

(5) To calculate the amount of the Optional State Supplementation payment, the base provider rate is added to the standard personal needs allowance to determine the individual's total needs. From this sum, the individual's gross income, minus the allowable exclusions at 65A-2.035, is subtracted to give the amount of the Optional State Supplementation payment.

(6) Payment for the month of admission to the special living arrangement shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month.

(7) When it is necessary to implement the criteria in 65A-2.032(9) due to limited funding, payment begins the first day of the month in which all eligibility criteria have been met and the department's staff certify that funding for the individual is available.

(8) The monthly income eligibility standard established at 65A-2.036(3)(a) and the base provider rates established at 65A-2.036(4) shall be increased by the annual cost-of-living adjustment to the federal benefit rate provided the average state optional supplementation contribution does not increase as a result.

(9) The payment is issued monthly through an automated delivery system.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-27-79, 10-7-80, 9-29-81, 9-29-82, 10-31-83, 11-28-83, 9-30-84, 10-1-85, Formerly 10C-2.36, Amended 1-1-87, 2-9-88, 11-6-88, 2-16-89, 3-1-90, 1-27-91, 2-19-95, Formerly 10C-2.036, Amended 1-27-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Management Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
4A-37.036	Determination of Moral Character
4A-37.037	Firefighter Training Course Medical Examination
4A-37.0527	Retention of Certification
4A-37.056	Specifications for Certifiable Training

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 26, No. 12, March 24, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-61	Maturity Tests – Processed Citrus
RULE NO.:	RULE TITLE:
20-61.003	Sampling Equipment

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 37, September 15, 2000, issue of the Florida Administrative Weekly.

20-61.003 Sampling Equipment.

(1) Each processing plant shall install mechanical sample selectors, as per drawings and specifications on file at the Department of Citrus office, at unloading ramps immediately after grading. Effective November 1, 2005, statewide standardized sampling equipment will be required. By that date each processing plants shall have installed a Flip-Gate style mechanical sample selector system, as per specifications on file at the Department of Citrus headquarters and incorporated herein by reference. Such specifications shall be adhered to upon the installation of new Flip-Gate samplers systems and during the operation and maintenance of existing Flip-Gate samplers systems. No alterations or modifications shall be made on the sample system without the prior knowledge and consent of the Division of Fruit and Vegetables, and such system, under the supervision of the Technical Bureau of that Division, shall be maintained by the plant to deliver, directly into the state test lab, a representative sample from each load of fruit received at the approximate rate of one fruit for each ten boxes. All troughs, chutes, conveyors, and belts used for mechanically collecting and transporting samples shall be so enclosed as to make the sample inaccessible prior to point of delivery into the state test lab.

(2) Official juice analysis tests for determining pounds solids will be made only on fruit collected by such a sampling device, except as otherwise provided in this rule, or when, in the opinion of the Division of Fruit and Vegetables, such sampling is impractical or the inspector deems further sampling and testing is necessary to prevent the utilization of immature fruit.

Specific Authority 601.10(7), 601.24 FS. Law Implemented 601.10(7), 601.24, 601.27 FS. History—Formerly 105-1.18(1), Revised 1-1-75, Formerly 20-61.03, Amended 10-15-95,_____.

PUBLIC SERVICE COMMISSION

DOCKET NO.: 980253-TX

RULE NOS.:	RULE TITLES:
25-4.300	Scope and Definitions
25-4.301	Applicability of Fresh Look
25-4.302	Termination of Contracts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as proposed in Vol. 25, No. 14, December 3, 1999, Florida Administrative Weekly and changed in Vol. 25, No. 48, December 3, 1999 have been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-602.220	Administrative Confinement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 35, September 1, 2000, issue of the Florida Administrative Weekly.

33-602.220 Administrative Confinement.

(1) Definitions.

(a) No change.

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

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

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

(e)(e) Confinement Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate’s confinement status to determine if changes or modifications are required or recommended.

(f)(f) Confinement visit – where used herein, refers to the official inspection and tour of a confinement unit by a staff member personal contact by staff members with inmates in confinement status to ensure that the inmates welfare is properly addressed.

(g)(e) Clinical health care personnel – where used herein, refers to a physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist or psychological specialist.

(h)(f) Institutional Classification Team (ICT)– refers to the team committee consisting of the Warden or Assistant Warden, Classification Supervisor, and Chief of Security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(i)(g) No change.

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

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

(i) through (j) renumbered (l) through (m) No change.

(2) Procedures for Placement in Administrative Confinement.

(a) No change.

