

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES:	RULE NOS.:
Scope	4A-57.001
Definitions	4A-57.002
Standards of the National Fire Protection Association Adopted	4A-57.003
Occupancy Capacity of Each AFCH	4A-57.004
Evacuation Capability	4A-57.005
Fire Exit Drills	4A-57.006
Inspections	4A-57.007
Cooking Equipment; Exceptions	4A-57.008

PURPOSE AND EFFECT: Section 400.621(2), Florida Statutes, provides in part: "Pursuant to s. 633.022, the State Fire Marshal, in consultation with the department [of Elder Affairs] and the agency [for Health Care Administration], shall adopt uniform firesafety standards for adult family-care homes." The rule chapter is being promulgated to conform to this statute.

SUBJECT AREA TO BE ADDRESSED: Uniform firesafety standards for adult family-care homes.

SPECIFIC AUTHORITY: 633.01(1), 400.621(2) FS.

LAW IMPLEMENTED: 633.022, 633.022(1)(b), 633.022(10)(b), 400.621, 400.621(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m., May 15, 2000

PLACE: The Pavillion at Crossing Pointe, 9309 S. Orange Blossom Trail, Orlando, Florida

TIME AND DATE: 2:00 p.m., May 15, 2000

PLACE: Agency for Health Care Administration, 6800 North Dale Mabry Hwy, Suite 220, Tampa, Florida

TIME AND DATE: 10:00 a.m., May 16, 2000

PLACE: State Regional Service Center, Victoria Street, Room 165, Fort Myers, Florida

TIME AND DATE: 10:00 a.m., May 17, 2000

PLACE: Rhode Building, North Tower 8th Floor, 401 N. W. 2nd Ave., Miami, Florida

TIME AND DATE: 10:00 a.m., May 30, 2000

PLACE: Pensacola Junior College, Hagler Auditorium, Room 252, Pensacola, Florida

TIME AND DATE: 9:00 a.m., June 1, 2000

PLACE: Staff Development Center, Building 108, Room 6, at Tacachale Center, 1621 N. E. Waldo Road, Gainesville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James Goodloe, Bureau Chief, Bureau of Fire Prevention, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

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 James Goodloe, (850)413-3620.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE TITLE:	RULE NO.:
Franchised Motor Vehicle Dealerships;	
Ownership and Operation by Manufacturers;	
Dealer Development Programs	15C-7.006

PURPOSE AND EFFECT: The purpose of the proposed action is to allow a licensee (motor vehicle manufacturer, importer or distributor) to temporarily operate a motor vehicle dealership pursuant to a written management agreement between the licensee and an existing licensed dealer. This proposed action will also allow a licensee to temporarily own and operate a motor vehicle dealership under a bona fide relationship with an independent person. The effect of the proposed action will be to clarify the required criteria to certify the establishment of a bona fide dealer development program.

SUBJECT AREA TO BE ADDRESSED: The proposed action will clarify definitions and distinguish the circumstances when a licensee (motor vehicle manufacturer, importer, or distributor) may own or operate a motor vehicle dealership and clarifies the criteria to which a licensee must conform in certifying the establishment of a bona fide minority dealer development program.

SPECIFIC AUTHORITY: 320.69 FS.

LAW IMPLEMENTED: 320.645 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Neil C. Chamelin, Hearing Officer, Division of Motor Vehicle, Department of Highway Safety and Motor Vehicles, Room B337, Neil Kirkman Building, Tallahassee, Florida 32399, (850)488-8629

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15C-7.006 Franchised Motor Vehicle Dealerships; Ownership and Operation by Manufacturers; Dealer Development Programs.

(1) Definitions

(a) "Dealer" means an individual or other legal entity licensed as a motor vehicle dealer under section 320.27, Florida Statutes.

(b) "Independent person" as used in section 320.645(1)(b), Florida Statutes means an individual who is not an officer, director or employee of a licensee, or a corporation or other entity in which the licensee does not have a controlling interest.

(c) "Licensee" means a motor vehicle manufacturer, importer or distributor licensed under section 320.61, Florida Statutes.

(d) "Operate" or "operating" means to be in direct management or physical control of a dealership including directing the sales, service and related functions.

(e) "Own", "owner" or "ownership" of a motor dealership contemplates licensure or eligibility to be licensed as a motor vehicle dealer pursuant to section 320.27, Florida Statutes.

(2) A licensee may temporarily operate a motor vehicle dealership under the authority of section 320.645(1)(a), Florida Statutes, pursuant to a written management agreement between the licensee and an existing licensed dealer, but the licensee may not own the dealership and may not be licensed as a motor vehicle dealer.

(3)(a) A licensee may temporarily own and operate a motor vehicle dealership pursuant to section 320.645(1)(b), Florida Statutes in a bona fide relationship with an independent person. Such bona fide relationship is referred to as a "dealer development" arrangement. The developing dealer shall be the motor vehicle dealer licensee. The licensee shall certify, in writing, to the department that the statutory requirements of a bona fide dealer development arrangement have been satisfied. Such certification shall specifically state that the independent person is independent of the manufacturer and has made a significant personal monetary investment that is subject to loss in the dealership and that the independent person can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions. The written certification shall further state that the dealer development arrangement is not an attempt by the licensee to own or control one or more dealerships. The certification shall be based on the following criteria:

1. In determining if the investment is significant, it shall not be less than 15% of the fair market value of the dealership(s) involved, absent exceptional circumstances demonstrated by the independent person or the licensee.

2. In determining if the investment is subject to loss, the source of the investment shall not be the licensee or any of its affiliates, shall not be encumbered by the person's interest in the dealership assets, if the investment is lost shall result in the

independent person being in a worse financial position than prior to the investment as a result of operation of the dealership, and shall require an unconditional obligation to repay if such investment is derived through a loan.

3. In determining if the independent person can acquire full ownership upon reasonable terms and conditions, it must be demonstrated in the agreements that there is a reasonable probability that profits from dealership operations will be sufficient to allow full ownership within a period not to exceed 12 years, absent exceptional circumstances demonstrated by the independent person or the licensee and the independent person has sufficient control to permit acquisition of full ownership and the person's interest cannot be terminated to avoid full ownership. Additionally, the source of funds for the person to purchase the full ownership shall be from dealership profit or from a source other than a licensee or any of its affiliates.

4. In determining a reasonable price to acquire full ownership, an independent appraisal may be considered; however, if the ownership of the dealership has been transferred within the last 12 months the purchase price shall be considered strong evidence of fair market value and if the price is less than the fair market value this shall be strong evidence that the transaction is not bona fide.

(b) The department may at any time inquire into a dealer development arrangement to ascertain whether it is bona fide. The licensee shall provide the department with such information as the department may require to make such a determination. In the event it is determined by the department that the arrangement does not satisfy the minimum statutory requirements, the licensee shall be subject to sanctions provided in section 320.64, Florida Statutes.

(4) A licensee may own and operate a motor vehicle dealership pursuant to the conditions specified in section 320.645(1)(c), Florida Statutes, provided there is compliance with the conditions set forth in the paragraph following section 320.645(1)(c), Florida Statutes, which is applicable only to paragraph (c) of subsection (1) of section 320.645, Florida Statutes.

Specific Authority 320.69 FS. Law Implemented 320.645 FS. History—New

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Travel
 RULE NO.: 33-302.106

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify the titles of the Commonwealth of Puerto Rico and the Virgin Islands of the United States. The proposed rule also specifies that offenders who already reside in the receiving state and who must return immediately after sentencing are exempt from the two day emergency reporting requirement for compact cases.

SUBJECT AREA TO BE ADDRESSED: Offender Travel.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., May 23, 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.106 Offender Travel.

