

(7) The ~~Department Board of Optometry~~ shall, at the end of each calendar quarter, promulgate a report of the citations issued which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who chose to follow the procedures of Section 456.077, Florida Statutes.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01.

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: August 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2001

FLORIDA HOUSING FINANCE CORPORATION.

RULE TITLE: Appeals
RULE NO.: 67-25.020

PURPOSE AND EFFECT: The purpose of this proposed rule is to repeal this rule related to appeals in the Single-Family Mortgage Revenue Bonds Program. Chapter 120, Florida Statutes provides for an adequate appeal mechanism and thus Rule 67-25.020, Florida Administrative Code is obsolete and unnecessary. Repeal of Rule 67-25.020, Florida Administrative Code, is proposed to eliminate the obsolete and unnecessary rule and should cause no adverse affect.

SUMMARY: The proposed rule would repeal Rule 67-25.020, Florida Administrative Code which is unnecessary and obsolete.

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: 420.507(12) FS.
LAW IMPLEMENTED: 420.503, 420.507, 420.508, Chapter 120 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., October 15, 2001
PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Andrew T. Price, Esq., Senior Attorney, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329, phone (850)488-4197

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Corporation at least 5 calendar days before the program by contacting Andrew Price at the above address.

THE FULL TEXT OF THE PROPOSED RULE IS:

67-25.020 Appeals.

Specific Authority 420.507(12) FS. Law Implemented 420.503, 420.507, 420.508, Chapter 120 FS. History—New 4-15-87, Formerly 9I-25.020, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew T. Price, Esq
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2001

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule which was published in the Florida Administrative Weekly, Vol. 27, No. 22, on June 1, 2001. The rule incorporates by reference guidelines and forms relating to the following programs: Library Services and Technology Act Grants, Florida Library Literacy Grants and State Aid to Libraries Grants. Changes have been made to the guidelines and forms for Library Services and Technology Act Grants, Florida Library Literacy Grants and State Aid to Libraries Grants to reflect comments made by the Joint Administrative Procedures Committee (JAPC) and in response to comments received.

Copies of the full text of the changes may be obtained by contacting: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Mattresses
RULE NO.: 4A-54.006

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001 edition of the Florida Administrative Weekly.

4A-54.006 Mattresses.

(1) through (2) No change.

(3) New purchases of mattresses for new or existing correctional facilities shall be for fire-retardant cotton core with durable fire retardant outer coverage, or fiber-filled material conforming to the flammability requirements set forth in the following standards:

(a) 16 Code of Federal Regulations, Part 1632, Revised as of January 1, 2001 CFR 16, Part 1632, which is incorporated herein by reference; or

(b) U.L. Standard 1895, Standard for Fire Test of Mattresses, Third Edition, Dated February 11, 2000, which is incorporated herein by reference; or

~~(c) Department of Management Services, General Services Standard, 850-500-170, which is incorporated herein by reference; or~~

~~(c)(4) ASTM E 906-99~~, which is incorporated herein by reference.

(4) No change.

Specific Authority 633.01(1) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 6-6-90, Amended.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-40	Highway Beautification and Landscape Management
RULE NOS.:	RULE TITLES:
14-40.020	Grant Procedure Funding, Construction, and Maintenance of Beautification
14-40.021	Projects
14-40.022	Florida Highway Beautification Council Grant Process

NOTICE OF CHANGE

SUMMARY OF CHANGE: The following changes result from a review by the Joint Administrative Procedures Committee:

1. 14-40.020(2)(a)1. is amended to read as follows:

“1. Prior to submitting a grant request, applicants must prepare a landscape plan and have it reviewed by the District Landscape Manager for compliance with Part I of this rule chapter. Following the review, the applicant must make any plan revisions required by the District Landscape Manager prior to approval. The Department’s landscape plan review, revision, and approval process may require up to 120 days.”

2. 14-40.022(1)(a)4. is amended to read as follows:

“4. Irrigation requirements matched to plant needs and water conservation requirements, including Xeriscape practices.”

3. 14-40.022(1)(a)7. Is amended to read as follows:

“7. Contribution to noise abatement, visual screening, litter prevention, ~~and~~ or the correction of other environmental problems.”

