

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF INSURANCE****RULE TITLES:**

Definitions for the Purposes of These Rules

RULE NOS.:

4-191.024

Standards for Subscriber Contracts

4-191.033

PURPOSE AND EFFECT: Requires health maintenance organizations whose policies or contracts provide coverage, benefits, or services as described in Section 463.002(5), F.S., to offer subscribers the services of optometrists licensed pursuant to Chapter 463, F.S., and not restrict the services of optometrists to anything less than the existing services offered by a health maintenance organization which fall within the definition of Section 463.002(5), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The requirements of Section 641.31(19), F.S., which mandates access to optometrists licensed under Chapter 463, F.S., if an HMO offers optometric services as part of its policy or contract.

SPECIFIC AUTHORITY: 641.36 FS.

LAW IMPLEMENTED: 641.31(19) 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., March 3, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rick Grumberg, Division of Legal Services, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Rick Grumberg, (850)922-3110, Ext. 4148.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-191.024 Definitions for the Purposes of These Rules.

(1) through (15)(e)2. No change.

3. Eye screenings by a physician or optometrist licensed pursuant to Chapter 463 and ear screenings by a physician for children through age 17, to determine the need for vision and hearing correction ~~Eye and ear screenings by a physician for children through age 17, to determine the need for vision and hearing correction;~~ and

4. through (22) No change.

Specific Authority 641.36 FS. Law Implemented 641.19, 641.21, 641.31 FS. History—New 2-22-88, Amended 10-25-89, Formerly 4-31.024, Amended 5-28-92,_____.

4-191.033 Standards for Subscriber Contracts.

(1) through (5) No change.

(6) All health maintenance policies or contracts which provide coverage, benefits, or services as described in Section 463.002(5), shall offer to the subscriber the services of optometrists licensed pursuant to Chapter 463, Florida Statutes. "Coverage, benefits, or services as defined in Section 463.002(5)" are not limited to refraction's for eyeglasses or contact lenses, but include the full scope of services that fall within the definition of optometry as provided in Section 463.002(5), Florida Statutes. A health maintenance organization may not restrict the services of optometrists to anything less than the existing services offered by that health maintenance organization which fall within the definition of Section 463.002(5), Florida Statutes. This rule is not intended to expand contractual services offered by a health maintenance organization, but simply requires health maintenance organizations to offer their subscribers the services of optometrists who are permitted to practice the full range of existing contractual services falling within the definition of Section 463.002(5), Florida Statutes.

Specific Authority 641.36 FS. Law Implemented 641.19, 641.31(19) FS. History—New 2-22-88, Amended 10-25-89, Formerly 4-31.024, Amended 5-28-92,_____.

DEPARTMENT OF INSURANCE**RULE CHAPTER TITLE:**

Viatical Settlements

RULE CHAPTER NO.:

4-204

PURPOSE AND EFFECT: To promulgate a rule to implement the 1999 amendments to the Viatical Settlement Act, Part XI of Chapter 626, Florida Statutes which are contained in SB1242.

SUBJECT AREA TO BE ADDRESSED: Record keeping requirement related to executed viatical settlement contracts and viatical settlement purchase agreements.

SPECIFIC AUTHORITY: 624.308, 626.9925 FS.

LAW IMPLEMENTED: 626.99235, 626.9922, 626.9911, 626.9926 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: 8:30 a.m., March 1, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ted Straughn, Financial Examiner/Analyst Supervisor, Division of Insurer Services, Bureau of Specialty Insurers, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Ted Straughn, (850)922-3110, Ext. 2474.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Disease Vector Control	5C-26
RULE TITLES:	RULE NOS.:
Definitions	5C-26.001
Restrictions on Importation of Animals	5C-26.002
Animals from Countries Where a Vector or Disease is Endemic	5C-26.003
Materials	5C-26.004

PURPOSE AND EFFECT: The purpose and effect of the rule is to require certification of non-exposure to vector diseases of livestock and domestic animals to prevent a viable threat to cattle, deer and other ruminant animals in the state.

SUBJECT AREA TO BE ADDRESSED: This rule provides for the methods of control of vectors to prevent a disease threat to livestock, domestic animal and the general public.

SPECIFIC AUTHORITY: 570.07(21), (23), 585.08(2)(a) FS.

LAW IMPLEMENTED: 585.08(1), 585.145 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., February 25, 2000

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 RULE DEVELOPMENT IS: Joe W. Kight, Assistant Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, Phone (850)410-0900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-26.001 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 Health Inspection Service, to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of 9 CFR 160-162 (1998).

(2) Captive wild species. Any non-domestic species of animal confined by man-made boundaries.

(3) Cattle. Cattle shall include any bull, steer, ox, cow, heifer, calf, or any other bovine animal.

(4) Department. The Florida Department of Agriculture and Consumer Services.

(5) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(6) Domestic Animal. Any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests which threaten the agricultural interests of the state.

(7) Domesticated Fowl. Any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

(8) Horses. Any horse, mule, ass, zebra or other Equidae.

(9) Llamas. Any llama, camel, alpaca or other Camelidae.

(10) Licensed Veterinarian. Any veterinarian who has a current license with the Florida Board of Veterinary Medicine.

(11) Livestock. Any grazing animals, such as cattle, horses, sheep, swine, goats, cervidae and other hoofed animals and ratites which are raised for private use or commercial purposes.

(12) National Poultry Improvement Plan (NPIP). A cooperative state-federal-industry program for prevention and control of certain hatchery disseminated diseases and for improvement of poultry and poultry products as provided in 9 CFR 145 and 147 (1998).

(13) Official Certificate of Veterinary Inspection (OCVI). An official form provided by the Division to a licensed and accredited veterinarian for the purpose of certifying the identification, test requirements, and health of specific animals for movement, exhibition, and other designated purposes for the species of animal.

(14) Ratites. Ostriches, emus, and rheas.

(15) Vector. An organism, bacteriophage, plasmid, or another agent that carries or transfers disease-causing microorganisms or genetic material from one host to another.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History--New

5C-26.002 Restrictions on Importation of Animals.

The Official Certificate of Veterinary Inspection (OCVI) for reptiles, amphibians, llamas, antelopes, and captive wild species entering the state must contain a statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious or communicable disease and the vectors of any infectious or communicable disease.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History--New

5C-26.003 Animals from Countries Where a Vector or Disease is Endemic.

(1) All animals imported from countries where a vector or disease is endemic must have a prior permission number recorded on the accompanying OCVI. This number can be obtained from the Division by telephone.

(2) All animals intended for importation into or through the State of Florida from countries where a vector or disease is endemic shall be accompanied by an OCVI issued in accordance with this rule, and showing that the veterinarian issuing the OCVI inspected the animals at the time of movement to the port of entry and found them free from any vector and any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any endemic vector or endemic, during the 60 days immediately preceding their movement to the port of entry.

(3) All animals offered for entry into or through the State of Florida from countries where a vector or disease is endemic shall be subject to inspection at the port of entry, and all such animals found to be free from communicable disease vector infestation and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this rule. Animals found to be infected with or have been exposed to a communicable disease, or infested with any vector, shall be refused entry. Animals refused entry shall be quarantined until such time that they have been inspected, treated and deemed to be free from communicable disease vector infestation.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History--New.

5C-26.004 Materials.

9 CFR §§ 145 and 147 (1999) and 9 CFR §§ 160-162 (1999) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History--New.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish Control

RULE CHAPTER NO.:

Code	5L-1
RULE TITLES:	RULE NOS.:
Purpose and Intent	5L-1.001
Shellfish, General	5L-1.002
Definitions	5L-1.003
Shellfish Harvesting Area Standards	5L-1.004
Shellfish Harvesting Areas and Operating Procedures	5L-1.005
Production and Market Standards	5L-1.006

Shellfish Processing Plant Certification	5L-1.007
Shellfish Processing Plant Certification License, Application	5L-1.008
Suspension or Revocation of Shellfish Processing Container Identification, Terminal Sale Date; Prohibitions	5L-1.009
Shellfish Handling	5L-1.010
Shellfish Relaying	5L-1.011
Buildings and Facilities	5L-1.012
Equipment for Shellfish Processing	5L-1.013
Sanitary Operations	5L-1.014
Plant Operation	5L-1.015
Heat Shock Method	5L-1.016
Depuration – General, Definitions, Supervision	5L-1.017
Depuration – Plant Design and Sanitation	5L-1.018
Depuration – Laboratory Procedures	5L-1.019
Depuration – Plant Operations	5L-1.020
Depuration – Shellfish Sampling Procedures	5L-1.021
Depuration – Process Water Sampling Procedures and Standards	5L-1.022
Depuration – Treatment Process Water Standards	5L-1.023
Depuration – Shellfish Meat Standards	5L-1.024
Depuration – Ultraviolet (UV) Unit	5L-1.025
Depuration – Shellstock Storage	5L-1.026
Depuration – Tagging and Release of Shellfish	5L-1.027
Depuration – Records	5L-1.028
Laboratory Procedures and Sample Testing	5L-1.029
Seizure and Destruction of Shellfish	5L-1.030
Penalty Code	5L-1.031
	5L-1.032

PURPOSE AND EFFECT: These amendments propose to reclassify the South Volusia shellfish harvesting area, Volusia County, and update the four-digit area codes used on shellfish tags to identify the locations of where shellfish are harvested in the South Volusia shellfish harvesting area. The proposed amendments will update the Department name, address, forms, and rule citations; amend, add, and delete definitions; update documents adopted by reference; make editorial clarifications and update rule language to be consistent with provisions of the National Shellfish Sanitation Program; define labeling requirements for thawed shellfish; require mechanical refrigeration as part of certification; define the number of key item deficiencies needed for written notification of violation; clarify that the harvester tag is required for commercial harvest; define official sunrise and sunset times; allow shellfish relaying for marine biotoxins; allow alternative processing for hard clams; allow approval of alternative heat shock methods.

