

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Meritorious Gain Time RULE NO.: 33-601.102

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow award of meritorious gain time for assistance to law enforcement agencies under specified circumstances.

SUBJECT AREA TO BE ADDRESSED: Meritorious gain time.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275 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:

33-601.102 Meritorious Gain Time.

(1) Eligibility. An inmate who is otherwise eligible for meritorious gain time may be recommended by the warden for up to 60 days gain time when he has performed an outstanding deed such as:

(a) through (b) No change.

(c) Assisting law enforcement agencies by providing relevant information for investigations or participating in requested activities that may result in arrest or prosecution, when recommended by the state attorney or law enforcement agency and when such would be in accordance with the rehabilitative interests of the inmate.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275 FS. History--New 2-26-80, Formerly 33-11.09, Amended 1-12-83, 1-31-85, 10-7-85, 4-28-87, 4-17-94, Formerly 33-11.009, Amended

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Drivers RULE NO.: 33-601.605

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete provisions allowing inmates to drive state vehicles to transport inmates in a work release program in accordance with Senate Bill 278.

SUBJECT AREA TO BE ADDRESSED: Inmate drivers.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09 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:

33-601.605 Inmate Drivers.

(1) Definitions.

(a) through (d) No change.

~~(e) Work Release Center (WRC), where used herein, refers to a facility where a community based transition program for approved minimum custody inmates prior to release from custody is conducted.~~

(2) License Requirements for Inmate Drivers.

~~(a) Any inmate who operates a work release center vehicle must have a valid Florida Driver's License.~~

~~(b) No inmate will be authorized to operate a vehicle that qualifies as a commercial motor vehicle without a valid Florida Commercial Driver's License.~~

~~(3) Selection Criteria for WRC Inmate Drivers:~~

~~(a) The inmate must meet the criteria for the work release program and not have a current or prior conviction in any of the following categories:~~

~~1. Any degree of murder or attempted murder;~~

~~2. Homicide;~~

~~3. Manslaughter;~~

~~4. Driving under the influence;~~

~~5. Driving while licensed suspended or revoked;~~

~~6. Kidnapping;~~

~~7. False imprisonment;~~

~~8. Escape, or a disciplinary report for escape or attempted escape for which the inmate was found guilty; or~~

~~9. Vehicle theft.~~

~~(b) The inmate must have demonstrated stability, maturity and satisfactory institutional adjustment for a period of six months.~~

~~(c) The inmate must be in minimum custody and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.~~

~~(d) The inmate must hold a valid Florida Driver's License or be eligible for licensing.~~

~~(e) The inmate must have a favorable driving record which does not reflect any moving violations within the last three years prior to incarceration.~~

~~(4) The classification officer considering an inmate as a work release center driver shall review the inmate's driving history utilizing the Kirkman Data Center database. Questions or concerns regarding the Kirkman Data Center database are to be directed to the work release coordinator in the Bureau of Classification and Central Records for resolution.~~

~~(5) Prior to driving a department vehicle, a WRC inmate driver must be authorized in writing by the approving authority.~~

~~(6) Obtaining licenses for non-licensed inmate drivers.~~

~~(a) When an inmate who does not have a valid Florida Driver's License on file is assigned as a WRC inmate driver, the classification officer shall contact the nearest DHSMV Driver's License Office by telephone and arrange for the license examination.~~

~~(b) A correctional officer shall escort the inmate to DHSMV for the scheduled appointment and shall remain with the inmate while he or she completes the license examination.~~

~~(c) Routine fees for driver's examinations, licenses and renewals will be paid by the work release center where the inmate is assigned at the time the fee is incurred. Any additional costs to obtain a driver's license will be the financial responsibility of the inmate and will be paid directly to the DHSMV Driver's License Office.~~

~~(d) Once the license is obtained, the correctional officer shall return with the inmate to the work release center, secure the driver's license in the control room and provide the classification officer with any paperwork received from DHSMV for the inmate's file.~~

~~(7)(a) Issuance of WRC Inmate Driver's Licenses. The correctional officer working in the control room shall issue the license and the keys to the inmate upon departure from the work release center, and shall ensure that the license and the keys are returned to the control room upon the inmate's return to the work release center at the end of his or her driving duty shift. The correctional officer in control room shall document on the control room log every time a driver's license and keys are given to and received from an inmate. For security reasons, both items will be stored in the control room when not in use.~~

~~(b) The Correctional Officer in the control room will make the appropriate documentation on the Control Room Log, DC6-207, every time a driver's license and keys are given to and received from an inmate. Form DC6-207 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.~~

~~(8) Supervision of WRC Inmate Drivers. A correctional officer sergeant at the work release center will be assigned to ensure the inmate driver fulfills the driving duties in the prescribed manner:~~

~~(a) The responsibilities of the assignment will be thoroughly explained to the inmate and the inmate will be required to sign the Inmate Driver Agreement Form, DC6-116. Form DC6-116 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.~~

~~(b) The sergeant shall thoroughly familiarize the inmate with the route(s) he or she is to follow and shall accompany the inmate on his or her first run of the route. If, after one run, the correctional officer sergeant believes the inmate is not familiar enough with the route, the correctional officer sergeant shall continue to accompany the inmate on the route until the inmate is familiar enough with the route to drive it by himself.~~

~~(c) The inmate driver is restricted to authorized transportation duties only, shall not be permitted to drive for any non-department business duties, and shall not be required to drive a department vehicle for more than 12 hours per every 24 hour period. Under no circumstances will the inmate be permitted to operate a vehicle outside of the state.~~

~~(d) If an inmate is involved in an accident with a department vehicle, the shift supervisor at the work release center will notify the Florida Highway Patrol so that they can investigate the accident. If an inmate driver receives a traffic citation or is involved in an accident, the inmate's driving privileges will be immediately suspended pending a review by the approving authority. Reinstatement as an inmate driver will require written authorization by the approving authority.~~

~~(e) The sergeant at the work release center shall review each inmate's driver's license at least quarterly to ensure that the license is still valid and no traffic infractions (citations) have occurred since the inmate was authorized to drive. Should the license be invalid or any new traffic infractions (citations) discovered, notice shall be given to the approving authority who shall reassess the inmate's authorization to drive. The~~

approving authority shall, in writing, advise the correctional officer major or classification officer at the work release center whether the inmate is to remain an inmate driver.