(b) When a decision is made to place an inmate in administrative confinement, the reason for such placement shall be explained to the inmate and the inmate shall be given an opportunity to present verbal comments on the matter. The inmate shall also be allowed to submit a written statement. Prior to placing the inmate in administrative confinement, the inmate shall be given a pre-confinement health assessment to include a physical and mental health evaluation that shall be documented in the health care record. When an official places an inmate in administrative confinement, this action shall be documented on a Report of Administrative Confinement, Form DC6-233a, including the reasons for the action and a summary of the inmate’s comments. Form DC6-233a is incorporated by reference in (10) of this rule. The heading and Section I shall be completed by the official who placed the inmate in administrative confinement. Inmates shall be weighed upon admission to the confinement unit. Inmates confined for 30 days or more shall be weighed after 30 days and weekly thereafter. The weight of the inmate shall be recorded on Form DC6-229, Daily Record of Segregation. Form DC6-229 is incorporated by reference in (10) of this rule. This section shall fully state the circumstances surrounding and reasons for placing the inmate in administrative confinement. The reason shall correspond with one of the reasons for placement stated in subsection (3) of this rule. Once Section I has been completed, the official who placed the inmate in administrative confinement shall sign Section I and forward the report to classification prior to the end of his or her shift or workday. Any written statements provided by the inmate shall be attached to the form.

(c) The Institutional Classification Team shall review inmates in administrative confinement within 72 hours. The only exception to being seen within 72 hours is when the ICT cannot complete its review within the allotted timeframe due to a holiday. If the review cannot be completed within 72 hours, the action of the senior correctional officer shall be reviewed within 72 hours by the duty warden, documented on the DC6-229, Daily Record of Segregation, and evaluated within 5 days by the ICT. Inmates placed into administrative confinement shall not be released from this status until approved by the ICT. The classification supervisor shall be responsible for ensuring that the ICT docket is prepared. The

ICT Chairperson is responsible for scheduling the ICT hearing date and time. All Reports of Administrative Confinement, DC6-233a, shall be completed the same day an inmate is placed into confinement and forwarded to the institutional classification unit to be placed for placement on the docket for review by the ICT. It shall be the responsibility of the classification officer to place the inmate on the docket so the ICT can review the inmate for release. The ICT shall review inmates for release. During this review the ICT shall consider pending disciplinary hearings and other pending issues or actions. If an inmate has been held in administrative confinement pending a disciplinary hearing and the decision is not to impose disciplinary confinement as a part of the disciplinary action, the disciplinary team or hearing officer shall notify the confinement supervisor who shall coordinate the release of the inmate from administrative confinement. If the confinement supervisor discovers other pending issues or actions, the ICT shall be required to immediately review the case. In the event it is necessary to release an inmate from administrative confinement during weekends or holidays the duty warden is authorized to approve the release immediately.

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

(a) through (b) No change.

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates, (33-602.221). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates, and that the inmate feels there is no other reasonable alternative open to him. A senior correctional officer shall ~~also~~ place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available. The inmate shall be encouraged to provide information and otherwise cooperate with the investigation of the matter. The protective management process, including the ICT's action, shall be completed within 15 working days from the initial confinement of the inmate.

1. through (4)(b) No change.

(c) Prior to placement of an individual in an administrative confinement cell, it shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221, Cell Inspection, shall be used for this purpose. Form DC6-221 is incorporated by reference in (10) of this rule.

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

(c) Personal Property – Inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in

which case removal or denial of any item shall be documented on Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The original will be placed in the inmate's property file and a copy of the form will be given to the inmate. Form DC6-220 is incorporated by reference in (10) of this rule 33-501.404. All property retained by the inmate must fit into the storage area provided.

(d) through (g) No change.

(h) Counseling Interviews – The ICT shall determine whether an inmate inmates in administrative confinement may be removed from their cells to attend individual or group any counseling sessions or interviews when there is no security problem involved.

(i) Visiting – All visits for inmates in administrative confinement must be approved in advance by the ICT or warden. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall be in accordance with rule 33-601.711 and shall not be restricted except on evidence that the visit would be a threat to security and ~~or~~ order. The warden or his or her designee must approve all visits in advance.

(j) Telephone – Telephone privileges are allowed for emergency situations, when necessary to ensure the inmate's access to courts, or in any other circumstance when a call is authorized by the warden ICT or duty warden.

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

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

(m) Writing utensils – Inmates in administrative confinement shall possess only a security pen. Other types of pens and pencils shall be confiscated and stored until the inmate is released from administrative confinement status. ~~A security pen is a specially designed pen, approved by the Bureau of Security Operations, that is flexible so that it bends under pressure and has a tip that retracts under excessive pressure.~~ If a security pen is unavailable, the inmate shall be allowed to sign out a regular pen from the confinement housing officer. All care shall be taken to ensure that an 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. An inmate who has been provided a “writer/reader” shall be allowed access for the purpose of preparing legal documents, legal mail, filing a grievance or preparing general correspondence.

