

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLES:	RULE NOS.:
Eligibility for Late Registration for Overseas Citizens	1S-2.029
Electronic Transmission of Absentee Ballots	1S-2.030

**PURPOSE AND EFFECT:** To establish standards for the topic titles shown above, in compliance with the requirements of Chapter 2001-40, Laws of Florida, the “Florida Election Reform Act of 2001.”

**SUBJECT AREA TO BE ADDRESSED:** Procedural requirements and standards for implementation of the provisions of Chapter 2001-40, Laws of Florida.

**SPECIFIC AUTHORITY:** 97.0555, 101.697 FS.

**LAW IMPLEMENTED:** 97.0555, 101.697 FS.

**TIME AND DATE:** 2:00 p.m. – 4:00 p.m., January 28, 2002

**PLACE:** The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399 (Please note that the entrance is now located on Bloxham Street)

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Amy Tuck, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, atuck@mail.dos.state.fl.us, (850)245-6200

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

**DEPARTMENT OF REVENUE**

**Child Support Enforcement Program**

RULE TITLES:	RULE NOS:
Lottery Intercept	12E-1.011
Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Collection Services	12E-1.014
Financial Institution Data Matches	12E-1.029

**PURPOSE AND EFFECT:** A) The purpose of the proposed amendments to Rule Chapter 12E-1.011, F.A.C., is to describe current departmental policies and procedures concerning the method that is used to intercept lottery prize winnings of obligors who owe past-due child support. The effect of the proposed amendments is to provide definitions of obligor and past-due support; procedures for certification of the amount of past-due support that is owed; notice to the obligor that their lottery prize winnings are being intercepted; methodology used for the notification; time period for when the lottery prize winnings will be applied to past-due support; methodology for

requesting an administrative hearing; and methodology for distributing lottery prize winnings when the obligor has multiple support cases. B) The purpose of the proposed amendments to Rule Chapter 12E-1.014, F.A.C., is to describe current departmental policies and procedures concerning the method used to intercept Internal Revenue Service income tax refunds, to refer obligors who owe past-due child support for passport denial and Internal Revenue Service full collection services, and to explain that the Child Support Enforcement Program does not participate in the Administrative Offset Program. The effect of the proposed amendments is to provide definitions of offset and past-due support for the offset program; methodology for certifying cases to the offset program; methodology of sending notification of pending offset; methodology for contesting certification; ability to request an administrative review; methodology for hearing when the obligor lives out of state; distribution of the offset; holding offsets for six months to allow for injured spouse claims; amounts and methodology of certification for passport denial; notification to obligor of passport denial; methodology to restore passport eligibility; choice to not participate in the Administrative Offset Program; and ability to request full collection services from the Internal Revenue Service. C) The purpose of proposed Rule Chapter 12E-1.029, F.A.C., is to establish procedures for conducting data matches on obligors who owe past-due child support by entering into written agreements with financial institutions. The effect of the proposed rule is to establish methodology for entering into written agreements with financial institutions; require certain terms to be included in the written agreements; ability to participate in the Office of Child Support Enforcement’s national data match; methodology for selecting cases for data match; and amount and methodology of paying fees to financial institutions for conducting data matches.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this rule development workshop is to discuss the proposed changes to the departmental procedures specified above.

**SPECIFIC AUTHORITY:** 409.2557(3)(i), 409.25657(6) FS.

**LAW IMPLEMENTED:** 24.115(4), 61.17, 409.2564, 409.25657 FS.

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

**TIME AND DATE:** 9:00 a.m., January 28, 2002

**PLACE:** Room 301, 4070 Esplanade Way, Tallahassee, Florida 32399-0350

Copies of the agenda for the rule development workshop may be obtained from: Lynn D. Chang, Government Analyst II, Department of Revenue, Resource Management Process, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9573.

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Child Support

Enforcement Program is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Lynn D. Chang, (850)922-9573. If you are hearing or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For information concerning the proposed changes to Rule Chapter 12E-1.011 and 12E-1.014, contact Lynn D. Chang, Government Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9573; and for information concerning proposed new Rule Chapter 12E-1.029, contact Mike Vergenz, Government Analyst II, Resource Management Process, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.011 Lottery Intercept.

