

Approval of Continuing Education Courses, Qualifications of Course Instructors, Course Syllabus, Required Records Maintained by Course Sponsors, Audit of Certifications of Completion, Advertising of Continuing Education Courses, Continuing Education Courses Required by Disciplinary Action, Fees, Exam Development, Continuing Education Seminars.

SPECIFIC AUTHORITY: 455.2123, 455.213(7), 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.219(3), 455.271(10), 489.109, 489.115, 489.116, 489.129(1)(c),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cathleen O'Dowd, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE: Trap Reduction Schedule

RULE NO.: 68B-24.009

PURPOSE AND EFFECT: The spiny lobster trap reduction program was begun in 1992 with the object of reducing the number of lobster traps used in the commercial fishery to the lowest number that will maintain or increase overall catch levels, while simultaneously promoting economic efficiency and conserving natural resources. Management concerns addressed by the program include overcapitalization, the mortality of sublegal lobsters used as attractants, the impact of lost traps, and environmental damage caused by traps. The purpose of this rule development effort is to arrive at a way to reduce the present number of trap certificates from 542,704 to an interim level of 400,000, a level at which total catch is predicted to be unaffected by the reductions, according to current data and science. Until now, trap reduction has been active, i.e., reduction in traps and certificates is applied proportionally across the board to all trap fishers. The Commission must decide whether to continue with active reductions – a 10% reduction is scheduled before the 2001-2002 season – or implement a hybrid reduction schedule based on a combination of active and passive trap reduction, to achieve the interim 400,000 trap level. Passive reduction

employs reductions upon the transfer of trap tags and certificates. The effect of continued trap reductions in the spiny lobster fishery is to further reduce mortality on sublegal lobsters and environmental damage caused by traps.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster Trap Reduction Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A RULE DEVELOPMENT WORKSHOP DURING ITS REGULAR MEETING, AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, January 24-26, 2001

PLACE: Radisson Mart Plaza Hotel, 711 N. W. 72nd Avenue, Miami, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**Section II
Proposed Rules**

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
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 Visiting – Forms 33-601.738

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide definitions for terms and forms applicable to visiting, and to establish procedures relating to visiting.

SUMMARY: The proposed rules define applicable terms; provide applicable forms; establish the duties of Department staff with regard to visiting, visiting procedures, visitors and visiting records; to establish procedures for visiting applications, entry and exit into facilities, and visiting schedules; establish criteria for denial of visiting; and to establish guidelines for eligibility of visitors and inmates with regard to status, attire, conduct and permissible items.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 20.315, 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Giselle Lylen Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.701 Visiting – Authority of the Secretary.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.01, Amended 6-20-85, 5-13-87, 3-8-98, Formerly 33-5.001, Repealed.

33-601.702 Posting of Visiting Policies.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-5.02, Amended 6-20-85, 3-8-98, Formerly 33-5.002, Repealed.

33-601.703 Visiting Records.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-5.03, Formerly 33-5.003, Repealed.

33-601.704 Visiting – Inmates in Special Status.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.04, Amended 6-20-85, 3-8-98, 10-7-98, Formerly 33-5.004, Repealed.

33-601.705 Refusal of Visit by Inmate.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-5.05, Amended 6-20-85, 3-8-98, Formerly 33-5.005, Repealed.

33-601.706 Inmate's Visitors List.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.06, Amended 10-6-83, 6-20-85, 3-12-86, 9-6-93, 3-8-98, Formerly 33-5.006, Repealed.

33-601.707 Visiting Denial.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.07, Amended 10-6-83, 6-20-85, 3-12-86, 1-28-98, 3-8-98, Formerly 33-5.007, Repealed.

33-601.708 Visiting Procedures and Conditions.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 386.204, 386.205, 944.09, 944.23 FS. History–New 10-8-76, Amended 10-6-83, 6-20-85, Formerly 33-5.08, Amended 3-12-86, 4-16-95, 3-8-98, 6-29-98, Formerly 33-5.008, Repealed.

33-601.709 Non-contact Visiting.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 6-15-98, Formerly 33-5.0081, Repealed.

33-601.710 Special Visits.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-6-83, Formerly 33-5.10, Amended 6-20-85, 3-12-86, 3-8-98, Formerly 33-5.010, Repealed.

33-601.713 Inmate Visiting – Definitions.

(1) “Authorized Adult” refers to an approved visitor eighteen years or older who has notarized authorization to escort a minor and represent the minor’s parent or legal guardian should the minor need to be questioned or searched for visiting purposes.

(2) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Offender Based Information System (OBIS) that automates visitor facility entry and exit.

(3) “Central Visiting Authority (CVA)” refers to the section within the Bureau of Classification and Central Records responsible for the management of inmate visiting procedures, visiting records, and fact-based decisions on visiting requests.

(4) “Emancipated Minor” refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to the Request for Visiting Privileges, Form DC6-111A. Form DC6-111A is incorporated by reference in Rule 33-601.738.

(5) “Institutional Classification Team (ICT)” refers to the team responsible for making local classification decisions as defined in rule and procedure. The ICT shall be comprised of the warden or assistant warden who shall serve as chairperson, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule.

(6) “Immediate Family” refers to an inmate’s spouse, children, parents, brothers, sisters, grandparents, great grandparents, grandchildren, stepbrothers, stepsisters, stepparents, foster parents, stepchildren, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.

(7) “Minor” refers to any visitor seventeen years of age or younger who must visit in the company of a parent, legal guardian, or authorized adult who is an approved visitor.

(8) “Non-Contact Visiting” at authorized institutions refers to visual visiting where a structural barrier is used to prevent the inmate and visitor from any form of physical contact, but allows verbal communication.

(9) “Suspension” refers to the suspension of visiting privileges for an inmate or visitor, to include the current and any future incarcerations.

(10) “Regular Visit” refers to any approved visit between an inmate and any persons on the inmate’s visiting record that occurs on scheduled visiting days and hours.

(11) “Approved Visitor” refers to any person who is approved by the CVA to visit an inmate and whose approval is documented in the inmate visiting record.

(12) “Request for Visiting Privileges” refers to Form DC6-111A, which must be fully completed by all prospective visitors twelve years of age and older and forwarded to the CVA for resolution.

(13) “Scheduled Visiting Days” refers to the specific days and times an inmate is authorized to visit. This is normally Saturday and Sunday, from 9:00 AM until 3:00 PM, Eastern Standard Time (8:00 AM – 2:00 PM Central Standard Time).

(14) “Special Status Inmate” refers to an inmate who is not in the general population but is in a special classification status as outlined in 33-601.733 that shall prohibit or restrict visiting based upon the status.

(15) “Special Visit” refers to an authorized visit on a day, at a time or for a duration of time other than an inmate’s regularly scheduled visiting days, or with a person not listed in the inmate’s approved visiting record.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

33-601.714 Inmate Visiting – General.

(1) Inmate visiting is a privilege, not a guaranteed right of either the inmate or the visitor. Inmates are not assigned to specific institutions solely for the convenience of visiting privileges.

(2) All visitors are subject to Department rules, procedures, technical instructions and restrictions imposed as a condition of admittance and the directions of institutional staff while on institutional grounds.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any violation shall subject the visitor to suspension of visiting privileges by the CVA and the inmate to disciplinary action.

(4) Positing of Policies.

(a) To ensure that all visitors are aware of s. 944.47, F.S., governing contraband, the warden shall post the statute in a conspicuous place at the entrance to the institution or facility.

(b) The warden shall display the visiting rule, procedures, and any technical instructions in a manner that allows visitors to read them before they begin the institutional visiting entry process.

(5) The CVA shall publish a departmental visitor’s information handbook that shall include statutes, rules, procedures, and instructions relating to visiting. The warden shall ensure that a new visitor receives a copy of the handbook. These handbooks are not authorized in the visiting area.

(6) Inmates shall be allowed to file grievances concerning visiting privileges in accordance with the provisions of Rule 33-103.005.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

33-601.715 Visiting Application Initiation Process.

(1) During the reception process, classification staff shall develop and maintain a computerized list of the inmate's immediate family members for placement on the automated visiting record. Placement of a name on the automated visiting record in and of itself is not approval to visit.