4. The Law Implemented citation for Rule 14-40.022 is amended as follows:

“Law Implemented ~~335.167~~, 339.2405(7)(a)4. FS.”

5. 14-40.022(1)(a)14.: The reference to a repealed DEP rule is removed as shown:

“14. Demonstration of the use of environmentally sensitive materials, such as solid yard waste compost ~~as described in Rule 62-709.515, F.A.C.~~, or the use of reuse water, in the construction or maintenance of the project for which a Florida Department of Environmental Protection permit is required, ~~in the construction or maintenance of the project.~~”

6. 14-40.022(1)(b)1., is revised for clarification of the point ranges (0 to 10) for each attribute with a maximum of 150 total points available.

“1. Establishing a range of 0 to 10 points ~~numbers weighted~~ for each attribute for a total possible score of 150 points. ~~Each attribute is assigned a value range of ten points, for a total possible score of 140.~~”

7. In addition to the change to 14-40.022(1)(b)1., as shown in #5. above, the incorporated form also will be revised to clarify the 0 to 10 point range for each attribute and the total maximum possible score of 150 points. The revision date as shown in 14-40.020(2)(a)2., also is being changed to Rev. 09/01.

Notice of rulemaking was published in Florida Administrative Weekly, Vol. 27, No. 29, Pages 3322 through 3325.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.:	RULE TITLES:
19B-5.003	Contract Requirements

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. 27, No. 32, August 10, 2001 of the Florida Administrative Weekly:

19B-5.003 Contract Requirements.

(1) through (4) No change.

(5)(a) The benefits of a contract may be received for up to a ten-year 10-year period after the said selected matriculation date. This ten-year limitation will ~~may~~ be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contract plans. The matriculation

projected enrollment date is the projected college enrollment year shall correspond to the age/grade of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application form, or similar information received subsequently by the Board from the purchaser. The right to use the benefits from a contract shall expire on December 31, ten years after the matriculation date, or any extension thereof.

(b) When the benefits from a contract have not been used on December 31, nine years after the matriculation date or one year prior to the expiration of any extension of the expiration date for the use of contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The ~~procedure~~ the purchaser must request in writing that the Board follow to extend the time period for the use of contract benefits or to obtain a refund for the contract;

2. That the right to use the contract benefits will expire on December 31, ten years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

4. Such notice shall be mailed not later than 180 days prior to the expiration of the contract benefits. An alphabetical list of the names of purchasers of such accounts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with a contract for which the benefits have not been used by December 31, ten years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) No change.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2- 18-99, 6-6-99.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-6.001 Fee Schedule

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. 27, No. 32, August, 10, 2001 of the Florida Administrative Weekly:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

- (1) through (3) No change.
- (4) Late Fee

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. ~~The Board may grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20)~~

~~days mentioned above.~~ This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When a contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the contract.

(c) When a contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) through (7) No change.

(9) through (10) renumbered (8) through (9) No change.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6- 20-96, 12-16-97, 2-18-99, 2-8-00, _____

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-11.001 General

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. 27, No. 32, August, 10, 2001 of the Florida Administrative Weekly:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory residence plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Involuntary and voluntary termination pursuant to 19B-10.001 and 19B-10.002, respectively, shall result in a refund to the purchaser after assessment of appropriate fees. Termination of student status after the official drop/add period eliminates the refund option for that semester. However, refunds may exceed the amount paid into the fund in the following circumstances:

(1) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract. Proof of scholarship shall be given to the Board as required by the Master Covenant in such form as specified by the Board from the institution granting the scholarship.