(1) Pursuant to s. Section 24.115(4), F.S., the department child support enforcement program shall intercept the Florida lottery prize of any obligor who owes past-due support and noncustodial parent who claims or is awarded a lottery prize or a portion of a lottery prize when the total lottery prize equals wins \$600 or more. and use Tthe prize shall be applied toward any past-due support or costs owed by the obligor for a Title IV-D case, not to exceed the enforce an obligation amount which is owed.

(2) Definitions. As used in this rule:

(a) "Obligor" means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for child support, spousal support, or for child and spousal support when enforced by the department.

(b) "Past-due support" means the amount of support owed pursuant to an order for child support, spousal support, or for child and spousal support when enforced by the department that has not been paid. Also included in past-due support are amounts that are owed to the department for court or administrative costs.

(3) Certification of Past-Due Support. Prior to the payment of a prize of \$600 or more to any obligor owing past-due support, claimant having such an outstanding obligation, the Department of the Lottery shall verify check the information computer terminal provided to it by the department to determine if the lottery prize claimant has a child past-due support is owed delinquency. Upon the request of If the lottery prize claimant has a child support arrearage, the Department of the Lottery, shall contact CSE and ask them to verify whether the lottery prize claimant is a noncustodial parent who has an arrearage. [The dDepartment of Lottery shall request CSE to provide written certification that the obligor claimant owes

past-due support has an arrearage and to specify the amount owed of the arrearage. Upon receipt of such the written certification from the department CSE that the lottery prize claimant has an arrearage and the amount of the arrearage, the Department of the Lottery shall transmit the prize money, not to exceed the amount certified as past-due support, to the department Comptroller, Department of Banking and Finance, who shall make the intercept.

(4) Notification of Intercept.

(a) The department Comptroller shall notify inform the obligor affected individuals by certified mail, return receipt requested, that the prize money is being intercepted and will be applied to the balance of past-due support. The certified mail will be sent to the address provided by the obligor to the Department of the Lottery. The notice will state that the they obligor may request have a right to an administrative hearing as set forth in Chapter 120, F.S. Florida Statutes, to contest a mistake of fact regarding the amount of past-due support or the identity of the obligor. Refusal of the notice sent to the obligor by certified mail, return receipt requested, shall constitute proper service of the notice.

(b) If there is no return receipt received from the obligor within thirty (30) days from the mailing date of the notice specified in paragraph (4)(a) above, and if no written petition for a hearing is received, the department shall send the notice to the obligor by regular mail to the address provided to the Department of the Lottery and to the last known address according to the department's records. If there is no response from the obligor to the second notice as provided for in this paragraph, the prize received from the Department of the Lottery will be applied to the obligor's past-due support thirty (30) days from the mailing date of the second notice.

(c) A written petition for an administrative hearing must be received by the Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk, P. O. Box 5556, Tallahassee, FL 32314-5556, within twenty one (21) days of the date the obligor received or refused the notice sent by certified mail, or within 30 days from the date of mailing of the notice sent by regular mail. If a return receipt request is received from the certified notice and no petition for administrative hearing is received within twenty-one (21) days, the obligor will be deemed to have waived the right to a hearing and the intercept will be applied to the obligor's past-due support obligation. Administrative hearings will be conducted pursuant to Chapter 120, F.S.

(5) Application of Lottery Prize when Obligor owes Past-Due Support on Multiple Cases. If the obligor owes past-due support on more than one Title IV-D case, the prize shall be applied to each case based on the ratio of the past-due amount for each individual case to the total past-due support owed by the obligor for all Title IV-D cases.

Specific Authority 409.2557(3) 409.026 FS. Law Implemented 24.115(4) FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.008, Amended

12E-1.014 Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full-Service Collection Services Collection Agency Contract.

(1) Definitions. As used in this rule:

(a) "Offset" means the complete or partial interception of an Internal Revenue Service income tax refund or rebate.

(b) "Past-due support" means support owed as defined in 45 CFR 301.1.