(2) The inmate shall be given up to fifteen copies of the Request for Visiting Privileges, Form DC6-111A, and Visitor Information Summary, Form DC6-111B, within 24 hours after arrival. Forms DC6-111A and DC6-111B are incorporated by reference in Rule 33-601.738. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit a Request for Visiting Privileges, Form DC6-111B.

(a) Only visitors approved pursuant to Rule 33-601.718 shall be allowed to visit.

(b) The prospective visitor shall be required to complete a Form DC6-111A, Request for Visiting Privileges, by filling in each line or inserting "NA" (not applicable) where appropriate.

(c) The applicant shall provide a social security number for identification purposes for obtaining the visitor's criminal history and to be used as the identification number for the automated visiting record.

1. Failure to provide a social security number shall result in denial of the visiting request.

2. As part of the automated visiting record, the social security number may become public record.

(3) The CVA shall conduct criminal history background checks on all applicants 18 years of age or older requesting visiting privileges. A criminal history background check shall be conducted on an applicant 17 years old or younger if information on the application indicates that it is prudent to do so.

(4) Upon transfer to a permanent institution or facility, each inmate shall be provided with a visitor information letter containing visiting information specific to that institution or facility to be mailed, at the inmate's expense, to each approved visitor.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New _____.

33-601.716 Visiting Record Management.

(1) The CVA shall develop and maintain computerized inmate-visiting records.

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

(3) No more than fifteen people, twelve years of age or older, including family and non-family members, are allowed on an inmate's visiting record.

(4) Inmates shall be permitted to remove or request to add visitors to their inmate visiting records by completing a Remove/Add Visitor Request, Form DC6-111C, provided by institutional classification staff. Form DC6-111C is incorporated by reference in Rule 33-601.738. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Deletions shall only be permitted every six months.

(5) A person who requests placement on an inmate's visiting record shall be referred to the inmate concerned.

(6) A visitor shall not be permitted to be on more than one inmate's visiting record unless they are immediate family members.

(7) A visitor shall be on only one non-immediate family member inmate's visiting record. The visitor who is already approved on a non-immediate family inmate's visiting list will be allowed to remain on the approved list should an immediate family member be incarcerated. However, should the visitor already be on an immediate family member's visiting list the visitor shall not be considered for approval on a non-immediate family member's visiting list until such time as the immediate family member has been released from incarceration.

(8) An approved visitor who is on the visiting list of two or more immediate family member inmates or an immediate family member inmate and a non-immediate family member inmate, may visit only one inmate on the same day at the same institution.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New _____.

33-601.717 Visiting Denial.

(1) Visitors shall not be denied visiting because of disability, race, creed, color, or national origin of the inmate or visitor. Visits shall not be denied based on the ideas or opinions held or expressed by the inmate or visitor or for any reason unrelated to security, good order, or rehabilitative objectives of the institution.

(2) The CVA shall have authority to refuse to approve visiting for applicants with prior negative visiting behavior based on the security threat to the institution, nature of the behavior, and the elapsed time since the incident. Denial of visiting shall be permanent if the prospective visitor was involved in, or assisted in, an escape or attempted escape from any correctional facility.

(3) Visiting shall be denied if the visitor advocates or has advocated violence or the violation of any law or rule or is a danger to the security and good order of the institution.

(4) Visiting shall be denied during a declared emergency.

(5) Any person shall be subject to denial of permission to visit based upon the following criteria:

(a) The possession, introduction or attempted introduction of contraband into any facility;

(b) Assisting or attempting to assist an escape or escape attempt from any facility;

(c) The nature and extent of the individual's criminal record, consideration of which includes:

1. Felony convictions, withholds of adjudication and criminal history dispositions in any jurisdiction. If the disposition of a felony arrest is not reflected, the disposition shall not be ascertained prior to completion of the review of the visiting request unless circumstances suggest additional clarification is prudent;

2. Community supervision and prior incarceration in any jurisdiction.

(d) Former department employment, contract employment or volunteer work with a documented history that raises security concerns;

(e) Commission of serious or repeated violations of departmental rules or procedures during a previous visit within the past five years;

(f) Either the inmate or potential visitor gave false or misleading information to obtain visiting privileges with in the past five years;

(g) The individual is a victim of an inmate's current or prior offense with consideration of the nature of the inmate's offense, the extent of the victimization and the relationship of the victim to the inmate;

(h) The individual is a co-defendant of the inmate in a current or prior offense;

(i) Other factors related to the security, order or effective management of the institution.

(6) The inmate's immediate family members shall be subject to denial of visiting based on the following:

(a) The potential visitor's criminal conviction or rule violation history or a reasonable suspicion supported by specific, objective facts that suggest the visit would further criminal activity or rule violations.

(b) The family member is a victim of the inmate's current or prior offense, or

(c) The family member is a co-defendant in the inmate's current or prior offense.

(7) A department volunteer or intern shall not be approved for visiting at an institution or facility to which he or she is assigned. Following termination or assignment to another facility, visitation at the former institution or facility shall not occur until twelve months have elapsed.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New

33-601.718 Review of Request for Visiting Privileges.

In approving or disapproving visiting privileges, CVA staff shall review the Request for Visiting Privileges, Form DC6-111A, and shall consider all factors related to the security, order or effective management of the institution.

(1) Prior criminal records shall not automatically result in disapproval of visiting. The nature, extent, and recentness of the criminal convictions combined with the person's relationship to the inmate shall affect approval or disapproval.

(2) CVA staff shall evaluate a person's criminal history and visiting background using the CVA Visitor Screening Matrix, Form DC6-111D, to consider whether the applicant:

(a) Has prior felony convictions;

(b) Has prior incarcerations, probation, parole, community control, or other forms of community supervision;

(c) Has been convicted of any new felony convictions within five years of release from incarceration.

(d) Is under community supervision for minimum of one year and additionally:

1. Complies with all conditions of supervision, and

2. Submits a written authorization of the supervising correctional probation officer with the Request for Visiting Privileges;

(e) Has a history of past negative department visiting behavior; and

(f) Other factors such as security threat group involvement or ex-employee status.

(3) Form DC6-111D is incorporated by reference in Rule 33-601.738.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New

33-601.719 Visiting By Former and Current Department and Contractor Employees.

(1) Former Department and Contractor Employees. The CVA shall consider approving former department employees and former employees of a contractor who was under contract with the department for visiting privileges under the following circumstances:

(a) Employment termination is more than twelve months;

(b) During employment the applicant did not have a documented incident of any of the following:

1. Revealing or discussing security plans or procedures with inmates.

2. Security breaches or rule violations.

3. A personal relationship with an offender.

4. Problems which affected the security, order or effective management of the institution or

5. Leaving employment under adverse conditions.

(c) Visiting shall not occur in the facility where the visitor was employed, unless five years have elapsed since the applicant left employment.

(2) Current Department and Contract Employees. The CVA shall consider approving current department employees and employees of a contractor currently under contract with the department for visiting privileges under the following conditions:

(a) The employee is a member of the inmate's immediate family;

(b) The employee has not violated the conditions stipulated in Rule 33-601.719(1);

(c) The employing warden, warden of the institution housing the inmate to be visited, circuit administrator (community corrections Staff), regional director (regional office staff), and Director of Institutions (central office staff), have approved the visit in writing.

(d) The inmate shall not be housed in the same facility as the immediate family member employee. Visiting shall not occur in the facility where the employee is employed.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.720 Sex Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger:

(a) If the inmate has a current or prior conviction under:

1. Chapter 794, F.S. – sexual battery,

2. Chapter 800, F.S. – lewdness; indecent exposure,

3. Chapter 827, F.S. – abuse of children,

4. Chapter 847, F.S. – obscene literature; profanity, or

(b) The offense reveals that the inmate committed or attempted to commit aggravated child abuse or attempted to commit a sex act on or in the presence of, or against a person fifteen years old or younger.

(c) A plea of nolo contendere followed by a withhold of adjudication does not constitute a conviction under s. 944.09(1)(n) F.S.

(d) Current and prior convictions from other jurisdictions comparable to the offenses listed above, also serve as a basis for imposing visiting restrictions.

(e) Only the judge who issued an order imposing visitation restrictions may modify those restrictions.