SUBJECT AREA TO BE ADDRESSED: These rule amendments propose reclassification of the South Volusia shellfish harvesting area in accordance with 5L-1.004 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources; changing the Department name, address, and forms as a result of the legislative transfer that took effect July 1, 1999; updating rule

language to allow for better compliance and enforcement; and implementing the following two industry-requested activities: alternative processing for hard clams, and relaying for biotoxin contamination.

SPECIFIC AUTHORITY: 370.071(1) FS.

LAW IMPLEMENTED: 370.071 FS.

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

TIME AND DATE: 1:00 p.m. – 5:00 p.m., Monday, March 6, 2000

PLACE: Apalachicola National Estuarine and Research Reserve, 261 7th Street, Apalachicola, Florida

TIME AND DATE: 5:00 p.m. – 9:00 p.m., Wednesday, March 8, 2000

PLACE: Charles E. Caniff Visitor's Reception Center, Charlotte Harbor Environmental Center, 10941 Burnt Store Road, Punta Gorda, Florida

TIME AND DATE: 5:00 p.m. – 8:00 p.m., Thursday, March 9, 2000

PLACE: Brevard County Public Library, North Brevard, 2121 South Hopkins Avenue, Titusville, Florida

TIME AND DATE: 1:00 p.m. – 5:00 p.m., Friday, March 10, 2000

PLACE: Florida Fish and Wildlife Commission Cedar Key Field Laboratory, 11350 S. W. 153rd Court, Cedar Key, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bobby Bickley, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida, Phone (850)488-5471

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management, (850)921-6262, at least seven days before the meeting.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
General and Professional Preparation	6A-4.006
Specialization Requirements for Certification in Administration of Adult Education – Administrative Class	6A-4.008
Specialization Requirements for Certification in Educational Leadership – Administrative Class	6A-4.0082
Specialization Requirements for Certification in Art (Grades K-12) – Academic Class Beginning July 1, 1990	6A-4.0101

Specialization Requirements for Certification in Computer Science (Grades K-12) – Academic Class	6A-4.0121
Specialization Requirements for Certification in Dance (Grades K-12) – Academic Class	6A-4.0123
Specialization Requirements for the Endorsement in Driver Education – Academic Class	6A-4.0131
Specialization Requirements for Certification in Primary Education (Grades K-3) – Academic Class	6A-4.014
Specialization Requirements for Certification in the Area of Preschool Education (Birth through Age Four) – Academic Class	6A-4.0141
Specialization Requirements for Certification in the Area of Prekindergarten/Primary Education (Age Three Through Grade Three) – Academic Class	6A-4.0142
Specialization Requirements for Certification in Elementary Education (Grades 1-6) – Academic Class	6A-4.015
Specialization Requirements for Certification in Middle Grades English (Grades 5-9) – Academic Class	6A-4.0161
Specialization Requirements for Certification in English (Grades 6-12) – Academic Class Beginning July 1, 1990	6A-4.0162
Specialization Requirements for Certification in the Area of Emotionally Handicapped (Grades K-12) – Academic Class Beginning July 1, 1992	6A-4.0171
Specialization Requirements for Certification in the Area of Hearing Impaired (Grades K-12) – Academic Class Beginning July 1, 1992	6A-4.0172
Specialization Requirements for Certification in the Area of Mentally Handicapped (Grades K-12) – Academic Class Beginning July 1, 1992	6A-4.0173
Specialization Requirements for Certification in the Area of Physically Impaired (Grades K-12) – Academic Class Beginning July 1, 1992	6A-4.0174
Specialization Requirements for Certification in the Area of Specific Learning Disabilities (Grades K-12) – Academic Class Beginning July 1, 1992	6A-4.0175
Specialization Requirements for Certification in the Area of Speech-Language Impaired (Grades K-12) – Academic Class	6A-4.0176
Specialization Requirements for Certification in the Area of Varying Exceptionalities (Grades K-12) – Academic Class Beginning July 1, 1992	6A-4.0177

Specialization Requirements for Certification in the Area of Visually Impaired (Grades K-12) – Academic Class Beginning July 1, 1992	6A-4.0178	Specialization Requirements for the Endorsement in Adaptive Physical Education – Academic Class	6A-4.0281
Specialization Requirements for the Gifted Endorsement – Academic Class Beginning July 1, 1992	6A-4.01791	Specialization Requirements for the Endorsement in Athletic Coaching – Academic Class	6A-4.0282
Specialization Requirements for the Prekindergarten Handicapped Endorsement – Academic Class	6A-4.01792	Specialization Requirements for Certification in Reading (Grades K-12) – Academic Class Beginning July 1, 1990	6A-4.0291
Specialization Requirements for the Profoundly Handicapped Endorsement – Academic Class	6A-4.01793	Specialization Requirements for Certification in School Food Service (Grades PK-12) – Specialty Class	6A-4.030
Specialization Requirements for the Orientation and Mobility Endorsement – Academic Class	6A-4.01794	Specialization Requirements for Certification in School Psychologist (Grades PK-12) – Specialty Class Beginning July 1, 1992	6A-4.0311
Specialization Requirements for Certification in Guidance and Counseling (Grades PK-12) – Specialty Class Beginning July 1, 1990	6A-4.0181	Specialization Requirements for Certification in Middle Grades General Science (Grades 5-9) – Academic Class	6A-4.0321
Specialization Requirements for Certification in Health (Grades K-12) – Academic Class Beginning July 1, 1990	6A-4.0191	Specialization Requirements for Certification in Separate Areas of Science (Grades 6-12) – Academic Class Beginning July 1, 1990	6A-4.0322
Specialization Requirements for Certification in Journalism (Grades 6-12) – Academic Class Beginning July 1, 1990	6A-4.0221	Specialization Requirements for Certification in Middle Grades Social Science (Grades 5-9) – Academic Class	6A-4.0331
Specialization Requirements for the Endorsement in Middle Grades – Academic Class	6A-4.0232	Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) – Academic Class Beginning July 1, 1990	6A-4.0332
Specialization Requirements for Certification in the Area of Middle Grades Integrated Curriculum (Grades 5-9) – Academic Class	6A-4.0233	Specialization Requirements for Certification in Speech (Grades 6-12) – Academic Class Beginning July 1, 1990	6A-4.0341
Specialization Requirements for Certification in Separate Areas of Language Other than English (Grades K-12) – Academic Class Beginning July 1, 1990	6A-4.0243	Specialization Requirements for Certification in Drama (Grades 6-12) – Academic Class	6A-4.0342
Specialization Requirements for the Endorsement in English to Speakers of Other Languages – Academic Class	6A-4.0244	Specialization Requirements for Certification in Humanities (Grades K-12) – Academic Class	6A-4.0343
Specialization Requirements for Certification in English for Speakers of Other Languages (Grades K-12) – Academic Class	6A-4.0245	Specialization Requirements for Certification in School Social Worker (Grades PK-12) Specialty Class	6A-4.035
Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) – Specialty Class Beginning July 1, 1992	6A-4.0251	Specialization Requirements for Certification in Local Director of Vocational Education – Vocational Administrative Class	6A-4.044
Specialization Requirements for Certification in Middle Grades Mathematics (Grades 5-9) – Academic Class	6A-4.0261	Florida Educator's Certificates with Degreed Vocational Class Coverages	6A-4.050
Specialization Requirements for Certification in Mathematics (Grades 6-12) – Academic Class Beginning July 1, 1990	6A-4.0262	General and Professional Preparation for a Professional Certificate with Degreed Vocational Class Coverages	6A-4.052
Specialization Requirements for Certification in Music (Grades K-12) – Academic Class Beginning July 1, 1990	6A-4.0271	Specialization Requirements for Certification in Agriculture (Grades 6-12) – Vocational Class	6A-4.054
Specialization Requirements for Certification in Physical Education (Grades K-8) and Physical Education (Grades 6-12) – Academic Class	6A-4.028	Specialization Requirements for Certification in Business Education (Grades 6-12) – Vocational Class Beginning July 1, 1990	6A-4.056
		Specialization Requirements for Certification in Home Economics (Grades 6-12) – Vocational Class Beginning July 1, 1990	6A-4.058

Specialization Requirements for Certification in Industrial Arts-Technology Education (Grades 6-12) – Vocational Class	6A-4.060
Specialization Requirements for Certification in Marketing (Grades 6-12) – Vocational Class Beginning July 1, 1990	6A-4.062
Specialization Requirements for Certification in Occupational Specialist – Vocational Class Beginning July 1, 1988	6A-4.072
Specialization Requirements for the Endorsement in Teacher Coordinator of Cooperative Education – Vocational Class	6A-4.076
Specialization Requirements for the Endorsement in Teacher Coordinator of Work Experience Programs – Vocational Class	6A-4.078

PURPOSE AND EFFECT: Florida State Board of Education Rules governing professional preparation and specialization requirements for certification subjects are to be reviewed and revised to streamline the certification process and eliminate unnecessary barriers to certification for qualified applicants.