~~(f) A department vehicle will be assigned to only one inmate at a time. The vehicle will be searched and inspected at the beginning and conclusion of the assigned inmate's driving duty shift and at each intermittent stop at the work release center for contraband and any excess mileage driven by the inmate. The correctional officer searching the vehicle shall document the search on the control room log, Form DC6-207. Any contraband or mileage infractions will be handled through the disciplinary process.~~

~~(g) Each time an inmate driver returns to the work release center a correctional officer shall conduct a physical search of the inmate for the detection of contraband and shall document the search on the control room log. An inmate found with contraband will have his or her driving privileges immediately suspended pending review by the approving authority and shall be subject to the disciplinary process.~~

~~(3)(9)~~ No change.

~~(4)(10)~~ Commercial Vehicle Driving Vocational Program.

(a) In order to qualify for the Commercial Vehicle Driving Vocational Program designed to prepare an inmate for employment as a tractor trailer or truck driver, an inmate must exhibit a safe driving record, be at least 21 years of age, comply with State and Federal licensing requirements, and meet the following eligibility requirements: be otherwise eligible pursuant to subsection (3) of this rule.

1. The inmate must meet the criteria for the work release program and not have a current or prior conviction in any of the following categories:

- a. Any degree of murder or attempted murder.
- b. Homicide.
- c. Manslaughter.
- d. Driving under the influence.
- e. Driving while licensed suspended or revoked.
- f. Kidnapping.
- g. False imprisonment.
- h. Escape, or a disciplinary report for escape or attempted escape for which the inmate was found guilty, or
- i. Vehicle theft.

2. The inmate must have demonstrated stability, maturity and satisfactory institutional adjustment for a period of six months.

3. The inmate must be in minimum custody and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.

4. The inmate must hold a valid Florida Driver's License or be eligible for licensing.

5. The inmate must have a favorable driving record which does not reflect any moving violations within the last three years prior to incarceration.

(b) An inmate who does not have a valid Florida Driver's License on file shall be permitted to obtain his driver's license in order to participate in the Commercial Vehicle Driving Vocational Program. ~~The license will be obtained as described in subsection (6) of this rule.~~ The inmate will be required to purchase the license and Commercial Driver's License (CDL) at his own expense and pay such fees to the DHSMV Driver's License Office.

1. When an inmate who does not have a valid Florida Driver's License on file is assigned to the Commercial Vehicle Driving Vocational Program, the classification officer shall contact the nearest DHSMV Driver's License Office by telephone and arrange for the license examination.

2. A correctional officer shall escort the inmate to DHSMV for the scheduled appointment and shall remain with the inmate while he or she completes the license examination.

3. Once the license is obtained, the correctional officer shall return with the inmate to the facility, secure the driver's license, and provide the classification officer with any paperwork received from DHSMV for the inmate's file.

(c) through (d) No change.

Specific Authority ~~944.09, 945.091~~ FS. Law Implemented 20.315, 322.03, 322.04, 322.15, ~~944.09, 945.091~~ FS. History—New 8-29-00, Amended 1-1-01, _____

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community Release Programs

RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to extend the time periods during which an inmate will be eligible for community release programs to allow inmates to be placed within a longer period of time prior to release.

SUBJECT AREA TO BE ADDRESSED: Community release programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
- (2) Eligibility and Ineligibility Criteria.
 - (a) No change.
 - (b) In order to be eligible for community release programs an inmate must:
 - 1. through 3. No change.

4. Be within 21 ~~18~~ months of his earliest release date if the inmate is earning discretionary gain time, or be within 15 ~~12~~ months of his earliest non-advanceable release date for CWA, community-based residential substance abuse program, or pre-work release program.

5. Be within 15 ~~12~~ months of his earliest release date if the inmate is earning discretionary gain time or be within 10 ~~7~~ months of his earliest non-advanceable release date for work release.

6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Assistant Secretary for Director of Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail.

- (3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Close Management
 RULE NO.: 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise close management forms and to clarify provisions related to: placement in close management, transfer of close management inmates to other institutions, housing conditions and privileges of close management inmates, and review of close management inmates.

SUBJECT AREA TO BE ADDRESSED: Close management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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:

33-601.800 Close Management.

(1) Definitions.

(a) Housing supervisor – a correctional officer sergeant, or above, who is in charge of the close management ~~confinement~~ unit for a particular shift.

(b) through (c) No change.

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

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

(f) Individualized Service Plan (ISP) – a dynamic, written description of problems, goals, and services which is developed and implemented by the multi-disciplinary services team (MDST) and the inmate. An ISP shall be developed and implemented for each CM team decision inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.

(g) Multi-disciplinary Services Team – a team of mental health, program, classification, and security staff which assesses behavioral risk for each CM team decision inmate and develops and implements an individualized service plan for each CM team decision inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.

(h) Critical Event – inmate involvement, after the CM team decision placement, in one or more of the following events or behaviors: assignment to suicide observation status ~~attempt or other action that could have caused serious bodily harm~~; homicide; attempted homicide; escape; attempted escape; physical assault; attempted physical assault.

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

(j) No change.

(k) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, and chief of security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO). The only exception to the above

listed membership of the ICT is the makeup of the ICT at the designated CM facilities when considering the placement, continuance, modification, or removal of inmates from close management units. For these purposes, multiple ICTs consisting of the following members can be utilized:

1. Warden, chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or a senior classification officer who does not have the inmate on his or her caseload; or

2. Assistant Warden for Operations, chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or in his or her absence from the institution the acting classification supervisor; or

3. Assistant Warden for Programs, chief of security or in his or her absence from the institution the acting chief of security, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload.

(l) No change.

(m) Major Rule Violation – for the purpose of this rule only, any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n) through (p) No change.

(q) State Classification Office (SCO) – a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving, modifying or rejecting ICT recommendations.

(r) CM Orientation – the information and instructions provided to inmates upon assignment to CM regarding the operation of CM units and expected behavior of CM inmates.