(n) Reading materials – Reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in rule 33-501.401 and other privileges shall be permitted on an individual basis for those inmates in administrative confinement units unless there is an indication of a threat to the safety, security or sanitation of the institution. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements in rule 33-501.401. If it is determined that there is a safety security or sanitation risk, the items will be removed. Such removal of reading materials shall be documented on Form DC6-229 in accordance with (8)(c) of this rule. Safety, sanitation and security factors shall be considered when making such decisions.

(o) Library Services – ~~Two Only one~~ books at a time may be, checked out. Books ~~shall may~~ be checked out once weekly. Inmates who receive services from the Bureau of Braille and Talking Book Library will be allowed to have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements.

(p) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. However, if confinement extends beyond a 30-day period, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. Such exercise periods shall be documented on Form DC6-229. The ICT 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 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 for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation. Medical restrictions can also place limitations on the exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Recreational equipment may be available for the exercise period provided such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(6) Restraint and Escort Requirements.

(a) through (e) No change.

(f) The following staff members shall be required to officially inspect and tour the inmates in administrative confinement ~~unit shall receive a personal contact or visit by the following staff members.~~ All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if any discussion of significance, action or behavior of the inmate occurs or any important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 3. No change.

4. Weekly Daily by the Chief of Security (when on duty at the facility) except in case of riot or other institutional emergency.

5. through 9. No change.

(g) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/~~Restraint Observation Checklist~~, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to

special risk inmates shall be documented on Form DC6-229 and followed with an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in rule 33-602.210. Form DC4-650 is incorporated by reference in (10) of this rule.

(7) Review of Administrative Confinement.

(a) No change.

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

(c) through (8)(a) No change.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in administrative confinement. The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and shaves and also unusual occurrences such as refusal to come out of ~~a~~ the cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The 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 shall be maintained in the housing area for one week, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(c) through (9) No change.

(10) 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, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC4-650, Observation Checklist/~~Restraint Observation Checklist~~, and effective date _____.

(b) No change.

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

(d) through (f) No change.

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

(h) Form DC6-220, Inmate Impounded Personal Property List, effective date _____.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Dugger Stan Czerniak

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.221
RULE TITLE: Protective Management
SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 21, 2000, issue of the Florida Administrative Weekly, and revised by the first notice of change published in Vol. 26, No. 35, September 1, 2000, Florida Administrative Weekly:

33-601.221 Protective Management.

(1) Definitions.

(a) No change.

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

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

(b) through (d) renumbered (d) through (f) No change.

(g)(e) Housing Supervisor refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.

(h)(f) Clinical Health Care Personnel – where used herein, refers to a Physician, Clinical Associate, Nurse, Correctional Medical Technician Certified (CMTC), Psychologist, or Psychologist Specialist.

(i)(g) Institution Classification Team (ICT) refers to the ~~team~~ committee consisting of the Warden or Assistant Warden, Classification Supervisor, and Chief of Security that is responsible for making local classification decisions work, program, housing and inmate status decisions at a facility and

~~for making other recommendations to the State Classification Office (SCO). The ICT will be comprised of the warden or assistant warden who will serve as chairperson, classification supervisor, chief of security and other members as necessary when appointed by the warden or designated by rule.~~

~~(j)(4)~~ Protective Management where used herein refers to a special management status for the protection of inmates from other inmates in an environment as representative of that of the general population as is safely possible.

(i) through (l) renumbered (k) through (n) No change.

~~(o)(m)~~ Protective Management Review, where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's protection status to determine if changes or modifications are required or recommended.

~~(p)(n)~~ Protective Housing Visit, where used herein, refers to personal contact by staff members with inmates in protective management status to ensure that their welfare is properly addressed.

(2)(a) through (c) No change.

(d) Once the ICT and SCO have determined that protective management is appropriate for an inmate, ~~the~~ inmate shall be interviewed by the housing supervisor and a review shall be initiated to determine if any of the inmates in the protective management unit are a threat to the inmate being placed or if the inmate being placed is a threat to other inmates in the unit. If the inmate can not be placed for these reasons the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve protection.

(3) Protective Management Facilities.

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

(b) All protective management housing units shall be equipped with toilet facilities and running water for drinking and other sanitary purposes and other furnishings as are provided to comparable housing ~~units~~ cells for general population inmates at the particular institution.

(c) Prior to placement of an individual in a protective management ~~cell, the cell housing unit,~~ it shall be thoroughly inspected to ensure that the cell ~~it~~ is in proper order. The officer conducting the inspection will complete and sign the

Cell Inspection, DC6-221, attesting to the conditions of the cell, and ~~The~~ inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221 is incorporated by reference in rule 33-602.220(10).

(d) No change.