(2) A warden, with a recommendation from the CVA supervisor, is authorized to approve a visit between a minor who is accompanied by an authorized adult and an inmate who meets the criteria in Rule 33-601.720(1) above if visiting is not restricted by court order and the warden determines the visit to be in the minor's best interest. Factors to be considered are:

(a) A request for consideration from a professional certified or licensed counselor, from the community, acting in the interest of the minor, or an evaluation by the counselor of the impact on the minor of such visits or the lack of visits,

(b) The duration and frequency of prior visits without adverse incidents,

(c) A psychological evaluation of the inmate as to the danger presented to the minor and any continuing issues regarding visits with the minor,

(d) The availability of non-contact visiting facilities at the institution, and

(e) Other factors related to the safety and best interest of the minor.

(3) The warden shall provide documentation required in 33-601.720(2) above to the CVA supervisor who shall recommend approval or denial to the warden.

(4) The warden, with a recommendation from the CVA supervisor, is authorized to modify the visiting status if factors materially affecting the visiting privilege decision change. Modification of privileges and court modifications of previously imposed visiting restrictions shall be documented in the AVR by institutional staff.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.721 Visiting Operations.

(1) Each institution shall provide a visiting area that facilitates both indoor and outside visiting and is adequately staffed to maintain security and safety.

(2) Staff shall conduct a comprehensive contraband search of the visiting area and the visitor parking lot before and after visiting.

(3) Inmates shall be required to conduct visits in a separately designated visiting area as determined by the warden, assistant warden, or duty warden when visiting in the regular visiting area poses a threat to security, safety, or good order of the institution or any person.

(4) Wardens shall require non-contact visits when a contact visit poses a threat to security or good order of the institution.

(5) Smoking shall be permitted only in an outdoor smoking area designated by the warden.

(6) Staff shall minimize interaction with the inmate or their visitors unless the inmates or visitors are violating rules or procedures or are being disruptive.

(7) All visiting area staff shall participate in a minimum of four hours of annual training specific to operations of the visiting park and visiting in general.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.722 Visiting Schedule.

(1) Regular visitors shall be allowed to visit between 9:00 AM and 3:00 PM Eastern Standard Time (EST) – 8:00 AM and 2:00 PM Central Standard Time CST each Saturday and Sunday.

(a) Institutions shall initiate the visiting registration process at 8:15 AM EST and 7:15 AM CST.

(b) Visitors shall not be processed after 2:00 PM EST and 1:00 PM CST.

(c) Regular visiting shall occur when the holidays of July Fourth, Thanksgiving Day, and Christmas Day fall on a weekday.

(2) Where unusual circumstances occur, the warden shall be authorized to allow an inmate additional visiting hours for a regular or special visitor. The exception will be based on such factors as great travel distance or infrequency of visits.

(3) The warden shall request exceptions to regular visiting days, hours, and numbers of visitors when facilities are limited based on fire safety standards for capacity. The secretary shall approve or disapprove the request for exception.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New _____.

33-601.723 Visiting Check-In Procedures.

(1) Only five approved visitors, 12 years of age or older, at any time may visit an inmate in the visiting area. Children 11 years old and younger do not count against the five approved visitors.

(2) A visitor's initial check-in shall take place in a location that minimizes weather exposure and provides restrooms.

(3) Visitors shall be required to register for visiting through the automated visiting record. The failure to do so or providing false information shall result in denial or termination of the visit and suspension of visiting privileges.

(4) All visitors twelve years of age or older must present a valid form of picture identification for visiting registration. Acceptable forms of identification are identification cards that contain a photograph, current address, and date of birth and physical characteristics of the individual.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship.

(6) Upon completion of visitor registration, the approved visitors shall exchange his or her valid identification for a numbered visitor's badge.

(a) Visitors shall not exchange the issued numbered badge with any non-Department of Corrections personnel.

(b) An ultra-violet hand stamp will be used as a secondary method of visitor verification. The stamp will be applied and viewed at registration.

(7) Should a visitor find it necessary to leave the visiting park prior to completion of the visit, the visitor shall not depart until institutional staff have verified the identity of the visitor and the presence and location of the inmate being visited. The visitor will not be allowed reentry unless approved by the shift supervisor or the duty warden. If reentry is approved, the visitor will proceed through the check-in procedure as required in this rule.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New _____.

33-601.724 Visitor Attire.

Persons desiring to visit shall be fully clothed including shoes. Small hats such as baseball caps, religious coverings, or surgical caps are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in inappropriate attire. The warden, assistant warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

(1) Halter tops or other bra-less attire.

(2) Underwear type tee shirts.

(3) Tank tops.

(4) Fish net shirts.

(5) Skin tight clothing or spandex clothing.

(6) Clothes made with see-through fabric unless a non-see-through garment is worn underneath.

(7) Dresses, skirts, or Bermuda-length shorts more than three inches above the knee, or

(8) Any article of clothing with a picture or language which presents a potential threat to the security or order of the institution.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New _____.

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) One unopened pack of cigarettes and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.

(b) A vehicle key.

(c) Up to \$25.00, in \$1.00 and \$5.00 denominations only, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area. A small wallet or pouch may be used for containing the bills and any change received from the canteen or vending purchases.

(d) One numbered visitor's badge;

(e) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with 33-601.723(7). The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. Visitors taking prescription medications are allowed only the dosage necessary for the visiting period.

2. Each prescription medication brought into any institution or facility must be in its original prescribed container. The use of one container for different types of medication will not be allowed.

3. Each container must have a clearly readable prescription label that shows:

- a. The type of medication,
- b. The dosage requirements, and
- c. The individual's name for whom the medication was prescribed.

(f) Feminine hygiene items enclosed in the original individual wrapping may be carried into the visiting park in a small pouch or bag.

(g) Hairbrush and comb.

(h) Visitors with authorized infants and small children shall be allowed to bring in:

1. Five diapers, three clear plastic baby bottles or two sipper cups for toddlers, and three clear jars of baby food with the original seal intact;

2. Baby wipes or towelettes, provided they are in a clear plastic bag;

3. An infant or baby carrier for each infant. Baby carriers are subject to search before entry into the institution and visitors shall be required to remove the infant from each carrier during the search.

4. One set of infant clothing.

(2) A visitor who brings any item not listed above that is not considered contraband or illegal, or who brings more than the permissible amounts of authorized items, shall be required to find a secure location to store the items for the duration of their visit.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.726 Visitor Searches.

(1) Visitors shall be subject to search upon entering and exiting the institution. Refusal of either search shall result in denial of the current visits.

(2) Authorized visitor searches include:

(a) Search of the interior and exterior of any hand carried item.

1. Staff shall accomplish this search in a manner that does not damage or destroy the item or impair its use.

2. If the item would be damaged, destroyed or impaired by the search, the visitor shall not be allowed to bring the item into the institution.

(b) Careful search by touching of the visitor's hair and scalp;

(c) Visual inspections of the ears, nose, and mouth without the insertion of any instruments or the officer's fingers;

(d) Removal of and searching inside the visitor's hat, shoes and gloves;

(e) Removal of any clothing such as scarves, overcoats, or sweaters worn over a visitor's first layer of exterior clothing, and a search by visual inspection and touching of the interior and exterior and pockets of such clothing;

(f) After removal of outer clothing, careful search by visual inspection and by touching of the visitor's first layer of clothing generally worn over one's underwear;

(g) Careful search by touching of clothing worn next to the body such as stockings or socks, using sufficient pressure to detect contraband items;

(h) Searches with metal detection devices;

(i) K-9 searches; and

(j) Drug ion scanner searches.

(3) The visitor shall be instructed to sign an Unclothed Body Search Consent, Form DC1-803, if specific factual reasons support the suspicion that contraband is concealed on a visitor's person, and this suspicion is not resolved by a less intrusive search. Form DC1-803 is incorporated by reference in 33-601.738 of this rule.

(a) The warden, assistant warden, or duty warden must approve strip searches. Approval shall be given only after careful evaluation of the asserted factual grounds that justify the search. The visit shall be denied if the visitor refuses to give written consent to the strip search.

(b) The visitor shall also be asked to sign a Consent to or Notification of Search, Form DC1-804, if reasons exist to search the visitor's vehicle. Form DC1-804 is incorporated by reference in Rule 33-601.738. Visiting shall be denied if the visitor refuses to give written consent to search the vehicle.

