

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Best Management Practices (BMPs)

for Citrus, Cow/Calf, Dairies, and

other Agriculture in the Lake

Okeechobee priority basins

(S-191, S-154, S-65 D and E)

5M-3

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have a minimal individual or cumulative adverse impacts to the water resources of the state.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review changes to the existing Chapter 5M-3, F.A.C., titled, Best Management Practices for Citrus, Cow/Calf, Dairies, and other Agriculture in the Lake Okeechobee Priority Basins (S-191, S-154, S-65 D and E). The draft language will expand the existing rule to the entire Lake Okeechobee Watershed and incorporate the document titled Water Quality/Quantity BMPs for the Indian River Area Citrus Groves and the document titled Water Quality/Quantity BMPs for Cow/Calf Operations. The draft rules also purposes to adopt by reference, Site Specific Agricultural Nutrient Management Assessments and Plans for Dairies and Cow/Calf operations. In addition, the draft rule establishes record keeping requirements and procedures for landowners and leaseholders to submit a Notice of Intent to Implement the Best Management Practices (BMPs) and interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 373.4595(3) FS.

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

TIME AND DATE: 2:00 p.m., January 8, 2004

PLACE: Lorida Community Center, Highway 98, Lorida, FL

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel management, Department of Agriculture and consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: R. Clegg Hooks, Env. Administrator, Office of Agricultural Water Policy, 1203 Governors Sq. Blvd., Suite 200, Tallahassee, FL 32301, (850)488-6249, Fax (850)921-2153

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Private School Sworn Compliance Form 6A-6.03315

PURPOSE AND EFFECT: The purpose of the rule development is to establish a format for specific private school requirements for participation in scholarship programs. The effect is consistency within the program.

SUBJECT AREA TO BE ADDRESSED: Sworn Compliance Form requirements for private school participation in the McKay Scholarship, Opportunity Scholarship and Corporate Tax Credit Scholarship programs.

SPECIFIC AUTHORITY: 220.187, 1002.38, 1002.39 FS.

LAW IMPLEMENTED: 220.187, 1002.38, 1002.39 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400; (850)245-0502

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: RULE NO.:

Public Use Forms 12B-7.031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), of Part III of Rule Chapter 12B-7, F.A.C. (Mitigation Fee on Mining), is to adopt changes to the form used by the Department in the administration of the Miami-Dade County Lake Belt Mitigation Fee.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to form DR-146, Miami-Dade County Lake Belt Mitigation Fee Monthly Return.

SPECIFIC AUTHORITY: 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2)-(4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 10:00 a.m., January 7, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee. This form and instructions are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. <u>01/04</u> 01/03)	<u>10/03</u>

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History--New 10-1-03, Amended

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."

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010

Procedures to Determine Ineligibility for Participation and Exemption from Participation in the Florida Hurricane Catastrophe Fund	19-8.012
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Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes	19-8.013
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Reimbursement Premium	19-8.028
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Insurer Reporting Requirements	19-8.029
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Insurer Responsibilities	19-8.030
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PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., which incorporates the annual Reimbursement Contract, Rule 19-8.012, F.A.C., which addresses the rule governing ineligibility and exemption from the Florida Hurricane Catastrophe Fund, Rule 19-8.013, F.A.C., which addresses the bonding rule, Rule 19-8.028, F.A.C., which addresses the annual premium formula, Rule 19-8.029, F.A.C., which addresses the insurer reporting requirements rule for the 2004-2005 contract year, and Rule 19-8.030, F.A.C., addressing insurer responsibilities.

SUBJECT AREA TO BE ADDRESSED: Contract requirements, exemption and ineligibility for participation in the FHCF, bonding requirements, premium formula requirements, insurer reporting requirements for the 2004-2005 contract year, and insurer responsibilities.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon (EST), Thursday, January 8, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding.

Copies of the proposed amended rules and the agenda for the workshop may be obtained from: Patti Elsbernd, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1346.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1340

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

PUBLIC SERVICE COMMISSION

RULE TITLE:

RULE NO.:

Records of Interruptions and Commission

Notification of Threats to Bulk Power

Supply Integrity or Major

Interruptions of Service

25-6.018

PURPOSE AND EFFECT: This rule amendment changes the frequency with which public utilities in the electric industry have to report interruptions and curtailments of service, and it eliminates the need to include the names of affected customers in the reports.

SUBJECT AREA TO BE ADDRESSED: Requirements for public utilities in the electric industry to report on interruptions and curtailments of electric service.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04(2)(c),(f),(5), 366.055 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.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING: Marlene K. Stern, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elisabeth Draper, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6706

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.018 Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service.

(1) Each utility shall keep a record of all major and/or prolonged interruptions to services affecting an entire community or a substantial portion of a community. Such record shall show cause for interruption, date, time duration, remedy, and steps taken to prevent recurrence, where applicable.

(2) The Commission shall be notified as soon as practicable of:

(a) Any action to maintain bulk power supply integrity by:

1. Requests to the public to reduce the consumption of electricity for emergency firm customer load reduction purposes.

2. Reducing voltage which affects firm customer load.

3. Reducing firm customer loads by manual switching, operation of automatic load-shedding devices, or any other means except under direct load management programs as approved by the Commission.

(b) Any loss in service for 15 minutes or more of bulk electric power supply to aggregate firm customer loads exceeding 200 megawatts.