(1) through (2) No change.

(3) An officer shall transfer the supervision of an offender who is travelling to a single other state, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States, for more than 30 consecutive days. The transfer of supervision involves the forwarding of all pertinent supervision documents to the receiving location and the formal assumption of supervision of the offender by a probation/parole officer in the receiving location.

(a) When interstate travel is for the sole purpose of transfer to another state, the District of Columbia, Puerto Rico or the Virgin Islands, the offender must meet the other state's requirements and receive consent to travel from the Interstate Compact Office before proceeding to that state.

(b) In compact cases that meet emergency criteria, the officer must submit a Request for Emergency Reporting Instructions, Form EF1-007, to the Interstate Compact Office two days before the requested date of travel. This time frame does not apply to offenders who already reside in the receiving state and who must return immediately after sentencing. Form EF1-007 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed envelope. The effective date of this form is March 21, 2000.

(4) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 3-21-00, Amended.

DEPARTMENT OF CORRECTIONS

RULE TITLE:
Admissible Reading Material

RULE NO.:
33-501.401

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify that a publication shall be rejected that pictorially depicts actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast. The proposed rule also eliminates the requirement that the inmate shall be provided with two copies of the completed DC Form DC6-220.

SUBJECT AREA TO BE ADDRESSED: Admissible Reading Material.

SPECIFIC AUTHORITY: 20.31, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., May 19, 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.401 Admissible Reading Material.

(1) No change.

(2) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (h) No change.

(i) It pictorially depicts sexual conduct as follows:

1. through 4. No change.

5. Actual contact with a person's ~~clothed or~~ unclothed genitals, pubic area, buttocks, or, if such person is a female, breast;

6. through (5) No change.

(6) Admissible Reading Material in an Inmate's Property.

(a) The review criteria established in subsection (2) of this rule also apply to publications found in an inmate's personal property. If correctional staff find a publication that has been rejected by the department, the publication shall be impounded and DC Form DC6-220, Inmate Impounded Personal Property List, shall be completed as required by rules 33-602.201 and 33-602.203. ~~The inmate shall be provided with two copies of~~

~~the completed DC Form DC6-220.~~ Form DC6-220 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is March 21, 2000.

- (b) No change.
- (7) through (16) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Close Management – General	33-601.801
Levels of Close Management	33-601.802
Privileges in Close Management	33-601.803
Institutional Classification Team	33-601.804
Assignment to Close Management	33-601.805
Review of Assignment to Close Management	33-601.806
Close Management – State Classification	
Office Responsibility	33-601.807
Close Management – Regional Director’s	
Responsibility	33-601.808
Close Management – Administrative	
Responsibilities	33-601.809
Close Management Facilities	33-601.810
Close Management – Other Conditions	
and Privileges	33-601.811
Close Management Records and Forms	33-601.812

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify terms and procedures related to close management, to incorporate new forms utilized in conjunction with the rule, to clarify titles and to describe duties and responsibilities of staff related to close management. The effect of the proposed rule is to provide clarification as to: definitions and terms related to close management; restraint and escort requirements; levels of close management and the treatment thereof; privileges and the suspension thereof; the responsibilities of the state classification office; review of placement and documentation thereof; required staff visits; physical conditions and equipment of close management cells; personal property permitted in close management; diet and exercise for close management inmates.

SUBJECT AREA TO BE ADDRESSED: Close Management.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 2:00 p.m., May 23, 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.801 Close Management – General.

(1) Definitions.

(a) Close Management (CM) – refers to the confinement of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, where the inmate, through his or her own behavior has demonstrated an inability to live in the general population without abusing the rights and privileges of others.

(b) Close Management Levels – refers to the three individual levels (CMI, CMII, and CMIII) associated with close management with close management I being the most restrictive single cell housing level and close management III being the least restrictive housing of the three CM levels.

(c) Institutional Classification Team – refers to the committee responsible for hearing initial close management recommendations and reviewing inmates prior to and during their assignment to close management units.

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

(2) Close management is the confinement of an inmate apart from the general population, for reasons of security, or the order and effective management of the institution, where the inmate, through his or her own behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others. The goal of close management shall be toward assignment of the inmate to the least restrictive level to meet the management needs of the inmate and returning the inmate to open population as soon as the facts of the case suggest it is in the best interest of the security and order of the institution and public safety. To aid in this transition back into open population, the institutional classification close management review team is authorized to place Close Management III inmates in work assignments outside the close management unit and in assignments usually assigned to open population inmates. The secretary shall designate which institutions are authorized to house close management inmates, based on the needs of the department.

(3) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visiting, all inmates in the cell shall be

handcuffed behind their backs. If documented medical conditions require that inmates be handcuffed in front, the escort officers shall be particularly vigilant.

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

(c) Prior to escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other restraint devices shall be applied.

(d) Due to the unique mission of close management units, it is understood that more than one inmate may be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a distance from each other which would preclude any unauthorized physical contact.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.001, Amended _____.

33-601.802 Levels of Close Management.

Close management consists of three levels of housing restriction:

(1) Close management I is the most restrictive single cell housing level of all the close management status designations. Inmates housed in close management I status shall be ineligible for a work assignment. Inmates shall not remain in close management I for more than 37 months, unless the inmate demonstrates a continued failure to comply with statutes, rules of the department, or oral or written instructions given to him by department staff while assigned to close management level I. An inmate may be placed in Close management I without having previously been in Close management II or III. The following factors shall constitute a basis for placement of an inmate in Close management I.

(a) through (n) No change.

(2) ~~Close management II is restrictive cell housing not exceeding 25 months in duration unless the inmate demonstrates continued failure to comply with statutes, rules of the department, or oral or written instructions given to him by department staff while assigned to close management level II.~~ An inmate is not eligible for a work assignment in close management II until ~~satisfactorily~~ completing a 90 day period of at least satisfactory adjustment (as defined in rule 33-603.401) following ~~the first month of~~ assignment to close management and maintaining a clear disciplinary record. If found guilty of any disciplinary infraction while assigned to close management II, the inmate must have at least another 90 disciplinary free days to be reconsidered for a work assignment. Inmates in close management II status are only eligible for work assignments in close management I, close management II, or death row housing units. Inmates may be placed into close management II without having previously

been placed in close Management III. The following factors shall constitute a basis for placement of an inmate in close Management II.

(a) through (j) No change.

(3) ~~Close management III is restrictive cell housing not exceeding 13 months in duration unless the inmate is housed at Florida State Prison and is considered to be a continued threat to security and safety of the facility; in this situation, close management III housing is not limited to 13 months. Continuation of close management III status over 13 months at FSP requires the approval of the regional director every six months.~~ An inmate is not eligible for a work assignment inside or outside the close management unit until ~~after~~ completing a 60 days period of at least satisfactory adjustment (as defined in rule 33-603.401) following assignment to ~~after the first month in~~ close management and maintaining status with a clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) since being assigned to close management. After this observation period an inmate is eligible for consideration for an institutional work assignment. The decisions to make work assignments and what type of assignments are to be made shall be based upon the inmate's behavior and the need to provide a transition back into open population status. The institutional classification close management review team is authorized to place CMIII inmates in work assignments within or outside the close management unit, to assign inmates to work with other close management inmates, and to place inmates in assignments usually designated for open population inmates. If found guilty of any disciplinary infraction while assigned to close management III, the inmate must have at least another 60 discipline free days in order to be considered for return to a work assignment. A CMIII inmate who is a disciplinary problem is subject to assignment to the restricted labor squad as part of the disciplinary penalty in accordance with rule 33-601.308. Inmates may be placed into close management III status as a result of or a history of the behaviors identified below:

(a) through (g) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.002, Amended _____.

