repealing language in 64D-3.019 that exceeds rule making authority. Other amendments update the statutory references and one of the incorporated forms.
SUBJECT AREA TO BE ADDRESSED: The above named rules relate to the reporting of sexually transmitted diseases. Amendments to the rule will eliminate a provision about syphilis testing of pregnant women that is not consistent with

statute; update the sexually transmitted disease form that is incorporated in the rule; and update the statutory references in the history section of each rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 381.0011(13), 381.003(2),(5), 384.25, 384.33 FS.

LAW IMPLEMENTED: 381.0011(4), 381.0012, 381.003(1)(c), 381.0031, 384.25, 384.26, 384.27 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 1999
PLACE: 1309 Winewood Blvd, Building 6, Room 407, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rowe E. Rogero, 1317 Winewood Blvd., Building 6, Room 410, Tallahassee, FL, Telephone (850)487-3685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.016 Reporting Requirements for Physicians for Sexually Transmissible Diseases (STDs), Including HIV and AIDS.

- (1) through (a) No change.
- (b) Except for AIDS, HIV, and hepatitis B, all reports of sexually transmissible diseases shall be submitted on the Florida Confidential Report of Sexually Transmitted Diseases, ~~DÖH Form 720, 10/97 effective 7-5-87~~. The form, incorporated by reference in this rule, will be furnished by the local county health department.
- (c) through (d) No change.
- (2) through (4) No change.

Specific Authority 381.0011(13), 381.003(2), ~~381.031(5)~~, 384.25(2), 384.33 FS. Law Implemented 381.0011, 381.003(1), 384.25, FS. History--New 7-5-87, Amended 2-7-90, 2-26-92, 5-20-96, 1-1-97, Formerly 10D-3.097, Amended 6-7-98.

64D-3.017 Reporting Requirements for Laboratories.

- (1) through (3) No change.

Specific Authority 381.0011(13), 381.003(2), 381.0031(5), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 381.0031, ~~384.25, 384.26, 384.27, 458, 459~~ FS. History--New 7-5-87, Amended 2-26-92, 5-20-96, 1-1-97, Formerly 10D-3.099.

64D-3.018 Partner Notification.

(1) through (3) No change.

Specific Authority 381.0011(13), 381.003(2), 381.0031(5), 384.25(2), 384.33 FS. Law Implemented ~~454~~, 381.0011(4), 381.003(1)(c), 384.26 FS. History--New 7-5-87, Amended 2-7-90, 2-26-92, Formerly 10D-3.100.

64D-3.019 Blood Testing of Pregnant Women.

(1) through (3) No change.

(4) Physicians required by law to report births and stillbirths shall record on such report the date or approximate date a blood test for syphilis was made on the woman who bore the child ~~or state the reason for not making the test if none was made~~. In no case shall the result of the test be recorded on the birth certificate.

(5) through (6) No change.

(7) Form Availability – The form to be used to report results of a blood test for syphilis in a pregnant woman is the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, 10/97. The form, incorporated by reference in this rule, will be furnished by the local county health department. ~~Form # DOH 552 Effective Date (Dec 88)~~

~~Title Serology Syphilis~~

~~Availability county public health units~~

Specific Authority 381.0011(13), 381.003(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 384.25, 384.26, 458, 459, 464, 467 FS. History--New 7-5-87, Amended 2-26-92, Formerly 10D-3.101, ~~Amended~~.

64D-3.020 Enforcement and Penalties

(1) through (2) No change.

(a) through (d) No change.

(e) All amounts collected pursuant to this section shall be deposited in the ~~HRS~~ county public health department unit trust fund.

Specific Authority 381.0011, 381.003, 384.33, 384.34 FS. Law Implemented 381.0011, 384.33, 284.34 FS. History--New 7-5-87, Amended 5-20-96, Formerly 10D-3.102, ~~Amended~~.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Schedule of Fees for Services	5C-24
RULE TITLES:	RULE NOS.:
Definitions	5C-24.001
General Requirements	5C-24.002
Official Certificate of Veterinary Inspection (OCV1)	5C-24.003

PURPOSE AND EFFECT: The purpose and effect of proposed rule 5C-24 is for the Department to partially recover the cost of printing and administrating Official Veterinary Certificates (Animal Health Certificates) required for the movement of animals both interstate and intrastate. The Department is required to provide these forms to the Industry and to receive copies and review for correctness to allow the free movement of animals.

SUMMARY: This rule implements the process for recovery of administrative costs associated with animal health certificates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 585.002(4),(5), 585.145(2) FS.

LAW IMPLEMENTED: Chapter 94-339, Laws of Florida, 585.002(5), 585.145(2), 828.29(3)(b) FS.

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

TIME AND DATE: 9:00 a.m., May 28, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe W. Kight, Assistant Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)488-7079, Fax (850)487-3641

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-24.001 Definitions.

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the Deputy Administrator, United States Department of Agriculture, Animal and Plant