(4) Security staff of the same sex as the visitor must conduct strip searches.

(5) Visitor body cavity searches are not authorized. If less intrusive searches do not resolve the suspicions, visiting will be denied.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) There shall be no loitering;

(b) Visitors shall not take any article whatsoever from the visiting area or the grounds of the institution (e.g., gifts from inmates or inmates' excess personal property items) without prior authorization from the warden, assistant warden, or duty warden.

(c) Visitors are prohibited from using cameras on department property without the express consent of the warden. The warden is authorized to approve camera use on a case-by-case basis when the warden determines that it would not be detrimental to the security and order of the institution.

1. Visitors shall not photograph any part of the institution's physical structure, buildings, fences, staff, visitors, or inmates.

2. Areas in which the general public is prohibited from taking photographs shall be clearly posted and identified in the institution's visitor information.

(d) Visitors shall not possess, introduce, or attempt to introduce contraband or illegal items into or onto the grounds of any department institution or facility. Violations shall result in the suspension of visiting privileges by the CVA. Contraband items not of an illegal nature shall be seized by staff when found and shall be returned only on the approval of the duty warden.

(e) Under no circumstances shall any department employee offer or be allowed to keep any item for the visitor.

(f) Visitors shall not walk or drive along the perimeter road or on the grounds of the institution except in those areas designated for inmate visitor parking;

(g) Visitors shall not play vehicle radios loudly while on department property;

(h) Visitors shall not yell or exhibit loud, boisterous, threatening language or disorderly behavior while on department property;

(i) Visitors shall keep accompanying children orderly during their visit so as not to disturb other inmates and visitors. If the visitor is unable to control his or her children, the visit shall be terminated and the visitor and children shall be escorted out of the institution or facility.

(j) Visitors shall not visit with any inmate except the inmate the visitor was admitted to visit or with any other visitor.

(k) A visitor shall not under any circumstances leave an unattended child or animal in any vehicle or elsewhere on department property while visiting.

(l) Visitors shall not give to or receive from the inmate any item of any description unless authorization is first obtained from the warden, assistant warden, or duty warden. The only exceptions are food and beverage items purchased by visitors from vending machines or canteens and photographs purchased through the inmate photo project. The visitor may pass the food or beverage only to the inmate he or she is visiting. The visitor shall not give cash or currency directly to an inmate.

(m) Visitors may briefly (five seconds) embrace and kiss the inmate to be visited once at the beginning and end of visit.

1. A visitor and inmate may hold hands if visiting park staff can observe the holding of hands.

2. Small children of the inmate or of the visitor may be held by the inmate.

3. No other forms of affection or physical contact between visitors and inmates is authorized.

(2) Visitors shall be allowed to attend institutional church services and other special programs if consistent with security considerations.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.728 Inmate Visiting Appearance, Search, and Conduct.

(1) During visiting, inmates shall wear a clean uniform consisting of the following department issued items:

(a) Blue shirt.

(b) Tee shirt worn beneath the blue shirt. A sweatshirt may be worn instead during cold weather.

(c) Blue trousers.

(d) Belt.

(e) Socks and underwear.

(f) Brogans or state issued tennis shoes unless authorization (medical pass) carried on the inmate's person allows an exception to the footwear.

(g) ID card in accordance with 33-602.101(9)(h).

(h) Permanent inmates assigned to reception centers may wear a white shirt and white trousers during visitation.

(2) Inmates shall be strip-searched before and after visiting. Staff will conduct searches in accordance with Rule 33-602.204.

(3) Inmates shall not visit with anyone other than their authorized visitors.

(4) The inmate shall not pass items to another inmate or to a visitor or accept items from another inmate or a visitor except as specified in 33-601.727(1)(l).

(5) Inmates shall not be loud, boisterous, threatening, or disorderly during a visit or while in the visiting area.

(6) Inmates may briefly (five seconds) embrace and kiss each visitor once at the beginning and end of each visit.

(a) Inmates may hold their small children or the children of their visitors.

(b) Inmates and their visitors may hold hands if the holding of hands can be observed by visiting park staff.

(c) No other forms of affection or physical contact between inmates and visitors are authorized.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.729 Termination of Visits.

(1) A warden, assistant warden, or duty warden shall be authorized to deny or terminate a visit for the following reasons:

(a) The visitor is or appears to be under the influence of drugs or alcohol;

(b) The visitor refuses or fails to produce a valid photographic identification or falsifies identifying information;

(c) Visiting space is limited;

(d) The inmate has already received his or her authorized visits and has departed the visiting area;

(e) The visitor is disruptive or the children accompanying the visitor are disruptive;

(f) The visitor is not on the inmate's approved visiting list;

(g) The visitor, having been admitted to visit one inmate, attempts to visit another inmate that he or she is not authorized to visit;

(h) The inmate refuses to visit with the visitor;

(i) The visitor does not and can not meet dress requirements for visitors;

(j) Emergency situations as declared by the warden or duty warden;

(k) A determination that the visit may jeopardize the security or safety of staff, inmates, others, or the institution;

(l) After completing a visit with one inmate, the visitor leaves the institution and attempt to re-enter to visit with a different inmate; or

(m) The visitor violates visitor's conduct standards in Rule 33-601.727.

(2) Before considering termination of a visit in progress due to violation of or failure to comply with any establish rule or procedure, the warden, assistant warden or duty warden shall first attempt less severe alternatives when applicable, including verbal warnings to the inmate and visitor about improper conduct.

(3) Reconsideration for Visitation.

(a) A visitor denied visiting by the warden, assistant warden, or duty warden shall be permitted to ask the CVA to mediate the matter, using local or institutional telephone access for this purpose. The CVA employee will either inform the visitor of his or her agreement with the decision of the duty warden or shall contact the facility on behalf of the visitor. The final decision shall rest with the warden, assistant warden, or duty warden.

(b) A visitor initially denied permission to visit for reasons other than for possession or attempted introduction of contraband and who corrects the problem causing the denial shall be granted visiting if not otherwise precluded by rule and if the inmate is not in the process of visiting with others.

(4) The warden, assistant warden or duty warden shall ensure that the inmate is notified of the denial of his or her visitor's admission and the reasons as soon as possible.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.730 Visiting Check-Out Procedures.

(1) When an inmate ends the visit, all of the inmate's visitors shall be required to depart the visiting park immediately.

(2) Upon completion of the visit the visitors shall not be cleared to leave the visiting park until the inmate with whom they visited is accounted for by institutional staff.

(3) Upon departure from the visiting park, each visitor shall be verified by visitor badge number and shall then proceed to the visitor registration area.

(4) At the registration area, each visitor shall turn in his or her numbered badge to the officer. The officer shall verify the identity of the visitor by physically comparing the picture identification. The picture identification will be returned to the visitor.

(5) Additional verification shall be obtained by viewing the ultra-violent stamp on the visitor's hand.

(6) Each visitor shall be logged out on the automated visiting record.

(7) No more than five adult visitors shall be allowed in the registration area at any time during checkout.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.731 Suspension of Visiting Privileges.

(1) Suspension of an inmate's visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314.

(2) Indefinite suspension of an inmate's visiting privileges as a management tool by the ICT is available as a management tool by the ICT when an inmate is found guilty of the following offenses:

(a) Possessing any firearms, dangerous weapons, explosives or explosive devices;

(b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach.

(3) Suspension of an inmate's visiting privileges as a management tool by the ICT for the following disciplinary offenses are limited to a two-year period when inmate is found guilty of:

(a) Committing or engaging in sexual misconduct (i.e. nudity, sexual acts with or without others, willful exposure of private body parts, or soliciting sexual acts from others).

(b) Possessing drugs or money.

(c) Possession of any article or instrument that aids in escape or attempted escape.

(4) Suspension of an inmate's visiting privileges as a management tool by the ICT for the following disciplinary offenses are limited to three months for a first offense, six months for a second offense and two years for a third or subsequent offense when an inmate is found guilty of possession of any of the following contraband or illegal items:

(a) Any intoxicating beverages,

(b) Any cellular phone or recording devices, or

(c) Any pager.