~~(2)(1) Internal Revenue Service Tax Refund Offset Program. Intercept. The federal office of child support enforcement and the state program office have developed procedures for collecting delinquent support by implementing an offset process against federal income tax refunds. As provided by This process is set out in 45 CFR 303.72, obligors incorporated herein by reference under subsection 12E-1.002(1) of this rule with an effective date of June 1994, and shall be used against noncustodial parents who owe past-due support in Title IV-D cases are subject to offset are delinquent in making support payments and who are eligible to receive a federal income tax refund.~~

~~(a)(2) Certification for Offset. The department shall certify To be certified an obligor for offset, support payments must have been established pursuant to a court or administrative order. if the obligor owes past-due support in amounts meeting either or both of the following criteria:~~

~~1. For support assigned to the State, the amount past-due is not less than \$150 and has been unpaid for three months or longer.~~

~~2. For support owed to the obligee, the amount past-due is not less than \$500.~~

~~(b) Notification of offset; right to informal review and administrative review.~~

~~1. At the department's request, the Federal Office of Child Support Enforcement will send a notice to each obligor submitted by the department under paragraph (2)(a). The notice provides the obligor thirty (30) days from the date of the notice to pay the past-due amount in full to the department in order to avoid certification for offset. No additional notice of certification for offset will be sent. The notice also advises the obligor of the right to contest the determination of the amount of past-due support.~~

~~2. To contest certification, the obligor must contact the department at the address or telephone number provided in the notice within thirty (30) days from the date of the notice. The department will review the obligor's records and will attempt to resolve the obligor's concerns informally. If the obligor fails to request a review within thirty (30) days from the date of the notice, the obligor is deemed to have waived the right to contest the certification and the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury of the past-due support owed by the obligor.~~

3. If the department is unable to resolve the obligor's concerns through the informal review process, the obligor may request an administrative review.

(3) If the past-due amount ease is based on a Florida order, the obligor may request ~~noncustodial parent has a right to a an~~ administrative review of the proposed certification in Florida. ~~decision This review will be conducted by the office of appeal hearings of the Ddepartment of Children and Families, Office of Administrative Hearings, pursuant to Chapter 120:57(2), F.S. Florida Statutes.~~

(a) If the past-due amount ease is based on an out-of-state order issued by another state, the obligor ~~noncustodial parent~~ can request that a hearing be held either in Florida, or ~~be held~~ in the state which issued where the order, which was the basis of the referral, was entered. If the obligor requests the review be held in the issuing state, the department will contact the state which issued the order within 10 days of receiving obligor's request, and the state which issued the order will notify the obligor of the date, time, and place of the administrative review.

(b) If an administrative review is held and a final order is issued in the obligor's favor, the Federal Office of Child Support Enforcement will be notified to withdraw the obligor's certification or amend the certification to reflect the correct past-due amount. If the final order is issued in the department's favor, the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury of the past-due support owed by the obligor.

1. Once offset occurs, the U. S. Department of the Treasury will send the obligor a notice that the refund will be forwarded to the department.

2. Unless otherwise ordered, the certification will continue until the past-due amount is paid in full. If the amount of past-due support increases, the increased amount will be certified to the Federal Office of Child Support Enforcement and is subject to offset.

(4) Distribution of Offset. Pursuant to 42 U.S.C. 657 (a)(2)(B)(iv), the department shall retain federal income tax refund offset payments in current and former assistance cases up to the amount of past-due support assigned to the department as a condition of eligibility for temporary cash assistance, but not to exceed the total amount of temporary cash assistance provided to the family. After the amount of past-due support assigned to the department has been paid in full, the excess will be mailed to the obligee.

(a) Pursuant to 42 U.S.C. 664 (a)(3)(B), the department has implemented the State option to delay distribution of a refund from a joint federal income tax return that is offset to satisfy non-assistance past-due support. In these instances, distribution will be delayed until one of the following occurs:

1. The department is provided a copy of the written verification received from the Internal Revenue Service that the obligor's spouse's claim to the tax refund has been resolved.