(4) Conditions and Privileges.

(a) Clothing – Inmates may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise the clothing for inmates in protective management shall be the same as that issued and exchanged to the general inmate population except when there is an indication of a security or health problem or when additional clothing is required for a work assignment. 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 ~~In cases where clothing is denied to an inmate~~ it shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances will an inmate be left without a means to cover himself or herself. Form DC6-235 is hereby incorporated by reference in (10) of this rule. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(b) Bedding and linen – Bedding and linen shall be issued and exchanged for protective management inmates the same as for the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift officer in charge or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235 Record of Protective Management, and the chief of security shall make the final decision in regard to the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is an indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded Personal Property List, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be laced in the inmate's property file and a copy of the form will be given to the inmate for his or her records. Form DC6-220 is incorporated by reference in ~~(10)~~ of this rule 33-602.220(10). All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for general population inmates.

(d) Comfort Items – Inmates in protective management shall be permitted the same comfort items, personal hygiene items and other medically needed or prescribed items as is permitted general population inmates unless there is an indication of a security problem. In the event that comfort items are taken from inmates in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. Action taken shall be documented on the Record of Protective Management, Form DC6-235 which must be reviewed by the chief of security. Property receipts shall be given for any personal property removed. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.

(e) No change.

(f) Diet and Meals – Inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for the inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell housing unit. Inmates in protective management shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu might create a security problem for a particular inmate, then another item of comparable quality shall be substituted. Substitutions shall be documented on the Record of Protective Management, Form DC6-235.

(g) No change.

(h) Counseling Interviews – The ICT will determine whether an inmate ~~Inmates~~ in protective management may be removed from his or her cell ~~their housing units~~ to attend interviews and counseling sessions ~~when there is no security problem involved in such removal~~.

(i) through (j) No change.

(k) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate law clerk. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and will not be permitted in protective management housing units. However, inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids or an inmate assistant in order to prepare legal correspondence. Inmates who have been provided a “writer/reader” will be allowed access for the purpose of preparing legal documents legal mail filing a grievance, or general correspondence.

(l) No change.

(m) Writing utensils – Inmates in protective management shall be allowed to possess pens and pencils of the same type and number as those in general population. If it is determined that there is a safety, security or sanitation risk these items shall be confiscated and stored until the inmate is released from protective management status. The inmate shall be issued a security pen; if a security pen is unavailable the inmate shall be allowed to sign out a regular pen from the housing 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. An inmate who has been provided a “writer/reader” shall be allowed access for the purpose of preparing legal documents, legal mail, grievances or general correspondence.

(n) Reading materials – Reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in rule 33-501.401 for inmates in general population are allowed for those inmates in protective management units. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials and any other books on tape that are in compliance with admissibility requirements in rule 33-501.401. If it is determined that there is a safety, security or sanitation risk, e items will be removed. Such removal of reading materials will be documented on Form DC6-235.

~~(o)(m)~~ Library – Inmates in protective management shall be allowed to visit the library and check out books at least once weekly, ~~except as provided in rule 33-602.221(7)~~. Protective management inmates shall be allowed to check out the same number of books as allowed for general population inmates.

~~(p)(n)~~ Exercise – an exercise schedule shall be implemented to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation continues to pose a serious threat to the safety, security and order of the institution by recent demonstrations of violence, by continuing threats of physical harm, written or spoken, toward staff and other inmates; by involvement in acts which seriously interfere with the staff's daily security functions; or by actions demonstrating an extreme escape risk. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for the shortest length of time to accomplish the goal of safety, security and order within the institution and shall be documented on Form DC6-235, Record of Protective Management. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Segregation, Form

DC6-229. Form DC6-229 is incorporated by reference in ~~(40)~~ of this rule 33-602.220(10). Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available as is available for general population inmates for the exercise period provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restrictions shall be documented on the Report of Protective Management, Form DC6-235.

~~(q)(6)~~ No change.

~~(r)(p)~~ Self-improvement programs – Self-improvement programs shall be available in their housing area, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities or letter writing.

~~(s)(q)~~ No change.

(5) Work assignments.

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall be cancelled for an individual inmate or a work squad when staff concludes the work or work assignment would subject the inmate to danger or if adequate staff protection is not available. Each occurrence of work cancellation will be documented with reasons for the action on Form DC6-210, Incident Report, and shall be reviewed by the warden or ICT the following day. Form DC6-210 is incorporated by reference in rule 33-602.210(9). Refusal of a work assignment shall result in disciplinary action pursuant to rules 33-601.301-601.314. Inmates who refuse work assignments will not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to rule 33-601.101 in the same manner as general population.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with a similar equipment, recreational and otherwise, as those for general population provided that such equipment does not compromise the safety or security of the institution.