(5) Suspension of an inmate's visiting privileges shall be considered by the ICT as a management tool when an inmate is rated "unsatisfactory" for the work or program performance rating, including part-time assignment or security assessment

and shall be considered for suspension of visits privileges for three months beginning with the month the rating was entered and running consecutively for each unsatisfactory rating.

(6) Refusing to participate or is removed from a mandatory program due to negative behavior. The inmate shall be suspended from receiving visits for three months beginning with the next visiting period following the removal or refusal.

(7) The ICT shall consider suspending the inmate's visiting privileges for each subsequent offense described in 33-601.731(1) through (5).

(8) Suspension of Visitor's Visiting Privileges.

(a) A visitor's visiting privileges shall be suspended by the CVA when the visitor:

1. Is found in possession of an illegal drug (controlled substances) when entering or exiting any department facility, or is found passing, attempting to pass, accepting, or attempting to accept such items to or from an inmate.

2. Is found in possession of a firearm or explosive device, articles, or instrument, or is found attempting to pass or passing such items to an inmate. Staff will secure the weapons for the law enforcement officers.

3. Assists, facilitates, aids or abets an inmate to escape or attempt to escape or is found passing or attempting to pass to an inmate any item or instrument that is capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in this instance.

a. All visiting privileges of the escapee shall be suspended upon his or her return to department's custody.

b. Visiting privileges shall be suspended pending completion of the Inspector General's investigation if an attempted escape is alleged.

4. For criminal activity, serious rule violations repeated visiting rule or procedure infractions or any security breach.

(b) Visiting privileges shall be suspended by the CVA for a mandatory period of two years when the visitor:

1. Attempts to pass or passes money to an inmate;

2. Is found in possession of intoxicating beverages on the grounds of any department facility, or found passing or attempting to pass such items to an inmate;

3. Is found in possession of any article or instrument capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in these instances.

4. Violates visitor conduct standards in Rule 33-601.727(1)(k) through (m).

(c) Visitors found in violation of Rule 33-601.727(3) or visitor conduct standards as outlined in Rule 33-601.727(1)(a)-(j) shall have visiting privileges suspended by the CVA for a mandatory period of one year.

(9) The warden shall have the discretion to recommend to the CVA a period of suspension for less than the mandatory period of suspension by considering the type of violation and

the impact of the violation on the overall security or safety of the institution. The warden shall set forth the justification for less than the mandatory period of suspension in the recommendation to the CVA.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.732 Reinstatement of Suspended Visiting Privileges.

(1) The warden shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC6-236, Inmate Request.

(a) Reinstatement of privileges suspended for more than two years shall only be considered after two years from imposition.

1. The warden shall review the request, render a final decision and notify the inmate concerned.

2. Should the inmate be denied reinstatement, the inmate may not make another request for one year from the last decision requesting reinstatement.

(b) Reinstatement of privileges suspended for two years or less shall not be considered for reinstatement for a period of one year. Should the inmate be denied, the inmate may not make another request for six months from the last decision requesting reinstatement.

(c) Early reinstatement of suspensions of one year or less shall not be considered for reinstatement until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.

(2) The CVA shall approve or deny requests for reinstatement of a visitor's suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the CVA supervisor. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of privileges suspended for more than two years shall only be considered after two years from imposition.

1. The CVA supervisor shall review the request, render a final decision and notify the visitor concerned.

2. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for one year from the last decision requesting reinstatement.

(b) Reinstatement of privileges suspended for two years or less shall not be considered for reinstatement for a period of one year. Should the visitor be denied reinstatement the inmate or suspended visitor may not make another request for six months from the last decision requesting reinstatement.

(c) Early reinstatement of suspensions of one year and under shall not be considered for reinstatement until at least six months form the date of suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.733 Visiting – Special Status Inmates.

(1) Inmates in special statuses are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden, assistant warden or duty warden has authority to grant exceptions if the inmate remains at the reception center more than 45 days and the CVA has approved the visitors.

(b) In maximum management, close management, disciplinary confinement, administrative confinement, or protective management status, inmates shall have visiting privileges as outlined in Rules 33-601.734 through 33-601.736.

(c) Inmates hospitalized in a DC infirmary or non-correctional medical facility shall not have visiting privileges except as described in (3) and (4) below.

(d) Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-506.207.

(2) Upon placement in a special classification status where visiting privileges are prohibited or restricted, the warden shall ensure:

(a) That inmates are provided the opportunity, at the inmates' expense, to notify at least three approved visitors of the prohibition or restriction before the next scheduled visiting day if the situation permits the inmate to do so, or

(b) That staff makes visitor notifications by phone if the inmate is unable to make them.

(3) Requests for visiting exceptions in special situations such as prolonged hospitalization, serious medical conditions or terminal illnesses shall be reviewed by the warden and chief health officer who shall render a decision on a case-by-case basis. The regional director shall be informed in high risk or high profile cases before allowing visiting.

(4) An inmate housed in a community hospital shall not be permitted visits except as authorized by the warden and chief health officer on a case by case basis.

(5) A maximum management inmate shall be allowed to receive non-contact visits from approved visitors in accordance with Rule 33-601.820.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.734 Visiting – Close Management Inmates.

(1) Visits for CM I and CM II inmates shall be non-contact visits. The warden shall determine the level of supervision and restraint for visits with inmates in CM III status on a case-by-case basis.

(2) CM I.

(a) Inmates are eligible to receive a non-contact visit after completing ninety days of satisfactory adjustment in CM I status and maintaining a clear disciplinary record since assignment to CM I.

(b) CM I inmates are eligible for another visit after each subsequent 90-day period in which a clear disciplinary record is maintained, providing security or safety concerns do not preclude a visit. CM I inmates are eligible for a maximum of four visits per year.

(c) CM I inmates placed into disciplinary confinement are not eligible for visiting until ninety days following release from disciplinary status or the conclusion of the disciplinary hearing, if a penalty other than disciplinary confinement was imposed.

(3) CM II.

(a) Inmates are eligible to receive a non-contact visit after completing sixty days of satisfactory adjustment in CM II status and maintaining a clear disciplinary record since assignment to CM II status.

(b) CM II inmates are eligible for another visit after each subsequent 60-day period in which a clear disciplinary record and satisfactory adjustment are maintained, provided security or safety concerns do not preclude a visit. CM II inmates are eligible for a maximum of six visits per year.

(c) CM II inmates placed in disciplinary confinement are not eligible for visiting until sixty days following release from disciplinary status or the disciplinary action, if a penalty other than disciplinary confinement was imposed.

(d) Inmates moved from CM I to CM II shall receive credit toward visiting for clear disciplinary record and time served in CM I.

(4) CM III.

(a) CM III inmates are eligible to receive a visit after completing sixty days of satisfactory adjustment in CM III and maintaining a clear disciplinary record since assignment to CM III.

(b) CM III inmates are eligible for another visit after each subsequent 30 day period in which a clear disciplinary record and satisfactory adjustment is maintained if security or safety concerns do not preclude a visit. A CM III inmate is eligible for a maximum of eleven visits per year.

(c) CM III inmates placed in disciplinary confinement are not eligible for visiting until thirty days following release from disciplinary status or the disciplinary action, if a penalty other than disciplinary confinement was imposed.

(5) Time spent in any status other than close management status shall not count towards completion of the period required prior to visiting. For example, if a CM I inmate serves thirty days and then enters a medical status for thirty days, he must complete another sixty days in CM I status prior to consideration for a visit.

Specific Authority 20.315, 944.09, 944.23 FS, Law Implemented 944.09, 944.23 FS, History--New

33-601.735 Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates.

(1) Disciplinary confinement inmates shall not be permitted visits other than legal visits unless exceptions are made by the warden, assistant warden or duty warden for emergencies.

(2) Protective Management. Inmates shall have a minimum of two hours a week for visiting under the following conditions:

(a) Visiting shall take place in a separate facility from the general population if a separate facility is available;

(b) If a separate facility is not available, the warden, assistant warden or duty warden shall schedule visiting at a time or day different than that for general population inmates.

(c) The warden, assistant warden or duty warden is authorized to limit or deny the visit based upon the degree of threat to the inmate. The warden, assistant warden or duty warden shall determine whether the visit shall be contact or non-contact.