(2) through (3) No change.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, _____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.701	Visiting – Authority of the Secretary
33-601.702	Posting of Visiting Policies
33-601.703	Visiting Records
33-601.704	Visiting – Inmates in Special Status
33-601.705	Refusal of Visit by Inmate
33-601.706	Inmate’s Visitors List
33-601.707	Visiting Denial
33-601.708	Visiting Procedures and Conditions
33-601.709	Non-contact Visiting
33-601.710	Special Visits
33-601.713	Inmate Visiting – Definitions
33-601.714	Inmate Visiting – General
33-601.715	Visiting Application Initiation Process
33-601.716	Visiting Record Management
33-601.717	Visiting Denial
33-601.718	Review of Request for Visiting Privileges
33-601.719	Visiting by Former and Current and Contract Employees
33-601.720	Sex Offender Visiting Restrictions
33-601.721	Visiting Operations
33-601.722	Visiting Schedule
33-601.723	Visiting Check-In Procedures
33-601.724	Visiting Attire
33-601.725	Permissible Items for Visitors
33-601.726	Visitor Searches
33-601.727	Visitor Conduct
33-601.728	Visiting Appearance, Search and Conduct
33-601.729	Denial or Termination of Visits
33-601.731	Revocation or Suspension of Visiting Privileges
33-601.732	Reinstatement of Revoked or Suspended Visiting Privileges
33-601.733	Visiting – Special Status Inmates
33-601.734	Visiting – Disciplinary Confinement, Protective Management and Administrative Confinement
33-601.735	Non-Contact Visiting
33-601.736	Special Visits
33-601.737	Visiting – Forms

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. 48, December 1, 2000 issue of the Florida Administrative Weekly:

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 _____.

Editorial Note: See 33-601.713 through 33-601.737.

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 _____.

Editorial Note: See 33-601.714.

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 _____.

Editorial Note: See 33-601.716.

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 _____.

Editorial Note: See 33-601.733.

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 _____.

Editorial Note: See 33-601.729.

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 _____.

Editorial Note: See 33-601.715, 33-601.717 through 33-601.719.

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 _____.

Editorial Note: See 33-601.717, 33-601.720, 33-601.729, 33-601.731.

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 _____.

Editorial Note: See 33-601.714 through 33-601.721 through 33-601.724, 33-601.726 through 33-601.728, 33-601.731.

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 _____.

Editorial Note: See 33-601.734.

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 _____.

Editorial Note: See 33-601.735.

33-601.713 Inmate Visiting – Definitions.

(1) through (3) No change.

(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 33-601.737, F.A.C 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) through (8) No change.

(9) “Suspension” refers to the suspension of visiting privileges for a specified period of time 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 approved visitor persons on the inmate’s visiting record that occurs on scheduled visiting days and hours.

(11) through (13) No change.

(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 Rule 33-601.733, F.A.C., that shall prohibit or restrict visiting based upon the status.

(15) No change.

(16) “Revoked” refers to the withdrawing or voiding of visiting privileges of a visitor for an unspecified period of time.

(17) “Maximum Capacity” refers to the capacity of the inside visiting park as determined by the State Fire Marshall.

(18) “Temporarily Suspended” refers to a visitor’s status pending a review or investigation of circumstances or events that can result in the revocation or suspension of visiting privileges. A visitor shall not be allowed to visit while in this status.

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) through (2) No change.

(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 be entered on the AVR and shall subject the visitor to revocation or suspension of visiting privileges by the CVA and the inmate to disciplinary action.

(4) through (5) No change.

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

(7) Visitors whose visiting privileges have been denied, suspended or revoked shall be allowed to appeal in writing within 60 days of the date of the notice of denial, suspension or revocation to the Office of the Family Ombudsman for review. The Office of the Family Ombudsman shall review the denial, suspension or revocation of the visitor’s visiting privileges and respond to the visitor in writing within 60 days of the receipt of the appeal. The Office of the Family Ombudsman shall have the authority to recommend modification of the denial, suspension or revocation to the CVA.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.715 Visiting Application Initiation Process.

(1) No change.

(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 33-601.737, F.A.C 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, until they reach 12 years of age.

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

(b) No change.

~~(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) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.706 and 33-601.708.

33-601.716 Visiting Record Management.

(1) through (2) No change.

(3) No more than fifteen people, twelve years of age or older, including family and non-family members, are allowed on an inmate's approved 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 33-601.737, F.A.C 33-601.738. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Removals ~~Deletions~~ shall only be permitted every six months. Visitors whose visiting privileges are suspended or revoked shall not be removed from an inmate's approved visiting list while in the respective status and the inmate shall not be allowed to replace the visitor with another approved visitor.