(2) Levels of Close Management (CM status).

(a) Close Management I (CMI).

1. No change.

2. An inmate assigned to CMI will be ineligible for a work assignment. An inmate may be placed in CMI without having previously been in CMII or III. Any of the following factors constitutes a basis for placement of an inmate in CMI status:

a. through k. No change.

~~1. An inmate who meets the criteria for placement in CMII or CMIII and has been in close management previously during the current period of incarceration;~~

~~1.m. An inmate who is currently a in CMII or CMIII team decision and shows an inability to adjust as evidenced by subsequent major rule violation(s) continued disciplinary actions or unsatisfactory ratings;~~

~~m.n. No change.~~

(b) Close Management II (CMII).

1. No change.

2. An inmate may be placed into CMII without having previously been placed in CMIII. Any of the following factors constitutes a basis for placement of an inmate in CMII status:

a. through h. No change.

~~i. Has met the criteria for placement in CMIII and has been in close management previously during the current period of incarceration; and~~

~~1.j. Is currently a in CM III team decision and shows an inability to adjust as evidenced by subsequent major rule violation(s) continued disciplinary action or unsatisfactory ratings.~~

(c) No change.

(3) Procedures for Placement in Close Management.

(a) through (b) No change.

(c) The classification officer shall complete section I of the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) of this rule. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of the Report of Close Management, Form DC6-233C, to prepare for the close management review. The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.

~~(d)(e) Prior to docketing an inmate's case for close management review, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, DC6-128. Form DC6-128 is incorporated by reference in subsection (19) of this rule.~~

~~(e)(d) No change.~~

(f)(e) Upon receiving the completed close management referral assessment, the classification supervisor will submit the case for ICT Docket. The ICT will evaluate the recommendations for close management placement and the mental health assessment, interview the inmate, and document its findings and recommendations on the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) of this rule. The inmate will be given a minimum of forty-eight hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The team will document on Form DC6-233C that the inmate was informed of his or her allotted

time to prepare for the review. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team will document such postponement on form DC6-233C.

~~(f) A staff assistant will be assigned to assist an inmate when the team determines the inmate is illiterate or does not understand English, has a disability that would hinder his ability to represent himself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent himself or herself. This assistance can also be offered at the inmate's request. In such event, it is the responsibility of the staff member to explain the close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member will not take the position of an advocate or defense attorney for the inmate.~~

(g) ICT Hearing. The ICT shall evaluate the recommendations for close management placement and the mental health assessment, interview the inmate, and consider the information provided by the inmate. The ICT shall ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. The team shall document on Form DC6-233C that the inmate was allowed at least 48 hours to prepare for the review. The ICT shall inquire whether or not the inmate is in need of staff assistance. A staff assistant shall be assigned to assist an inmate when the team determines that the inmate is illiterate or does not understand English, has a disability that would hinder the inmate's ability to represent him or herself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent him or herself. This assistance can also be offered at the inmate's request. In such event, it is the responsibility of the staff member to explain the close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member shall not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team shall document the postponement on Form DC6-233C. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process or the inmate waives his or her right to be present at the close management hearing. If the inmate waives his or her right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate, and, ~~the absence, or removal, or presence~~ of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a

recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after the conclusion of the hearing. The ICT classification member supervisor will ensure that enter the team results are entered in OBIS.

(h) The SCO will review the recommendations of the ICT, the Close Management Referral Assessment, Form DC6-128, and other pertinent information before making the final decision regarding close management placement. This review will be on site and the SCO may interview the inmate, except in situations requiring more immediate action. In these cases, the SCO will review the documentation in OBIS. The SCO will approve, disapprove, or modify the ICT's recommendation or obtain further information from the team before reaching a final decision. If the team's recommendation is disapproved or modified by the SCO, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO has approved the ICT's recommendation. After the review is complete, the SCO will document its decision in OBIS. A copy of Form DC6-233C will be kept in the inmate record file.

(4) Transfers From a Non-CM Institution.

(a) Once a CM team decision recommendation is made, the ICT team will also enter a transfer the recommendation in OBIS and provide a copy of the DC6-233C reflecting the decision and signatures to the SCO. A copy of the DC6-233C will be kept in the inmate record file.

(b) The inmate will remain in administrative or current confinement status pending review and final decision of the SCO. If the inmate's release date from disciplinary confinement expires, the inmate shall be placed in administrative confinement until the review and decision is made by the SCO. ~~The SCO will review the recommendation from the ICT and either approve or disapprove the recommendation.~~

(c) If placement in CM is approved, the SCO will document its decision in OBIS and notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate CM facility.

(d) If the CM recommendation is disapproved, the SCO will determine if a transfer for other management reasons should be approved. The SCO will document its decision in OBIS. If a transfer is approved, the SCO will notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate non-CM facility provide written notification to the ICT of the requesting institution on its decision not to transfer. After the review is complete, the SCO will document its decision in OBIS.

(5) Transfers of ~~While Inmate is in~~ CM team decision inmates between CM institutions Status.

(a) No change.

(b) To transfer an inmate in close management status to another close management facility, the following will occur:

1. No change.

2. Transfers will be limited to those inmates in close management:

a. Who are being recommended for a close management level that the sending institution is not capable of providing, based on institutional mission or close management stratification issues, or

b. Situations that involve special reviews. Inmates with protection or threat reviews involving inmates housed at the same CM facility will be handled within the CM unit and, unless exceptional circumstances exist, will not be transferred from one CM institution to another based solely on these reviews, or

c. Situations that require an inmate to be moved to a higher level facility.

(c) The recommendation by the ICT to transfer a close management inmate will be decided by the SCO. If approved, the SCO will submit notification to the Bureau of Sentence Structure and Transportation for transfer of the inmate. ~~(d)~~ The receiving institution shall then place the inmate directly into the approved close management status without completing an additional evaluation.

(d) If the transfer recommendation is disapproved, the SCO will provide written notification to the ICT of the requesting institution of its decision not to transfer.

(e) After the review is complete, the SCO will document its decision in OBIS.

(6) Close Management Facilities.