33-601.803 Privileges in Close Management.

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

(1) Privileges for inmates assigned to close management level I who maintain a satisfactory adjustment (as defined in rule 33-603.401):

(a) through (c) No change.

(d) Make canteen purchases once per month, unless restricted by disciplinary ~~team~~ action. Canteen purchases are subject limited to the following limitations health and comfort items and writing supplies, including stamps, unless modified by rule 33-601.811(1) and (2):-

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

2. Close management I and II inmates shall be allowed to purchase a maximum of 5 non-food canteen items. In making this determination, with the exception of stamps and notebook paper, it is the number of non-food items that is considered, not the type of item.

(e) through (h) No change.

(2) In addition to the privileges provided for level I, Inmates assigned to close management level II who maintain a satisfactory adjustment (as defined in rule 33-603.401) are also eligible to receive a personal visit after completing 60 days ~~following the first month~~ in close management status and having maintained a clear disciplinary record since being assigned to close management. If found guilty of any disciplinary infraction while assigned to close management II, the inmate he is eligible to be considered for visits 60 days following release from disciplinary status or the disciplinary action if a penalty other than disciplinary confinement was imposed, with a continued clear disciplinary record. An inmate is eligible to receive personal visits after each subsequent 60 day period with a continued clear disciplinary record while in the status unless security and safety concerns would preclude a visit. All visits for inmates in close management II shall be non-contact visits.

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

(a) Receive a personal visit after completing 60 days satisfactory adjustment (as defined in rule 33-603.401) in a close management status ~~following the first month~~ and having maintained a clear disciplinary record ~~and satisfactory adjustment (as defined in rule 33-603.401) since being assignment assigned~~ to close management. If found guilty of a disciplinary infraction while assigned to close management III, the inmate is eligible to be considered for visits must have at least another 30 discipline-free days following release from disciplinary status or the disciplinary action if a penalty other than disciplinary confinement was imposed to be reconsidered for visits. An inmate is eligible to receive personal visits after each subsequent 30 day period with a continued clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) while in the status unless security or safety concern would preclude a visit. The level of supervision and restraint of close management III inmates during visits shall be determined by the warden.

(b) No change.

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

(d) In addition to the suspension of privileges through disciplinary action, the institutional classification team has the authority to suspend privileges for inmates in close management status who fail to comply with the rules and procedures established for close management, or if security and safety concerns would preclude an inmate from receiving certain privileges.

(e) Any action taken by the institutional classification team regarding the suspension or limiting of privileges shall be documented on the Daily Record of Segregation, Form DC6-229.

(f) Privileges suspended by the institutional classification team in excess of 90 days shall require the review and approval of the state classification office.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, 9-2-98, Formerly 33-38.003, Amended _____.

33-601.804 Institutional Classification Close Management Review Team.

The institutional classification close management review team is responsible for acting on all recommendations for assignment to close management and for reviewing the inmate's behavior reviews prepared for inmates at least once every six months in close management.

(1) The institutional classification close management review team, as a minimum, shall consist of three members from the following staff positions:

(a) Warden or a Assistant warden.

(b) Chief of Security Correctional officer chief or designee (designee must be at least the rank of lieutenant);

(c) Classification Correctional probation supervisor or correctional probation senior officer.

(d) Others as appointed by the warden.

(2) The senior classification correctional probation officer assigned to close management shall provide input to the team.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Formerly 33-38.004, Amended _____.

33-601.805 Assignment to Close Management.

(1) The close management review shall be documented on a Report of Close Management, Form DC6-233c DC4-813(e). The inmate shall be given a minimum of 48 24 hours to prepare for the review and may present information

verbally or in writing for consideration by the institutional classification ~~close management review~~ team. The institutional classification ~~close management review~~ team is authorized to postpone the case review to allow the inmate additional time to prepare. A staff assistant shall be assigned when the team determines the inmate is illiterate or does not understand English, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself or herself or when the inmate indicates that he or she needs or desires staff assistance. It is the responsibility of the staff assistant to explain the close management recommendations and procedures to the inmate. The designated staff assistant shall be authorized to:

(a) through (d) No change.

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

(3) If the inmate demonstrates behavior, either before or during the review, that impedes the process, the behavior shall be documented in the team recommendation and the review completed without the inmate present.

(4) After the review has been completed and explained to the inmate the recommendation of the institutional classification ~~close management review~~ team shall be forwarded to the state classification office ~~warden~~ for a final decision pursuant to 33-601.807.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Formerly 33-38.005, Amended.

33-601.806 Review of Assignment to Close Management. The institutional classification ~~close management review~~ team shall convene as often as necessary to ensure each inmate is reviewed at least once every six months to determine if continuation, modification, or removal from close management status is appropriate.

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

(a) through (e) No change.

(f) The seriousness of the incident or circumstances resulting in the inmate's placement in close management.

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

(a) The classification ~~correctional probation~~ officer review as documented on Fform DC6-233c ~~DC4-813e~~, Rreport of ~~Celose Mmanagement~~.

(b) Completion of an updated custody score sheet.

(b)(e) Review of the Ddaily Rrecord of Segregation ~~confinement~~ Form DC6-229 ~~(DC4-815)~~.

(c)(d) No change.

(d)(e) Interview of the inmate by the institutional classification ~~close management review~~ team pursuant to 33-601.805(3).

(e)(f) No change.

(3) The action of the team shall be documented on the Rreport of Celose Mmanagement, Fform DC6-233c ~~DC4-813(e)~~. Each team member shall sign the report by hand ~~or electronically~~. If signed by hand, with ~~the name~~ shall be typed or printed under the signature.

(4) ~~The close management review team shall schedule inmates who remain assigned to close management for the maximum amount of time allowable in the status for review at least one month prior to the completion of the maximum time period.~~

(a) ~~Retention in close management level I beyond 37 months is dependant on the inmate's demonstrated compliance or failure to comply with statutes or the rules and policies of the department. Team action recommending an extension of assignment to level I shall be forwarded to the warden for action.~~

(b) ~~An inmate assigned to level I for continuance beyond 37 months will be reviewed each six months thereafter by the special review team. For each six month report following the date of initial continuance, subsequent team recommendations for continuance in level I shall be reviewed by the warden and regional director.~~

(c) ~~Inmates assigned to close management level II or III shall not be retained in their assigned status level beyond the maximum period allowed for the level.~~

1. ~~An inmate in level II that remains in the assignment for the maximum period allowed shall be:~~

a. ~~Removed from close management and assigned to another status.~~

b. ~~Reassigned to close management level I if the inmate demonstrates a pattern of failure to comply with statutes and the rules and policies of the department while assigned to level II. Additional continuance in close management requires action by the warden and regional director at six month intervals from the date of the continuance.~~

e. ~~Reassigned to close management level III if the inmate has demonstrated the ability to comply with statutes and the rules and policies of the department while assigned to level II but is determined to need an additional period of observation prior to reassignment from close management status. This requires action by the warden and regional director at six month intervals from the date of the continuance.~~

2. ~~An inmate in level III that remains in the assignment for the maximum period allowed shall be reassigned from level III to another status except as outlined in 33-601.802(3). The initial recommendation for continuance in close management and all subsequent continuances in close management status requires action by the warden and regional director at six month intervals from the date of the continuance.~~

~~(4)~~(5) No change.

~~(5)~~(6) Unless removed from close management status by the state classification close management review team or reviewing authorities, time spent by the inmate in a status other than close management will not count as as towards completion of the time the inmate can be assigned to close management status. Examples include the following: time spent in disciplinary status confinement; time spent out of the department's custody; and time spent as an inpatient for medical or mental health reasons. This provision shall not be applied to status changes that occurred prior to the implementation of this rule.