SUBJECT AREA TO BE ADDRESSED: Requirements for professional preparation and subject area specialization for Florida Educator Certification.

SPECIFIC AUTHORITY: 231.15(1) FS.

LAW IMPLEMENTED: 231.15, 231.17 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: 2:00 p.m. – 7:00 p.m., February 28, 2000

PLACE: Florida Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENTS AND COPIES OF THE PRELIMINARY DRAFTS, IF AVAILABLE, IS: David Ashburn, Director, Division of Human Resource Development, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:	RULE NO.:
Repayment of Excellent Teaching Program Certification Fee	6A-10.060

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate into rule, pursuant to Section 236.08106, Florida Statutes, the conditions by which a Florida National Board Certified Teacher would lose eligibility for receipt of the certification and mentoring salary bonuses.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the conditions by which a teacher in Florida who has gained certification by the National Board for Professional Teaching Standards would be declared ineligible for receipt of salary bonuses.

SPECIFIC AUTHORITY: 236.08106 FS.

LAW IMPLEMENTED: 236.08106 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENTS AND COPIES OF THE PRELIMINARY DRAFTS, IF AVAILABLE, IS: David Ashburn, Director, Division of Human Resource Development, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Discipline – Terminology and Definitions	33-601.302
Reporting Disciplinary Infractions	33-601.303
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Disciplinary Hearings	33-601.307
Disciplinary Team, Hearing Officer and Action	33-601.308
Inmate Discipline – Review and Final Action	33-601.309
Inmate Discipline – Rehearings	33-601.310
Inmate Discipline – Miscellaneous Provisions	33-601.311
Telephonic or Video Disciplinary Hearings	33-601.312
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is: to correct titles of staff involved in the disciplinary process; to clarify what constitutes grounds for dismissal of disciplinary actions; to specify what information must be included in a disciplinary report; to clarify the responsibilities of the investigating officer with regards to witness interviews; to provide revised forms to be used in conjunction with the disciplinary process; to delete reference to obsolete forms; and to allow for the assignment to a restricted labor squad as a form of discipline.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 944.719, 945.04, 945.091 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., March 9, 2000

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:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) Disciplinary Team – A team made up of at least two staff persons, one of whom shall be a correctional ~~probation~~ officer lieutenant or above who will be responsible for hearing disciplinary reports.

(2) through (11) No change.

(12) Designating Authority – The employee assigned by the warden ~~or correctional probation administrator~~ who shall review disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and rules 33-601.301-601.314, and whether it shall be designated as minor or major as defined by 33-601.302(5) and (6).

(13) through (14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended.

33-601.303 Reporting Disciplinary Infractions.

(1) through (2) No change.

(3) When it appears that laws of the state have been violated, the State Attorney shall be notified. If the State Attorney decides to prosecute, his office shall be consulted as to the suitability of disciplinary action being taken by the institution prior to the prosecution being concluded.

(a) If the State Attorney has no objections, formal disciplinary action shall proceed.

(b) If the State Attorney objects to disciplinary action prior to prosecution, the file shall be flagged so that the investigation and disciplinary process can be completed once the criminal prosecution has been resolved.

(c) Failure to notify the state attorney prior to taking disciplinary action is not grounds for dismissal of the disciplinary report.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended.

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include ~~contain~~

(a) A description of the violation, including date, time and place;

(b) The specific rules violated;

(c) A formal statement of the charge;

(d) Any unusual inmate behavior;

(e) Any staff witnesses;

(f) Any physical evidence and its disposition;

(g) Any immediate action taken, including use of force; and

(h) Any other specific facts necessary for an understanding of the charge. ~~In addition, the names of persons who witnessed the incident shall be noted.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction after receipt of the disciplinary report. The investigating officer is responsible for the following:

(1) Interviewing the charging staff member.

(2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:

(a) Delivering the charge to the inmate by reading the charge and statement of facts to the inmate.

(b) Appointing a staff assistant if necessary.

(c) Obtaining the inmate's version of the infraction.

(d) Asking the inmate if there are any witnesses to offer in the inmate's behalf.

(3) Interviewing additional persons ~~staff, inmates, and other individuals~~ who are listed in the statement of facts or specifically referenced by the charging staff person or specifically identified by the charged inmate who may have information pertaining to the infraction.

(4) Recording the results of the investigation on the Disciplinary Investigative Report, Form DC6-112A ~~DC4-804a~~.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0055, Amended.

33-601.307 Disciplinary Hearings.

(1)(a) No hearing shall commence prior to 24 hours following the delivery of the charges except when the inmate's release date does not allow time for such notice or the inmate waives the 24 hour period. In such cases, an explanation shall be provided in the basis of findings section ~~IV~~ of the disciplinary report. The inmate may waive the 24-hour waiting period. In such cases, a waiver must be signed by the inmate, witnessed by an employee, and copies attached to each copy of the disciplinary report. Form DC6-112D, 24 Hour/Refusal to Appear Waiver, ~~DC4-804d~~ shall be used for this purpose.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D ~~DC4-804d~~, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate may submit at the time of the refusal a written statement which shall be delivered to the disciplinary team or hearing officer. If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of findings section ~~IV~~ of the disciplinary report.

(c) The hearing officer or disciplinary team member shall read the charge, ask the inmate if the charge is understood, and explain the range of penalties ~~punishment~~ that could be imposed if there is a finding of guilt.

(d) through (f) No change.

(g) If the inmate pleads "guilty," no further evidence needs to be heard. If the inmate pleads "not guilty," evidence is to be presented, including witness statement forms obtained from witnesses. The chairman of the disciplinary team or the hearing officer may determine that the source of certain information or the information itself should not be revealed to the inmate when the disclosure would endanger the safety or well-being of another person or affect institutional security and order. If a witness statement is not read, the reason(s) shall be documented in the witness disposition form. If other evidence is not revealed to the inmate, the reason(s) shall be documented in the basis of findings section ~~IV~~ of the disciplinary report. The inmate may make any closing statement, written or verbal, concerning the infraction for consideration by the hearing officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a "not guilty" plea insofar as hearing procedures are concerned. A "no contest" plea shall be handled as a guilty plea.

(h) During disciplinary team deliberations, only the team, employees being trained, and others whom the warden, correctional officer chief ~~facility administrator, correctional probation administrator~~, or correctional probation supervisor

have previously authorized to be present and have determined will not disrupt the hearing and will benefit by observing the proceedings, shall be present. The hearing officer or disciplinary team shall ensure the following in accordance with 33-601.308:

1. That a decision of guilt or innocence is made only on the official charge listed on the disciplinary report;

2. That the disciplinary action is proportionate to the infraction;

(i) The hearing officer or the disciplinary team may utilize available resource personnel such as health services staff, work supervisors, or other personnel in a consultative capacity. When consultations occur as part of the hearing process it shall be documented in the basis of findings Section ~~IV~~ of the Disciplinary Report.

(2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (b) No change.

(c) The testimony of witnesses requested by the charged inmate shall be presented at the hearing through the written Witness Statement, Form DC6-112C ~~DC4-804e~~, unless the inmate:

1. Has completed and signed the witness request form during the investigation;

2. Makes a request at the hearing for a witness to appear to provide live testimony; and

3. The disciplinary team or hearing officer determines that the reason provided by the charged inmate for requesting live testimony overcomes the burden on institutional staff caused by the retrieval and escort of live witnesses as well as the diversion of security staff from assigned posts due to the potential security risk that may result from the appearance of live inmate witnesses and the disruption to the assignments and activities of inmate witnesses.

(d) Failure to sign and complete the witness disposition ~~request~~ form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement.

(e) through (g) No change.