(a) through (d) No change.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and apply to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. Form DC6-229A is incorporated by reference in subsection (19) of this rule.

(f) No change.

(g) The close management cells will be physically separate from other confinement cells; whenever possible given the physical design of the Facility and the number of inmates housed in a close management cell shall not exceed the number of bunks in the cell. Whenever such location is not possible, and have physical barriers shall be placed to preclude the reduce cross association of those in close management with those in other statuses confinement when such locations are not possible. Close management cells shall ~~They will~~ be built to permit verbal communication and unobstructed observation by the staff. ~~The close management cells will not exceed the number of bunks in the cell, whenever possible, given the physical design of the facility and the number of inmates housed in close management.~~

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229A, Close Management Daily Record of Segregation.

(7) Individualized Service Plan (ISP).

(a) through (c) No change.

(d) The An ISP shall be established within 14 days of the CM team decision placement of each inmate who suffers from mental impairment, or who is at significant risk for developing such impairment, as determined by mental health staff.

(e) If an ISP exists at the time of the CM team decision at a non-CM facility placement, it shall be updated within 14 days of CM placement at the receiving CM facility to reflect current problems, goals, services, and providers. The ISP shall also be updated within 14 days of an inmate's transfer between CM institutions.

(f) through (g) No change.

(8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM team decision inmate by completing the Behavioral Risk Assessment (BRA), Form DC4-729. Form DC4-729 is incorporated by reference in subsection (19) of this rule.

(b) Behavioral risk shall be determined as follows:

1. through 2. No change.

3. Within 120 days of the initial (14 day) assessment; and every 180 days thereafter. Each time that the MDST reviews the ISP.

(c) The BRA shall be completed at the above intervals regardless of S-grade or housing assignment, including, for example, when the CM inmate is housed outside the CM unit in order to access necessary medical or mental health care.

~~(e)(d)~~ The ICT shall consider results from the behavioral risk assessment and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM team decision status.

(d)(e) No change.

(f)(e) The SCO shall consider results from all the behavioral risk assessments, and all results from mental health evaluations that have been completed since the inmate's last formal assessment and evaluation, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after the initial CM team decision placement.

(9) Mental Health Services.

(a) Chapter 33-404, F.A.C., Mental Health Services, shall apply to CM team decision inmates except where otherwise specified herein.

(b) CM team decision inmates shall be allowed out of their cells to receive mental health services as specified in an ISP unless, within the past 4 48 hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while CM team decision inmates access services outside their cells.

(10) Conditions and Privileges While Housed in CM Status.

(a) Clothing – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229A and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229A, Close Management Daily Record of Segregation. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the action initially. Such exceptions shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is a indication of a security problem. Close management inmates at all levels shall be allowed to possess a “walkman” type radio with approved headphones as is allowed for general population

inmates. Exceptions or removal of any item will be documented on the DC6-229A. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to himself or herself or others, ~~or~~ to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Close Management Daily Record of Segregation, Form DC6-229A, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

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

1. At a minimum each inmate in close management confinement shall shower three times per week and on days that the inmate works.

2. through 3. No change.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management confinement area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management

who uses food or food service equipment in a manner that is hazardous to himself or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the Close Management Daily Record of Segregation, Form DC6-229A.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period satisfactory adjustment, will be allowed to make canteen purchases once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period satisfactory adjustment, will be allowed to make canteen purchases once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. No change.

(h) Religious Accommodations. Inmates with a in close management team decision status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, close management inmates shall be allowed to possess religious literature and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with research aides. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes for this purpose by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated time

frames. Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) of this rule. Typewriters or typing services are not considered required items and will not be permitted in close management confinement cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) No change.

(k) Writing utensils – Inmates in close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from close management status. Inmates who are placed in close management who are in possession of a working pen or pencil shall be issued a security pen. Inmates who are not indigent shall be allowed to purchase security pens by completing Form DC6-251, CMI and CMII Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated timeframes. If a security pens are is not available, the inmate shall be allowed to sign out a regular pen from the close management confinement unit officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a "writer/reader" will be allowed access to such for the purpose of reading and preparing correspondence.

(l) Reading materials – Reading materials, including scriptural or devotional materials and books that are in compliance with admissibility requirements, are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229A, Close Management Daily Record of Segregation. If items are removed in order to prevent the inmate from inflicting injury to himself or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the

wellness specialist or the close management confinement officer shall provide the inmate with an in-cell exercise guide and document such on the Close Management Daily Record of Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of three hours per week of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule. ~~In this instance, a major rule violation is defined as: any assault, battery or attempted assault or battery; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; escape or escape attempt.~~ Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) Programs and Privileges in Close Management Units.

(a) No change.

(b) CMI. Privileges for an inmate assigned to CMI ~~who maintains a satisfactory adjustment~~ are as follows:

1. through 3. No change.

4. Subscribe to one magazine and newspaper ~~as provided for in Rule 33-210.101, F.A.C.,~~ and possess no more than four issues of each at any given time; an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a magazine;

5. Make one telephone call of the length allowed by Rule 33-602.205, F.A.C. every 30 days following 30 days in close management status and having no major rule violations during this period of satisfactory adjustment as well as emergency telephone calls and telephone calls to an attorney as explained in Rule 33-602.205, F.A.C.;

6. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMI inmates shall be eligible to rReceive one two-hour non-contact personal visit by appointment;

a. ~~A~~After completing 30 days in close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMI, the inmate is eligible to be considered for visits 30 days following release from disciplinary confinement or the disciplinary hearing, if a penalty other than disciplinary confinement was imposed;

c.7. The inmate is eligible to receive one two-hour non-contact personal visit by appointment after each subsequent 30 day period with no major rule violations while in the status unless security or safety concerns would preclude a visit.

d. All visits for CMI inmates will be non-contact visits.

(c) CMII. In addition to the programs provided for CM I inmates and those privileges outlined in (11)(b)1.-4. of this rule, the following privileges are authorized:

1. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMII inmates will be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in close management status and having no major rule violations during this period ~~since being assigned to close management.~~

b. If found guilty of any major rule violations while assigned to CMII, the inmate is eligible to be considered for a visit 30 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, ~~with no major rule violations.~~

c. The inmate is eligible to receive personal visits by appointment after each subsequent 14 day period with no major rule violations while in the status unless security and safety concerns would preclude a visit.

d. All visits for inmates in CMII will be non-contact visits.