~~(6)~~(7) If an inmate in close management is reassigned to another level of close management requiring the inmate to be transferred to facilitate the new level of close management, time spent awaiting transfer shall be taken into consideration when setting the schedule of reviews by the institutional classification close management review team of the receiving institution. If it becomes necessary to transfer an inmate in close management status to another close management facility, the institutional classification team of the sending institution will determine the appropriate level of close management based upon the criteria and facts for placement prior to the transfer. The decision to transfer a close management inmate shall be approved by the state classification office. If the documentation accompanies the inmate, the receiving institution can then place the inmate directly into that close management status without completing an additional evaluation. ~~However, the receiving institution also has the authority to review and recommend a change of status so long as it is not a higher close management status until continued behavior dictates an increase in the level of close management.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.006, Amended

33-601.807 Close Management – State Classification Office Warden's Responsibility.

(1) The state classification office shall convene as often as necessary to ensure that each inmate is interviewed at least once every six months to determine if continuation, modification, or removal from close management status is appropriate. The state classification office warden shall review and take action on all recommendations of the institutional classification close management review team based on review of the completed report and to ensure the decision of the institutional classification close management team is consistent with the facts and the requirements of this chapter.

(2) The state classification office's warden's review authority shall be as follows:

(a) Approve, disapprove, or modify the institutional classification close management team recommendation. ~~Approvals exceeding the time maximums shall be forwarded to~~

~~the regional director or director of security and institutional management if designated by the regional director for final action.~~

(b) Obtain further information from the institutional classification committee close management review team before reaching a final decision.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.007, Amended

33-601.808 Close Management – Regional Director's Responsibility.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.008, Repealed

33-601.809 Close Management – Administrative Case Management Responsibilities.

(1) Inmates in close management shall be reviewed by the assigned classification correctional probation officer every week and the review shall be documented on the Daily Record of Segregation confinement, Form DC6-229 DC4-815.

(2) Inmates in close management shall be reviewed as often as necessary but not less than once every 30 days by the institutional classification team and the reviews shall be documented on the Daily Record of Segregation, Form DC6-229.

(3) Inmates in close management shall be reviewed as often as necessary but not less than once every six months by the state classification office and the reviews shall be documented on the Daily Record of Segregation, Form DC6-229.

~~(4)~~(2) Any inmate assigned to close management for more than 30 continuous days shall be given a psychological assessment by mental health professional medical staff to determine his or her mental condition. For inmates who remain in confinement beyond 90 continuous days, a psychological assessment shall be completed each 90 day period. The assessment shall include a personal interview. All psychological assessments will be documented in the inmate's mental health file. Only those cases recommended for a change in status need to have a report prepared for the state classification office warden. The state classification office warden shall then make a final decision regarding continuation of confinement based on the facts and recommendations in the report.

~~(5)~~(3) A written assessment and evaluation report by the inmate's classification officer team is required on inmates in close management each six months for review by the institutional classification office close management review team on the Report of Close Management, Form DC6-233c DC4-813(e).

~~(6)~~(4) Inmates in close management shall receive a personal contact a minimum of:

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

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

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

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

(c) Monthly by the institutional classification team.

(d) Bi-annually by the state classification office.

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

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

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

(a) Daily by the area housing supervisor.

(b) At least every 30 minutes by a correctional officer, but on an irregular schedule.

(8) Close management housing areas will be visited:

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

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

(c) Weekly by the warden and assistant wardens.

(9)(5) ~~For the purposes of this rule, "special management inmate" means~~ Any inmate who has demonstrated behavior that is harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff will provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on the Observation Checklist/Restraint Observation Checklist, Form DC4-650 until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229, to be followed by the completion of an Incident Report, Form DC6-210 ~~could place himself, other inmates, or staff in a situation where grievous harm may be inflicted or who has become an extreme security risk. An inmate who, in the opinion of the senior correctional officer on duty, has become a special management inmate while in close~~

~~management shall whenever possible be placed in a location, either in confinement or another designated area, where more frequent observation can be given and checks made by the correctional officer or medical staff at least every 30 minutes until the inmate is no longer considered a special management inmate.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.009, Amended

33-601.810 Close Management Facilities.

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

(2) All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. In such event, the inmate occupant shall be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action shall be documented on Form DC6-229, Daily Record of Segregation.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.010, Amended

33-601.811 Close Management – Other Conditions and Privileges.

(1) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses, ~~and~~ hearing aids, ~~etc.~~, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed from inmates in close management, the ~~senior supervising~~ correctional officer on duty shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken will be recorded on the ~~D~~daily Record of ~~Segregation confinement, F~~orm DC6-229 DC4-815, which must be reviewed and approved by the correctional officer chief. Property receipts will be given for any personal property removed. The following comfort items will be provided as a minimum: toothbrush, toothpaste, bar of soap, towel (or paper towels), internal and external feminine hygiene products ~~sanitary napkins~~ (female), and toilet tissue.

(2) Inmates shall be allowed to retain personal property including stamps, watches, rings and health and comfort items unless there is an indication of a threat to the safety of the inmate or the institution security problem, in which case removal of any item will be documented on the Daily Record

of Segregation, Form ~~DC6-229 DC4-815~~ and a Receipt for Personal Property, Form ~~DC6-227 receipt~~ issued. The warden shall determine, based on institutional considerations, whether additional property is to be allowed. Radios, tape players, record players, television sets, and other electronic entertainment devices are not authorized for inmates in close management, except as authorized by rule 33-602.101(17).

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

(a) through (b) No change.

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

(4) through (5) No change.

(6) Diet – All inmates in close management shall receive institutional meals as are available to the general inmate population, except that if any item on the menu might create a security problem in the close management area, then another item of comparable quality may be substituted. Other substitutions shall be documented on the ~~D~~aily ~~R~~ecord of Segregation ~~confinement~~, Form ~~DC6-229 DC4-815~~.

(7) No change.

(8) Clothing and Bedding – ~~Belts may be removed. Inmates in close management shall be provided the same clothing and clothing exchange as the general population unless there are facts to suggest that on an individual basis exceptions are required for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on the Daily Record of Segregation, Form DC6-229 and approved by the correctional officer chief. Shower slides or slip-on canvas shoes for cell use may be substituted for regulation shoes. Otherwise the clothing for inmates in close management shall be comparable to that available to the general inmate population except when security concerns dictate otherwise. In such cases, when clothing is denied to an inmate it shall be noted on form DC4-815, stating the reasons for such denial.~~

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

2. Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on

potential harm to individuals or a threat to the security of the institution and shall be documented on the Daily Record of Segregation, Form DC6-229.

(9) Exercise – Those inmates confined on a 24 hour basis, excluding showers and clinic trips, may exercise in their cells. However, if confinement extends beyond a 30 day period, ~~there shall be an exercise schedule shall be implemented to ensure providing~~ a minimum of ~~3 2~~ hours per week of exercise ~~out of doors outside of the cell.~~ Such exercise periods shall be documented on the Daily Record of Segregation, Form DC6-229 in the confinement records. The institutional classification team is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery, or attempted assault or battery; any spoken or written threats against any person; inciting or attempting to incite, or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunitions, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length and shall be documented on the Daily Record of Segregation, Form DC6-229. A document detailing an in-cell exercise plan will be provided to the affected inmate at the beginning of any period of exercise restriction and shall be documented on the Daily Record of Segregation, Form DC6-229. Exceptions to this requirement ~~shall may~~ be made only when safety and security concerns can document such exercise periods should not be granted and the withholding of exercise is approved by the institutional classification close management review team. Medical restrictions may also place limitations on the exercise periods. Wellness programs may be available for the exercise period provided such activity does not interfere with the safety of staff and inmates or security of the institution.