(d) The warden is authorized to approve special visits as provided in 33-601.737.

(3) Administrative Confinement.

(a) Inmates in administrative confinement shall be permitted visits with the approval of the warden, assistant warden or duty warden based on the best interest of all concerned.

(b) Visits shall be denied for inmates who are a threat to institutional security.

(c) The warden, assistant warden or duty warden shall determine if non-contact visits are appropriate for inmates in administrative confinement status.

(d) The warden, assistant warden, or duty warden shall notify the control room in writing when approval is given in advance of the visitor arriving at the institution.

Specific Authority 20.315, 944.09, 944.23 FS, Law Implemented 944.09, 944.23 FS, History--New

33-601.736 Non-contact Visiting.

(1) When the ICT determines that non-contact visiting is necessary in order to maintain the security and good order of the institution, the ICT shall make a recommendation to the warden who shall approve or disapprove the recommendation.

(2) The ICT shall consider the following factors in determining whether to place an inmate in non-contact status:

(a) Whether the inmate is a threat to the security of the institution.

(b) The inmate’s and his or her visitors’ past behavior during visiting.

(c) The inmate’s disciplinary history within the last five years involving drugs, contraband, violence, or visiting policy violations occurring during visiting.

(d) Evidence or criminal intelligence reports that an inmate has possessed, sold, or transferred drugs or alcohol.

(e) Whether the inmate has a confirmed membership in a security threat group, and

(f) A positive drug or alcohol urine test.

(3) The ICT shall review non-contact visiting status a minimum of every 6 months to evaluate whether changes are necessary based upon the following:

(a) The seriousness of the incident or circumstances resulting in placement in non-contact status.

(b) The inmate’s history of repeated placement on non-contact status.

(c) The inmate’s overall adjustment history since placement in non-contact status, and

(d) The inmate’s disciplinary pattern within the last year related to drugs, contraband involvement, violence, or visiting rule violations.

(4) The warden shall ensure that there is sufficient space for non-contact visiting based on space available and allowable visitors.

(a) Non-contact visits shall be scheduled for one two-hour visit per week unless an emergency exists or security concerns dictate otherwise.

(b) Non-contact visits shall be limited to a maximum of four adult visitors and as many children as can be accommodated at a time.

(c) More than four visitors can be allowed to visit on a given day, but visiting will be on a rotating basis during the two-hour period.

(d) Inmates are responsible for notifying visitors of their placement on non-contact visiting status.

Specific Authority 20.315, 944.09, 944.23 FS, Law Implemented 944.09, 944.23 FS, History--New

33-601.737 Special Visits.

(1) The warden, assistant warden, or duty warden is authorized to approve special visits, impose special conditions for visiting outside of the regular visiting schedule, and to make exceptions to the number of visitors allowed.

(2) Before approving a special visit for any person who is not in the inmate’s approved visiting record, institutional staff shall obtain a criminal history on the prospective visitor.

(3) The CVA Visitor Screening Matrix, Form DC6-111D shall be used to evaluate the proposed visitor's criminal record and visiting background in determining approval or disapproval of the special visiting request. Form DC6-111D is incorporated by reference in Rule 33-601.738.

(4) Requests for a special visit shall be made by the inmate on the Inmate Request, Form DC6-236 and shall be submitted no less than five workdays in advance of the requested visit. Individuals requesting special visits shall be referred to the inmate who they wish to visit. The warden, assistant warden or duty warden shall approve or deny the request by the next working day after receipt. If it can be conclusively established that circumstances prevented the visitor from requesting a special visit within the five-day period, the warden, assistant warden, or duty warden shall consider the request for a special visit. The inmate shall be responsible for notifying individuals approved for a special visit.

(5) A visitor who has been denied a special visit by the warden, assistant warden or duty warden may request that the CVA mediate on his or her behalf. A local or institution telephone shall be used for this purpose if the visitor is on institutional property. The CVA shall either advise the visitor that the warden's, assistant warden's or duty warden's decision is appropriate or speak to the denying authority on behalf of the visitor. However, the final decision will rest with the approving authority.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New

33-601.738 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) DC1-803, Unclothed Body Search Consent, effective _____.
- (2) DC1-804, Consent to or Notification of Search, effective _____.
- (3) DC6-111A, Request for Visiting Privileges, effective _____.
- (4) DC6-111B, Visitor Information Summary, effective _____.
- (5) DC6-111C, Remove/Add Visitor Request, effective _____.
- (6) DC6-111D, CVA Visitor Screening Matrix, effective _____.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Dugger
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: _____ RULE NO.: _____

Percentage of Gross Pilotage Assessed 61G14-19.001

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to decrease the pilotage assessment fee.

SUMMARY: The Board proposes to amend this rule to decrease the pilotage assessment fee from 1% percent to 0.6 percent of the gross amount of pilotage earned by pilots during each year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) Effective January 1, ~~2001, 1999~~, the Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~six tenths of~~ one percent (~~0.6%~~ ~~(1%)~~) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the

fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History--New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2000

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Reactivation of Inactive License

RULE NO.: 64B10-13.300

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if changes are necessary to update the rule text.

SUMMARY: Update rule text.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.017(2), 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 456.017(2), 460.406 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-13.300 Reactivation of Inactive License. (1) through (5) No change.

~~(6) An inactive licensee who elects to change to active status shall not be permitted to return to inactive status until the next biennial renewal period.~~

~~(7) The Department shall not reactivate the license of any licensee who has failed to comply with the provisions of § 455.604, F.S., and Rule 64B10-15.001(8), F.A.C.~~

Specific Authority ~~455.711~~ 456.036, 468.1685(1), 468.1725(2) FS. Law Implemented ~~455.711~~ 456.036, 468.1725 FS. History--New 3-5-96, Formerly 59T-13.300, Amended 5-15-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2000

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Disciplinary Guideline; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NO.: 64B10-14.004

PURPOSE AND EFFECT: The Board decided that this rule was necessary to update the rule text.

SUMMARY: Update the rule text.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.017(2), 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.1685(4),(5),(6), 468.1755(1)(a),(j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapters ~~456~~ ~~455~~ and 468, Part II, F.S. The purpose of the disciplinary guidelines is

to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters ~~456 455~~ and 468. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters ~~456 455~~ and 468, Part II, or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, reprimand, or probation which may be included in the final penalty at the Board's discretion.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

	Minimum	Maximum
(a) Violation of 468.1745(1)(a),(b),(c) or (e), 468.1755(1)(a), F.S., unlicensed practice by an applicant for licensure. First Offense: Second Offense:	reprimand and \$500 fine probation and \$1000 fine	probation and \$500 fine denial/revocation and \$1000 fine
(b) Giving false or forged evidence to obtain a license. (468.1745(1)(d), 468.1755(1)(a), F.S.) First Offense: Second Offense:	probation and \$500 fine 6 months suspension followed by probation and \$1000 fine	denial/revocation \$500 fine denial/revocation and \$1000 fine
(c) Knowingly employ unlicensed persons. (456.072(1)(j) 455.624(1)(j) , 468.1745(1)(f), 468.1755(1)(a), F.S.) First Offense: Second Offense: Third Offense:	reprimand and \$500 fine probation and \$500 fine 6 months suspension followed by probation and \$1000 fine	probation and \$500 fine 6 month suspension followed by probation and \$1000 fine revocation and \$1000 fine
(d) Knowingly conceal violations of this act. (468.1745(1)(g), 468.1755(1)(a), F.S.) First Offense: Second Offense: Third Offense:	\$500 fine \$1000 fine probation and \$1000 fine	\$1000 fine probation and \$1000 fine 1 year suspension followed by probation and \$1000 fine
(e) Attempting to procure license by bribery, fraudulent misrepresentation or error of the Department or Board. (456.072(1)(h) 455.624(1)(h) , 468.1755(1)(b), F.S.) First Offense: Second Offense:	probation and \$500 fine 6 months suspension followed by probation and \$1000 fine	denial/revocation \$500 fine denial/revocation and \$1000 fine