(c) Any bulk power supply malfunction or accident which constitutes an unusual threat to bulk power supply integrity. The utility shall file a complete report with the Commission of steps taken to resume normal operation or restore service and prevent recurrence, where applicable, within 30 days of return to normal operation unless impracticable, in which event the Commission may authorize an extension of time.

(3) Each utility with interruptible or curtailable rate schedules shall provide a report to the Commission of customer interruptions and curtailments for each applicable rate schedule ~~for those months when interruptions occur~~. The report ~~shall~~ should include ~~the names of the customers interrupted or curtailed~~, the reason for interruption or curtailment, the date, time, and duration of the interruption or curtailment, and amount of load shed. For utilities with optional billing provisions which provide for the utility to purchase power from another utility and supply it directly to the interrupted or curtailed customer, ~~the utility shall provide a report to the Commission~~ shall include indicating the name of the customer, the source, date, time, and amount of purchase in megawatt hours, and cost per megawatt hour for those months when purchases are made under the optional billing provision. Beginning on April 1, 2004, the report shall be filed quarterly and no later than 30 days after the end of the reported quarter. If there were no interruptions, curtailments, or optional billing events in the quarter, the report shall so state. Reports of customer interruptions or curtailments are not required when done under direct load management programs as approved by the Commission.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(f),(5), 366.055 FS. History--Amended 7-29-69, 4-13-80, Formerly 25-6.18, Amended _____

DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Employee Grooming, Uniform and

Clothing Requirements

33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to move rule language specific to correctional officers and correctional probation officers from the general employee grooming rule to new rules in the institutions and community corrections sections of the rules, and to clarify the general clothing requirements for employees.

SUBJECT AREA TO BE ADDRESSED: Employee grooming, uniform and clothing requirements.

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:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) The following grooming standards shall apply to all Department of Corrections employees:

(a) through (h) No change.

(i) Undergarments, including t-shirts and thermal underwear, shall not be visible.

(j) through (2) No change.

(3) Uniform requirements for correctional officers are provided in Rule 33-602.601, F.A.C. Badge requirements for correctional probation officers are provided in Rule 33-302.115, F.A.C. The following are conditions and requirements for wearing department uniforms:

~~(a) The warden shall ensure that staff are reviewed and inspected daily in their uniforms. This will ensure that the uniform is worn properly and that the uniform is being properly maintained and that appropriate care is being provided.~~

~~(b) The uniform, when required of the position, shall be worn in a complete or full manner at all times while an employee is performing official duties. Uniforms are to be issued as soon as possible after employment. Correctional officers may be issued class A, B, C, D, E, F or G uniforms depending upon their assignment. Employees shall be authorized to purchase additional class D uniform polo shirts and class C and D uniform BDU trousers from the employee's club. The uniform or any parts of it furnished by the department are not to be worn during off duty hours or when an employee is not acting in an official capacity except when traveling directly to and from work. No part of the uniform may be duplicated by an employee for any purpose.~~

~~(c) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Class A uniforms will be starched and neatly pressed. Class B and C uniforms will be neatly pressed. All foot wear shall be~~

~~shined to a high gloss, except that medical staff are authorized to wear shoes that present a clean white appearance that may have a flat finish.~~

~~(4)(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, E, and G uniforms is the responsibility of the employee. The department shall be responsible for cleaning the class E (battle dress utility) uniform issued for deployment to correctional emergency response teams and rapid response teams. This cleaning shall not be performed at the institution. The other class E uniform issued for training purposes shall be maintained by the employee. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.~~

~~(5)(e) Uniforms and clothing issued by the department are the property of the state and must be returned to the department upon termination of employment. Employees shall be allowed to retain issued uniforms and clothing when transferring to another institution of the department. Prior to the transfer, the transferring employee must update his or her Individual Clothing Record, Form DC2-816, and must make restitution for any lost or missing clothing. Form DC2-817, Authorization for Uniform Replacement, shall be used by officers requesting replacement of worn or otherwise unserviceable uniforms. Forms DC2-816 and DC2-817 are incorporated by reference in subsection (8)(9) of this rule. Unserviceable clothing shall be rendered unwearable by shredding after the removal of all patches.~~

~~(f) Jewelry.~~

~~1. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform.~~

~~2. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only).~~

a. Female staff shall be allowed to wear post or clip-on earrings on the earlobes only.

b. Only one pair of earrings will be worn at a time.

e. For safety purposes, earrings shall not be hooped or dangling.

(g) Fingernails:

1. Fingernails will be neatly trimmed and clean with no designs.

2. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger.

3. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.

(h) Sunglasses:

1. Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors.

2. No neon (day glow) frames will be allowed.

3. No mirrored sunglasses will be allowed.

(i) Hair length:

1. Male correctional officers shall adhere to standards outlined in (2)(a).

2. Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing the class D uniform polo shirt, the hair shall not extend beyond the point where the yoke would be on a comparable class A, B or C uniform shirt.

3. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(j) Hair style:

1. Hair will be clean, neat and present a groomed appearance.

2. If the hair is dyed, only natural shades will be permitted.

3. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(k) Safety equipment and clothing. Correctional officers shall wear safety equipment and apparel which is compatible with the needs of the officer's assignment.

(l) The following uniform accessories shall be provided by the correctional officer:

1. Shoes;

2. Boots (except for C.E.R.T. and Rapid Response Teams, Canine, Boot Camp staff, and extended day staff);

3. Belts;

4. Socks or stockings;

5. Thermal gloves.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional

officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions:

(a) Class A Uniform:

1. The correctional officer class A uniform issued by the department shall be worn only while performing official duties as determined by the warden.

2. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

a. Brown wool blend trousers with black stripes. One pair will be issued.

b. White long sleeve shirt for correctional officer lieutenant and above and long sleeve silver tan shirt for correctional officers and sergeants. One shirt will be issued. Hash marks to denote years of service will be worn on the left sleeve of the class A shirt. Each hash mark will denote three cumulative years of service with the agency. The hash marks will be affixed to the left sleeve with the lowest point one inch above the cuff seam angling backward and up at a forty five degree angle. The rear of the hash mark will align with the pressed crease of the shirt. The class A shirt will be worn fully buttoned at all times.

(b) Class B Uniform:

1. The correctional officer class B uniform shall consist of brown poly cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. The class B uniform will be optional (as determined by the employee) for general institutional duties.

(c) Class C Uniform:

1. The correctional officer class C uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. BDU trousers will be military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes regardless of the class of uniform being worn.

3. The class C uniform will be optional (as determined by the employee) for general institutional duties.

(d) Class D Uniform:

1. The correctional officer class D uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant.

2. POLO type shirts may only be worn with BDU trousers.

3. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member.

4. BDU trousers will be military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

5. The class D uniform will be optional (as determined by the employee) for general institutional duties.

~~(e) Class E Uniform.~~

~~1. The correctional officer class E uniform shall be issued only to C.E.R.T and Rapid Response Team (baton squads and munitions squads) members.~~

~~2. The Class E uniform shall consist of a brown battle dress utility pants and shirt for rapid response teams and black for C.E.R.T.~~

~~3. The class E uniform shall be worn with military style black jump or combat boots which will be provided by the department.~~

~~4. Class E uniforms are only to be worn when the teams are responding to an emergency or during training.~~

~~a. During training, the battle dress utility shirt is optional. T-shirts can be worn for training.~~

~~b. The department uniform cap shall be worn during training and other events when the helmet is not being worn.~~

~~c. The caps and T-shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.~~

~~d. Two sets of class E uniforms will be issued to each team member. One uniform shall be maintained with assigned equipment at all times to ensure the team member is in a constant state of readiness.~~

~~(f) Class F Uniform.~~

~~1. The Class F uniform shall be issued to tracking canine officers and shall consist of:~~

~~a. Brown or camouflage BDU or brush pants. The camouflage color shall be appropriate for the season and surrounding terrain as determined by the warden.~~

~~b. Brown or camouflage battle dress utility shirt with:~~

~~I. Sleeves appropriate for the weather;~~

~~II. The correctional officer's first and last name embroidered (in gold for the brown shirt and in black for the camouflage shirt) above the right pocket;~~

~~III. K-9 embroidered on the back in gold on the brown shirt, optional in black for the camouflage shirt;~~

~~IV. A department patch on the left shoulder with "Tracking Unit" embroidered underneath in gold for the brown shirt and in black for the camouflage; the department patch is not mandatory for the camouflage shirt.~~

~~V. A cross flags patch on the right shoulder for the brown shirt. The cross flags patch is not mandatory for the camouflage shirt.~~

~~e. T-shirt (optional for field work only), khaki in color or camouflage to match the pants, with "K-9" embroidered on the back in gold for the khaki T-shirt and in black for the camouflage T-shirt;~~

~~d. A brown, green or camouflage (color appropriate for surrounding terrain as determined by the warden) field jacket (M-65 military battle dress utility);~~

~~e. A black (brown, green or sand option for camouflage) nylon or cloth pistol belt with handcuff case, glove pouch and holster;~~

~~f. Military style combat, jump, or Hi-tech boot;~~

~~g. Brown or camouflage uniform cap (optional);~~

~~h. Brown or camouflage chaps may be issued to wear over pants legs;~~

~~i. Leather badge holder;~~

~~j. Heavy duty cut resistant utility gloves;~~

~~k. Tactical ballistic vest.~~

~~1. Snakebite boots will be provided to K-9 program officers by the department. The boots will be black, khaki, or woodland camouflage design.~~

~~2. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.~~

~~3. Components of the uniform shall not be mixed, i.e., camouflage pants, shirt and hat will be worn together as will the brown uniform. There will be no color mixing.~~

~~4. Wardens shall issue each officer assigned to the K-9 program a minimum of five pairs of pants, three long sleeve shirts and five short sleeve shirts.~~

~~(g) Class G Uniform. The Class G uniform will be issued to narcotic K-9 handlers and shall consist of:~~

~~1. Blue six-pocket BDU style pants, which shall be worn bloused inside the boot.~~

~~2. Blue polo style shirt. Insignias will be consistent for all handlers as determined by the Inspector General.~~

~~3. Black nylon duty belt. Only department issued or approved items shall be worn on the belt.~~

~~4. Black military style jump boot (Hi-tech, Rocky, Bates) provided by the department;~~

~~5. Black cut-resistant search gloves. Gloves will be full-fingered.~~

~~6. Leather badge holder.~~

~~7. Blue baseball style cap with department insignia.~~

~~8. Narcotics K-9 handlers will be issued five pairs of pants, three long-sleeved shirts and five short-sleeved shirts.~~

~~(h) The following items may be worn with the correctional officer uniform as defined below:~~

~~1. Brown outerwear coat—authorized for wear with class A, B, C, D, E, F, and G uniforms. Rank may be worn on the coat epaulettes.~~

2. Brown tie — authorized for wear with the class A uniform only. Tie clasps or tie tacks shall either be plain or have a department emblem or insignia and must match the nameplate and rank insignia in color. The service pin shall be permitted to be worn as a tie tack with the class A uniform.