(10) No change.

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

(12) Staffing Issues.

(a) Officers assigned to a close management unit shall be rotated to another assignment every 18 months for a period of at least one year. Any officer assigned to a close management post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

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

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Formerly 33-38.011, Amended _____.

33-601.812 Close Management Records and Forms.

(1) A Report of Close Management, Form DC6-233c DC4-813(e), shall be kept for each inmate placed in close management. A photocopy of the Report of Close Management, DC6-233c shall be kept in the close management unit with the other close management records for each inmate. Upon completion of the Report of Close Management DC6-233c, the white copy of the form will be mailed to central office to be filed in the central office inmate record and the pink copy will be filed in the institutional inmate record.

(2) An Inspection of Special Housing confinement Record, Form DC6-228 DC4-814, shall be maintained in each close management area. Each Such record shall be signed by the staff person shall sign the form when entering and leaving the close management area. Prior to leaving the close management area, each the staff member will indicate any specific problems including any inmate who required special attention. Upon completion, the DC6-228, Inspection of Special Housing Record, will be maintained in the housing area and forwarded to the correctional chief on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(3) A Daily Record of Segregation confinement, Form DC6-229 DC4-815, shall be maintained for each inmate as long as he or she is in close management. The DC6-229 shall be utilized to document any and all activities, including cell searches, removal of any items, showers, recreation, and haircuts and shaves. If items that inmates in close management are not normally prohibited from possessing are denied or removed from the inmate, the shift senior correctional officer in charge of confinement or close management lieutenant on duty must approve the action initially. The items denied or removed shall be documented noted on the Form DC6-229 DC4-815 and the institutional classification team chief correctional officer shall make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The DC6-229, Daily Record of Segregation, 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 institutional inmate record.

(4) The following forms referenced in the close management rule are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, Form DC4-813(e), Report of Close Management, is hereby incorporated by reference. A copy of this form is available from the Adult Services Program Office, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the form is to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is October 1, 1995.

(a) Form DC6-229, Daily Record of Segregation, effective date _____.

(b) Form DC6-233c, Report of Close Management, effective date _____.

(c) Form DC6-227, Receipt for Personal Property, effective date _____.

(d) Form DC6-228, Inspection of Special Housing Record, effective date _____.

(e) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date _____.

(f) Form DC6-210, Incident Report, effective date _____.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-3.0083, 10-1-95, Amended 4-14-98, Formerly 33-38.012, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Disciplinary Confinement
 RULE NO.: 33-602.222

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify provisions related to disciplinary confinement, to incorporate new forms utilized in conjunction with the rule, and to describe duties and responsibilities of staff related to disciplinary confinement. The effect of the proposed rule is to provide clarification as to: physical structure, equipment and lighting of disciplinary confinement cells; the use of bedding and provision of clothing and comfort items; diet, meals and weight records of inmates housed in disciplinary confinement; legal access; visitation privileges; personal property allowed in disciplinary confinement; restrictions on exercise; required staff visits to disciplinary confinement; and restraint and escort requirements.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Confinement.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., May 26, 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.222 Disciplinary Confinement.

(1) Confinement Facilities and Conditions.

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

1. All disciplinary confinement cells ~~shall will normally~~ be equipped with ~~appropriate~~ toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary. The master control for the running water may be placed outside the cell in the event it becomes necessary to cut off running water in a cell due to misbehavior. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Segregation.

2. Prior to placement of an individual in a disciplinary confinement cell, it will be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell will then be held responsible for the condition of the cell.

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

observation by staff. ~~Additionally, whenever possible, disciplinary confinement cells should be located separately from administrative and protective confinement cells and close management cells.~~

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

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

(b) Clothing and Bedding.

1. Inmates in disciplinary confinement shall be provided the same clothing and clothing exchange as the general inmate population unless there are ~~clear~~ facts to suggest that on an individual basis exceptions ~~shall should~~ be made for the welfare of the inmate or the security of the institution. In such cases, the exceptions should be noted on the DC6-229 DC4-815 Form and approved by the chief of security warden. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229. Under no circumstances shall an inmate be left without a means to cover himself or herself.

2. Bedding and linen for those in disciplinary confinement ~~shall should~~ be issued and exchanged the same as is provided to the general inmate population. ~~Again, Any exceptions shall should~~ be based on potential harm to individuals or a clear threat to the security of the institution. Such exceptions ~~shall should~~ be documented reflected on the DC6-229 DC4-815.

(c) Diet and Meals. Except for inmates who have been placed on the special management meal in accordance with rule 33-602.223, inmates in disciplinary confinement shall should receive a meal representative of the food served the general population, but not necessarily a choice of every item. Any food item that might create a security problem in the confinement area ~~shall may~~ be substituted ~~for~~ by another item of comparable quality and quantity.

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

(e) No change.

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

(g) No change.

(h) Correspondence.

1. Inmates in disciplinary confinement shall be allowed routine correspondence privileges unless restricted as provided in rule 33-601.308, Disciplinary Action. Inmates ~~shall~~ should be encouraged to write their family to advise them of their anticipated visiting status.

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

(i) Legal Access.

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

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

~~3.2.~~ Legal visits shall be allowed as provided in rule 33-601.711, Legal Visitors.

~~4.3.~~ Indigent inmates will be provided appropriate paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper and

envelopes for this purpose through a canteen order. Typewriters or typing services are not considered required items and will not be permitted in confinement cells.

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

(k) Visiting Privileges.

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

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

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

(m) No change.

(n) Exercise. Those inmates confined on a twenty-four hour basis (excluding showers and clinic trips) may exercise in their cells. However, if confinement extends beyond a thirty-day period an exercise schedule ~~shall should~~ be implemented to ensure a minimum of three two hours per week of exercise out of doors outside of the cell. Such exercise periods ~~shall should~~ be documented on Form DC6-229 the confinement records. The warden or assistant warden is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation. In this instance, a major rule violation is defined as: any assault, battery, attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be no more than 15 days per incident and for no longer than 30 days cumulative length and shall be documented on Form DC4-815. A document detailing an in-cell exercise plan will be provided to the affected inmate at the beginning of any period of

exercise restriction and shall be documented on Form DC6-229. Exceptions to this requirement may be made only when clear and compelling facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. The reasons for any exercise restrictions shall be documented.

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

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

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

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

(q)(~~o~~) Restrictions.

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

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

2.3. When any privilege is restricted or any item is removed from an inmate's cell in accordance with paragraphs 1. and 2. above, the action taken must be approved by the senior correctional officer. The action taken and the reason for it shall be documented recorded on the Daily Record of Segregation, Form DC6-229 DC-815. A receipt shall be given for any property taken. This action must be reviewed and approved by the correctional officer chief of security no later than the next working day following this action.

(2) Restraint and Escort Requirements.

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

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

(c) Prior to escorting an inmate from a cell, the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit, leg irons and other appropriate restraint devices shall be applied.

(d) After the required restraints are applied, the inmate has been thoroughly searched, and the cell door has been secured, the second officer is authorized to leave the area.

(e) If two inmates are being escorted from the same cell, both inmates can be escorted at the same time provided that the second officer remains to escort the second inmate and no other movement is occurring on the wing. During all other situations, only one inmate at a time shall be escorted on each confinement wing.

(3)(2) Review of Release From Disciplinary Confinement.