(5) A person who requests placement on an inmate's visiting record shall be referred to the inmate concerned. The inmate shall be responsible for notifying prospective visitors of whether they have been approved or disapproved for visitation.

(6) A visitor shall not be permitted to be on more than one inmate's approved visiting record unless they are immediate family members except as provided in Rule 33-601.716(7), F.A.C.

~~(7) A visitor who is approved as immediate family on an inmate's visiting record shall not be considered for visitation with a non-immediate family member inmate if both inmates are housed at the same institution unless: 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.~~

(a) The immediate family member inmate is transferred to another institution or is released from incarceration.

(b) The visitor is already approved to visit a non-immediate family inmate prior to the immediate family member inmate being received at the same institution. Visitation shall be allowed, but not on the same day.

(c) The visitor is already approved to visit a non-immediate family member inmate prior to being transferred to the same institution housing an immediate family member inmate. Visitation shall be allowed, but not on the same day.

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

(9) A visitor approved to visit as a non-immediate family member shall not be removed from the visiting list of the inmate for purposes of visiting another non-immediate family member inmate at the same institution.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.703 and 33-601.708.

33-601.717 Visiting Denial.

(1) through (4) No change.

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

(a) through (b) No change.

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

1. Felony convictions, withholds of adjudication, adjudications of delinquency, misdemeanor convictions for stalking, battery, prostitution, possession of marijuana under 20 grams, possession of narcotic paraphernalia, or resisting a law enforcement officer without violence, and criminal history dispositions in any jurisdiction. If the disposition of an ~~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. If additional clarification of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question;

2. No change.

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

(e) No change.

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

(g) through (h) No change.

(i) The individual provided testimony, documentation, or physical evidence which assisted the prosecution in the inmate's conviction or incarceration;

(j) The individual has an active protection order or injunction against the inmate to be visited or the inmate has an active protection order or injunction against the prospective visitor;

(k) The individual is an illegal alien;

~~(l)~~(4) No change.

~~(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.~~

~~(6)~~(7) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.706 and 33-601.707.

33-601.718 Review of Request for Visiting Privileges.

(1) 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.

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

(b) 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:~~

~~1. Has prior felony convictions;~~

~~2. Has prior incarcerations, probation, parole, community control, or other forms of community supervision;~~

~~3. Has been convicted of any new felony convictions within five years of release from incarceration.~~

~~4. Is under community supervision for minimum of one year and additionally:~~

~~a. Complies with all conditions of supervision, and~~

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

~~5. Has a history of past negative department visiting behavior; and~~

~~6. Other factors such as security threat group involvement or ex-employee status.~~

(c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.706.

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) No change.

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

1. through 2. No change.

3. A personal relationship with an offender; A personal relationship is any that goes beyond what is necessary for the performance of one's job.

4. through 5. No change.

(c) No change.

(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) No change.

(b) The employee has not violated the conditions stipulated in Rule 33-601.719(1), F.A.C.;

(c) through (d) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.706.

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. through 3. No change.

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

(b) through (e) No change.

(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), F.A.C., 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) An evaluation ~~A request for consideration~~ from a professionally certified or licensed counselor; from the community, ~~acting in the interest of the minor, or an evaluation by the counselor of~~ which reports the impact on the minor of such visits or the lack of visits,

(b) through (e) No change.

(3) The warden shall provide documentation required in 33-601.720(2)(a) and (c), F.A.C., above to the CVA supervisor who shall recommend approval or denial to the warden.

(4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.707.

33-601.721 Visiting Operations.

(1) No change.

(2) Wardens shall ensure that games, small toys and other suitable activities are available for small children to assist visitors with keeping their children occupied during visitation. Purchases to replenish toys and items for other activities is authorized from the Inmate Welfare Trust Fund. Visitors shall not be charged for damaged or broken games or toys.

(3) Chaplains shall provide non-denominational religious material in the visiting park suitable for all religions.

(2) through (7) renumbered (4) through (9) No change.

(10) When the inside visiting park has reached its maximum capacity, the warden is authorized to utilize any of the following remedies to alleviate overcrowding:

(a) Other temporary visiting areas or structures;

(b) Asking earlier arrival visitors to voluntarily leave so that others may enter;

(c) Mandating early departures of visitors when voluntary departures are insufficient.