(f) <u>Nursing Home Administrator License</u> License disciplined by another jurisdiction. License disciplined by another jurisdiction (456.072(1)(f), 455.624(1)(f) 468.1755(1)(c), F.S.)	Same penalty as imposed by other jurisdiction, if consistent with Florida law and these guidelines for similar cases
(g) Criminal conviction relating to practice or ability to practice nursing home administration. (456.072(1)(c) 455.624(1)(e) , 468.1755(1)(d), F.S.) First Offense: Second Offense:	reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine
(h) Knowingly making or filing false report. (456.072(1)(l), 455.624(1)(l) 468.1755(1)(e), F.S.) First Offense: Second Offense:	reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine
(i) Fraudulent, false, deceptive or misleading advertising. (468.1755(1)(f), F.S.) First Offense: Second Offense: Third Offense:	reprimand \$500 fine reprimand and \$1000 fine \$500 fine \$1000 fine probation and \$1000 fine
(j) Fraud or deceit in the practice of nursing home administration. (468.1755(1)(g), F.S.) First Offense: Second Offense:	reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine
(k) Negligence or incompetence in the practice of nursing home administration. (468.1755(1)(g), F.S.) First Offense: Second Offense:	reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine
(l) Misconduct in the practice of nursing home administration including but not limited to: trust fund violations, Medicaid/insurance fraud, exploitation of a patient, and undue influence of a patient. (468.1755(1)(g), F.S.) First Offense: Second Offense:	reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine

(m) Violation of previous disciplinary order or subpoena issued by the Board or Department. (456.072(1)(q) 455.624(1)(q), 468.1755(1)(i), F.S.)	First Offense:	\$1000 fine	6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine	Third Offense:	suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine	revocation and \$1000 fine
	Second Offense:	6 months suspension followed by probation and \$1000 fine		(s) Willful or repeated violation of laws and rules governing nursing homes. (468.1755(1)(m), F.S.)		
(n) Practice on a revoked license. (468.1755(1)(j), F.S.)	First Offense:	\$500 fine	\$1000 fine and denial of future applications	First Offense:	reprimand and \$1000 fine	1 year suspension followed by probation and \$1000 fine
	Second Offense:	\$500 and denial of future applications		Second Offense:	1 year suspension followed by probation and \$1000 fine	revocation and \$1000 fine
(o) Practice on a suspended license. (468.1755(1)(j), F.S.)	First Offense:	\$1000 fine	6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine	(t) Payment for solicitation or procurement of nursing home usage. (468.1755(1)(n), F.S.)	First Offense:	reprimand and \$1000 fine
	Second Offense:	6 months suspension followed by probation and \$1000 fine		Second Offense:	1 year suspension followed by probation and \$1000 fine	1 year suspension followed by probation and \$1000 fine
(p) Practice on an inactive license. (468.1755(1)(j), F.S.)	First Offense:	\$1000 fine	6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine	(u) Willfully permitting unauthorized disclosure of patient information. (468.1755(1)(o), F.S.)	First Offense:	reprimand and \$1000 fine
	Second Offense:	6 months suspension followed by probation and \$1000 fine		Second Offense:	1 year suspension followed by probation and \$1000 fine	1 year suspension followed by probation and \$1000 fine
(q) Repeatedly acting inconsistently with health, safety and welfare of patients. (468.1755(1)(k), F.S.)	First Offense:	reprimand and \$1000 fine	1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine	(v) Discrimination to staff or patients. (468.1755(1)(p), F.S.)	First Offense:	reprimand and \$1000 fine
	Second Offense:	1 year suspension followed by probation and \$1000 fine		Second Offense:	1 year suspension followed by probation and \$1000 fine	1 year suspension followed by probation and \$1000 fine
(r) Inability to practice with skill and safety due to mental or physical impairment. (468.1755(1)(l), F.S.)	First Offense:	probation	suspension until the licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$500 fine suspension until the licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine.	(w) Practice on a delinquent license. (468.1755(1)(j), F.S.)	First Offense:	\$1000 fine
	Second Offense:	probation and \$1000 fine		Second Offense:	6 months suspension followed by probation and \$1000 fine	6 months suspension followed by probation and \$1000 fine
				(x) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession. (456.072(1)(a) 455.624(1)(a), F.S.)	First Offense:	reprimand and \$1000 fine
				Second Offense:	1 year suspension followed by probation and \$1000 fine	1 year suspension followed by probation and \$1000 fine

<p>(y) Intentionally violating any rule adopted by the Board or the Department, as appropriate. (456.072(1)(b) 455.624(1)(b), F.S.)</p> <p>First Offense: \$1000 fine 6 months suspension followed by probation and \$1000 fine</p> <p>Second Offense: 6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine</p>	<p>(ee) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (456.072(1)(m) 455.624(1)(m), F.S.)</p> <p>First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine</p> <p>Second Offense: 1 year suspension followed by probation and \$1000 fine</p>
<p>(z) Failing to comply with the educational course requirements for human immunodeficiency virus, acquired immune deficiency syndrome, or end of life and palliative health care. (456.072(1)(e) 455.624(1)(e), F.S.)</p> <p>First Offense: \$750 fine \$1000 fine probation and \$1000 fine</p> <p>Second Offense: \$750 fine probation and \$1000 fine</p> <p>Third Offense: \$1000 fine 6 months suspension followed by probation and \$1000 fine</p>	<p>(ff) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (456.072(1)(o) 455.624(1)(o), F.S.)</p> <p>First Offense: reprimand and \$500 fine probation and \$1000 fine</p> <p>Second Offense: probation and \$1000 fine</p>
<p>(aa) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee. (456.072(1)(g) 455.624(1)(g), F.S.)</p> <p>First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine</p> <p>Second Offense: 1 year suspension followed by probation and \$1000 fine</p>	<p>(gg) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. (456.072(1)(p) 455.624(1)(p), F.S.)</p> <p>First Offense: reprimand and \$500 fine probation and \$1000 fine</p> <p>Second Offense: probation and \$1000 fine</p>
<p>(bb) Failing to report to the Department any person who the licensee knows is in violation of Chapter 456 455, F.S., the chapter regulating the alleged violator, or the rules of the Department or the Board. (456.072(1)(l) 455.624(1)(l), F.S.)</p> <p>First Offense: reprimand \$500 fine</p> <p>Second Offense: \$500 fine</p> <p>Third Offense: \$1000 fine probation and \$1000 fine</p>	<p>(hh) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (456.072(1)(r) 455.624(1)(r), F.S.)</p> <p>First Offense: reprimand and \$1000 fine 6 months suspension followed by probation and \$1000 fine</p> <p>Second Offense: 6 months suspension followed by probation and \$1000 fine</p>
<p>(cc) Aiding, assisting, procuring, or advising any unlicensed person or entity to practice a profession contrary to Chapter 456 455, F.S., the chapter regulating the profession, or the rules of the Department or the Board. (456.072(1)(j) 455.624(1)(j), F.S.)</p> <p>First Offense: reprimand and \$500 fine probation and \$500 fine</p> <p>Second Offense: probation and \$500 fine 6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine</p> <p>Third Offense: 6 months suspension followed by probation and \$1000 fine</p>	<p>(ii) Engaging or attempting to engage a patient in verbal or physical sexual activity. (456.072(1)(u) 455.624(1)(u), F.S.)</p> <p>First Offense: probation and \$1000 fine 1 year suspension followed by probation and \$1000 fine</p> <p>Second Offense: 1 year suspension followed by probation and \$1000 fine</p>
<p>(dd) Failing to perform any statutory or legal obligation placed upon the licensee. (456.072(1)(k) 455.624(1)(k), F.S.)</p> <p>First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine</p> <p>Second Offense: 1 year suspension followed by probation and \$1000 fine</p>	<p>(jj) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (456.072(1)(w) 455.624(1)(w), F.S.)</p> <p>First Offense: reprimand and \$500 fine \$750 fine</p> <p>Second Offense: \$750 fine</p> <p>Third Offense: \$1000 fine probation and \$1000 fine</p>
	<p>(kk) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents. (456.072(1)(x) 455.624(1)(x), F.S.)</p> <p>First Offense: reprimand \$500 fine</p> <p>Second Offense: \$500 fine</p> <p>Third Offense: reprimand and \$1000 fine probation and \$1000 fine</p>

(ll) Any license disciplined by another jurisdiction (456.072(2)(f), F.S.)