(c) Other privileges shall be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order or effective management of the institution. All

such restrictions shall be documented on Form DC6-234, Report of Protective Management, and reported to the ICT. Form DC6-234 is incorporated by reference in ~~(40)~~ of this rule 33-602.220(10). The ICT is authorized to restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The ICT's decision for continuing restriction shall also be documented on Form DC6-235, Record of Protective Management.

(6) No change.

(7) Contact by Staff.

(a) Designated staff will be required to visit protective management units and document the visits on Form DC6-228, Inspection of Special Housing Record. Inmates in protective management shall receive a personal contact or visit by the following staff members. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. The staff member shall also document his or her visit on the Daily Record of Segregation DC6-229, if, during the visit by staff, any discussion of significance, requiring action or involving the behavior of the inmate, occurs or any other important information which may have an influence or effect on the status of protective management occurs confinement is revealed, this information will also be documented by the staff member on the Daily Record of Segregation, Form DC6-229. These visits shall be conducted at a minimum of:

1. through 9. No change.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff provides observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist ~~Restraint Observation Checklist~~, until the inmate is no longer considered a special risk inmate. All actions taken by staff with regard to special risk inmates shall be documented on Form DC6-229, Daily Record of Segregation, and followed with an Incident Report, Form DC6-210. Forms DC4-650 ~~is DC6-210~~ are incorporated by reference in ~~(40)~~ of this rule 33-602.220(10).

(8) Review of Protective management.

(a) The Institutional Classification Team shall ~~also~~ review inmates in protective management every week for the first 60 days. The goal shall be toward returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. All such assessments shall be documented in the mental health record. If the decision is to continue protective management and that protective status extends beyond 90 days, a new psychological assessment shall be required at least every completed each 90-day period.

(c) through (d) No change.

(e) If the inmate submits a request for release in writing at any time after being placed in protective management, the area housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision Form. Form DC6-203 is incorporated by reference in ~~(10) of this rule~~ 33-602.220(10). The inmate shall complete Form DC6-203 and return it to the area housing supervisor for submission to the ICT along with the inmate's written request. The ICT shall docket and review the inmate's request, and interview the inmate. The ICT shall submit their recommendation along with the DC6-203 and any other documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

(9)(a) through (b) No change.

(c) A Record of Protective Management, Form DC6-235 shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 will be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO or other staff dealing directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator will be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate of equal opportunity as a non-disabled inmate. The items denied or removed will be documented on the Form DC6-235 and the chief of security will make the final decision in regard to the appropriateness of that action no later than the next working day following this action. The supervising officer will document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action will also be documented.

(10) 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, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

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

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

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

~~(d) Form DC6-220 Inmate Impounded Personal Property List effective date _____.~~

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

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

~~(g) Form DC6-234, Report of Protective Management, effective date _____.~~

~~(h) Form DC6-235, Record of Protective Management, effective date _____.~~

DEPARTMENT OF CORRECTIONS

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 32, August 11, 2000, issue of the Florida Administrative Weekly.

33-602.222 Disciplinary Confinement.

(1) Definitions.

(a) No change.

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

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

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

~~(e)(e) Confinement~~ Visit, where used herein, refers to the official inspection and tour of a confinement unit personal contact by a staff member with an inmate in confinement status to ensure that his or her welfare is properly addressed.

~~(f)(d)~~ No change.

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

(f) through (j) renumbered (h) through (l) No change.

(2) No change.

(3) Disciplinary Confinement Cells.

(a) Inmates shall not be housed in disciplinary confinement cells in greater number than there are beds bunks in the cells. The only exception to this policy is during an emergency situation as declared by the warden or duty warden. Any emergency situation shall be communicated to the regional director and to the Emergency Action Center in the central office. If this exception exists in excess of 24 hours, the warden or duty warden must get specific written authorization from the regional director to continue to house inmates beyond the 24 hour period in such conditions.

(b) All disciplinary confinement cells shall be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off by correctional staff due to an inmate's inappropriate behavior that causes an interruption in the water system or the intentional misuse of water for an unauthorized purpose. In such event, the inmate occupant will be furnished an adequate supply of drinking water by other means to prevent dehydration. These actions shall be documented on Form DC6-229, Daily Record of Segregation. Form DC6-229 has been incorporated by reference in ~~section (13) of this rule~~ 33-602.220(10).

(c) Prior to the inmate's placement into, and after the inmate's removal from, a disciplinary confinement cell, the cell shall be thoroughly inspected to ensure that it is in proper order and the inmate housed in that cell will then be held responsible for the condition of the cell. The correctional officer conducting the inspection shall complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. Form DC6-221 is incorporated by reference in ~~(13) of this rule~~ 33-602.220(10).