3. Hat — authorized for wear with the class A, B, and C uniform. The hat is no longer a mandatory part of the Class A uniform. Officers who have been issued hats are authorized to wear them, but additional hats will not be ordered for issuance by the department. Excessive rolling of hats will not be permitted.

4. Western style riding hat — authorized for wear by correctional officers assigned to field labor squads when outside the secure perimeter of the correctional facility. The western style riding hat will be furnished by the department.

5. Uniform cap — authorized for wear with the Class A, B, C, D, E, F, and G uniform. Caps shall not be worn for formal occasions such as court appearances or funerals. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform cap will be furnished by the department.

6. Correctional officer badges.

a. Badges shall be issued to all certified correctional officers regardless of their work location.

b. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform.

c. The badge will be worn approximately one half inch above the left shirt pocket centered on the fashion seam and affixed through the pre sewn holes, or for uniforms without pre sewn holes, affixed through the fabric. Officers wearing the polo shirt are authorized to wear the department issued badge on a black leather badge holder furnished by the employee. The badge holder will be affixed to the duty belt and will be worn on the left side of the trousers.

d. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections.

e. Use of the issued badges as credentials for personal purposes is prohibited.

f. Only badges issued by the department shall be used to conduct officially designated duties.

g. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt.

h. The badges shall be issued to certified officers upon employment and will be not be provided to uncertified officers until after certification is received.

i. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost, stolen, or damaged outside the performance of duty.

j. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series.

k. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges.

l. Correctional officers of any rank who are promoted, transferred, or otherwise relocated into a non-security position shall return their badges to the warden of the institution the staff member is departing. If an officer who is being promoted requests to keep the badge, he or she shall be allowed to do so upon reimbursement of the department of the cost of a replacement badge.

m. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory.

n. Badges will not be issued to canines.

7. Rank Insignias.

a. Sergeant pin for correctional officer sergeants shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

b. Gold colored lieutenant's bar for correctional officer lieutenants shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

c. Gold colored captain's bar for correctional officer captains shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

d. Gold colored major's insignia for correctional officer major shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

e. Gold colored colonel's insignia for correctional officer colonel shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

f. Rank insignia will not be worn on the polo type shirt.

8. Nameplate — gold or silver to match rank insignia, shall contain the employee's last name and first two initials (no rank abbreviation) shall be worn above the right pocket with Class A, B, and C uniforms only. Replacement nameplates for name change, loss, normal wear and tear, or other damage outside the performance of normal duty will be the employee's responsibility.

9. Brown skirt for females can be substituted for trousers for religious reasons only upon written authorization of the regional director of institutions following review of the officer's written request. The skirts will be the same fabric as the trousers with no stripe.

10. Whistle, as authorized by the warden worn with Class A, B, C, F, and G uniforms. Whistles will be the same color as the rank insignia and, if worn, must be furnished by the employee.

11. ~~Service Pin.~~ The department service pin is authorized to be worn above the nameplate with Class A, B, and C uniforms only.

12. ~~Shift Supervisor Patch.~~ Correctional officer supervisors assigned as shift supervisors are authorized to wear the shift supervisor patch with Class A, B, and C uniforms. When worn, the shift supervisor patch will be sewn directly above the flag patch on the right shirt sleeve.

13. ~~Meritorious Service Pin.~~

a. ~~The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with Class A, B, and C uniforms only.~~

b. ~~For those staff members who have service in excess of five years and are presently displaying a regular service pin as part of their uniform dress, the regular service pin will be relocated one half inch to the left of the military seam and the meritorious service pin will be displayed one half inch to the right of the military seam. Both pins will be situated one half inch above the nameplate.~~

e. ~~When additional department issued pins are worn, they will be displayed using the following formula: odd numbers of pins one half inch above the first row of pins and centered on the military crease; even numbers of pins one half inch above and centered over lower rows of pins.~~

14. ~~Emergency Response Team (E.R.T.) Pin.~~

a. ~~The E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms.~~

b. ~~The E.R.T. pin shall be worn evenly spaced between the bottom of the badge and the top of the left shirt pocket, centered on the military crease.~~

15. ~~Drill Instructor Pins.~~

a. ~~Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease.~~

b. ~~If worn along with the E.R.T. pin, the drill instructor pin will be worn one half inch above the E.R.T. pin. K-9 or other squad pins will no longer be worn on the uniform.~~

16. ~~American Flag and Certified Public Manager (CPM) pins.~~

a. ~~A small American flag pin is authorized to be worn with class A, B or C uniforms.~~

b. ~~Graduates of the CPM course are authorized to wear the pin with class A, B or C uniforms.~~

e. ~~These pins shall be displayed utilizing the formula outlined in sub-subparagraph (4)(h)13.e. above.~~

d. ~~No other non-department issued pins are authorized for wear.~~

17. ~~Flag Patches.~~ Flag patches shall be sewn one inch below the shoulder crease on the right shirt sleeve of the uniform shirt. When worn, the institutional rocker emblem shall be sewn or otherwise affixed directly over the department emblem on the left shirt sleeve.