(11) Weather permitting, the outside visiting park shall be available for use by approved visitors at any time during regular visiting hours.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

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 not later than 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 unless authorized by the duty warden.

(c) No change.

(2) Where unusual circumstances occur, the warden or his designee 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 or his designee shall approve or disapprove any the request for changes to visiting hours or days exception.~~

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

33-601.723 Visiting Check-In Procedures.

(1) through (3) No change.

(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. Signatures are not required if the identification otherwise complies with all other standards of proper identification.

(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 from the parent or legal guardian (not an inmate) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue.

(6) through (7) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

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) through (8) No change.

(9) A visitor shall be subject to suspension of visiting privileges and the visit shall be terminated if, after admission to the visiting area, the visitor changes, removes or alters his or her attire so that it is in violation of Rule 33-601.724(1)-(8), F.A.C.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

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) No change.

(b) ~~A~~ Vehicle keys necessary to operate a motor vehicle.

(c) Up to \$25.00, in \$1.00 and \$5.00 denominations only or silver change, 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) No change.

(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 Rule 33-601.723(7), F.A.C. 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. through 3. No change.

(f) through (g) No change.

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

1. through 3. No change.

4. One set of infant clothing and a non-quilted blanket for each infant and toddler.

(i) Prescription sunglasses.

(2) No change.

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 a visitor to be searched upon entering the institution either search shall result in denial of the current visits. Refusal of a visitor to be searched after entry to the visiting park or upon exiting the institution shall result in the denial of future visits.

(2) Authorized visitor searches include:

(a) through (f) No change.

~~(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) through (j) renumbered (g) through (i) No change.

(j) Careful search by touching of clothing worn next to the body such as stockings, socks and diapers, using sufficient pressure to detect contraband items. If it is necessary to remove the diaper of an infant or toddler, it shall be done in the privacy of a search room and by an officer of the same sex.

(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. The parent, legal guardian, or authorized adult shall sign the consent form if a minor is to be searched. Form DC1-803 is incorporated by reference in Rule 33-601.737, F.A.C 33-601.738 of this rule.

(a) No change.

(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 33-601.737, F.A.C 33-601.738. Visiting shall be denied if the visitor refuses to give written consent to search the vehicle.

(4) through (5) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

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

~~(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) through (k) renumbered (e) through (i) No change.

~~(j)(4)~~ Visitors shall not give to or receive from the inmate any item of any description nor take any article whatsoever from the visiting area or grounds of the institution 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.

~~(k)(m)~~ Visitors may exchange a brief ~~briefly~~ (five seconds) embrace and kiss with 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. However, the holding of hands in the lap of either the visitor or the inmate is prohibited.

2. through 3. No change.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.708.

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) through (f) No change.

(g) ID card in accordance with Rule 33-602.101(9)(h), F.A.C.

(h) Permanent inmates assigned to reception centers may wear a white shirt and white trousers during visitation. Inmates at work release centers whose work assignments are at the center may wear white shirts 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, F.A.C.

(3) No change.

(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 Rule 33-601.727(1)(l), F.A.C.

(5) No change.

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

(a) No change.

(b) Inmates and their visitors may hold hands if the holding of hands can be observed by visiting park staff. However, the holding of hands in either the visitor's or inmate's lap is prohibited.

(c) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.708.

33-601.729 Denial or 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) through (b) No change.

(c) Visiting space is limited and remedies authorized in Rule 33-601.721(10), F.A.C., have been exhausted;

(d) through (g) No change.

(h) The inmate refuses to visit with the visitor; Such refusal shall be made in writing by the inmate and placed in the inmate's file. If the inmate refuses to make a written refusal, the staff witnessing the refusal shall make a notation in the inmate's file regarding the refusal. The refusal shall also be noted in the inmate's AVR.

(i) through (l) No change.

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

(2) Before considering denial or 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 if the

violation does not pose an immediate threat to the security and order of the institution when applicable, including verbal warnings to the inmate and visitor about improper conduct. If the visit is denied or terminated, the visitor shall be interviewed and a statement recorded by staff prior to exiting the institution if the situation does not pose an immediate threat to the security and order of the institution.