(d) through (4)(b) No change.

(c) Personal Property. Inmates in confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless there is an indication of a security problem. If removal of any item in the inmate's possession is determined necessary, the correctional staff shall document their actions on the DC6-229, Daily Record of Segregation, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for her or his confiscated items by completing the Impounded Inmate Personal Property List, Form DC6-220. Form DC6-220 is incorporated by reference in ~~section (13) of this rule~~ 33-602.220.

(d) through (g) No change.

(h) Counseling and Interviews. The ICT shall determine whether an inmates in disciplinary confinement may be removed to attend individual or group counseling sessions or interviews ~~when approved by the warden or his or her designated representative.~~

(i) No change.

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

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and writing utensils in order to prepare legal papers or notify visitors of confinement status. Typewriters or typing services are not required items and shall not be permitted in disciplinary confinement cells. However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids or an inmate assistant in order to prepare legal correspondence. An inmate who has been provided a "writer/reader" will be allowed access to such a person for the purpose of preparing legal documents, legal mail or filing a grievance.

(l) through (m) No change.

(n) Writing utensils. Inmates in disciplinary confinement shall possess only one security pen. 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 has access to a pen for a time period sufficient to prepare legal documents or legal mail, to file a grievance, or to notify family of confinement status. An inmate who has been provided a "writer/reader" shall be allowed access for the purpose of preparing documents referenced above.

(o) Reading Material. Inmates in disciplinary confinement shall be allowed, at a minimum, a copy of a testament or bible and religious tracts. All books must be in softback cover. Safety, sanitation, and security concerns may limit the amount of reading material authorized. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to have their tape players and devotional and scriptural materials that are in compliance with this rule.

(p) Exercise.

1. through 2. No change.

3. 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 DC6-229, Daily Record of Segregation. Exceptions to this restriction may be made only when documented facts show that such exercise periods should not be granted. Restrictions may also be placed on the exercise periods by professional medical staff. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. The reasons for any exercise restrictions shall be documented on the Daily Record of Segregation, Form DC6-229.

(q) through (5) No change.

~~(6)(7)~~ Visits to Disciplinary Confinement.

(a) Disciplinary confinement areas housing inmates shall require visits by various institutional staff. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in ~~(13) of this rule 33-602.220(10).~~ Staff shall also document their visit on the Daily Record of Segregation DC6-229, including any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. Visits will be at least:

1. through 3. No change.

4. Weekly Daily by the chief of security, when on duty at the facility, except in cases of riot or other institutional emergency.

5. through 10. No change.

(b) 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 by correctional staff to determine if special watch or suicide watch procedures should be initiated. Suicidal inmates shall be removed to an isolation management room or to alternate housing designated by the authorized Health Care Staff where a correctional officer or medical staff can provide observation. Visual checks shall be made in accordance with medical protocols or the Inmate Suicide Precautions procedure at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist/~~Restraint Observation Checklist~~, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in ~~section (13) of this rule 33-602.220(10).~~ All actions taken by staff concerning special risk inmates shall be noted on Form DC6-229 and shall be followed with an incident report, Form DC6-210. Form DC6-210 is incorporated by reference in Rule 33-602.210.

~~(7)(8)~~ Review and Release from Disciplinary Confinement.

(a) No change.

(b) Any inmate assigned to disciplinary confinement for more than 30 days shall be given a psychological assessment by mental health professional staff to determine the inmate's mental condition. The assessment shall include a personal interview. The psychological specialist may complete the record review and gather other needed information. However, the psychologist or psychiatrist must render his or her professional opinion about the offender's mental capacity to tolerate continued confinement. Should the inmate be deemed significantly maladjusted, the doctor shall advise the ICT and Warden. The psychologist or psychological specialist shall prepare a report to the ICT with the facts of the case. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from disciplinary confinement shall be forwarded by the ICT to the SCO. All such assessments shall be documented in the mental health record. If the decision is to continue confinement ~~and that confinement extends beyond 90 days,~~ a new psychological assessment shall be required at least every completed each 90-day period.

(c) through (e) No change.

~~(9) Disciplinary Confinement Records.~~

~~(a) A Report of Disciplinary Confinement, Form DC6-233a, shall be kept for each inmate placed in disciplinary confinement. A photocopy of the DC6-233a, with section I completed, shall be kept in disciplinary confinement with the other confinement records for each inmate. Form DC6-233a is incorporated by reference in section (13) of this rule.~~

~~(b) Upon completion of the DC6-233a, the white copy of the form shall be mailed to central office to be filed in the central office inmate record and the yellow copy shall be filed in the institutional inmate record.~~

~~(8)(10) Daily Record of Segregation.~~ A Daily Record of Segregation, Form DC6-229, shall be maintained on each inmate in disciplinary confinement. The shift supervisor of all three shifts, health care staff, classification staff and the ICT or SCO shall sign the DC6-229 form whenever they make a visit to a specific inmate. 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. Full and complete remarks shall be made in the DC6-229, Daily Record of Segregation, in the following situations ~~as outlined in section (10)(a) of this rule~~ by:

(a) Security Department – Shift Supervisor.