18. ~~Gloves.~~

a. ~~Glove pouches for disposable latex or vinyl gloves will be issued to all officers.~~

b. ~~Plain black gloves are authorized for wear during cold weather when working outside. Lettering or logos on gloves are not authorized.~~

e. ~~Protective gloves will be issued to employees upon request.~~

19. ~~Shoes and Boots.~~

a. ~~Shoes shall be black, plain-toed military style.~~

b. ~~Boots, including Hi-Tech types are permissible with uniform pants but are mandatory with BDU pants. The boots must be black with a plain toe, regular heel, and no decorative stitching. Black side webbing inserts are permissible. Heels shall not exceed one and one half inches in height.~~

e. ~~All footwear must be capable of maintaining a high gloss.~~

20. ~~Belts.~~ Belts must be black, 1 1/2 to 1 5/8 inches in width, with either a silver colored open face metal buckle or a bronze buckle bearing the department emblem. Buckles must be approximately the same width as the belt.

21. ~~Socks.~~

a. ~~Socks must be black.~~

b. ~~If white socks are needed for medical reasons, the employee shall be required to wear socks with a white foot and black upper part or white socks can be worn under black ones.~~

e. ~~Female officers shall be allowed to wear flesh-tone stockings.~~

22. ~~Ponchos and Raincoats.~~ Plain see-through ponchos or raincoats with no logos are authorized for wear.

23. ~~Maternity Uniforms.~~ Pregnant officers will be issued maternity uniforms upon request. At least four maternity uniforms will be issued.

24. ~~Windbreakers.~~ The brown department windbreaker with department emblem on the left chest is authorized to be worn with the class B, C, D, E, F, or G uniform. No other color windbreaker is authorized for uniformed staff. Additionally, non-uniformed staff are authorized to wear a brown or black department windbreaker.

(i) The standard department issue of uniforms will be as follows:

1. One class A shirt with hash marks;
2. One pair of wool blend class A trousers;
3. Two pair of BDU trousers;
4. Two pair of polyester/cotton class B trousers;
5. Three uniform shirts;
6. Two polo type shirts;
7. One brown outer wear coat;
8. One cap;
9. One glove pouch.
10. One brown clip on tie.

~~(5) Correctional officers assigned to the recreation department shall wear full uniforms to and from work, but shall be allowed to change into recreational attire during regular duty hours.~~

~~(6) The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.~~

~~(a) Correctional officers assigned to supervise boot camp facilities, the basic training program and extended day programs shall wear either the class C or class D uniform. The jump boots will be furnished by the department.~~

~~(b) Correctional officers assigned to supervise boot camp facilities shall be authorized to wear military style drill instructor hats provided by the department.~~

~~(c) The uniform shirt shall be tucked into the trousers in the military style tuck.~~

~~(d) Uniforms shall be worn in such a manner that the button flap on the shirt, the right edge of the belt buckle, and the zipper flap on the trousers are in a direct vertical line.~~

~~(e) Uniforms shall be clean and neatly pressed.~~

~~(f) Boots shall be highly polished at the beginning of each work day and shall remain in that condition during all ceremonial inspections of the basic training program inmates.~~

~~(g) The uniform cap shall be worn by all uniformed basic training program staff. Officers of the rank of correctional officer supervisor or higher shall wear their rank insignia on the center front of their caps in lieu of the department emblem.~~

~~(h) Officers supervising physical training are authorized to wear running shoes during physical training for safety and comfort.~~

~~(i) Each basic training program officer shall carry a whistle on a chain attached to the left epaulet and clipped to the left front pocket of the uniform shirt. Whistles will be furnished by the department.~~

~~(j) Each officer shall be issued a pair of class A trousers to be worn as prescribed in (4)(a).~~

~~(6)(7) The following provisions shall apply to health services employees.~~

(a) All health services staff providing direct care to inmates at an institution shall wear a nameplate engraved with the employee's last name, first name initial, and initials of licensure or certification. The nameplate will be issued by the department.

(b) Physicians, clinical associates, dentists, dental assistants, dental hygienists, nurse supervisors, executive nursing directors and pharmacists will have no prescribed uniform. White smocks, clinical coats and surgical gowns as required in the performance of duty will be furnished by the department.

(c) Nurses shall be required to wear the dark colored scrub suit provided by the department or the standard white nurse uniform. The nurse uniform must be provided by the employee.

(d) Correctional medical technicians certified, correctional medical technicians, health support workers and medical technologists shall wear the dark colored scrub suit provided by the department.

(e) Employees in the position of senior registered professional nurse, LPN, correctional medical technician, correctional medical technician certified, medical technologist, UTR and "ward clerk" must wear shoes such as closed white leather or leather-like tennis shoes.

(f) The following shall apply to health services staff whose duties require providing direct care to inmates in an institution, including physicians, pharmacists, dentists, clinical associates, nurses, LPNs, correctional medical technicians, correctional medical technicians certified, medical technologists, health support workers, UTR's and "ward clerks".

1. Excessive jewelry shall not be worn with the uniform. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform. Jewelry that could be used to disable an employee, such as hair pins, will not be worn. No bulky or ornate jewelry will be worn. Bracelets or earrings are prohibited for male staff. Female staff shall be allowed to wear earrings, however, only one pair of earrings will be worn at a time. For safety purposes, earrings shall not be hooped or dangling. Only post or clip on will be worn on earlobes only.

2. Fingernails will be neatly trimmed and clean. Fingernails shall not extend more than 1/4 inch past the end of the finger. Polish, if worn, shall be clear or solid in color. Hair shall be maintained in a manner consistent with infection control practices and safety considerations.