2. The obligor pays off all past-due amounts owed.

3. Six months has elapsed from notification of the offset.

(5) Passport Denial. In accordance with 42 U.S.C. 652(k), if the past-due amount exceeds \$5000, obligors certified under paragraph (2)(a) of this rule are also submitted by the Federal Office of Child Support Enforcement to the U. S. Department of State who shall deny, and may revoke, restrict, or limit a U.S. passport.

(a) Notice of this action and administrative review rights are included in the notice referred to under paragraph (2)(b) of this rule.

(b) If a passport is needed from the U.S. Department of State, the obligor must contact the department at the address or telephone number provided in the notice.

(c) In order to restore passport eligibility, the obligor must:

1. Reduce the amount of past-due support owed to \$5000 or less;

2. Prove that the obligor's name and/or the amount of past-due support was submitted in error; or

3. Provide written verification of a death or medical emergency requiring issuance of a passport.

(d) When one of the above occurs, the department will request that the passport certification be withdrawn.

(e) The U. S. Department of State will send the obligor a notice that the obligor is ineligible to receive a passport when the U. S. Department of State takes action to deny, revoke, restrict, or limit the obligor's passport.

(6) Administrative Offset Program. The department does not participate in the Administrative Offset program described in 31 U.S.C. 3716.

(7)(3) Internal Revenue Service Full Collection Services. Pursuant to federal regulation 45 CFR 303.71, the department may request the Federal Office of Child Support Enforcement to incorporate herein by reference under subsection 12E-1.002(1) of this rule with an effective date of June 1994 cases shall be certified past-due support obligations to the Secretary of the Treasury or Internal Revenue Service for full service collection services under the Internal Revenue Code. Cases are eligible under the following circumstances:

(a) There is a court or administrative order for support;

(b) The amount of arrears is at least \$750;

(c) The case has not been referred within the past six months for Internal Revenue Service full service collection; and

(d) All efforts have been exhausted by the state using its collection remedies to collect the past due support through the state's own mechanism.

(4) Collection Agency. Pursuant to an agreement between the department and the comptroller's office, the department shall submit certain closed cases to a collection agency which has contracted with the Comptroller, Department of Banking and Finance, for collection of state obligations. The child support office will submit the closed cases to the collection agency in its efforts to collect past due support and costs.

Specific Authority 409.2557(3) 409.026 FS. Law Implemented 61.17, 409.2564 FS. History--New 6-17-92, Amended 7-20-94, Formerly 10C-25.011, Amended

12E-1.029 Financial Institution Data Matches.

(1) Procedures for Entering into Agreements with Financial Institutions.

(a) The department shall send a memorandum of agreement for the operation of the data match system described in s. 409.25657(2), F.S., to each financial institution doing business in the state that meets the definition of a financial institution in s. 409.25657(1)(a), F.S., and which has not elected to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) below.

(b) The memorandum of agreement specified in paragraph (a) above shall identify the records that will be compared, the methods of accomplishing the record comparisons, the methods for electronic or other transmission of records between the department and the financial institution, fees to be paid to the financial institution for services provided, the financial institution's contact persons, and other information the department determines to be necessary to enter into agreements for quarterly data matching.

(c) The department has designated the Federal Office of Child Support Enforcement as its agent authorized to enter into operational agreements for data matching, on behalf of the department, with financial institutions doing business in two or more states that elect to participate in the Federal Office of Child Support Enforcement's national data match process. The authorization extends to entering into agreements only with financial institutions doing business in this state and excludes the authority to negotiate fees to be paid to financial institutions for the costs of participating in the data match.

(2) Selecting Cases for Data Matching. The department shall include the following cases in the data match system provided by s. 409.25657(2), F.S.:

(a) Temporary cash assistance cases in which the amount of past-due support is not less than \$150;

(b) Non-temporary cash assistance cases in which the amount of past-due support is not less than \$500.

(3) Fees for Conducting Data Matches. The department shall pay quarterly fees to financial institutions doing business in the state that submit an invoice to the department for payment of the costs of conducting the data match during a quarter, as follows:

(a) To financial institutions that enter into the memorandum of agreement with the department specified in paragraph (a) of subsection (1) of this rule:

1. Not more than \$250 per quarter if the financial institutuin performs the data match provided by s. 409.25657(2)(a), F.S.; or

2. Not more than \$50 per quarter if the financial institution selects the option provided by s. 409.25657(2)(b), F.S., to have the department match each individual who maintains an account at the financial institution.