(a) The institutional classification team (ICT) Disciplinary Team members will frequently review the case of each inmate in disciplinary confinement, determine the inmate's attitude and return the inmate to the regular inmate population when, in the Team's opinion, he or she may reasonably be expected to adequately adjust and conform to the rules and regulations. A classification officer shall review each inmate assigned to disciplinary confinement status. The classification officer is authorized to recommend to the ICT release of an inmate who has met the behavioral objectives. The ICT shall review the recommendation and approve or disapprove the request. Disciplinary confinement shall should always be for the shortest period of time that accomplishes the desired results of favorable adjustment. The ICT is authorized to shorten (Time in disciplinary confinement may be shortened for good behavior and attitude.

(b) No inmate will be held in disciplinary confinement to exceed the maximum penalty for the rule violation. Any inmate assigned to disciplinary confinement for 30 days shall is to be given a psychological assessment by mental health the professional staff to determine his mental condition. The assessment shall include a personal interview. The psychologist shall prepare a report to the warden with the facts of the case. If a recommendation to release the inmate from confinement is made by the psychologist, the ICT shall, after a review of the documentation provided by the classification officer and security staff on the inmate's Daily Record of Segregation, DC6-229, make a final decision regarding confinement. The warden will then make a final decision regarding continuation of confinement. All such assessments

~~shall be to be documented in the mental health record.~~ If the decision is to continue confinement and that confinement extends beyond 90 days, a new psychological assessment will be ~~completed accomplished~~ each 90-day period. If ~~no there is not~~ psychological staff ~~are~~ available at the institution or facility, the ~~ICT warden~~ shall make the decision whether to continue the disciplinary confinement.

~~(4)(3)~~ Visits to Disciplinary Confinement.

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

~~1. Hourly by a correctional officer.~~

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

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

~~2.4. As frequently as necessary by a classification officer Disciplinary Team members, but not less than weekly for the first two months and at least every 30 days thereafter, to ensure that the inmate's welfare is properly provided for and to determine the time and method of release.~~

~~3. As frequently as necessary, but not less than once every 30 days by the ICT to ensure that the inmate's welfare is properly provided for and to determine the time and method of release.~~

~~4. The state classification office (SCO) will review every inmate housed in disciplinary confinement longer than 60 consecutive days as frequently as necessary to ensure that the inmate's welfare is provided for and to determine if the inmate should be released. A list of inmates meeting the above criteria shall be provided to the SCO by classification staff at the facility.~~

~~5. Weekly by the Chaplain if possible. The Chaplain is also authorized to He may also provide spiritual guidance and counsel to inmates in confinement and may distribute religious materials.~~

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

~~1. Daily by the housing area supervisor.~~

~~2. At least every 30 minutes by a correctional officer, but on an irregular schedule. An Inspection of Confinement Record, DC4-814, will be maintained in each disciplinary confinement housing area in the institution. All persons~~

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

~~(c) Disciplinary confinement housing areas will be visited:~~

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

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

~~3. Weekly by the warden and assistant wardens.~~

~~(d)(e) For the purposes of this rule, "special management inmate" means Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or medical staff provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650 until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in (7) of this rule. All actions taken by staff with regard to special risk inmates shall be noted on Form DC6-229 and shall be followed with an incident report, Form DC6-210 could place himself, other inmates, or staff in a situation where grievous harm may be inflicted or who has become an extreme security risk. An inmate who, in the opinion of staff, has become a special management inmate while in disciplinary confinement should be placed in a location, either in confinement or another designated area, where more frequent observation can be given and checks made by the correctional officer or medical staff at least every 30 minutes until the inmate is no longer considered a special management inmate. Forms DC6-229 and DC6-210 are incorporated by reference in (7) of this rule.~~

~~(5)(4) Daily Record of Segregation.~~

~~(a) A Daily Record of Segregation, Form DC6-229 DC4-815, will be maintained on each inmate in disciplinary confinement. Inmates placed in confinement shall be weighed. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC4-815, Daily Record of Segregation. The supervising officer of all three shifts the day and the evening shift, health care representatives of the medical staff, classification staff and the ICT or SCO a disciplinary team member will sign the DC6-229 DC4-815 form whenever they make a visit to a specific inmate. Full and complete remarks are to be made in the following situations:~~

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

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

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

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

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

~~e.5.~~ If the inmate refuses food.

~~f.6.~~ Cell changes.

~~g.7.~~ Release to population.

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

~~i.9.~~ When medication is issued by the ~~s~~Security ~~s~~Staff upon medical instructions.

~~2.(b)~~ Medical Department.

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

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

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

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

~~e.5.~~ When any unusual circumstances occur.

~~f.6.~~ When medication is dispensed.

~~3.(e)~~ Classification Officer ~~Disciplinary Team.~~

~~1.~~ Upon each review of the case.

~~2.~~ Upon release from confinement.

~~4.~~ ICT

~~a.~~ Upon each review of the case.

~~b.~~ Upon release from confinement.

~~5.~~ SCO

~~a.~~ Upon each review of the case.

~~b.~~ Upon release from confinement.

~~(b)~~ The DC6-229, Daily Record of Segregation, shall be maintained in the housing area for one week, at which time the form shall be forwarded to the warden for review. Once reviewed, the form shall be forwarded to classification to be filed in the institutional inmate record.

~~(5)~~ Inspection of Special Housing Record. Form DC6-228, Inspection of Special Housing Record, shall be maintained in each disciplinary confinement area. Each staff person shall sign the form when entering and leaving the disciplinary confinement area. Prior to leaving the disciplinary confinement area, each staff member shall indicate any specific problems, including identification of any inmate who required special attention. Additionally, security personnel assigned to this area shall use this form to document all routine security checks. The officer-in-charge shall sign the DC6-228 when conducting his or her daily routine visit to the confinement area. Entries on this form by security staff, as referenced above, shall

specifically state that each cell in the disciplinary confinement area has been visited and will indicate any specific problem, including identification of any inmate who required special attention. Upon completion, the DC6-228 will be maintained in the housing area and will be forwarded to the chief of security on a weekly basis where it will be maintained on file pursuant to the current retention schedule.

(6) Staffing issues.

(a) Officers assigned to a confinement unit shall be rotated every 18 months to another assignment for a period of at least one year before reassignment to this type of housing unit. Any officer assigned to a confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

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

(7) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC6-229, Daily Record of Segregation, effective date _____.

(b) Form DC6-228, Inspection of Special Housing Record, effective date _____.

(c) Form DC6-210, Incident Report, effective date _____.

(d) Form DC4-650, Observation Checklist/Restraint Observation Checklist, effective date _____.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History-- New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: _____ RULE NO.:

Noticed General Permit for Temporary Agricultural Activities 40E-400.470

PURPOSE AND EFFECT: To create a streamlined noticed general environmental resource permit for single-season agricultural projects. The rule proposes to limit agricultural activities to horticultural, seasonal crops that are harvested in one growing season. The rule also proposes that the noticed general permit is valid only for the defined agricultural activities that are located in existing improved or semi-improved pastures or fields that have been cultivated within the last five years.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will develop specific permitting criteria for the construction and operation of a surface water management system serving seasonal, horticultural crops.

SPECIFIC AUTHORITY: 120.536(1), 120.54, 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS.

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

TIME AND DATE: 10:00 a.m., May 15, 2000

PLACE: Miami-Dade County Cooperative Extension Service, 18710 S. W. 288 Street, Homestead, FL 33030

TIME AND DATE: 10:00 a.m., May 18, 2000

PLACE: County Parks & Recreation's Team Town Center, 309 N. W. Second Street, Okeechobee, FL 34972

TIME AND DATE: 10:00 a.m., May 22, 2000

PLACE: John Boy Auditorium, The Beardsley Room, S. W. Owens Avenue, Clewiston, FL 33440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MS 0500, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320 or via email at pbell@sfwmd.gov

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.470 Noticed General Permit for Temporary Agricultural Activities.