2. CMII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C. every 14 days after 30 days in close management status and having no major rule violations during this period of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. CMII inmates, following 30 days in close management status and having no major rule violations during this period satisfactory adjustment, shall be allowed access to the day room area for social purposes to include watching television programs for up to two days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 PM. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMII inmates will be

restrained during the above-described dayroom access unless determined by the senior correctional officer chief of security that the inmate can safely participate without restraints.

4. Participation in educational and program opportunities shall be in-cell or out of cell as determined by security and programs staff.

(d) CMIII. In addition to the programs provided above for CM I inmates, and those privileges outlined in (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CM III inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period since being assigned to close management.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.709, F.A.C.

~~c.~~ If found guilty of a disciplinary infraction while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, ~~and the inmate has no major rule violations.~~

~~d.~~ The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period while in the status unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. CMIII inmates, following Day room privileges after 30 days in close management status and having no major rule violations during this period satisfactory adjustment shall be allowed access to the day room area for social purposes to include watching television programs for up to five days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 PM. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer shift supervisor in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMIII inmates shall not be restrained for dayroom activities unless security or safety concerns require otherwise.

3. CMIII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C. every seven days after 30 days in close management status and having no major rule violations during this period of satisfactory adjustment as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

(12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of privileges will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) through (14) No change.

(15) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (19) of this rule. The staff member shall also document his or her visit on the Close Management Daily Record of Segregation, Form DC6-229A, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 9. No change.

(16) Review of Close Management.

(a) An ICT member shall review inmates with a in close management team decision at least once every week for the first 60 days and once every 30 days thereafter. For the purposes of this review the ICT member shall be the warden, assistant warden for operations or programs, chief of security, or classification supervisor. The purpose of this review shall be toward reducing the inmate's team decision status to the lowest management level or returning the inmate to general population as soon as the facts of the case indicate that this can be done safely, and, if applicable, review the inmate's disciplinary confinement status as outlined in subsection 33-602.222(8), F.A.C. If, upon completion of the ICT member's weekly or 30 day review, an ICT review for modification of the close management team decision, release to general population, or release from disciplinary confinement status is indicated, the ICT member shall notify the classification supervisor. The classification supervisor shall ensure that the case is placed on the docket for ICT review. During the review, the ICT shall consider the results of the behavioral risk assessments and mental health evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.

(b) All services provided by any mental health or program staff member shall be recorded on the Close Management Daily Record of Segregation, Form DC6-229A, which shall be kept in the ~~officers' station of the CM unit. When the form has been completely filled out or the inmate has been released from the CM unit, a copy shall be placed in the inmate file and the original shall be filed in the mental health record.~~

(c) When an inmate has not been released to general population and is in any close management status or has a CM team decision for six months, the classification officer shall interview the inmate and shall prepare a formal assessment and evaluation on the Report of close management. Such reports shall include a brief paragraph detailing the basis for the CM team decision ~~confinement~~, what has transpired during the six-month period, and whether the inmate should be released, maintained at the current level, or modified reduced to another a lower level of management. The case shall be forwarded to the classification supervisor who shall docket the case for ICT review.

(d) The ICT shall review the report of close management prepared by the classification officer, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status ~~and interview the inmate~~. If applicable, the ICT shall review the inmate's disciplinary confinement status in accordance with subsection 33-602.222(8), F.A.C. The inmate shall be present for an interview unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process, or the inmate waives his or her right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate. The absence, removal or presence of the inmate will be documented on Form DC6-233C. The ICT's CM and, if applicable, Disciplinary confinement status recommendations shall be documented in OBIS and the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or modifying the inmate to another a lower level of management.

(e) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from close management status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's close management and, if applicable, disciplinary confinement status, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security. The SCO shall and may interview the inmate unless exceptional circumstances exist or the inmate is approved for release to general population before determining the final disposition of the inmate's close management status. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the SCO

shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a modified lower level of management. If applicable and in accordance with subsection 33-602.222(8), F.A.C., the SCO shall determine whether the inmate is to continue or be removed from disciplinary confinement status. The SCO's decisions shall be documented in OBIS and the Report of Close Management, Form DC6-233C. The ~~SCO ICT~~ shall advise the inmate of its the ~~SCO's~~ decision.

(17) Close Management Records.

(a) No change.

(b) A Close Management Daily Record of Segregation, Form DC6-229A, shall be maintained for each inmate as long as he is in close management. Form DC6-229A shall be utilized to document any activities, including cell searches, items removed, showers, recreation, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229A and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit confinement housing officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229A shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229A shall be forwarded to ~~the ICT for review. Once reviewed, these forms shall be forwarded to~~ classification to be filed in the institutional inmate record.

(c) A Daily Record of Segregation – Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229A whenever additional written documentation is required concerning an event or incident related to the specific inmate.

(d)(e) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each close management unit area. Each staff person shall sign the record when entering and leaving the close management unit confinement area. Prior to leaving the close management unit confinement area, each staff member shall indicate any specific problems. No other unit activities will be recorded on Form DC6-228. Upon

completion, Form DC6-228 shall be maintained in the housing area and forwarded to the chief of security on a weekly ~~daily~~ basis where it shall be maintained on file pursuant to the current retention schedule.

(e) A Housing Unit Log, Form DC6-209, shall be maintained in each close management unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(18) Staffing Issues.

(a) Officers assigned to a close management confinement unit shall be reviewed every 18 months by the chief of security to determine whether a rotation is necessary. The shift supervisor or the close management lieutenant shall initiate the review by having the officer complete section I of the Special Housing Unit Rotation Review, Form DC6-295. The required supervisor shall conduct an interview with the officer and complete section II of Form DC6-295 and forward the form to the chief of security. The chief of security shall review personnel records, to include performance appraisals, incident reports, uses of force, and any other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and shall make a recommendation to the warden as to the necessity of a rotation. The chief of security shall, upon completion of his or her review, complete section III of Form DC6-295 and forward the recommendation to the warden. The warden shall review the recommendation, request additional information, if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. The warden's decision shall be documented in section IV of Form DC6-295 and shall be returned to the chief of security for action. The chief of security shall maintain the completed Form DC6-295. Any officer assigned to a close management confinement post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC6-128, Close Management Referral Assessment, effective date December 16, 2001.