(b) To financial institutions that elect to participate in the Federal Office of Child Support Enforcement’s national data match process specified in paragraph (c) of subsection (1) of this rule, not more than \$100 per quarter.

(c) The department shall not pay quarterly fees to financial institutions not doing business in this state.

Specific Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History–New

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Restoration of Forfeited Gain Time

RULE NO.: 33-601.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify circumstances under which inmates are ineligible for restoration of forfeited gain time.

SUBJECT AREA TO BE ADDRESSED: Gain time.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.105 Restoration of Forfeited Gain Time.

(+) Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is

required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

~~(1)(a)~~ Eligibility.

~~(a)~~ Restoration of gain time due to loss by disciplinary action:

~~1.a.~~ There must be an elapsed time of at least one year since the last disciplinary action occurred.

~~2.b.~~ The inmate must be serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

~~3.e.~~ The inmate’s institutional adjustment and performance exceed that which is required to comply with all the behavioral objectives and the inmate must have completed or be participating in all available programs recommended by the classification team.

~~4.d.~~ Inmates who have been convicted in judicial court or been found guilty of one of the after they have received disciplinary reports for the offenses listed below and who have a criminal conviction arising from the same incident shall be ineligible for restoration of forfeited will not be eligible to have gain time reinstated on these specific charges:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed Assault, where a physical attack was made against department staff;

1-5 Sexual Battery;

2-1 Participating in riots, strikes, mutinous acts or disturbances;

3-1 Possession of weapons, ammunition, or explosives;

3-4 Trafficking in Drugs;

4-1 Escape or attempted escape.

~~5.e.~~ Once an inmate has gain time restored, subsequent losses of gain time due to disciplinary action will make the inmate ineligible for further restoration.

~~6.f.~~ Gain time that is lost prior to an inmate receiving an additional commitment for an offense committed while in custody of the department will not be considered for restoration.

~~(b)2-~~ Restoration of gain time forfeited by violation of the conditions of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release may be considered only when there have been no new convictions for offenses that occurred during the period of release.

~~1.a.~~ There must be a minimum of one year from the effective date of the parole revocation or violation of the conditions of provisional release, supervised community release, conditional medical release, control release, or conditional release;

~~2.b.~~ The inmate must be discipline free (formal reports) since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

~~3.e.~~ The inmate's adjustment and performance must exceed that which is required to comply with all behavioral objectives since return as a parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violator;

~~4.d.~~ The inmate must have completed or be participating in all available programs recommended;

~~5.e.~~ Any inmate who receives restoration of gain time forfeited due to parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation will not be eligible for restoration on any subsequent parole, provisional release, supervised community release, conditional medical release, control release, or conditional release violation while serving the same commitment;

~~6.f.~~ The inmate must be serving the portion of the sentence which, but for the forfeiture of gain time, would have been completed.

~~(2)(b)~~ How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in ~~(1)(a)~~ of this rule. There is no entitlement for consideration based upon an inmate's request. The final approving authority for restoration of forfeited gain time will be the Deputy Director of Institutions. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

~~(2) Adjusted disciplinary action. Forfeited gain time shall be restored on the recommendation of the warden when it is determined that the gain time was improperly forfeited or where it appears that an error was made which should be corrected. When it is discovered through a review of the inmate's record at the time of routine progress reports that inappropriate disciplinary procedures were used or additional facts reveal that the disciplinary charge was improper or where the disciplinary report should not have been written against the inmate, the classification officer shall prepare a recommendation documenting the circumstances of the incorrect or inappropriate forfeiture of gain time. The classification officer shall forward the request through the institutional classification team, Chief, Bureau of Classification and Central Records, to the Deputy Director of Institutions who will act as final reviewing authority and shall approve, disapprove, or return the recommendation in cases of this type to the institution for additional information. If~~

~~approved, the Bureau of Classification and Central Records will make the changes in the record and notify the institution where the inmate is assigned.~~

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275, 944.28 FS. History--New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Institution Visits and Tours and Inmate or Probationer Presentations and Programs for the Public  
 RULE NO.: 33-602.230

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide detailed guidelines for conducting juvenile offender tours pursuant to s. 945.75, F.S.