(3) No change.

(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 the inmate can be located possible. Comments regarding the incident shall be made on the AVR system.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.705 and 33-601.707.

33-601.731 Revocation or 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, F.A.C.

(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) No change.

(b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges.

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

(a) through (c) No change.

(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) through (6) No change.

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

~~(8)~~ In lieu of suspending an inmate's visiting privileges, the ICT shall be authorized to consider placement of an inmate in non-contact visitation status as provided in Rule 33-601.735(2)(c), F.A.C., for offenses listed in Rule 33-601.731(1) through (6), F.A.C.

~~(9)~~(8) Suspension of Visitor's Visiting Privileges.

(a) A visitor whose visiting privileges are under consideration for revocation or suspension shall have his or her visiting privileges temporarily suspended.

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

1. Is found in possession of an illegal drug (controlled substances) or drug paraphernalia when on the property of any department facility, 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, ammunition 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 in possession of or 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. through b. No change.

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

5. Visits or attempts to visit an inmate work area or walks or drives along the perimeter road or the grounds of the institution except in those areas designated specifically for inmate visitation or visitor parking.

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

1. No change.

2. Is intoxicated or has consumed intoxicating beverages or 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.~~

~~3.4.~~ Violates visitor conduct standards in Rule 33-601.727(1)(i)~~(k)~~ through ~~(k)~~(m), F.A.C.

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

5. Evidences intent to do harm to a staff member, visitor or inmate.

6. As a former employee, contract employee, or vendor falsifies information to obtain visiting privileges.

~~(d)~~(e) Visitors found in violation of Rule 33-601.717(5)(f), F.A.C. – falsifying information to obtain visiting privileges, Rule 33-701.724(9), F.A.C. – visitor attire, Rule 33-601.726, F.A.C. – visitor searches, Rule 33-601.727(3) or visitor conduct standards as outlined in Rule 33-601.727(1)(a)-(h)(j), F.A.C. shall have visiting privileges suspended by the CVA for up to a mandatory period of one year.

~~(10)~~(9) The warden shall have the discretion to recommend to the CVA a length period of suspension ~~for less than the maximum allowed by rule 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, and prior visits without incident. The warden shall set forth the justification for ~~less than the length mandatory period~~ of suspension, if less than the maximum, in the recommendation to the CVA.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.707 and 33-601.708.

33-601.732 Reinstatement of Revoked or 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. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) through (c) No change.

(2) The CVA shall approve or deny requests for reinstatement of a visitor's revoked or 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 revoked privileges ~~suspended for more than two years~~ shall only be considered after two years from imposition.

1. through 2. No change.

(b) through (c) No change.

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, except for medical reasons, 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) No change.

(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, F.A.C. through 33-601.736.

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

~~(c)(d)~~ Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-506.207, F.A.C.

(2) No change.

(3) Visitation for inmates ~~Requests for visiting exceptions in special situations such as prolonged hospitalization, with serious medical conditions or terminal illnesses shall be allowed reviewed visits unless security or medical issues as determined by the warden and chief health officer preclude visitation, who shall render Aa decision shall be made on a case-by-case basis. If visitation is authorized, the warden, in consultation with he chief health officer, shall determine the visitation schedule and shall inform at least three members of the inmate's immediate family.~~ The regional director shall be informed in high notoriety risk or high profile cases before allowing visiting.

(4) An inmate housed in a mental health unit ~~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, F.A.C.

(6) An inmate in close management shall be allowed to receive visits from approved visitors in accordance with Rule 33-601.803, F.A.C.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New _____, Formerly 33-601.704.

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 _____.

33-601.734 33-601.735 Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates.

(1) No change.

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

(a) through (c) No change.

(d) The warden is authorized to approve special visits as provided in Rule 33-601.736, F.A.C 33-601.737.

(3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.709.

33-601.735 33-601.736 Non-contact Visiting.

(1) through (4) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New _____, Formerly 33-601.710.

33-601.736 33-601.737 Special Visits.

(1) through (2) No change.