(b) through (e) No change.

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

(g) Form DC6-229B, Daily Record of Segregation – Supplemental, effective date _____.

(h)(f) Form DC6-233C, Report of Close Management, effective date December 16, 2001.

(i)(g) Form DC6-251, CMI and II Canteen Order, effective date December 16, 2001.

(j)(h) Form DC6-252, CMIII Canteen Order, effective date December 16, 2001.

(k)(i) No change.

(l)(j) Form DC4-729, Behavioral Risk Assessment, effective date December 16, 2001.

(m) Form DC6-295, Special Housing Unit Rotation Review, effective date _____.

(n) Form DC6-209, Housing Unit Log, effective date _____.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-601.801-.813, substantially amended 2-1-01, Amended 12-16-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Maximum Management

33-601.820

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure the efficient and timely review for maximum management and the on-site monitoring of inmates in this status to ensure their level of supervision is reduced as soon as their level of threat to the safety and security of the staff, inmates and the institution indicates that action is appropriate.

SUBJECT AREA TO BE ADDRESSED: Maximum management.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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:

33-601.820 Maximum Management.

(1) No change.

(2) Definitions.

(a) No change.

(b) Institutional Classification Team (ICT) for Maximum Management Review – refers to the team responsible for making local classification decisions. The Institutional Classification Team 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.

(c) through (d) No change.

(e) Maximum Management Review Team (MMRT) – refers to the committee in Central Office that has approval authority for recommendations for placement in maximum management. The MMRT shall consist of the following staff or those acting in that capacity: Chief, Bureau of Classification and Central Records (Chairperson); Chief, Bureau of Security Operations; Deputy Director of Health Services (Clinical), and the applicable Regional Director.

~~(e)(f)~~ Shift Supervisor – the highest-ranking Correctional Officer of the on-duty shift.

~~(f)(g)~~ No change.

~~(h) State Classification Office (SCO) — refers to a staff member at the central office level who is responsible for the review of the inmate classification decisions. Duties include approving or rejecting Institutional Classification Team (ICT) recommendations.~~

(3) Maximum Management Placement Criteria.

(a) No change.

(b) Whenever an inmate has met at least one of the conditions above, and the Shift Supervisor believes that the inmate cannot be controlled in a status less than maximum management, the Shift Supervisor shall recommend immediate placement in maximum management by completing Section 1 of Form DC6-101, Referral for Maximum Management. Form DC6-101 is incorporated by reference in subsection (6) of this rule. Approval from the warden or Duty Warden shall be received prior to placement of the inmate in maximum management.

(c) The warden or Duty Warden shall approve or disapprove the immediate placement of an inmate in maximum management by signing Form DC6-101, Referral for Maximum Management.

(d) Whenever an inmate has met at least one of the conditions in subsection 33-601.820(3)(a), F.A.C., and the Shift Supervisor believes that the inmate should be reviewed for but not immediately placed in maximum management at the present time, then the Shift Supervisor shall recommend placement by completing Section 1 of Form DC6-101, Referral for Maximum Management. The Shift Supervisor shall notify the Classification Supervisor in writing of the recommendation no later than the following administrative workday.

(e) The Classification Supervisor shall docket the inmate's hearing before the Institutional Classification Team for considering placement in maximum management status in accordance with subsection 33-601.820(3)(6), F.A.C.

(4) Conditions of Placement in Maximum Management.

(a) During initial placement of an inmate into maximum management the following will be provided:

1. through 2. No change.

3. Solid Door – Should an inmate's behavior require that the solid door be closed for security reasons, the Shift Supervisor may authorize this immediate restriction. The Shift

Supervisor shall notify the ICT the following day and the ICT shall approve, disapprove or modify this restriction. The ICT shall notify the warden ~~State Classification Office Chairperson~~ for final approval, disapproval or modification of the ICT decision as described in subsection (5) of this rule.

4. through 10. No change.

(b) Inmates in maximum management status shall not be allowed to make routine bank transactions or canteen purchases, with the exception of stamp, paper and envelope purchases for mail.

(c) The conditions set forth in paragraph (a) and (b) above shall be reviewed at least weekly by the ICT, and when the ICT determines the inmate has sufficiently demonstrated positive adjustment, consideration shall be given to adjusting the inmate's conditions to the extent authorized for Close Management I inmates. The Institutional Classification Team shall document their justification for adjustment on Form DC6-101, Referral for Maximum Management. ~~The State Classification Office, upon their review, may also consider adjusting the inmate's conditions. Any adjustment to the conditions made by the State Classification Office shall be documented on Form DC6-101.~~

(5) Maximum Management Conditions After Initial Placement. Should the inmate's behavior require alteration of initial placement conditions or previously relaxed conditions as described in paragraphs (4)(a) and (b), the Institutional Classification Team shall make the recommendation to the warden ~~State Classification Office chairperson~~ on Form DC6-101, Referral for Maximum Management. The warden ~~State Classification Office chairperson~~ shall approve, disapprove or modify the recommendations.

(6) No change.

(7) Conducting the Hearing.

(a) through (h) No change.

(i) If the Institutional Classification Team approves placement, the decision will be forwarded to the warden ~~Chairperson of the State Classification Office~~ who will ~~schedule the referral for review by the~~ recommendation ~~MMRT.~~

(8) Final Review of Placement.

(a) The warden ~~MMRT~~ shall approve or disapprove the ICT recommendation based on the criteria in paragraph (3)(a). If the ICT recommendation is incomplete or additional data is needed, the warden ~~MMRT~~ shall return the recommendation to the ICT for additional information.

(b) If the warden ~~MMRT~~ disapproves placement, the inmate shall immediately be reclassified to his original status; ~~unless the Institutional Classification Team appeals the decision of the MMRT as outlined in subsection 33-601.820(10), F.A.C.~~

(9) No change.