SUBJECT AREA TO BE ADDRESSED: Institutional tours.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.75 FS.

LAW IMPLEMENTED: 944.09, 944.23, 945.75 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.230 Institution Visits and Tours and Inmate or Probationer Presentations and Programs for the Public.

(1) Except as authorized in subsection (2) Below, nNo tours by persons under 18 years of age beyond a common assembly area such as the visiting park will be permitted. Student groups shall be assembled in this common area and given briefings by staff members and shown orientation/training videos. Inmates shall not participate in these orientation briefings.

(2) Juvenile Offender Tour Programs. Juveniles under supervision shall be allowed to tour facilities of the department only upon court order or documented direction from the court. Such documentation shall list the name of the sponsor and each juvenile participant approved by the court for such a tour.

(a) Definitions.

1. Adult Escorts – Where used herein, refers to outside sponsors 18 years of age or older who will accompany juvenile participants during the juvenile offender tour program.

2. Central Office Program Manager – Refers to the staff member in the Bureau of Classification and Central Records who coordinates the juvenile offender tour program with designated institutions and the Bureau of Security Operations.

3. Designated Institutions – Where used herein, refers to institutions designated by the secretary or his designee to provide the juvenile offender tour program in all four regions, thereby ensuring accessibility to juvenile offenders statewide.

4. Inmate Presenter – Where used herein, refers to an inmate whose participation in the program is voluntary, who has met prescreening criteria outlined in this rule, and who has successfully completed training to provide juvenile offenders with an accurate and realistic account of prison life and the effects of incarceration.

5. Juvenile Offender – Where used herein, refers to a youth not more than 17 years of age, but not less than 10 years of age, who is under court order to participate in a juvenile offender tour program.

6. Juvenile Offender Tour Program – Refers to a program implemented by the Department of Corrections which provides Florida's courts with an intervention program that discourages juvenile offenders from continuing a criminal lifestyle by providing the juvenile offender with a realistic look at prison life.

7. Outside Sponsor – Where used herein, refers to an organization or agency working with a court to provide adult escorts for juvenile offenders participating in the juvenile offender tour program.

8. Tour Program Facilitator – Where used herein, refers to the staff member at the institution who is responsible for supervising tours and coordinating tours in conjunction with the central office program manager.

(b) All tour requests from outside sponsors shall be in writing and shall be routed to the warden.

(c) Staff Responsibilities for the Juvenile Offender Tour Program.

1. The warden shall:

a. Designate a staff member as the tour program facilitator;

b. Based upon program activity, determine the number of inmate presenters who will participate in the program;

c. Ensure the selection of staff to participate in the program; and

d. Evaluate and approve or reject tour requests at least 20 days in advance of the proposed tour date. Rejections shall be based on a determination that the tour is not in the best rehabilitative interests of the inmates incarcerated or that the tour will have an adverse impact on the security or orderly operation of the facility.

2. The institutional tour program facilitator shall:

a. Subsequent to the warden's approval of the tour, function as the primary contact point with the courts, outside sponsors, and the central office program manager.

b. Ensure that all requirements of this rule are met, including:

I. Providing necessary supervision;

II. Advising outside sponsors of the guidelines contained in the rule;

III. Ensuring that department personnel are physically present during the tour, presentation or program, along with the outside sponsor; and

IV. Answering questions from the group.

c. Select and train inmate presenters;

d. Coordinate and provide orientation for participating staff;

e. Secure a copy of the court order for each juvenile that directs the juvenile offender's participation in the program from the outside sponsor and maintain a file of the copies of the court orders for three years;

f. Report scheduling and completion results of the tour to the central office program manager.

g. Ensure that all program guidelines are explained to the tour participants before allowing them entry into the compound;

h. Coordinate notification to the court of tour participants who are disruptive or inappropriately dressed.