(h) If a witness is requested by the team or hearing officer to appear at the hearing and is unavailable the witness statement form shall be accepted as testimony. Signed witness statements used as testimony shall be read to the charged inmate at the hearing except as provided in paragraphs (a) and (c) above. Where a witness statement is not read or the inmate witness does not appear at the hearing as requested, the reason shall be recorded in the witness disposition form, Form DC6-112B.

(i) No change.

(4) The original charge cannot be reduced by the disciplinary team to what might be termed a "lesser included offense." Up to the point of the disciplinary team or hearing officer announcing their decision to the inmate, the hearing may be postponed.

(a) The entire disciplinary report may be returned for further review, investigation or correction.

(b) If further review suggests a different charge should have been indicated or that additions, deletions or changes should be made in the statement of facts ~~section I~~ (change section narrative) then the disciplinary report shall be rewritten, a copy of the new or corrected disciplinary report delivered to the inmate, a new investigation shall be prepared and the disciplinary report shall be scheduled for a hearing. The original report shall not be processed. Notation of this occurrence shall be incorporated in the findings of the disciplinary team or hearing officer with an indication of the reason that the disciplinary report was rewritten and delayed.

(c) The inmate shall be informed of the decision by the hearing officer or disciplinary team and the basis for that decision.

(d) The hearing officer's electronic signature and name or the electronic signature and names of all members of the disciplinary team shall be typed or printed on the Disciplinary Report Form DC4-804, ~~with their signatures appearing immediately above.~~

(5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended.

33-601.308 Disciplinary Team, Hearing Officer and Action.

(1) through (2) No change.

(3) If the inmate is found guilty the disciplinary team shall impose any one or a combination of the below actions. The hearing officer's authority is limited to subparagraphs (3)(a) through (3)(j)(4) below:

(a) through (f) No change.

(g) Assign the inmate to a restricted labor squad for a period not to exceed the time permitted for confinement on that charge;

(g) through (h) renumbered (h) through (i) No change.

(j)(4) Require inmates to pay for damaged, destroyed or misappropriated property or goods, whether state or personal;

1. No change.

2. Payment for damaged, destroyed or misappropriated property shall be at the replacement value and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, documentation shall be placed in

the inmate file at the local institution detailing the cost involved. The total cost shall be reflected in the disciplinary report ~~in section IV.~~

3. through 4. No change.

(j) through (n) renumbered (k) through (o) No change.

(4) Any disciplinary action, except loss of gain time, that is being imposed with any other disciplinary action should be clearly stated in the basis of findings ~~section IV~~ as to the concurrent or consecutive requirements. If the disciplinary team or hearing officer does not specifically state concurrent or consecutive requirements, the disciplinary action shall be considered consecutive.

(5) No change.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 944.09, 945.04, 945.091 FS. History—New 3-12-84, Formerly 33-22.08, Amended 11-13-84, 12-30-86, 6-25-89, 7-17-90, 10-1-95, 11-25-98, 8-5-99, Formerly 33-22.008, Amended.

33-601.309 Inmate Discipline – Review and Final Action.

(1) Chief correctional officers at community work release ~~correctional~~ centers, or the senior staff person at contract facilities ~~or correctional probation administrators~~ shall review the disciplinary action and recommend approval, modification or disapproval to the ~~regional~~ warden ~~or probation administrator~~.

(2) The warden ~~or the regional probation administrator~~ acts as the final reviewing and approving authority for all disciplinary reports in which the recommended penalty does not exceed a loss of more than 365 days of gain time.

(3) No change.

(4) The warden, ~~regional probation administrator~~ or regional director shall approve, modify downward or disapprove the recommended disciplinary action. The above mentioned or the deputy secretary is authorized to direct a rehearing of the disciplinary report as provided for in rule 33-601.310. Review of each disciplinary report is the responsibility of the warden, ~~the regional probation administrator~~ or regional director and cannot be delegated to other staff members.

(5) No change.

(6) In the case of privately operated correctional institutions, the correctional services ~~regional classification~~ administrator position in the regional office is the final approving authority for all disciplinary reports, except those as defined in 33-601.309(3).

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History—New 3-12-84, Formerly 33-22.09, Amended 12-30-86, 6-20-91, 10-1-95, Formerly 33-22.009, Amended.

33-601.310 Inmate Discipline – Rehearings.

If an error is discovered at any time after an inmate has been found guilty of a disciplinary infraction, the warden, ~~regional probation administrator~~, the facility administrator of a private facility, or the deputy secretary or designee is authorized to cause a rehearing to take place within 30 days of the discovery

of the error or the receipt of a successful grievance or appeal. The investigation may incorporate those portions of the previous investigation that are not affected by the need for the rehearing. The rehearing shall proceed according to the provisions of rule 33-601.307. No inmate is authorized to request a rehearing.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04 FS. History--New 10-1-95, Formerly 33-22.0105, Amended.

33-601.311 Inmate Discipline – Miscellaneous Provisions.

- (1) No change.
- (2) Transfers.
- (a) No change.

(b) If it becomes necessary to transfer an inmate who is awaiting disciplinary action, the team hearing should be held prior to transfer. Exceptions to this shall be made only in extreme circumstances, for example, strikes or disturbances where the situation dictates immediate transfer before the disciplinary hearings can be held. A memorandum explaining the circumstances precluding the scheduling of the hearing shall be sent with the inmate record at the time of the transfer. The sending institution shall complete the heading section, identifying the inmate and charge, and ~~Section I~~, statement of facts, of the disciplinary report. The disciplinary investigation report shall be completed by the sending institution if time permits, and forwarded to the receiving institution. The receiving institution shall complete ~~the Section II~~, inmate notification, the disciplinary investigation report and ~~the Section III~~, designating authority review, if not completed prior to transfer. ~~The Section IV~~, Team/Hearing Officer Findings and Action, shall be completed by the receiving institution after the hearing and approved by the warden ~~of the receiving institution~~.

(c) If it becomes necessary to transfer an inmate who is serving a disciplinary penalty to another institution and the sending institutions feels this disciplinary penalty should continue at the receiving institution, the ~~following actions shall be taken:~~

~~1. The sending institution shall attach a copy of the disciplinary report to the inmate file, and attach a complete cover memorandum requesting that the penalty be continued at the receiving institution. If the final copy of the disciplinary report is not available then a copy of the disciplinary report and a copy of the disciplinary hearing worksheet shall be attached.~~

~~2. A copy of the disciplinary report shall be completed through Section V by the sending institution and forwarded to the Bureau of Admission and Release.~~

- (3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04, FS. History--New 3-12-84, Formerly 33-22.11, Amended 12-30-86, 5-24-90, 6-20-91, 10-1-95, Formerly 33-22.011, Amended.

33-601.312 Telephonic or Video Disciplinary Hearings.

- (1) through (2) No change.

(3) The disciplinary report, disciplinary investigative report, and disciplinary report worksheet should be completed at the institution where the inmate notification is delivered to the inmate. ~~Subsequent data entry and warden review shall be completed at the institution where the completion of the disciplinary report is effected.~~

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 944.719, 945.04, FS. History--New 10-1-95, Formerly 33-22.0115, Amended.

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

~~(a)(1) DC6-112 E DC4-804F~~, Disciplinary Hearing Report Worksheet, effective date ~~10-01-95~~.

~~(b)(2) DC6-112A DC4-804A~~, Disciplinary Investigative Report, effective date ~~10-01-95~~.

~~(3) DC4-804, Disciplinary Report, effective date 10-01-95.~~

~~(c)(4) DC6-112D DC4-804D~~, 24 Hour/Refusal to Appear Waiver Form, effective date ~~10-01-95~~.

~~(d)(5) DC6-112C DC4-804C~~, Witness Statement Form, effective date ~~10-01-95~~.

~~(e)(6) DC6-112F DC4-804E~~, Disciplinary Report Worksheet, effective date ~~10-01-95~~.

~~(f)(7) DC6-112B DC4-804B~~, Witness Disposition Form, effective date ~~10-01-95~~.

(2) Copies of these forms can be obtained from The Forms Control Administrator, Office of the General Counsel Department of Corrections, Adult Services Program Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self addressed stamped envelope.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0117, Amended.

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:

Determination of Credit When Inmate is

Released in Error

33-601.604

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide guidelines and procedures for the determination of whether an inmate is due credit for the time out of custody when the inmate has been released in error.

SUBJECT AREA TO BE ADDRESSED: Sentence Credit for Time Out of Custody.

SPECIFIC AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275 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., March 8, 2000

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:

33-601.604 Determination of Credit When Inmate is Released in Error.

(1) When an inmate is released in error (prior to satisfaction of the sentence) either by the court, county facility or the Florida Department of Corrections and the release is brought to the attention of the Department, the facts surrounding the release will be collected.

(2) If and when the inmate is returned to the department, the inmate will be interviewed by the classification staff to obtain the inmate's version of the release.