1. through 3. No change.

4. When it becomes necessary to restrict any privilege or remove any clothing, bedding or comfort item for the inmate's own protection, to prevent destruction, or if it poses a threat to institutional security or staff, The central office ADA coordinator shall be contacted if any item is to be removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate.

5. through 9. No change.

(b) through (d) No change.

(11) through (12) renumbered (9) through (10) No change.

~~(13) 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 DC4-650, Observation Checklist/Restraint Observation Checklist, effective date _____.~~

~~(d) Form DC6-220, Impounded Personal Property List, effective date _____.~~

~~(e) Form DC6-221, Cell Inspection, effective date _____.~~

~~(f) DC6-233a, Report of Disciplinary Confinement, effective _____.~~

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, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER NO.: 60L-25
RULE CHAPTER TITLE: Adoption Benefits for State and Water Management District Employees

RULE NOS.: 60L-25.001
RULE TITLES: Purpose
60L-25.002 Authority
60L-25.003 Definitions
60L-25.004 Benefits
60L-25.005 Program Administration

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 33, August 18, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided at the public hearing held on September 13, 2000, and comments received from the Joint Administrative Procedures Committee. The rule shall now read as follows:

60L-25.001 Purpose.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History--New _____.

60L-25.002 Authority.

Section 110.15201, Florida Statutes, authorizes the Department of Management Services to establish a rule providing for adoption benefits.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History--New _____.

60L-25.003 Definitions.

For the purpose of administering this chapter, the following definitions shall apply:

(1) "Agency Head" means the chief executive of the State entity or governing board of a Water Management District, that employs the eligible applicant, ~~or such person's designee.~~

(2) through (3) No change.

(4) "Eligible Adoption" means the adoption of a "special needs child," or a child who does not meet the criteria of "special needs," provided ~~the~~ that a final order of adoption is finalized awarded on or after October 1, 2000.

(5) "Eligible Applicant" means a full-time or part-time state officer or employee of any branch of state government or a water management district who, at the time of adoption and application for this benefit, holds a regular established position. ~~Applicants adopting foreign-born children are included in this definition provided that they submit a copy of a final order of adoption from a court of competent jurisdiction in the United States.~~

(6) No change.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History--New _____.

60L-25.004 Benefits.

(1) An eligible applicant shall submit a complete employee who makes application along with a certified copy of the final order of adoption within 1 year of the adoption date on the final order of adoption in order to ~~shall~~ be eligible for the following benefits:

(a) A monetary benefit in the amount of \$10,000 per child for adoption of a "special-needs child." Payment of this benefit will be in the form of an initial lump sum amount of \$5,000, with the remaining \$5,000 payable in equal monthly installments over a 2-year period.

(b) A monetary benefit in the amount of \$5,000 per child for adoption of a child other than a "special-needs child." Payment of this benefit will be in the form of an initial lump sum amount of \$3,000, with the remaining \$2,000 payable in equal monthly installments over a 2-year period.

(2) through (3) No change.

(4) An employee eligible applicant shall be granted a parental leave of absence in accordance with Section 110.221, F.S., provided that such employee continues to reside in the same household as the child during the period covered by the leave.

(5) No change.

(6) The adoption benefit is a non-qualified plan and will be, as such, shall be considered taxable income subject to withholding taxes (FICA, Social Security and Medicare).

(7) In The agency head must notify the Department in the event of the employee's termination from employment, the or death. The monthly installments for the remainder of the benefit shall may continue to be paid to the former employee,s or, in the event of an employee's death, may be paid in a lump sum to that employee's estate.

(8) No change.

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History—New _____.

60L-25.005 Program Administration.

(1) The Department shall administer the appropriated funds for the purpose of distributing this benefit to eligible applicants employees. The Department shall establish an open enrollment period from January 15th to March 15th during which applications may be submitted.

(2)(+) For each child adopted, an eligible applicant shall apply separately to the agency head for this benefit using the Department's Application for Adoption Benefits Form No. DMS.EPE.ADP, created in November October, 2000, which is hereby incorporated by reference, and shall include a certified copy of the final order of adoption naming the applicant as an adoptive parent. It is the employee's responsibility to ensure that applications submitted to the agency are forwarded to the Department within the open enrollment period. The agency head shall will forward all applications to the Department during the open enrollment period.