~~(7)(8)~~ All chaplains shall wear a silver-colored nameplate. The first line will be engraved with the word "Chaplain" and the second line will be engraved with the employee's last name. The nameplate will be issued by the department.

~~(9) Correctional Probation Officer Badges.~~

~~(a) Circuit administrators shall maintain control and inventory of correctional probation officer badges within each circuit.~~

1. The circuit administrator shall issue badges to officers after certification is received.

2. The circuit administrator or designee shall conduct quarterly circuit badge inventories and submit the circuit badge inventory to the regional director. The quarterly circuit badge inventory shall include the following information:

- a. Badge number,
- b. Name of officer, in the last name first first name last format (or blank if not issued),
- c. Circuit and office location,
- d. Status (including issued, not issued, stolen, lost, or retired), and
- e. Total counts for each status, including the total number of badges issued, the total number of badges not issued, the total number of badges stolen, the total number of badges lost, and the total number of badges retired.

3. The regional director or designee shall compile the circuit inventories to complete quarterly regional badge inventories and submit the regional badge inventories to the Director of Community Corrections.

(b) Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" by 1-5/16" in size and silver colored metal for correctional probation officers and correctional probation senior officers and gold color for correctional probation specialists, correctional probation supervisors, correctional probation senior supervisors, correctional probation administrators, and fugitive apprehension coordination team correctional services consultants. Badges shall be pre-numbered with black lettering. The badges shall be carried in badge cases which shall be issued by the department.

(c) Use of the issued badge as a credential for personal purpose is prohibited.

(d) Badges shall be readily accessible in order for the correctional probation officer to properly identify himself or herself to the public.

(e) Loss or theft of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was stolen or lost. Theft or loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost.

(f) Correctional probation officers shall maintain their original badge issued if transferred to another circuit or region. The circuit administrator or designee in both circuits shall update their badge inventories accordingly. Once the officer has transferred to another circuit, the sending circuit administrator or designee shall remove the badge information

from the circuit's inventory and the receiving circuit administrator or designee shall add the badge information to his or her circuit's inventory.

(g) Correctional probation officers who leave the department shall return their badges to the circuit administrator prior to departing.

(h) Correctional probation officers promoted to a position outside the class series or who retire from the department under honorable conditions and who are eligible to retire under the State of Florida retirement system, including retirement under medical disability, who desire to retain their issued badges, shall make a request to the regional director.

(i) Regional directors shall review requests submitted by employees to maintain their badges and forward recommendations to the Director of Community Corrections for final approval. Officers who retire shall be allowed to retain their issued badges. Officers who are promoted shall be allowed to keep their badges upon reimbursement of the department of the cost of a replacement badge. The badge of a correctional probation officer who is killed in the line of duty shall be presented to the employee's next of kin.

(8)(10) Forms. The following forms used in implementing the provisions of this rule are hereby incorporated by reference:

(a) Individual Clothing Record, DC2-816, effective 12-18-00.

(b) Authorization for Uniform Replacement, DC2-817, effective 12-18-00. A copy of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03,

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officer Badges

RULE NO.: 33-302.115

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to move rule language specific to correctional probation officers from the general employee grooming rule to a new rule in the community corrections section of the rules, and to clarify provisions regarding the wearing of the correctional probation officer badge.

SUBJECT AREA TO BE ADDRESSED: Correctional probation officer badges.

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:

33-302.115 Correctional Probation Officer Badges.

(1) Circuit administrators shall maintain control and inventory of correctional probation officer badges within each circuit.

(a) The circuit administrator shall issue badges to officers after certification is received.

(b) The circuit administrator or designee shall conduct quarterly circuit badge inventories and submit the circuit badge inventory to the regional director. The quarterly circuit badge inventory shall include the following information:

1. Badge number.

2. Name of officer, in the last-name-first-first-name-last format (or blank if not issued).

3. Circuit and office location.

4. Status (including issued, not issued, stolen, lost, or retired), and

5. Total counts for each status, including the total number of badges issued, the total number of badges not issued, the total number of badges stolen, the total number of badges lost, and the total number of badges retired.

(c) The regional director or designee shall compile the circuit inventories to complete quarterly regional badge inventories and submit the regional badge inventories to the Director of Community Corrections.

(2) Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be silver colored metal for correctional probation officers and correctional probation senior officers and gold color for correctional probation specialists, correctional probation supervisors, correctional probation senior supervisors, correctional probation administrators, and fugitive apprehension coordination team correctional services consultants. Badges shall be pre-numbered with black lettering.

(3) Use of the issued badge as a credential for personal purpose is prohibited.

(4) Badges shall be visibly displayed on the correctional probation officer's person or readily accessible in order for the correctional probation officer to properly identify himself or

herself to the public. Additional provisions addressing display of badges worn by correctional probation officers are contained in paragraph 33-302.104(4)(d), F.A.C.

(5) Loss or theft of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was stolen or lost. Theft or loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost.

(6) Correctional probation officers shall maintain their original badge issued if transferred to another circuit or region. The circuit administrator or designee in both circuits shall update their badge inventories accordingly. Once the officer has transferred to another circuit, the sending circuit administrator or designee shall remove the badge information from the circuit's inventory and the receiving circuit administrator or designee shall add the badge information to his or her circuit's inventory.

(7) Correctional probation officers who leave the department shall return their badges to the circuit administrator prior to departing.