~~(10) Appeal of An MMRT Decision.~~

~~(a) The Institutional Classification Team may appeal an MMRT decision to the Deputy Director of Institutions (Classification).~~

~~(b) The inmate shall remain in maximum management status pending the Institutional Classification Team appeal.~~

~~(c) The Deputy Director shall approve or modify the MMRT decision or reclassify the inmate.~~

~~(10)(11) Security Requirements.~~

(a) All security requirements outlined in Rules 33-601.800, F.A.C. ~~33-601.801 through 33-601.813~~ for close management inmates are applicable for all maximum management inmates.

(b) No change.

~~(11)(12) Other Conditions of Confinement.~~

(a) through (d) No change.

(e) Inmates who are housed in Maximum Management will have health care services to the same extent as all ~~other~~ close management inmates. Monitoring of inmates will be as described in Rule 33-601.8009, F.A.C., ~~Close Management - Case Management Responsibilities.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 12-7-00, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use

RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for attorney/client calls, restrictions on third party or shared calls, and to provide for the use of telephone devices for the deaf.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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:

33-602.205 Inmate Telephone Use.

(1) This ~~rule subsection~~ sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, or inmates housed on death row. All inmate calls, with the exception of those calls placed to attorneys pursuant to

paragraph (3)(a) shall be subject to monitoring and recording. Due to the high level of security needs on death row, the only telephone privileges available to death row inmates are those set forth in paragraph (3)(a), private calls to attorneys, and subsection (4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers ~~not on the list.~~

(b) through (j) No change.

(k) Records and recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings of monitored calls shall be retained for a minimum of one year. Access to records and recordings shall be limited to the following persons:

1. Secretary or Deputy Secretary;
2. Director of Institutions or her or his designee;
3. Regional directors or designees;
4. Inspector General or designee;
5. The warden of each institution or his or her designee;
6. Correctional officer senior inspectors;
7. Inspector supervisors;
8. The correctional officer inspector of each institution.

(l) No change.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. An attorney shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate client receive a private telephone call from the attorney on an unmonitored telephone. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) No change.

(4) through (11) No change.

(12) Misuse of telephone privileges.

(a) No change.

(b) Inmates shall be subject to having telephone privileges restricted or revoked for abuse of telephone communication services. Examples of abuse include:

1. through 4. No change.

5. Making three-way telephone calls. This includes calls that are placed and then transferred to another telephone number ~~of a person not on the approved calling list.~~

6. through 8. No change.

9. Sharing calls or placing calls for another inmate and allowing him or her to converse with a party not on that inmate's approved list.

(c) through (d) No change.

(13) No change.

(14) Telephone devices for the deaf.

(a) Each institution shall have at least one telephone device for the deaf.

(b) Usage of telephone devices for the deaf shall be limited to thirty minutes per call.

(c) Inmates who can hear, but wish to call persons who are deaf or hearing impaired must provide or cause to be provided documentation that the person being called is deaf or hearing impaired. This documentation shall be used only for the purpose of verifying the need for use of telephone devices for the deaf or hearing impaired. The following documentation will be considered acceptable and will be placed in the inmate's institutional file and marked confidential:

1. Letter from the person's medical doctor stating the impairment;

2. Letter from the Social Security Administration recognizing the impairment.

(d) All inmates using telephone devices for the deaf will be informed, before the call is made, that the call will be monitored.

(e) The tape used by the telephone device will be removed after each call and provided to the institutional inspector for review.

(f) The telephone device for the deaf will be utilized in an office in the classification department. Its use will be requested utilizing Form DC6-236, Inmate Request, and coordinated with the inmate's classification officer. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

~~(15)~~(14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03,

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE: Agency Coordination with Statewide and Local Advocacy Councils
RULE CHAPTER NO.: 59-2

PURPOSE AND EFFECT: The Agency proposes to develop Chapter 59-2, Florida Administrative Code, consistent with provisions of s. 402.167, F.S. that became effective July 1, 2000. The legislation provides for development of rules related to the duties of state agencies that provide client services.

SUBJECT AREA TO BE ADDRESSED: The proposed rule chapter, Chapter 59-2, Florida Administrative Code, will address the procedures by which Agency staff will refer reports of abuse, will make client information available, and will incorporate recommendations from the statewide and local advocacy councils into Agency policies and procedures.

SPECIFIC AUTHORITY: 402.167(1) FS.

LAW IMPLEMENTED: 402.167(1)(a),(b),(c) FS.

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

TIME AND DATE: 10:00 a.m., September 15, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)922-5455

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE TITLE: MyFloridaMarketPlace Transaction Fee
RULE NO.: 60A-1.031

PURPOSE AND EFFECT: To amend the rule identified above, including related form PUR 3776.

SUBJECT AREA TO BE ADDRESSED: Assessment and reporting of the transaction fee associated with MyFloridaMarketPlace, the state-wide program for on-line procurement of commodities and contractual services.

SPECIFIC AUTHORITY: 287.042(12), 287.057(23) FS.

LAW IMPLEMENTED: 287.032, 287.042, 287.057 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: Frederick J. Springer, Department of Management Services, Division of State Purchasing, 4050 Esplanade Way, Suite 350, Tallahassee, FL 32399-0950, (850)487-1898, fred.springer@myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60A-1.031 MyFloridaMarketPlace Transaction Fee.

(1) Each agency shall include language substantially similar to the following in the terms and conditions of all agency purchasing transactions involving commodities and contractual services as defined in Section 287.012, Florida Statutes (including formal solicitations, contracts, and purchase orders), unless the transaction is exempt from the Transaction Fee pursuant to Rule 60A-1.032, F.A.C.

MyFloridaMarketPlace Transaction Fee

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide eProcurement system. Pursuant to Section 287.057(23), Florida Statutes (2002), all payments shall be assessed a Transaction Fee of one percent (1.0%), which the vendor shall pay to the State.

For payments within the State accounting system (FLAIR or its successor), the Transaction Fee shall, when possible, be automatically deducted from payments to the vendor. If automatic deduction is not possible, the vendor shall pay the Transaction Fee pursuant to subsection 60A-1.031(2), F.A.C. By submission of these reports and corresponding payments, vendor certifies their correctness. All such reports and payments shall be subject to audit by the State or its designee.