(1) A noticed general permit is hereby granted to any property owner for temporary agricultural activities, provided all the following criteria are met:

(a) The permittee must satisfy and comply with the general and specific conditions set forth in Rule 40E-400.215, F.A.C.:

(b) Agricultural activities shall be horticultural and limited to seasonal crops. Seasonal crops are harvested in one growing season, which shall not exceed one year;

(c) This permit is valid only for activities in existing improved or semi-improved pastures or fields that have been cultivated within the last five years. For purposes of this section, improved or semi-improved pastures are lands that have been cleared of native plants by mechanical means;

(d) The project for purposes of this section is defined as both farmed and detention areas. In order to qualify for a permit under this section, the project size shall not exceed 320 contiguous acres;

(e) The project outfall structure must be located more than one mile from Outstanding Florida Waters;

(f) No works or farming activities shall occur within 50 feet of a wetland. If wetlands are located within the project area, a minimum fifty-foot buffer must be maintained around the wetland;

(g) Pump rates shall not exceed a volume of two inches per day at a rate of 37.7 gallons per minute per acre of farmed area. Pump on/off elevations shall be within 2.5 feet of natural ground within the farmed area. All surface water discharges shall be into detention areas;

(h) Water levels in the detention areas shall not exceed a depth of 1.5 feet above natural ground within the detention area;

(i) Water quality and attenuation requirements shall be met by establishing detention areas at a minimum of fifteen percent of the farmed area;

(j) If wetlands are located within a detention area, then the control elevation of the detention area shall be set at the wetland edge elevation. If no wetlands are located within a detention area, then the control elevation shall be set at natural ground elevation;

(k) Control structures and setbacks shall be sized according to the following list depending on the project size:

<u>Project Size</u>	<u>Minimum Setback between Project Edge and Property Boundary Line</u>	<u>Control Structure</u>
<u>0-25 acres</u>	<u>100 feet</u>	<u>6" riser and 6" pipe equivalent</u>
<u>26-65 acres</u>	<u>100 feet</u>	<u>12" riser and 12" pipe equivalent</u>
<u>66-105 acres</u>	<u>150 feet</u>	<u>18" riser and 18" pipe equivalent</u>
<u>106-145 acres</u>	<u>150 feet</u>	<u>24" riser and 24" pipe equivalent</u>
<u>146-185 acres</u>	<u>150 feet</u>	<u>30" riser and 30" pipe equivalent</u>
<u>186-225 acre</u>	<u>200 feet</u>	<u>36" riser and 36" pipe equivalent</u>
<u>226-265 acres</u>	<u>200 feet</u>	<u>42" riser and 42" pipe equivalent</u>
<u>266-305 acres</u>	<u>300 feet</u>	<u>48" riser and 48" pipe equivalent</u>
<u>306-320 acres</u>	<u>300 feet</u>	<u>54" riser and 54" pipe equivalent;</u>

(l) Discharges shall be to the existing pre-project surface water conveyance pathway;

(m) Detention area dikes shall be constructed with a top elevation of 3.5 feet above the control elevation with a minimum five-foot top width and 2:1 sideslopes;

(n) Internal farm ditches shall be no deeper than three feet below natural ground elevation (excluding sump areas for pump placement);

(o) External perimeter berms of the farmed areas shall not exceed two feet in height;

(p) Farming areas must be laid out in a manner that will not block or impede off-site flows;

(q) Access to the fields shall be accomplished by existing roads. Roads into or on the project are not part of this authorization;

(2) As a minimum requirement, the applicant must submit a best management plan that addresses sediment control, soil erosion, nutrients, pesticides, herbicides, suspended solids at points of discharge and other agricultural practices appropriate to crop and site conditions.

(3) The duration of this permit shall not exceed two years. No more than one year of the permit duration shall be dedicated to the planting and harvesting of crops. The remainder of the duration of the permit must be dedicated to fallow time. At the end of the growing season specified in the permit, all works shall be removed from the site and the site returned to the condition that existed prior to permit issuance. The site shall remain fallow the following year. Within 30 days of the rededication the permittee shall provide written notification to the District that the project has been rededicated to conditions that existed prior to permit issuance.

(4) The District reserves the right to inspect the site for consistency with the plans and requirements during the growing season and after the site has been restored to conditions that existed prior to permit issuance.

(5) This permit does not provide authorization to use water or constitute a permit under Part II of Chapter 373, F.S., Rules 40E-2 or 40E-20, F.A.C. It is recommended that the permittee consult the USDA Farm Service Agency regarding the applicability of the National Food Security Act, USCA, Title 16 § 3821, to the temporary agricultural activities.

Specific Authority 120.536(1), 120.54, 373.044, 373.113, 373.118 FS, Law Implemented 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS, History-New

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Child Health Check-Up
 RULE NO.: 59G-4.080
 PURPOSE AND EFFECT: The purpose of this rule development is to change the rule name from EPSDT to Child Health Check-Up and incorporate by reference the Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook, April 2000, in 59G-4.080. The effect will be to incorporate by reference in the rule the current Florida Medicaid Child Health Check-Up Coverage and Limitations Handbook.
 SUBJECT AREA TO BE ADDRESSED: Early and Periodic Screening, Diagnosis and Treatment Service (EPSDT).
 SPECIFIC AUTHORITY: 409.919 FS., Chapter 93-129, Sec. 58, Laws of Florida.
 LAW IMPLEMENTED: 409.905, 409.908 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m. – 11:00 a.m., May 15, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Boone, Registered Nursing Consultant, Medicaid Program Office, Agency for Health Care Administration, P. O. Box 12600, Tallahassee, FL 32317-2600, (850)488-9228

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.080 Child Health Check-Up Early and Periodic Screening, Diagnosis and Treatment Service (EPSDT).

(1) This rule applies to all Child Health Check-Up EPSDT service providers, with a Category of Service Code 55 listed on their provider file, enrolled in the Medicaid program.

(2) All Child Health Check-Up EPSDT service providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Child Health Check-Up EPSDT Coverage and Limitations Handbook, April 2000 July 1997, incorporated by reference and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS, Law Implemented 409.905, 409.908 FS, History-New 1-1-77, Amended 2-6-78, 1-4-79, 2-18-80, 9-15-80, 9-30-81, Formerly 10C-7.47, Amended 7-17-91, 5-11-92, 5-27-93, Formerly 10C-7.047, Amended 12-26-95, 4-2-98.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Approved Schools and Colleges
 RULE NO.: 61G17-1.010
 PURPOSE AND EFFECT: The Board proposes to review this rule and determine if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: Approved Schools and Colleges.
 SPECIFIC AUTHORITY: 120.53(1), 472.013(4) FS.
 LAW IMPLEMENTED: 472.013(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:
 TIME AND DATES: 9:00 a.m., May 18-19, 2000
 PLACE: Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Notice of Mailing Address and Places of Practice
 RULE NO.: 61G17-1.019

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule addressing the notice of mailing addresses and places of practice.

SUBJECT AREA TO BE ADDRESSED: Notice of Mailing Address and Places of Practice.

SPECIFIC AUTHORITY: 455.275 FS.

LAW IMPLEMENTED: 455.275 FS.

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

TIME AND DATES: 9:00 a.m., May 18-19, 2000

PLACE: Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Education
 RULE NO.: 61G17-3.0021

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Education.

SPECIFIC AUTHORITY: 472.013 FS.

LAW IMPLEMENTED: 472.005, 472.013 FS.

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

TIME AND DATES: 9:00 a.m., May 18-19, 2000

PLACE: Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry

Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Supervised Clinical Experience Defined
 RULE NO.: 64B1-4.0015

PURPOSE AND EFFECT: The proposed amendments to the current Rule will clarify the definition of supervised clinical experience.