(8) Correctional probation officers promoted to a position outside the class series or who retire from the department under honorable conditions and who are eligible to retire under the State of Florida retirement system, including retirement under medical disability, who desire to retain their issued badges, shall make a request to the regional director.

(9) Regional directors shall review requests submitted by employees to maintain their badges and forward recommendations to the Director of Community Corrections for final approval. Officers who retire shall be allowed to retain their issued badges. Officers who are promoted shall be allowed to keep their badges upon reimbursement of the department of the cost of a replacement badge. The badge of a correctional probation officer who is killed in the line of duty shall be presented to the employee's next of kin.

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

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Inmate Property

RULE NO.:

33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide procedures for handling inmate refusal to inventory legal property, to clarify provisions concerning inmate appeal of excess legal property determinations, and to revise restrictions for inmate possession of canteen items.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

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:

33-602.201 Inmate Property.

(1) through (5) No change.

(6) Storage of Excess Legal Materials.

(a) through (b) No change.

(c) Storage of Excess Active Legal Material.

1. through 3. No change.

4. In the event the inmate refuses to organize and inventory his or her legal material as ordered, the inmate shall receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, department shall organize and inventory the material at the inmate's expense based on the current rate of pay and related necessary travel, lodging and per diem expenses for the person conducting the inventory. The inventory shall be performed in the same manner as the staff review described in subparagraph 5. below. The cost of conducting the inventory shall be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material shall be subject to a cursory review by department staff to ensure compliance with department rules regarding utilization of excess storage, approved property and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any) and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material, shall be collected by two designated employees and placed in storage box(es) with interlocking flap for storage pending disposition. The warden or designee shall notify the inmate on Form DC6-2007, Excessive Inactive

Legal Material Disposition Determination, of the determination that the inmate has 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor or sent to a relative or friend at the inmate's expense, as provided in subparagraph (6)(c)6. or the institution will destroy it. This notification shall be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the three day waiting period. The 30 day limit shall not include any time that a grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph ~~(6)(7)(c)7.6.~~ Form DC6-2007 is incorporated by reference in subsection (17) of this rule. For purposes of this subparagraph, the warden's designee may include the property room supervisor.

6. The cost of sending the inactive legal material to a relative or friend shall be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid.

6. through 7. renumbered 7. through 8. No change.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts and wishes to have the order to dispose of the excess inactive legal material within 30 days stayed while the court appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he or she intends to appeal the determination to the courts. The written notice must be filed within 30 calendar days of receipt of the response from the Office of the Secretary, must identify the court in which the appeal has been filed, must include a statement by the inmate that the inmate intends to appeal the determination, and must specifically identify the documents or papers on which the appeal is based.

8. through 11. renumbered 10. through 13. No change.

(d) Excess Inactive Legal Material. Excess inactive legal material shall be sent out of the facility by the inmate at the inmate's expense, as provided in subparagraph (6)(c)6. If the inmate does not want to pay to send the excess inactive legal material out, this material will be destroyed in accordance with this rule and Rules 33-602.201 and 33-602.203, F.A.C., regarding inmate property and contraband.

(e) through (17) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, _____.

APPENDIX ONE PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as "exemptions", property received must be in compliance with this list. Inmates in possession of previously approved property which meets the description of property on the list shall be allowed to retain the property.

Definitions. No change.

Exemptions. No change.

AUTHORIZED PROPERTY LIST

CLOTHING – No change.

PERSONAL ARTICLES

<u>Quantity</u>	<u>Unit</u>	<u>Value</u>	<u>Articles</u>
*			Canteen purchases –* limited by <u>approved</u> storage space; includes:
			—Food and drink items—limited to possession of 10 total items, food sold in packages count as one item; food that requires refrigeration must be consumed within two hours; once a food item is opened it must be consumed or thrown away, opened items cannot be stored.
			—Condiments—limited to possession of 20 of each item; if sold prepackaged or bundled by the canteen, maximum not to exceed the quantity in the package or bundle.
			—Tobacco items—includes cigarettes, cigars, tobacco, snuff, and chewing tobacco; limited to any combination of 5 items.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Officer Uniform Requirements

RULE NO.: 33-602.601

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to move rule language specific to correctional officers from the general employee grooming rule to a new rule in the institutions section of the rules, and to clarify provisions regarding the wearing of the correctional officer uniform.

SUBJECT AREA TO BE ADDRESSED: Correctional officer uniforms.

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:

33-602.601 Correctional Officer Uniform Requirements.

(1) This section provides grooming and uniform requirements for correctional officers which are in addition to the grooming standards provided in Rule 33-208.101, F.A.C., applicable to all Department of Corrections employees.

(2) The following are conditions and requirements for wearing correctional officer uniforms:

(a) The warden shall ensure that staff are reviewed and inspected daily in their uniforms. This will ensure that the uniform is worn properly and that the uniform is being properly maintained and that appropriate care is being provided.

(b) The uniform, when required of the position, shall be worn in a complete or full manner at all times while an employee is performing official duties. Uniforms are to be issued as soon as possible after employment. Correctional officers may be issued class A, B, C, D, E, or F uniforms depending upon their assignment. Employees shall be authorized to purchase additional polo shirts and BDU trousers from the employee's club. The uniform or any parts of it furnished by the department are not to be worn during off-duty hours or when an employee is not acting in an official capacity except when traveling directly to and from work. No part of the uniform may be duplicated by an employee for any purpose.