3. The central office program manager shall:

a. Maintain liaison with the Bureau of Security Operations regarding safety and security issues in the administration of the juvenile offender tour program;

b. Establish and maintain a database of institutions approved by the secretary to conduct tours, designated tour program facilitators, and statistical results of tours.

(d) Inmate Presenters.

1. Inmates who wish to volunteer as presenters for the juvenile offender tour program shall submit Form DC6-236, Inmate Request, to the tour program facilitator. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

2. In order to be selected as an inmate presenter, an inmate must:

a. Be free of disciplinary reports for a minimum of six months;

b. Not be a certified or non-certified security threat group member;

c. Be close custody or lower; and

d. Not have been in close management in the last 24 months.

3. Inmate presenters shall receive at least four hours of training concerning presentation content. Inmate presenters shall receive instruction on and are expected to demonstrate an understanding of and a positive attitude towards the purpose and goals of the tour program. Inmate presenters will be trained that they will not:

a. Use profanity, obscenities, individual confrontation, intimidation, or physical contact with tour participants, ("Scared Straight" techniques will not be used.)

b. Exercise any control or authority over any tour participant.

- c. Remove their own nor tour participant's clothing.
- d. Exchange personal information such as home addresses or telephone numbers with any tour participant.
- e. Give to or receive anything from tour participants, or
- f. Use any tobacco products.

4. Inmate presenters shall:

- a. Wear uniforms that are clean, properly fitted, and in good repair.
- b. Maintain proper grooming in accordance with department rules, and
- c. Use courtesy in all their dealings with tour participants and adult escorts.

(e) Tours.

- 1. Tour groups shall be limited to no more than 15 tour participants, not including sponsors and escorts.
- 2. Outside sponsors shall provide one adult escort of the same sex for every six or less tour participants.

(f) Upon tour approval, the tour program facilitator shall advise the outside sponsor in writing of the expectations and requirements of this rule, including the following:

- 1. Tour participants shall not be admitted if wearing inappropriate attire which includes:
  - a. Halter tops or other bra-less attire.
  - b. Underwear type tee shirts.
  - c. Tank tops or shorts.
  - d. Fishnet shirts or swimsuits.
  - e. Skin tight clothing or spandex clothing.
  - f. Clothes made with see-through fabric (unless a non-see-through garment is worn underneath).
  - g. Dresses or skirts more than three inches above the knee,  
or
  - h. Any article of clothing with a picture or language deemed profane or offensive by the institution's tour program facilitator.

2. Tour participants shall not be permitted the following:

- a. Excessive jewelry.
- b. Radios.
- c. Cell phones or beepers.
- d. Cameras.
- e. Purses.
- f. Pocket knives.
- g. Fingernail clippers.
- h. Money, or
- i. Prescription medications, except:
  - I. Only the dosage necessary for the tour period shall be allowed;
  - II. The medication shall be in its original prescribed container; and
  - III. Needles and syringes shall be left in the tour participant's locked transportation vehicle.

(g) The outside sponsor shall be responsible for taking corrective action against disruptive participants. Unresolved situations shall result in the disruptive participants being removed from the tour. If necessary, the tour shall be terminated.

(h) The tour program facilitator shall, not later than two workdays following completion of the tour, report tour scheduling and completion results to the central office program manager.

(3) through (6) No change.

(7) The following guidelines shall be adhered to in conducting tours, in making presentations and in providing programs for the public.

(a) through (b) No change.

~~(e) If the tour or program is for juveniles and is based on a court order or direction from the court, the supervisor or coordinator shall secure a copy of the order from the sponsor, with the name of each juvenile on it.~~

Specific Authority 20.315, 944.09, ~~945.75~~ FS. Law Implemented 944.09, 944.23, ~~945.75~~ FS. History--New 10-6-83, Formerly 33-5.12, Amended 7-27-89, 3-8-98, Formerly 33-5.012, ~~Amended~~.

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: RULE NO.:

Biennial Renewal Fee for Active License 64B6-4.004

PURPOSE AND EFFECT: The Board proposes to raise the fee so that the increased fee will be 10% more than the existing fee.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee for Active License.