(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 33-601.737, F.A.C 33-601.738.

(4) Requests for a special visit shall be made by the inmate on the Inmate Request, Form DC6-236 or in writing or by phone by an individual requesting a special visit. The request 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) No change.

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

33-601.737 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.

(a) through (f) renumbered (1) through (6) No change.

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

COMMISSION ON ETHICS

RULE NO.:	RULE TITLE:
34-7.010	List of Forms and Instructions

NOTICE OF RESCHEDULING OF HEARING

The Florida Commission on Ethics announces the rescheduling of a hearing to adopt proposed changes to Rule 34-7.010, F.A.C., and forms adopted by reference therein. The hearing

was originally noticed in FAW, Vol. 27, No. 31, dated August 3, 2001, for Friday, October 19, 2001, in the Tallahassee City Commission Chambers at City Hall, but has been changed to: TIME AND DATE: 9:00 a.m., Thursday, October 18, 2001 PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-8.001	General
34-8.010	Penalties for Late Filing
34-8.210	Penalties for Late Filing

NOTICE OF CHANGE

Pursuant to Subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rules, as published in Vol. 27, No. 31, August 3, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee.

34-8.001 General.

The Commission on Ethics has the responsibility pursuant to Article II, Section 8(i)1., Florida Constitution, to prescribe forms for disclosure of income sources and amounts and the rules under which such forms are to be filed, which rules shall include disclosure of secondary sources of income. In addition, the Commission is authorized by Section 112.3147, Florida Statutes, to prescribe forms required for use in making the disclosures required by Article II, Section 8, Florida Constitution, and by Section 112.322(9)(40) Florida Statutes, to adopt rules interpreting the disclosures established by Article II, Section 8, Florida Constitution.

34-8.010 Penalties for Late Filing.

(1) through (3) No change.

(4) Fines which are not waived pursuant to Rule 34-8.015, F.A.C., by final order of the Commission and which remain unpaid more than 60 days after the notice of payment due is transmitted or which remain unpaid more than 60 days after the Commission renders a final order on the appeal will be referred to the Department of Banking and Finance for collection.

34-8.210 Penalties for Late Filing.

(1) through (3) No change.

(4) Fines which are not waived pursuant to Rule 34-8.215, F.A.C., by final order of the Commission and which remain unpaid more than 60 days after the notice of payment due is transmitted or which remain unpaid more than 60 days after the Commission renders a final order on the appeal will be referred to the Department of Banking and Finance for collection.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-36.002 RULE TITLE: Definitions

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 27, July 6, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) shall now read as follows:

(1) Product. A manufactured product or system required to be approved and certified as, for the purpose intended, at least equivalent of that required by the standards specified by the Florida Building Code or by a local authority having jurisdiction.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32304.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.005 RULE TITLE: Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, published in the Florida Administrative Weekly, Vol. 27, No. 23, June 8, 2001, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.009 RULE TITLE: Denial of Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, published in the Florida Administrative Weekly, Vol. 27, No. 30, July 27, 2001, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.062 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – North Central Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-15.062(6)(d)1., F.A.C., of this

proposed rule which was published in Vol. 27, No. 31, Florida Administrative Weekly, August 3, 2001, so that when adopted, it will read as follows:

The western dog hunt area includes that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service Road 263 and County Road 250; on the east by Forest Service Roads 233, 232, 262, 214, 272 and 270; and on the north by the National Forest boundary to the junction with Forest Service Road 237. The eastern dog hunt area includes those lands bounded by the following roads and survey lines: Begin at the intersection of County Road 125 and the northern boundary of the National Forest, proceed south on County Road 125 to the eastern boundary of the National Forest, then south and west along the National Forest boundary to County Road 229, then north along County Roads 229 and 250, then west along Forest Service Road 232, then northwest along Forest Service Road 235 until it becomes Forest Road 39, then generally north along Forest Road 39, then northwest along Forest Road 46, then west along Forest Road 36 to the Baker County/Columbia County line, then north along the west side of Section 31, Township 1 South, Range 19 East, to the northwest corner of Section 30, Township 1 South, Range 19 East, then east along the north boundary of Section 30, Township 1 South, Range 19 East, to the NE corner of the NW 1/4 of the NW 1/4 Section 29, Township 1 North, Range 19 East, then south to the south boundary of Section 29, Township 1 South, Range 19 East, then east to the southeast corner of Section 27, Township 1 South, Range 19 East, then north along the east side of Section 27, Township 1 South, Range 19 East, to the northwest corner of Section 23, Township 1 South, Range 19 East, then east to Forest Road 5, then north and eventually east along Forest Road 41, then east on Forest Road 28, then east along Forest Roads 9 and 4, then northwest and northeast along Forest Road 5A then northwest along Forest Road 5 until it becomes Forest Service Road 297, then along Forest Service Road 297 to Forest Service Road 295, then northwest and eventually northeast along Forest Service Road 295 to State Road 2, then southeast along State Road 2 to Eddy Grade, the junction with Forest Service Road 295A, then southeast along 295A until it becomes Forest Road 19 and junctions with Forest Road 8, then northeast along Forest Road 8 to the junction of Eddy Grade, then south along Eddy Grade to the junction of Forest Road 3, then west along Forest Road 3, southwest, west, and then south along Forest Road 4, then southeast along Forest Road 24 until it intersects the northern boundary of Section 5, Township 1 South, Range 20 East, then east along the Base Line to the Northeast corner of the Northwest 1/4 of Section 3, Township 1 South, Range 20 East, then south along the east boundary of the West 1/2 of Section 3, Township 1 South, Range 20 East to the southwest corner of the North 1/2 of the Northeast 1/4 of Section 10, Township 1 South, Range 20 East, then east back to the beginning point on County Road 125. ~~The eastern dog hunt area includes that portion of the area bounded on the north by the National Forest~~

~~Service boundary; on the west by Forest Service Road 235 and eastward on Forest Service Road 232 and County Roads 250 and 229; and on the south and east by the National Forest Service property line to the intersection with County Road 125 and then along County Road 125 to the beginning point on the National Forest Service boundary.~~ Except for these areas, the possession or use of dogs other than bird dogs or retrievers is prohibited. However, leashed or caged dogs may be kept at the East Tower, Sandhill and West Tower hunt camps during the general gun season.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68B-13	Stone Crabs
RULE NO.:	RULE TITLE:
68B-13.008	Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer

NOTICE OF WITHDRAWAL OF PROPOSED RULE

The Fish and Wildlife Conservation Commission announces the withdrawal of proposed amendment to Rule 68B-13.008, F.A.C., relating to stone crabs, which rule amendment was proposed and published in the August 3, 2001 issue of the Florida Administrative Weekly, Vol. 27, No. 31, pages 3588-3590.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition on August 10, 2001, from Environmental Services, Inc., representing Sabal Chase Homeowners, Inc., seeking a variance of Rule 40C-4.302(1)(c), F.A.C., and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, including Section 12.2.5(c), with respect to the Environmental Resource Permit Application to construct a community observation pier. Some of the planned construction is proposed to occur directly in the Indian River which is categorized as Class III waters that are classified by the Department as conditionally approved and/or conditionally

restricted for shellfish harvesting. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2001-114.

For a copy of the petition or additional information, contact: Mary Ellen Jones, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, or telephone (386)312-2340.

NOTICE IS HEREBY GIVEN that on August 20, 2001, the South Florida Water Management District (District) received a petition for waiver from Winningham & Fradley, Inc. on behalf of the Plantation Acres Improvement District, for utilization of Works or Lands of the District known as the C-42 Canal, Broward County. The petition seeks relief from Rule 40E-6.011(4),(5) and (6), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within Works or Lands of the District and from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of fence encroachments within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on August 21, 2001, the South Florida Water Management District (District) received a petition for waiver from Daniel Thornhill, for utilization of Works or Lands of the District known as the C-100C Canal, Miami-Dade County. The petition seeks relief from Rule 40E-6.011(4),(5) and (6), Fla. Admin. Code, which governs the placement of above-ground permanent or semi-permanent encroachments within 40' of the top of the canal bank within Works or Lands of the District, and from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of fence encroachments within Works or Lands of the District.