SUBJECT AREA TO BE ADDRESSED: Supervised Clinical Experience Defined.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.105 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: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-4.0015 Supervised Clinical Experience Defined.

For the purposes of Rule 64B1-4.001, the Board defines "supervised clinical experience" as follows:

(1) through (3) No change.

(4) During the remaining ~~final~~ 200 hours of supervised clinical experience, the student must be under the direct or indirect supervision of the supervisor/instructor. Indirect supervision shall mean that the supervisor/instructor is physically present on the premises, so that the supervisor/instructor is immediately available to the student when needed.

(5) During the remaining ~~final~~ 200 hours of supervised clinical experience, the student must diagnose and treat a minimum of 30 different patients.

Specific Authority 457.104, 457.105 FS. Law Implemented 457.105 FS. History—New 11-21-95, Amended 2-19-96, Formerly 59M-4.0015, Amended

(e) Advertising, practicing, or attempting to practice under a name other than one's own. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(f) Failing to report to the Department any person who the licensee knows is in violation of this chapter or of the rules of the Department or Board. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(g) Aiding, assisting, procuring, employing, or advising any unlicensed person to practice acupuncture contrary to Chapter 457 or Chapter 455 Part II this chapter or to a rule of the Department or Board. The usual recommended penalty shall be a six (6) month suspension immediately followed by a six (6) month probation with such terms and conditions as set forth by the Board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed acupuncturist. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(i) Making or filing a report, signed in the capacity of a licensed acupuncturist, which the licensee certificate holder knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. ~~Such reports or records shall include only those which are signed in the capacity as a licensed acupuncturist.~~ The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity, or engaging or attempting to engage a patient in verbal or physical sexual activity. ~~A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her acupuncturist.~~ The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a six (6) month suspension immediately followed by a two (2) year probation with such terms and conditions as set forth by the Board.

(k) Making misleading, deceptive, untrue, or fraudulent representations in or related to the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. ~~A solicitation is any communication which directly or indirectly requests an immediate oral response from the recipient.~~ The usual recommended penalty shall be reprimand and an administrative fine of up to \$500.00.

(m) Failing to keep written medical records which are consistent with the practitioner's style of acupuncture justifying the course of treatment of the patient. The usual recommended penalty shall be an administrative fine of up to \$800.00 and a six (6) month probation with such terms and conditions as set forth by the Board.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the licensee or of a third party. The usual recommended penalty shall be an administrative fine of up to \$800.00 and a six (6) month probation with such terms and conditions as set forth by the Board.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. The usual recommended penalty shall be suspension of the license to practice acupuncture until such time as the licensee can, to the Board's satisfaction, demonstrate rehabilitation. ~~Failure of the licensee to demonstrate rehabilitation within four years of the institution of suspension shall result in automatic revocation of the license to practice acupuncture.~~

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent, similar acupuncturist as being acceptable under similar conditions and circumstances. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$800.00.

(q) No change.

(r) Delegating or contracting for professional responsibilities by to a person when the licensee delegating or contracting for such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure license to perform them. The usual recommended penalty shall be an administrative fine of up to \$500.00 and a six (6) month suspension immediately followed by a six (6) month probation with such terms and conditions as set forth by the Board.

(s) Violating any provision of Chapter 457 or Chapter 455 Part II this chapter, a rule of the Board or Department, or a lawful order of the Board Department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Department. The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a six (6) month probation with such terms and conditions as set forth by the Board.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services. The usual recommended penalty shall be an administrative fine of up to \$500.00 and a one year probation with such terms and conditions as set forth by the Board.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a ~~tutorial program or a course of study~~. The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a two year prohibition against the licensee's certificateholder's operation of ~~tutorial programs or courses of study~~.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements, relating to public health and the control of contagious and infectious diseases. The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a one year probation with such terms and conditions as set forth by the Board.

(w) Failing to comply with any rule of the Board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials. The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a one year probation with terms and conditions as set forth by the Board.

(x) Failing to comply with continuing education requirements, including requirements for HIV/AIDS education. The usual recommended penalty shall be an administrative fine of up to \$500.00 and making up all uncompleted continuing education requirements.

(y) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. The usual recommended penalty shall an administrative fine of up to \$1000.00.

(z) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The usual recommended penalty shall be an administrative fine of up to \$500.00 and a reprimand.

(aa) Failing to report to the Board in writing with 30 days after the licensee has been convicted or found guilty of, or entered a pleas of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. The usual recommended penalty shall be an administrative fine of up to \$500.00.

(bb) Using information about people involved in a motor vehicle accident which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to Section 316.066, or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of solicitation of the people involved in such accidents. The usual recommended penalty shall include from a fine of up to \$500.00 to and including suspension of the licensee's license to practice acupuncture.

(2) through (4) No change.

Specific Authority 455.627(1), 457.104 FS. Law Implemented 455.627(2),(3), 457.109 FS. History--New 12-8-86, Amended 8-6-89, Formerly 21AA-9.001, 61F1-9.001, Amended 11-21-95, Formerly 59M-9.001, Amended.

DEPARTMENT OF HEALTH

Occupational Therapy Board

RULE TITLE: RULE NO.:

Duplicate License Fee 64B11-3.008

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Duplicate license Fee."

SUBJECT AREA TO BE ADDRESSED: Duplicate License Fee.

SPECIFIC AUTHORITY: 468.204, 455.587(2), 455.587(4) FS.

LAW IMPLEMENTED: 468.204, 455.587(2), 455.587(7) 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, Occupational Therapy Board, 2020 S. E. Capital Circle, BIN #C05, Tallahassee, Florida 32399-3299

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-3.008 Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Boards along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain duplicate license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 468.204, 455.587(2), 455.587(7) FS. Law Implemented 468.204, 455.587(2), 455.587(7) FS. History--New

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Florida Waterfowl Stamp Design Contest 68A-28.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

SUBJECT AREA TO BE ADDRESSED: Repeal of the existing rule.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, May 24-26, 2000
 PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: The preliminary text of the proposed rule development will be available and can be obtained from James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, FL 32399-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 calendar days before the workshop by contacting Andrena Knicely, (850)487-1764. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Florida Wild Turkey Stamp Design Contest
 RULE NO.: 68A-28.003

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

SUBJECT AREA TO BE ADDRESSED: Repeal of the existing rule.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 8:30 a.m., each day, May 24-26, 2000

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

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Subsidiaries Holding Institution-
 Authorized Assets
 RULE NO.: 3C-100.067

PURPOSE AND EFFECT: This rule is being formulated to permit Florida-chartered banks, associations, savings banks and international agencies to place assets they may acquire or invest in directly in subsidiary corporations without regard to subsidiary investment limits of Section 658.67(6), Florida Statutes. Any such assets placed in subsidiaries shall remain subject to the investment or lending limits of other provisions of the Florida Financial Institutions Codes.

SUMMARY: This rule will allow Florida-chartered banks, associations, savings banks, and international agencies to place into wholly owned subsidiary assets they may lawfully acquire directly without regard to the subsidiary investment limitation of Section 658.67(6), Florida Statutes. In so doing, institutions may not evade the individual loan and investment limits provided for elsewhere in the Financial Institutions Codes.

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

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

SPECIFIC AUTHORITY: 655.012(3), 658.67(11) FS.

LAW IMPLEMENTED: 658.67(11) FS.

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

TIME AND DATE: 10:00 a.m., May 22, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, 614 Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-100.067 Subsidiaries Holding Institution-Authorized Assets. Investments by a state-chartered bank, association, savings bank or international agency in subsidiary corporations that do not conduct active operations directly with the public and that only hold assets the institution may acquire or invest in