(3) A fact finding due process hearing will be held to determine if the inmate is due credit for the time out of custody when released in error through no fault of the inmate.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275 FS. History--New

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Death Row – General	33-602.301
Death Row – Definitions	33-602.302
Death Row – Facilities	33-602.303
Death Row – Review Responsibilities	33-602.304
Death Row – Restraint and Escort Requirements	33-602.305
Death Row – Conditions and Privileges	33-602.306
Death Row – Confinement Records	33-602.307
Transportation of Death Row Inmates	33-602.308
Inmates with Active Death Warrant	33-602.309

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to set forth procedures for the operation of death row confinement units.

SUBJECT AREA TO BE ADDRESSED: Death Row.

SPECIFIC AUTHORITY: 922, 944.09 FS.

LAW IMPLEMENTED: 20.315, 922, 944.09, 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., March 7, 2000

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:

33-602.301 Death Row – General.

(1) Death row is the confinement of inmates, who upon conviction or adjudication of guilt of a capital felony, have been sentenced by the court to death. Inmates whose death sentences have been reversed and who are awaiting re-sentencing hearings will also be held in this status. Death row confinement is a long term, single-cell confinement, apart from the general population.

(2) Death row confinement is not disciplinary in nature, but the nature of this confinement status may limit the availability of certain privileges. Additionally, it may be necessary to further limit privileges if an inmate becomes a threat to the security, control, and order of the institution. The institutions that are authorized to permanently house death row inmates are Florida State Prison, Union Correctional Institution, and Broward Correctional Institution. A death row inmate may be temporarily housed at any Reception Center or Corrections Mental Health Institution for approved health care treatment when authorized by the department's chief health officer or when ordered by the court.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

33-602.302 Death Row – Definitions.

(1) "Special Risk death row inmate" is any inmate on death row who has demonstrated behavior that is harmful to himself or herself. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately notified to determine if suicide watch or other special procedures need to be initiated. Suicidal inmates shall be removed to a designated area where observation shall be provided by a correctional officer or medical staff. Visual checks shall be in accordance with established medical protocols or at least every thirty minutes until the inmate is no longer considered a special risk inmate. All action taken by staff with regard to special risk death row inmates shall be documented on the Daily Record of Segregation, Form DC6-229 and an Incident Report, Form DC3-301, will be written.

(2) "Institutional Classification Committee (ICC)" is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Committee as

directed by the Chief of the Bureau of Classification and Central Records. The Institutional Classification Committee is comprised of the Warden or Assistant Warden, Classification Supervisor, and Correctional Officer Chief of Security.

(3) "State Classification Committee (SCC)" is a committee or a committee member at the Central Office level who is responsible for the overall classification decisions of inmates. Duties include approving or rejecting ICC recommendations. In addition, the SCC has authority for decision making relating to care, custody, placement, or control of inmates within the Florida Department of Corrections as directed by the Chief of the Bureau of Classification and Central Records.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

33-602.303 Death Row – Facilities.

(1) All death row cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be cut off when necessary due to misbehavior. In such an 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 DC6-229, Daily Record of Segregation.

(2) Prior to placement of an inmate in a cell, the cell shall be thoroughly inspected to ensure that it is in proper order. Any discrepancies shall be documented on the Cell Inspection form, DC6-221. The inmate housed in the cell shall then be held responsible for the condition of the cell.

(3) Death row cells should be located separately from the general inmate population, but in a common area to permit verbal communication and to allow unobstructed observation by staff. Inmate workers, who are not on death row status, may reside in the death row unit, however, they shall be under direct staff supervision whenever they are out of their cells.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

33-602.304 Death Row – Review Responsibilities.

(1) The reception process shall be conducted for males at North Florida Reception Center and for females at Broward Correctional Institution. The process shall be completed within the same day that the inmate is received by the Department unless extenuating circumstances prevail.

(2) A Progress Review will be conducted annually by the Institutional Classification Committee. A brief description of any incidents requiring special or additional review that occurred during the reporting period related to the inmate's incarceration such as disciplinary reports shall be included in the report.

(3) Except in emergency situations, inmates on death row shall receive a personal visit a minimum of:

- (a) At least every hour by a correctional officer.
- (b) Daily by the Shift Supervisor.

(c) Daily by the Chief of Security (when at the institution).

(d) Weekly by the Warden and Assistant Wardens.

(e) Daily by a clinical health care person.

(f) Weekly by the Chaplain. The chaplain is authorized to provide spiritual guidance and counsel to inmates on death row and to distribute religious materials.

(g) As frequently as necessary, but not less than weekly during the first two months, and at least monthly thereafter by a classification officer.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

33-602.305 Death Row – Restraint and Escort Requirements.

(1) Prior to opening a cell for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, the escort officers shall restrain the inmate by handcuffing him or her in front with the handcuffs secured at the waist area by a waist chain and C and S handcuff cover (black box) or side cuffs.

(2) A minimum of two officers shall be physically present at the cell whenever the cell door is opened.

(3) Prior to escorting an inmate from a cell for any activity within the housing unit, the inmate shall be thoroughly searched. If the inmate is escorted outside the immediate housing unit, the inmate will be strip searched and restraint devices (handcuffs, waist chain, black box and leg irons) shall be applied.

(4) After the required restraints are applied, the inmate thoroughly searched, and the cell door secured, the second officer may leave the area.

(5) If more than one inmate is out of a cell within the death row unit at a time, i.e. exercise, medical, showers, etc., there shall be one officer with each inmate and the inmates shall be kept at a reasonable distance, as determined by the officers providing escort, to preclude any unauthorized physical contact.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

33-602.306 Death Row – Conditions and Privileges.

(1) Comfort Items – Inmates on death row 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. In the event that certain items are denied or removed from inmates, the senior correctional officer shall be notified and shall approve the action taken, or the items shall be returned to the inmate. Action taken shall be recorded on the Daily Record of Segregation, Form DC6-229, which shall be reviewed by the correctional officer chief. Property receipts shall be given for any personal property removed. The following comfort items

will be provided at a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), feminine hygiene products for women, and toilet tissue.

(2) Personal Property – Inmates shall be allowed to retain personal property including watches, rings, walkman type radios with headphones, and health and comfort items unless there is a clear indication of a security problem, in which case, procedures as outlined in subsection (1) above will be followed.

(3) Clothing and Bedding – Belts may be removed. Shower slides or personal canvas shoes will be provided as regulation foot wear. Inmates on death row will be issued an orange jumpsuit rather than the regulation blue shirt and pants to distinguish them from other inmates. At any time that an inmate is removed from his cell for the purpose of escort or transport, he or she shall be required to wear the orange jumpsuit at all times until returned to the housing unit. Otherwise, the clothing issue shall be similar to that available to the inmates in general population except when there is a clear indication of a security problem. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to herself or himself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and provided to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Segregation. Under no circumstances shall an inmate be left without a means to cover herself or himself. In such cases, when clothing or other items are denied to an inmate, the senior correctional officer must approve the action initially and documentation must be entered on the Daily Record of Segregation, Form DC6-229. 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. Bedding and linen for death row inmates 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 correctional officer must approve the action initially. Such exceptions shall be documented on the Daily Record of Segregation, Form DC6-229 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.

(4) Personal Hygiene – Inmates on death row shall meet the same standards in regard to personal hygiene as required of the general population.

(a) As a minimum, each inmate on death row shall shower three times per week.

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

(5) Visiting – All visits for death row inmates shall be non-contact visits.

(a) Visits for death row inmates shall be conducted on Friday, Saturday, Sunday, and Monday. Inmates will have an opportunity to choose one of these days as their regular visiting day.

(b) Visits shall be limited to five adult visitors at a time, for a period not to exceed two hours during each visiting period. If more than five visitors arrive on a given visiting day, they shall be allowed to visit on a rotating basis.

(c) Procedures for attorney visits, as outlined in 33-601.711, shall be followed.

(6) Correspondence – Inmates shall have the same opportunities for correspondence that are available to inmates in general population.

(7) Legal Access – Inmates on death row shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with certified inmate law clerks. Inmates may be required to conduct legal business through correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule or order of court.

(a) Inmates on death row who have court deadlines imposed by law, rule or order of court shall be provided opportunities to visit the law library in their unit or, if a law library is not available within the unit, the main unit law library at least once per week for up to two hours in duration.

(b) 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 or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes, and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously

must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7-day period.

(e) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the unit. Upon receipt of the oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(f) Indigent 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 death row cells.

(8) Writing Utensils – Inmates on death row shall possess only security pens, with a possession limit of four pens. 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 will be allowed to sign out a regular pen from the assigned officer. Care will 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) Library Services – Death row inmates shall be allowed to check out three library books at a time once weekly.

(10) Self-improvement Programs – Inmates shall be permitted to participate in various self-improvement programs to the extent practical. Such programs shall take place in the inmates' housing area in a manner that conforms to the need for security. Such program participation involves correspondence courses, self-directed study activities, and courses instructed by volunteers. The warden has the authority to restrict these programs in the event the inmate's housing status changes.