The vendor shall receive a credit for any Transaction Fee paid by the vendor for the purchase of any item(s) if such item(s) are returned to the vendor through no fault, act, or omission of the vendor. Notwithstanding the foregoing, a Transaction Fee is non-refundable when an item is rejected or returned, or declined, due to the vendor's failure to perform or comply with specifications or requirements of the agreement.

Failure to comply with these requirements shall constitute grounds for declaring the vendor in default and recovering procurement costs from the vendor in addition to all outstanding fees. **VENDORS DELINQUENT IN PAYING TRANSACTION FEES SHALL MAY BE EXCLUDED FROM CONDUCTING FUTURE BUSINESS WITH THE STATE.**

(2) On a monthly calendar basis, each vendor registered in MyFloridaMarketPlace shall report its business activity relating to State agreements using Form PUR 3776 (09/03) (07/03), which is hereby incorporated by reference.

(a) through (b) No change.

(c) ~~A For all vendors that have a current State or agency term contract, a report is required even if there are no sales. For all other vendors, a report is required only when fee-eligible payments have been received during the reporting period (no report is required if all payments are exempt from the Transaction Fee); provided, however, that if total Transaction Fees due are less than \$50, a such vendors may carry over the balance to the next reporting period.~~

(d) All information provided by the vendor is material and will be relied upon by the Department in administering MyFloridaMarketPlace. Failure to file a report shall be deemed a representation by the vendor that it received no reportable payments for the quarter and that it owes no Transaction Fees. Any knowing and material misstatement shall be treated as fraudulent concealment from the State of the true facts relating to the conduct of the vendor's business with the State. A misrepresentation shall be punishable under law, ~~including, but not limited to, Chapter 817 of the Florida Statutes,~~ and shall be grounds for precluding the vendor from doing future business with the State.

Specific Authority 287.042(12), 287.057(23) FS. Law Implemented 287.032, 287.042, 287.057 FS. History--New 7-1-03, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Definitions	61D-11.001
Cardroom Games	61D-11.002
Dealer Responsibilities	61D-11.004
Prohibitions	61D-11.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes in accordance with House Bill 1059, which became law on August 6, 2003.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the operation of cardrooms in that these rules provide definitions; establish playing rules for authorized card games; regulate behavior and actions to ensure public confidence in the integrity of authorized cardrooms; and establish management and audit procedures for conducting the games in compliance with Section 849.086, Florida Statutes, and Chapter 550, Florida Statutes.

SPECIFIC AUTHORITY: 550.0125(2), 550.0251(12), 849.086(4) FS.

LAW IMPLEMENTED: 849.086 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., September 16, 2003

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Inspection of Premises, Records	61D-11.006
Cardroom Operator License	61D-11.007
Cardroom Business Occupational License	61D-11.008
Cardroom Employee Occupational License	61D-11.009
Duties of Cardroom Operators	61D-11.012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes relating to cardroom operations and licensing.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the operation of cardrooms and regulation of cardroom licenses.

SPECIFIC AUTHORITY: 550.0251(2), 849.086(4) FS.

LAW IMPLEMENTED: 849.086 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., September 16, 2003

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impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE:	RULE NO.:
Diagnostic Testing	64B-3.004

PURPOSE AND EFFECT: Senate Bill 32-A (2003) authorized the Department of Health, in consultation with the appropriate professional licensing boards, to adopt a list of diagnostic tests deemed not to be medically necessary for use in the treatment of persons sustaining bodily injury covered by personal injury protection benefits. The Department will be holding a rule development workshop to receive public input and implement the rule making process.

SUBJECT AREA TO BE ADDRESSED: Diagnostic testing.

SPECIFIC AUTHORITY: 627.736 FS.

LAW IMPLEMENTED: 627.736 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, September 9, 2003

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 182, Tallahassee, Florida 32399

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact Chelle Martin, (850)245-4131, at least five calendar days prior to the workshop. If you are hearing or speech impaired, please contact Chelle Martin using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this meeting, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin C03, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Fees for Continuing Education Providers
 RULE NO.: 64B5-15.022
 PURPOSE AND EFFECT: The Board proposes the rule amendments to update fees for continuing education providers.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments increase the initial and the biennial renewal fees for continuing education providers from \$125.00 to \$200.00.
 SPECIFIC AUTHORITY: 456.025(2) FS.
 LAW IMPLEMENTED: 456.025(2), 466.014 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON SEPTEMBER 26, 2003 IN GAINESVILLE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-15.022 Fees for Continuing Education Providers.

- (1) The initial fee for approval as a continuing education provider shall be ~~\$200.00~~ ~~\$125.00~~.
- (2) The biennial renewal fee for an approved continuing education provider shall be ~~\$200.00~~ ~~\$125.00~~.

Specific Authority 456.025(2) FS. Law Implemented 456.025(2), 466.014 FS. History—New 5-2-91, Formerly 21G-15.022, 61F5-15.022, 59Q-15.022, Amended _____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: HIV/AIDS and Medical Error Prevention
 RULE NO.: 64B11-2.007
 Education for Initial Licensure
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: HIV/AIDS and medical error prevention education for initial licensure.
 SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.
 LAW IMPLEMENTED: 456.013(7), 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: HIV/AIDS and Medical Error Prevention
 RULE NO.: 64B11-3.005
 Education for Initial Licensure
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.
 SUBJECT AREA TO BE ADDRESSED: HIV/AIDS and medical error prevention education for initial licensure.
 SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.
 LAW IMPLEMENTED: 455.033, 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255

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

**Section II
 Proposed Rules**

DEPARTMENT OF REVENUE

RULE TITLES: Form of Consent Agreements 12-16.003
 Delegation of Authority 12-16.004
 Requirements for Consent Agreements 12-16.005
 SUMMARY: The proposed amendments to Rule 12-16.003, F.A.C. (Form of Consent Agreements) revise the taxpayer-related information that must be included on a consent agreement (form DR-872). The proposed changes to