(3) At the conclusion of the open enrollment period, the Department which shall review all applications and shall determine, based on the date of the final order of adoption, the order in which payments will be made to eligible applicants upon verification of eligibility, disburse the appropriate benefit on a first come, first served basis until all that year's appropriated funds are encumbered.

(2) When all the current fiscal year appropriated funds are encumbered, no further applications for adoptions shall be processed for the remainder of that fiscal year. The Department shall notify all agencies when the appropriation is depleted and the names of applicants who will be asked to update and resubmit their application.

~~(3) Applications in excess of available funds for a given fiscal year shall be updated and resubmitted in the next fiscal year in order to be considered for payment. Upon verification of eligibility, such applications shall be given first consideration for benefits from that year's appropriation.~~

~~(4) In the event that, during the two-year payment period, the employee or former employee loses or relinquishes custody of the child due to one or more of the following conditions, such individual shall no longer be eligible for these benefits:~~

~~(a) the child is removed from the employee's care and custody as a result of a judicial finding; or~~

~~(b) the employee voluntarily relinquishes custody.~~

~~(5) Where applicable, the Department shall verify the custodial status of the employee or former employee through the Department of Children and Families.~~

Specific Authority 110.15201 FS. Law Implemented 110.152 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-21.004
 RULE TITLE: Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 6, February 11, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (5) of the rule shall now read as follows:

61G8-21.004 Fees.

(5) A delinquent fee of fifty dollars (\$50.00) shall be paid. This fee is owed when due.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-1.010
 RULE TITLE: Approved Schools and Colleges

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 34, August 25, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 21, 2000.

Subsection (1) shall now read as follows:

61G17-1.010 Approved Schools and Colleges.

For purposes of Section 472.013(2), F.S., colleges and universities accredited by a regional association of colleges and universities recognized by the United States Department of Education are deemed approved by the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-17R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-302	Surface Water Quality Standards
RULE NO.:	RULE TITLE:
62-302.700	Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters

NOTICE OF REOPENING PUBLIC HEARING ON PROPOSED RULEMAKING

The Department of Environmental Protection announces the reopening of a public hearing to adopt proposed changes to Rule 62-302.700 of the Florida Administrative Code to designate Lake Disston as an Outstanding Florida Water (OFW).

The original notice of proposed rulemaking, published in the August 27, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 34, stated that the proposed rule amendments were scheduled for consideration and possible approval for adoption by the Florida Environmental Regulation Commission (ERC) on September 30, 1999. A later Notice of Rescheduling Hearing on Proposed Rulemaking, published in the November 24, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 47, notified the public that the adoption hearing was continued until January 26, 2000. The ERC approved the proposed rule amendments for adoption at the hearing on January 26th. Following the ERC hearing, the Joint Administrative Procedures Committee (JAPC) raised objections to certain provisions of the proposed rule language. After attempting to resolve the issues with staff at JAPC, the Department has reached an impasse. As a result of the impasse, the Department has modified the proposed rule language, and will resubmit the proposed language to the ERC on December 5, 2000, for the ERC to determine whether the two findings necessary for an OFW designation can still be met. The revised rule language to be submitted to the ERC will recommend designation of Lake Disston, but not any portion of Little Haw Creek. In addition, the proposed designation will eliminate the exemption for those activities proposed in Environmental Resource Permit (ERP) application No. 4-035-0071A-ERP and the exemption for silviculture activities. The adoption hearing

for the proposed amendments to the OFW designation is now scheduled before the ERC at the time, date and place shown below:

TIME AND DATE: 10:00 a.m., Tuesday, December 5, 2000
 PLACE: Florida Department of Environmental Protection, Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OR THE PROPOSED RULE IS: Janet Klemm, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, Mail Station #3570, Tallahassee, Florida 32399-2400, telephone (850)921-9928, Suncom 291-9928, Fax (850)921-5655

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 10, March 10, 2000, Florida Administrative Weekly has been withdrawn.

**Section IV
 Emergency Rules**

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE:	RULE NO.:
Distributions of 2000-01 Flu Vaccines	64FER00-2

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Influenza, commonly called "the flu" is an infection of the respiratory tract caused by the influenza virus. Most people who get the flu recover completely in one to two weeks, but some people develop serious and potentially life-threatening medical complications such as pneumonia. In an average year, influenza is associated with more than 20,000 deaths nationwide and more than 100,000 hospitalizations. Much of the illness and death caused by influenza can be prevented by annual influenza vaccinations. Influenza vaccine is specifically recommended for people who are at high risk for developing serious complications as a result of influenza infection. These high-risk groups include all people aged 65 years or older and people of any age with chronic diseases of the heart, lung or kidneys, diabetes, immunosuppression, or severe forms of anemia. Other groups for whom vaccine is specifically recommended are residents of nursing homes and