(11) Telephone – Telephone privileges shall be allowed for emergency situations and when necessary to ensure the inmate's access to attorneys or the courts and only when alternative means of access are not feasible. The necessity of the telephone call may be verified before the inmate is allowed to make the call. Calls to attorneys will not be monitored.

(12) Canteen – Inmates shall be allowed to make canteen purchases once every other week. Items shall be restricted when reasonably necessary for institutional safety and security. Death row inmates shall be allowed to purchase:

(a) 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 count as three items not one item.

(b) A maximum of five non-food 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.

(c) Form DC6-249, Death Row or Administrative Confinement Canteen Order, will be utilized for canteen orders.

(13) Diet – All death row inmates shall receive normal institutional meals except that if any item on the menu might create a security problem in the death row unit, then another item of comparable quality shall be substituted. All substitutions shall be documented on the Daily Record of Segregation, Form DC6-229.

(14) Television – Televisions are provided, as available, to death row inmates.

(a) As inmates are placed onto death row, their names will be placed in a television logbook. As televisions become available, the televisions will be assigned to inmates in the order that their names appear in the logbook. Inmates with active death warrants will also have television privileges.

(b) Inmates shall be allowed to operate televisions during the hours of 8:00 A.M. until 11:30 P.M. Televisions will be turned off during count procedures.

(c) Televisions shall only be operated with headphones or earplugs.

(d) Inmates in disciplinary status will have their televisions removed. The television will then be assigned to the next eligible inmate as indicated by the television logbook. Inmates who receive disciplinary action and who do not have televisions will have their names removed from the eligible list until their disciplinary time is completed. Their names will then be added to the bottom of the list.

(e) Inmates transferring from the institution for twenty-four hours or longer will have their televisions reassigned to the next eligible inmate, as indicated by the logbook.

(f) Altering either the television, earphones, or any parts thereof, including the electrical cord, will result in disciplinary action and possible loss of television privileges. Restitution will be required for damages.

(15) Exercise – Inmates initially assigned to death row shall commence exercise within 15 days of placement. Inmates with disciplinary action pending, in disciplinary status, or who have a history of assault or disruptiveness shall be exercised individually. Other death row inmates not in this category shall be exercised in groups of a maximum of ten. Within the initial

15 day period after placement of an inmate on death row, a background investigation shall be conducted to obtain information essential in determining whether there are other inmates with whom a confrontation could result in violence. However, if vital information being sought is not available but may have a direct bearing on the exercise group, the Institutional Classification Committee is authorized to withhold exercise for up to an additional 15 days while the information is being obtained. During this time, the inmate may exercise in his or her cell.

(a) All death row inmates will be scheduled for three hours of exercise per week. Exercise will take place in the designated recreation area. Exercise periods will be documented on the inmate's Daily Record of Segregation, Form DC6-229.

(b) Death row inmates shall be strip searched prior to being removed from their cells for exercise. The strip search will consist of removing all clothing and a visual inspection by the officer of the inmate's unclothed body. Strip searches also include a visual inspection of the mouth, ears, hair, armpits, groin area, rectal area, and soles of the feet. All authorized clothing and footwear will be searched. Visual contact with the inmate shall be maintained at all times during this process. All death row inmates shall be restrained with handcuffs (behind the back) when escorted to and from the exercise yard. An inmate's refusal to comply with these procedures will result in forfeiture of exercise privileges for the day and will subject the inmate to disciplinary action.

(c) Exercise will be rescheduled when the following circumstances occur:

1. Inclement weather. Inmates will not be allowed to exercise during inclement weather, when security of staff and inmates may be jeopardized. Whenever possible, the exercise session will be renewed for the remainder of the allotted time when the weather permits, if at least one hour of the exercise time remains.

2. Medical appointment or attorney visit. If the inmate's exercise period is canceled due to a scheduled medical appointment or attorney visit, the exercise period will be rescheduled.

(d) Exercise sessions may be canceled and inmates returned to their cells under the following conditions. In these circumstances, it is not required that the exercise session be rescheduled.

1. Emergencies:

a. Destruction, major damage, major disturbance, or major disorder in any housing unit within the institution that results in either lock down of the unit or transfer of inmates to other housing areas for the purpose of restoring order, repairing damage, or protecting inmates health, safety, or well-being.

b. Major disaster (natural or man-made).

c. Official emergencies declared by State or Federal authorities. A detailed record will be maintained documenting the emergency, dates, and times exercise was suspended due to the declared emergency.

2. Non-emergencies:

a. The signing of a death warrant by the Governor, causing an inmate to be placed on death watch.

b. Departure of an inmate for more than seven consecutive days due to outside appointments including court appearance, medical services, and temporary housing at another institution.

c. Attendance by choice at an elective event such as a law library or telephone call;

d. Refusal by the inmate to exercise during scheduled time.

e. Inmate has been found guilty of one of the following major disciplinary violations:

i. Any assault, battery or attempted assault or battery;

ii. Any spoken or written threat towards any person;

iii. Inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance;

iv. Fighting;

v. Possession of weapons, ammunition, explosives, or escape paraphernalia;

vi. Escape or escape attempt.

(e) If an inmate is found guilty of one of the disciplinary violations listed above, his or her outdoor exercise periods can only be restricted for fifteen-day increments. Cumulative outside exercise restriction shall be for no more than thirty days after which the inmate must be allowed one exercise session prior to instituting any remaining periods of restriction.

(f) Exercise sessions, denial of exercise sessions, and refusal to exercise shall be documented on the Daily Record of Segregation, Form DC6-229.

(g) Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution.

Specific Authority 944.09 FS. Law implemented 944.09 FS. History--New

33-602.307 Death Row – Confinement Records.

(1) An Inspection of Confinement Record, Form DC6-228, shall be maintained in the death row unit. Each staff person shall sign such record when entering and leaving the death row unit. Prior to departure, each staff member shall indicate any specific problems including any inmate who requires special attention. Upon completion, the DC6-228 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.

(2) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate in the death row unit. The DC6-229 shall be maintained in the housing area for one week at which time the form will be forwarded to the Warden for

review. Once reviewed, these forms will be forwarded to classification to be filed in the inmate's master file. The DC6-229 shall be utilized to document any and all activities, including cell searches, any items removed, showers, recreation, haircuts, and shaves. If items that inmates are normally allowed are denied or removed from the inmate's possession, the senior correctional officer must approve the action initially. The items denied or removed will be documented on Form DC6-229 and the correctional officer chief will make the final decision in regard to the appropriateness of that action no later than the next working day following the action. Additionally, full and complete remarks will be made in the following situations:

(a) When there is an unusual occurrence in the inmate's behavior.

(b) When it becomes necessary to notify the medical department.

(c) If the inmate refuses food.

(d) Cell changes.

(e) Any function performed by medical staff such as medication dispensed.

(f) When the inmate's diet is ordered changed.

(g) When complaints are received and medical treatment is given.

(h) Upon review by the Classification Probation Officer.

(i) Disruptive behavior to include action taken.

(j) Disciplinary violations and results of such.

(3) The following forms are hereby incorporated by reference. A copy of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel Department of Corrections, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. If forms are mailed, a self-addressed stamped envelope must accompany the request.

(a) DC1-303, Request for Administrative Remedy or Appeal, effective _____.

(b) DC3-301, Incident Report, effective _____.

(c) DC6-221, Cell Inspection Form, effective _____.

(d) DC6-228, Inspection of Confinement Record, effective _____.

(e) DC6-229, Daily Record of Segregation, effective _____.

(f) DC6-236, Inmate Request Form, effective _____.

(g) DC6-249, Death Row or Administrative Confinement Canteen Order, effective _____.

Specific Authority 944.09 FS. Law implemented 20.315, 944.09, 945.04 FS. History—New _____.

33-602.308 Transportation of Death Row Inmates.

(1) In order to ensure coordination in the operation of the transfer system, ensure the safety of the public, employees and inmates and to maintain proper security practices, a certified correctional officer who has received outside escort training must be in charge of each transport.

(2) All department employees transporting inmates shall be certified as correctional officers. Transport officers must also comply with the specific state uniform traffic control requirements outlined in Chapter 316, F.S.

(3) The transfer vehicle must be maintained in accordance with the guidelines set forth in Chapter 316, F.S., and be properly fueled, serviced and determined to be mechanically safe to transfer inmates. The vehicle shall be equipped with radio communications.

(4) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by the transfer officer while in route. Vehicle inspection shall be conducted prior to departing on or continuing a trip.

(5) The transport officer shall ensure that the transfer orders, commitment papers, or other documents authorizing transfers are in order and shall properly identify each inmate prior to the boarding of inmates.

(6) The transport officer shall ensure that all inmates are strip searched prior to boarding the transport vehicle. Searches shall be conducted by or under the direct supervision of the transfer officer.