Same penalty as imposed by other jurisdiction, if consistent with Florida law and these guidelines for similar cases.

(mm) Testing positive for preemployment or employer ordered drug screen (456.072(2)(z), F.S.)

First Offense:	probation and \$500 fine	suspension to be followed by probation and \$750 fine
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(3)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which shall be considered for purposes of mitigation or aggravation of penalty shall include the following:

1. The danger to the public.
2. The number of repetitions of offenses.
3. Previous disciplinary action against the licensee in this or any other jurisdiction.
4. The length of time the licensee has practiced.
5. The actual damage, physical or otherwise, caused by the violation.
6. The deterrent effect of the penalty imposed.
7. The effect of the penalty upon the licensee's livelihood.
8. Any efforts at rehabilitation.
9. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.
10. Any other mitigating or aggravating circumstances.

(4) The Board shall impose one or more of the following penalties, listed in increasing order of severity:

- (a) Fine not to exceed \$1000 for each separate count or offense.
- (b) Reprimand.
- (c) Probation, with terms including but not limited to: reports from the licensee, and his employer, supervision of practice by the Board or another licensee, continuing education courses, personal appearances before the Board, and counseling or treatment.
- (d) Suspension.
- (e) Revocation.

Specific Authority ~~456.079, 455.627(4)~~ 468.1685(1) FS. Law Implemented ~~456.072, 456.079, 455.624, 455.627~~ 468.1685(4),(5),(6), 468.1755(1)(a),(j) FS. History--New 11-23-86, Amended 4-22-87, Formerly 21Z-14.004, 61G12-14.004, 59T-14.004, Amended 10-12-97, 10-16-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2000

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Standard of Practice for Licensed Optometrists 64B13-3.010

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify non-performance of a dilated fundus examination.

SUMMARY: The proposed rule amendment clarifies the non-performance criteria in cases where the optometrist determines that a dilated fundus examination should not be performed on a particular patient.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 463.005(1) FS.

LAW IMPLEMENTED: 463.005(1), 463.0135(1), 463.016(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., December 28, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.010 Standard of Practice for Licensed Optometrists.

(1) through (6) No change.

(7)(a) To be in compliance with rule 64B13-3.007(2)(f), certified optometrists shall perform a dilated fundus examination during the patient's initial presentation, and thereafter, whenever medically indicated. If, in the certified optometrist's sound professional judgment, dilation is not

should not or cannot be performed because of the patient's age, or physical limitations, or conditions, the reason(s) shall be noted in the patient's medical record.

- (b) No change.
- (8) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History--New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Criteria for Selection of Examiners
RULE NO.: 64B13-4.005

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the qualifications for examiners.

SUMMARY: The proposed rule amendment requires examiners to be licensed as a practitioner in this State for at least three years preceding the date of the examination at which they will serve as an examiner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.017(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., December 28, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.005 Criteria for Selection of Examiners.

The following criteria are hereby established for the selection of examiners:

- (1) No change.
- (2) In order to receive approval of the Board, a prospective examiner must comply with the following minimum requirements:
 - (a) Licensure as a licensed practitioner in this State for at least ~~three years~~ ~~one year~~ preceding the date of the examination at which they will serve as an examiner, and
 - (b) The absence of any finding by the Board that the prospective examiner has violated Chapter ~~456~~ ~~455, Part II~~, Chapter 463, Florida Statutes, or the rules promulgated thereunder.
- (3) No change.

Specific Authority ~~456.017(1)(b)~~ ~~455.574(1)(b)~~ FS. Law Implemented ~~456.017(1)(b)~~ ~~455.574(1)(b)~~ FS. History--New 10-6-81, Formerly 21Q-4.05, Amended 7-21-86, 11-20-86, Formerly 21Q-4.005, 61F8-4.005, 59V-4.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Certified Optometrist Examination
RULE NO.: 64B13-10.0015

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the passing score for the certification examination.

SUMMARY: The proposed rule amendment clarifies the rule to require a score of 70 percent to pass the certification examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 463.005(1), 456.017(1),(2) FS.

LAW IMPLEMENTED: 463.0055, 456.017(1),(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., December 28, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-10.0015 Certified Optometrist Examination.

The Certified Optometrist Examination shall be the Board approved examination developed and administered by the Department of Health Office of Examination Services.

(1) The examination shall consist of 80 questions which test the applicant's knowledge of general and ocular pharmacology with particular emphasis on the topical application and side effects of pharmaceutical agents. Each question on the examination shall be given equal weight. A raw score of 70 percent correct answers shall be required to pass the certification examination.

(2) through (4) No change.

Specific Authority 463.005(1), ~~456.017(1),(2)~~ ~~455.574(1),(2)~~ FS. Law Implemented 463.0055, ~~456.017(1),(2)~~ ~~455.574(1),(2)~~ FS. History--New 3-16-89, Amended 5-29-90, 7-10-91, Formerly 21Q-10.0015, 61F8-10.0015, Amended 10-4-94, Formerly 59V-10.0015, Amended 3-21-00, 7-12-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Range of Penalties for Administrative Violations 64B13-15.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to address multiple counts or offenses with regard to administrative fines.

SUMMARY: The proposed rule amendment clarifies fines for multiple counts or offenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., December 28, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.003 Range of Penalties for Administrative Violations.

(1) No change.

(2) For Major Administrative Violations the range of penalties are as follows:

(a) First violation – administrative fine of not less than \$1,000.00 nor more than \$2,000.00 per count or offense and, if appropriate, a period of probation or suspension of not less than 6 months nor longer than 12 months.

(b) through (c) No change.

Specific Authority ~~456.079~~ ~~455.627~~ FS. Law Implemented 456.079, ~~455.627~~ FS. History--New 2-24-87, Formerly 21Q-15.003, 61F8-15.003, 59V-15.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Fees 64B14-2

RULE TITLE: RULE NO.:

Application, Examination and Initial

Licensure Fees 64B14-2.0015

PURPOSE AND EFFECT: The Department proposes amendments to Rule 64B14-2.0015, F.A.C., to revise existing fees. Additionally, statutory references in the Rule's history are updated.

SUMMARY: Proposed Rule 64B14-2.0015 is amended to propose revised fees for application, examination, and initial licensure of individuals applying to the Board of Orthotists, and Prosthetists.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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: 456.004(5), 456.013(2), 468.803(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), 468.803(2)(a) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL ANNOUNCED AT A LATER DATE IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop meeting, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Ms. Sherra W. Causey, Professional Regulation Specialist II, at (850)245-4444, ext. 3617. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8770 (Voice, and 1(800)955-8771 (TDD).

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE DEPARTMENT WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B14-2.0015 Application, Examination and Initial Licensure Fees.

The following fees are established by the Department:

(1) An applicant for licensure by state examination shall remit an application fee of \$300 \$100, an examination fee of \$175 \$100, and an initial licensure fee of \$200 \$100 at the time the application is submitted.

(2) An applicant for licensure without state examination shall remit an application fee of \$300 \$200 and an initial licensure fee of \$200 \$100 at the time the application is submitted.

(3) No change.

Specific Authority 456.004(5), 456.013(2), 455.521(5), 455.564(2), 468.803(2)(a) FS. Law Implemented 456.013(2), 456.025(1), 455.564(2), 468.803(2)(a) FS. History--New 9-22-98, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: November 22, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.010
RULE TITLE: Traditional Chinese Medical Concepts, Modern Oriental Medical Techniques

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. 39, September 29, 2000, issue of the Florida Administrative Weekly.

The rule shall now read as follows:

64B1-4.010 Traditional Chinese Medical Concepts, Modern Oriental Medical Techniques.

Traditional Chinese medical concepts and modern oriental medical techniques shall include diagnosis and treatment to prevent or correct malady, illness, injury, pain, addictions, other conditions, disorders, and dysfunction of the human body; to harmonize the flow of Qi or vital force; to balance the energy and functions of a patient; and to promote, maintain and restore health and to prevent disease by the use or administration of: stimulation to acupuncture points, ah-shi points, auricular points, channels, collaterals, meridians, and microsystems which shall include the use of: akabane; allergy elimination techniques; breathing; cold; color; correspondence; cupping; dietary guidelines; electricity; electroacupuncture;