SPECIFIC AUTHORITY: 456.025(1), 455.587(1), 484.044, 484.0447(4),(6) FS.

LAW IMPLEMENTED: 484.0447(4),(8), 484.047(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-4.004 Biennial Renewal Fee for Active License.

The licensure fee for renewal of an active license shall be ~~\$410.00~~ 375.00.

Specific Authority 455.587(1), 456.025(1), 484.044, 484.0447(4),(6) FS. Law Implemented 484.0447(4),(8), 484.047(2) FS. History--New 1-10-84, Formerly 21JJ-5.03, 21JJ-5.003, Amended 1-4-87, 12-25-88, Formerly 21JJ-4.007, 61G9-4.007, ~~Amended~~.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Examination for Licensure  
 RULE NO.: 64B12-9.001

PURPOSE AND EFFECT: The Board proposes amendments to examination rule setting forth the requirements for the national examination and eliminating the requirement for the examination on Florida law and rules.

SUBJECT AREA TO BE ADDRESSED: Opticianry licensure examination requirements.

SPECIFIC AUTHORITY: 456.017(1),(5), 484.005 FS.

LAW IMPLEMENTED: 456.017(1),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Application for Examination and Licensure  
 RULE NO.: 64B12-9.0015

PURPOSE AND EFFECT: The Board proposes amendments to the existing rule setting forth the requirements for application for licensure, providing for application procedures and the requirement for completion of a two-hour course on Florida law and rules.

SUBJECT AREA TO BE ADDRESSED: Opticianry licensure examination and application requirements.

SPECIFIC AUTHORITY: 456.013, 456.017, 456.072, 484.005, 484.014(2), 484.005 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.072, 484.007, 484.014(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive

Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Apprenticeship Requirements and Training Program  
 RULE NO.: 64B12-16.003

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth the requirements for apprenticeship requirements and the training program.

SUBJECT AREA TO BE ADDRESSED: Opticianry licensure apprenticeship and training program.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Termination of Apprenticeship  
 RULE NO.: 64B12-16.004

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth the requirements for termination of apprenticeship.

SUBJECT AREA TO BE ADDRESSED: Termination of apprenticeship.

SPECIFIC AUTHORITY: 484.005, 484.007(1) FS.

LAW IMPLEMENTED: 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Enforcement  
 RULE NO.: 64B12-16.008

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth the requirements for the apprentice and sponsor during the apprenticeship.

SUBJECT AREA TO BE ADDRESSED: Enforcement of the apprenticeship program.

SPECIFIC AUTHORITY: 484.005, 484.007(1) FS.

LAW IMPLEMENTED: 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE TITLE: Licensure by Certification of Credentials  
 RULE NO.: 64B20-2.001

PURPOSE AND EFFECT: The Board proposes to discuss this section to determine if amendments are necessary to the existing rule or if it is necessary to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Requiring 2 hours continuing education for the prevention of medical errors.

SPECIFIC AUTHORITY: 468.1135(4), 468.1195(1),(3), 468.1205(1), 456.013(7) FS.

LAW IMPLEMENTED: 468.1195(1),(3), 468.1205(1) FS.

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

TIME AND DATE: 9:00 a.m., February 1, 2002

PLACE: The Hotel Sofitel, Miami, FL 33126, (305)264-4888

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 Board at least 5 calendar days before the workshop/meeting by contacting the Board, (850)245-4460. If you are hearing or speech impaired, please contact the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE TITLE: On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants  
 RULE NO.: 64B20-4.003

PURPOSE AND EFFECT: The Board proposes to discuss this section to determine if amendments are necessary to the existing rule or if it is necessary to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Specified services completed by the audiology assistant and supervised by the licensee.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1215, 468.1125(3),(4) FS.

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

TIME AND DATE: 9:00 a.m., February 1, 2002

PLACE: The Hotel Sofitel, Miami, FL 33126, (305)264-4888

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 Board at least 5 calendar days before the workshop/meeting by contacting the Board, (850)245-4460. If you are hearing or speech impaired, please contact the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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