(7) The Chief Health Officer is authorized to specify that an inmate who is mentally or physically ill be transferred separately from other inmates. In addition, if there is any indication that an inmate who is to be transferred is not in good physical or mental condition, the transport officer shall secure the advice of the institution's physician before beginning the trip. Transfer of an inmate who is ill or injured shall be undertaken based on the advice of the Chief Health Officer on duty. The Chief Health Officer shall determine if medical staff are to accompany the inmate while being transferred. If he does decide that medical staff need to accompany the inmate, he must assign this staff.

(8) Inmates must be restrained with handcuffs, waist chains with a C and S handcuff cover (black box), and leg irons. A secure caged vehicle shall be utilized.

(9) A minimum of two certified correctional officers, who have received outside escort training, shall be assigned to each vehicle in which death row inmates are transported. The driver shall be equipped with an Electronic Restraining Device and the second officer shall carry the sidearm.

(10) The transfer vehicle shall be accompanied by a trailing escort vehicle driven by an officer in possession of a semiautomatic rifle or shotgun.

(11) If several inmates are being transferred, the trailing vehicle shall have a second armed officer in attendance.

(12) Communication between the two vehicles is essential and is recommended between both vehicles and the home station.

(13) The transport officer shall conduct a head count of inmates prior to departure and maintain continuing checks while in route and upon arrival at the receiving institution.

(14) Because the carrying of firearms in the transferring of inmates is extremely hazardous, such equipment must be kept in a secure place or on the person of an officer who will not come in direct contact with an inmate during the entire trip. Use of firearms shall be in accordance with Rule 33-602.210, Florida Administrative Code.

(15) If an inmate escapes while being transferred, the transfer officer shall exhaust all resources immediately available to him in apprehending the inmate and then take immediate action to contact the nearest law enforcement agency. As soon as possible, the transfer officer shall notify his supervisor of the escape and give an oral report of the incident. When the local law enforcement agency no longer requires assistance, the transfer officer shall continue with his duties. Under no circumstances shall supervision of other inmates be relaxed in order to pursue an escaping inmate.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

33-602.309 Inmates with Active Death Warrants.

(1) Phases of Death Warrant:

(a) Phase I – Phase I begins when the Death Warrant is signed by the Governor and an execution date is set.

(b) Phase II – Phase II begins at 8:00 A.M. seven calendar days prior to the execution date (active week of the warrant).

(c) Phase III – Phase III is the status of an inmate that has a Death Warrant signed by the Governor but does not have an execution date due to a stay. The inmate will have the same privileges as all other death row inmates.

(2) Upon receipt of the Death Warrant which authorizes execution, the warden or his designee will determine the housing location of the inmate. Inmates housed at Union Correctional Institution will be immediately transferred to Florida State Prison. Upon arrival, the warden will inform the inmate of the death warrant and the inmate shall be allowed to contact his attorney and a family member at State expense. If the inmate is housed at Broward Correctional Institution, the inmate shall not be transferred to Florida State Prison until Phase II. The warden at Broward will inform the inmate of the death warrant and allow the inmate to contact her attorney and a family member at State expense.

(3) At the initiation of Phase I, the warden of Florida State Prison shall notify the Assistant Secretary of Security and Institutional Operations, and the Regional Director. Wardens of surrounding institutions shall be informed should circumstances warrant the activation of control force support. Local law enforcement agencies shall also be notified.

(4) Conditions and privileges for inmates under active death warrants shall include:

(a) Possession of the following state issued property:

1. Standard issue of clothing
2. One bed
3. One mattress

4. One pillow

5. Standard issue of bedding

6. One toothbrush

7. One tube of toothpaste

8. One bar of soap

9. One towel

10. One pair of underwear

11. Toilet tissue, as needed

12. Stationary, six sheets

13. Envelopes, three

14. Religious tracts as distributed by the institution's Chaplain, maximum possession limit, ten

15. Writing paper, distributed by the library as needed, notary services will be available upon request

16. Security pen

17. Request for Administrative Remedy or Appeal, Form DC1-303 and Inmate Request Form DC6-236, as needed

18. One television

(b) Inmate bank access shall be the same as for any other death row inmate. During Phase II requests for "special withdrawals" will not exceed two within the one-week period.

(c) Canteen privileges will be allowed, but items routinely approved for purchase as listed on Form DC6-249, Death Row or Administrative Confinement Canteen Order, may be restricted. Canteen orders for inmates on death watch shall be reviewed by the Administrative Lieutenant prior to delivery.

(d) Inmates on death watch will be suspended from purchasing items through the direct order catalog program. Any item already ordered prior to the death warrant being issued will be received and stored with the inmate's other personal property.

(e) Inmates on death watch status may request in writing to the librarian and receive legal materials from the Law Library. All such requests are to be routed through the Death Watch Supervisor. Copying services or notary services will be handled by staff without the involvement of any inmate.

(f) The inmate shall be allowed to receive periodical subscriptions, but may not order new subscriptions. Periodicals, newspapers, or other reading materials, will not be allowed to accumulate, and during the final week, only two periodicals and two newspapers shall be retained by the inmate.

(g) Three meals per day will be served to all inmates on death watch status. Special dietary instructions for medical reasons shall be followed.

(h) Recreation activities for all inmates with death warrants shall be suspended.

(i) Inmates on death watch status will be measured for a suit. Male inmates will be provided a dark suit (coat and slacks), white dress shirt, undergarments, and socks. Female inmates will be provided a dark suit (jacket and slacks), white dress blouse, undergarments and socks. This clothing will be

procured by the clothing room supervisor and will be provided to the inmate on the morning of the scheduled execution. Should the inmate's family offer to provide the above described clothing, it will be permitted.

(j) Visits and interviews for inmates with death warrants will be in accordance with Chapter 33-104, Florida Administrative Code.

(5) Regardless of the inmate's status, he or she remains subject to disciplinary action for violation of rules and regulations. Disciplinary reports may be written for inmates with death warrants, however, processing will be postponed.

Specific Authority 922, 944.09 FS. Law Implemented 922, 944.09 FS. History--New.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS

Board of Employee Leasing Companies

RULE TITLE: Annual Financial Statements

RULE NO.: 61G7-10.0011

PURPOSE AND EFFECT: To set forth standards, rules and regulations for curing an employee leasing company when, at the time of annual report, its annual financial statements fail to evidence positive working capital or accounting networth and are not in compliance with section 468.525(3).

SUBJECT AREA TO BE ADDRESSED: Quarterly and annual financial statements.

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.525(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., March 6, 2000

PLACE: Board of Employee Leasing, 1940 North Monroe Street, Tallahassee, FL 32399-0767

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-10.0011 Annual Financial Statements.

(1) Each employee leasing company shall submit, not later than 120 days after their fiscal year end, a copy of their current fiscal year end financial statements, prepared in accordance with generally accepted accounting principles, which shall include statement of income and retained earnings, balance sheet, statement of changes in financial position (cash flows), and applicable footnotes. This information shall be submitted on the Standard Financial Statement Form, DPR/EL-006,

herein incorporated by reference and effective 7-1-93, copies of which can be obtained from the Board office. The financial statements are to reflect positive working capital and positive accounting net worth, as required in s. 468.525(3). Financial statements which are not audited must be accompanied by a completed form DPR/EL-003, as required in rule 61G7-5.003, F.A.C.

(2) If an employee leasing company's annual financial report or quarterly report fails to evidence positive working capital or accounting net worth as required by Section 468.525(3)(d), F.S., the deficiencies shall be deemed to be cured if, at the time that the annual or quarterly reports are due, the licensee files additional information evidencing action taken subsequent to the period covered by the required reports which shows that the licensee's current financial status is in compliance with the provisions of the statute.

(3) In the case of audited or reviewed annual financial statements, the information must take the form of a subsequent events note to the audit or review report issued by the independent CPA which shows that the licensee has corrected any statutory financial deficiencies that existed in the financial statements as of the audit or review date.

(4) In the case of quarterly reports, the licensee may (a) submit a guaranty or letter of credit as provided by Rule 61G7-5.005, F.A.C., which shows that licensee has access to sufficient funds to offset any statutory financial deficiencies that existed in the quarterly statements, or (b) submit a financial statement for the licensee reflecting the remediation accompanied by a narrative signed by a controlling person of the licensee outlining the reasons for the deficiencies and setting forth the licensee's plan to prevent such deficiencies in the future.

Specific Authority 468.522 FS. Law Implemented 468.525 FS. History--New 5-8-94, Amended 6-23-99.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Schedule of Fees Adopted by Board

RULE NO.: 61G15-24.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to renewal fees.

SUBJECT AREA TO BE ADDRESSED: Renewal fees.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 471.011, 471.019 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: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-24.001 Schedule of Fees Adopted by Board.

(1) Pursuant to Sections 471.011, 471.019, Florida Statutes, the Board hereby establishes the following fees for applications, examination, reexamination, licensing and renewal, temporary registration, late renewal, registration by endorsement, reactivation fee, and replacement of certificate.

(2) Engineering fees (individuals and firms):

(a) through (d) No change.

(e) Renewal – \$125 per biennium; however, for the biennium commencing on February 28, 2001, the renewal fee shall be \$62.50.

(f) through (q) No change.

(3) No change.

Specific Authority 455.213, 455.217(3), 455.219, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), 471.011, 471.019 FS. History–New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Delinquency Fee

RULE NO.:

61G18-12.006

PURPOSE AND EFFECT: The Board proposes to decrease the delinquency fee for a delinquent status licensee from \$260.00 to \$160.00.

SUBJECT AREA TO BE ADDRESSED: Delinquency fee.

SPECIFIC AUTHORITY: 474.271 FS., as created by Chapter 94-119, Laws of Florida.

LAW IMPLEMENTED: 455.271 FS., as created by Chapter 94-119, Laws of Florida.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-12.006 Delinquency Fee.

A delinquent status licensee shall pay a delinquency fee of one hundred sixty (\$160) dollars ~~two hundred sixty dollars (\$260)~~ when the licensee applies for active or inactive status.

Specific Authority 455.271 FS., as created by Chapter 94-119, Laws of Florida. Law Implemented 455.271 FS., as created by Chapter 94-119, Laws of Florida. History–New 2-6-95, Amended.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.:99-21R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Beach Erosion Control Assistance

Program

62B-36

PURPOSE AND EFFECT: To repeal outdated sections, update the general policy and ranking criteria, and to implement Sections 161.091, 161.101 and 161.161, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Rules and procedures for the Beach Erosion Control Program.

SPECIFIC AUTHORITY: 161.088, 161.161 FS.

LAW IMPLEMENTED: 161.091, 161.101, 161.161, 370.12 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186.

Commencing February 14, 2000, the preliminary text of the proposed rule development will be accessible on the Office of Beaches and Coastal Systems web site at: www.dep.state.fl.us/beach

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Duplicate License or Wall Certificate Fees

RULE NO.:

64B17-2.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to change the rule title to properly identify the rule's content and amendments are being made to the rule which will update the rule text.

SUBJECT AREA TO BE ADDRESSED: Duplicate license or wall certificate fees.

SPECIFIC AUTHORITY: 455.587(2), 486.025 FS.

LAW IMPLEMENTED: 455.587(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: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-2.006 Duplicate License or Wall Certificate Fees Fee.

(1) If a licensee wishes to request that the Board provide a duplicate license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of \$25.

(2) If a licensee wants a wall certificate, the Board will issue the certificate upon receipt of a written request and payment of a \$25 fee.

Specific Authority 455.587(2)(~~6~~), 486.025 FS. Law Implemented 455.587(2)(~~6~~) FS. History—New 10-14-91, Amended 1-1-92, Formerly 21MM-2.006, 61F11-2.006, 59Y-2.006, Amended.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes to amend Subsection (4) of this rule to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 486.109(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: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-9.001 Continuing Education.

(1) through (3) No change.

(4) The Board will accept up to twelve ~~six~~ contact hours, including internet or computer based courses, for home study during a biennium. All home study courses must be sanctioned by the American Physical Therapy Association, the Florida Physical Therapy Association, or regionally accredited colleges and universities.

(5) through (6) No change.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Issuance of Temporary Certificates RULE NO.: 64B32-3.004

PURPOSE AND EFFECT: The Board proposes to revise time limitations on temporary certificates.

SUBJECT AREA TO BE ADDRESSED: Issuance of Temporary Certificates.

SPECIFIC AUTHORITY: 468.353(1), 468.355(3) FS.

LAW IMPLEMENTED: 468.355(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care/MQA, 2020 Capital Circle, S. E., Bin #C05 C0, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-3.004 Issuance of Temporary Certificates.

(1) No change.

(2) A temporary certificate issued to a graduate of an approved training program shall be valid until the applicant is notified of eligibility for certification or until one year from the date of graduation, whichever occurs first.

(a) No change.

(b) Beginning January 1, 1995, graduates must pass the examination within six months of the date of graduation, ~~or~~ The temporary certificate shall be revoked upon notification of failure of the examination.

(3) No change.

Specific Authority 468.353(1), 468.355(3) FS. Law Implemented 468.355(3) FS. History—New 4-29-85, Amended 10-20-85, Formerly 21M-35.04, Amended 5-12-88, Formerly 21M-35.004, 61F6-35.004, Amended 12-28-94, 8-27-95, Formerly 59R-72.005, 64B8-72.005, Amended.

Section II Proposed Rules

DEPARTMENT OF REVENUE

Child Support Enforcement Program

RULE TITLES:	RULE NOS.:
Collection and Distribution of Payments	12E-1.005
Consumer Reporting Agencies	12E-1.012
Payment Recovery	12E-1.022
Suspension of Drivers License; Suspension of Motor Vehicle Registration	12E-1.023

PURPOSE AND EFFECT: A) The purpose of the proposed amendments to Rule 12E-1.005, FAC., is to implement the new statutory provisions that require the remittance of payments to the Florida State Disbursement Unit. The effect of this proposed amendment is to ensure that payments are remitted to the appropriate address and that the rule reflects the new statutory provisions enacted pursuant to federal law regarding distribution of child support collections. B) The purpose of the proposed amendments to Rule 12E-1.012, FAC., is to clarify the department's procedures for responding to a request from a consumer reporting agency for information about overdue support owed by an obligor, and to incorporate procedures for periodically reporting overdue support to consumer reporting agencies and requesting a consumer report from a consumer reporting agency. The effect of these proposed amendments is to inform the public of the procedures for exchanging information about child support obligors between the department and consumer reporting agencies. C) The purpose of the proposed amendments to Rule 12E-1.022, FAC., is to revise the department's procedures for establishing repayment to the department when a payment disbursement error occurs. The effect of these proposed amendments is to ensure that all parties understand that recovery will be sought for a payment disbursement error and the procedures involved. D) The purpose of the proposed amendments to Rule 12E-1.023, FAC., is to conform with the statutory provisions authorizing the department to seek the suspension of an obligor's driver license and motor vehicle registration based upon delinquent child support payments or failure of the obligor to comply with a subpoena or similar order to appear relating to paternity or child support proceedings. The effect of this proposed amendment is to ensure all obligors understand the driver license and vehicle registration suspension process.

SUMMARY: A) The proposed amendments to Rule 12E-1.005, FAC.: implement the statutory provisions that require the remittance of payments on IV-D cases to the Florida State Disbursement Unit (SDU) instead of to county depositories; clarify agency policy on excess payment distribution options provided in federal law; and remove duplicative language from the existing rule. B) The proposed amendments to Rule 12E-1.012, FAC.: define the term "overdue support" to mean the amount of delinquency or

arrearage, or both, owed by an obligor pursuant to an obligation under an order; define the term "consumer reporting agency" (CRA) with the same definition as in the Fair Credit Reporting Act; implement 1997 legislation authorizing periodic reporting of obligors' overdue support to CRAs; specify that periodic reporting shall be performed no more frequently than monthly; provide criteria for periodic reporting of overdue support; provide procedures for giving an initial notice and opportunity for a hearing prior to periodic reporting of overdue support; revise the rule to provide for giving an obligor notice and an opportunity for a hearing prior to the department complying with a request from a CRA for information concerning an obligor's overdue support which has not been previously reported, but no notice if the CRA's request relates to previously reported information for which prior notice was given to the obligor; provide for responding to requests from lenders for previously reported overdue amounts if the request is accompanied by written authorization signed by the obligor; provide for notifying CRAs about erroneous reports and payoffs of overdue support; implement 1997 legislation authorizing the department to obtain an obligor's consumer report from a CRA; provide for an initial one-time certification to a CRA prior to requesting consumer reports from the CRA that each request for a consumer report will meet the certification requirements in statute; and provide for giving notice to an obligor 15 days before requesting his or her consumer report. C) The proposed amendments to Rule 12E-1.022, FAC.: communicate the agency's revised procedures for establishing repayment to the agency when a payment disbursement error occurs. D) The proposed amendments to Rule 12E-1.023, FAC.: provides for the department to administratively seek the suspension of an obligor's driver license and motor vehicle registration who is determined to be delinquent in child support payments or has failed to comply with a subpoena or similar order to appear relating to paternity or child support proceeding; provides circumstances for not taking suspension action against an obligor; establishes notice requirements to the obligor when seeking suspension action; establishes procedures for providing notice to the Department of Highway Safety and Motor Vehicles to suspend the obligor's license/registration; allows the obligor to stop the suspension process based upon specific case circumstances; establishes criteria for obligor's to enter into written agreements with the department; and provides procedures for reinstatement of an obligor's license/registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because these proposed rule amendments create no new regulatory costs, no statement of estimated regulatory cost has been prepared.

Any person who wants to provide information regarding a statement of estimated regulatory costs must do so in writing within 21 days of this notice.