(c) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Class A uniforms will be starched and neatly pressed. All other uniforms will be neatly pressed. All foot wear shall be shined to a high gloss.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, and F, uniforms is the responsibility of the employee. The department shall be responsible for cleaning the class E (battle dress utility) uniform issued for deployment to correctional emergency response teams and rapid response teams. This cleaning shall not be performed at the institution. The other

class E uniform issued for training purposes shall be maintained by the employee. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) Uniforms and clothing issued by the department are the property of the state and must be returned to the department upon termination of employment. Employees shall be allowed to retain issued uniforms and clothing when transferring to another institution of the department. Prior to the transfer, the transferring employee must update his or her Individual Clothing Record, Form DC2-816, and must make restitution for any lost or missing clothing. Form DC2-817, Authorization for Uniform Replacement, shall be used by officers requesting replacement of worn or otherwise unserviceable uniforms. Forms DC2-816 are incorporated by reference in Rule 33-208.101, F.A.C. Unserviceable clothing shall be rendered unwearable by shredding after the removal of all patches.

(f) Jewelry.

1. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform.

2. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only).

a. Female staff shall be allowed to wear post or clip-on earrings on the earlobes only.

b. Only one pair of earrings will be worn at a time.

c. For safety purposes, earrings shall not be hooped or dangling.

(g) Fingernails.

1. Fingernails will be neatly trimmed and clean with no designs.

2. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger.

3. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.

(h) Sunglasses.

1. Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors.

2. No neon (day glow) frames will be allowed.

3. No mirrored sunglasses will be allowed.

(i) Hair length.

1. Male correctional officers shall adhere to standards outlined in paragraph (2)(a) of Rule 33-208.101, F.A.C.

2. Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing the polo shirt, the hair shall not extend beyond the point where the yoke would be on a comparable class A, B or C uniform shirt.

3. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(j) Hair style.

1. Hair will be clean, neat and present a groomed appearance.

2. If the hair is dyed, only natural shades will be permitted.

3. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(k) Safety equipment and clothing. Correctional officers shall wear safety equipment and apparel which is compatible with the needs of the officer's assignment.

(l) The following uniform accessories shall be provided by the correctional officer:

1. Shoes:

2. Boots (except for C.E.R.T. and Rapid Response Teams, Canine, Boot Camp staff, and extended day staff):

3. Belts:

4. Socks or stockings:

5. Thermal gloves:

6. White gloves – mandatory for officers assigned to honor guards, but optional for other officers when wearing the Class A uniform for funerals.

(3) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class that includes all of the above-listed positions.

(a) Class A Uniform.

1. The correctional officer class A uniform issued by the department shall be worn only while performing official duties.

2. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

a. Brown wool blend trousers with black stripes. One pair will be issued.

b. White long sleeve shirt for correctional officer lieutenant and above and long sleeve silver tan shirt for correctional officers and sergeants. One shirt will be issued. Hash marks to denote years of service will be worn on the left sleeve of the class A shirt. Each hash mark will denote three cumulative years

of service with the agency. The hash marks will be affixed to the left sleeve with the lowest point one inch above the cuff seam angling backward and up at a forty five degree angle. The rear of the hash mark will align with the pressed crease of the shirt. The class A shirt will be worn fully buttoned at all times.

c. The brown tie will be mandatory for wear with the class A uniform for all court appearances, official attendance at funerals, or as determined by the secretary.

d. The class A uniform may be worn for regularly assigned institutional duty, with or without the tie.

(b) Class B Uniform.

1. The correctional officer class B uniform shall consist of brown poly-cotton trousers with a black stripe and white uniform shirt or white polo shirt for lieutenant and above and silver tan uniform or silver tan polo shirt for correctional officer and sergeant.

2. The class B uniform will be optional (as determined by the employee) for general institutional duties.

(c) Class C Uniform.

1. The correctional officer class C uniform issued by the department shall consist of poly-cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. BDU trousers will be military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDU's will be worn (bloused) in the military style by utilizing the drawstrings. Blousing rubbers or velcro blousers are also authorized. Trouser legs will not be wrapped around the leg or stuffed into the boot. The BDUs will not be worn with low cut or ankle-high shoes regardless of the class of uniform being worn.

3. The class C uniform will be optional (as determined by the employee) for general institutional duties.

(d) Class D Uniform.

1. The correctional officer class D uniform issued by the department shall consist of poly-cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant.

2. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member.

3. BDU trousers will be military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDU's will be worn (bloused) in the military style by utilizing the drawstrings. Blousing rubbers or velcro blousers are also authorized. Trouser legs will not be wrapped around the leg or stuffed into the boot. The BDUs will not be worn with low cut or ankle-high shoes.

4. The class D uniform will be optional (as determined by the employee) for general institutional duties.

(e) Class E Uniform.

1. The correctional officer class E uniform shall be issued only to C.E.R.T and Rapid Response Team (baton squads and munitions squads) members.

2. The Class E uniform shall consist of a brown battle dress utility pants and shirt for rapid response teams and black for C.E.R.T. The BDU's will be worn (bloused) in the military style by utilizing the drawstrings. Blousing rubbers or velcro blousers are also authorized. Trouser legs will not be wrapped around the leg or stuffed into the boot.

3. The class E uniform shall be worn with military style black jump or combat boots which will be provided by the department.

4. Class E uniforms are only to be worn when the teams are responding to an emergency or during training.

a. During training, the battle dress utility shirt is optional. T-shirts can be worn for training.

b. The department uniform cap shall be worn during training and other events when the helmet is not being worn.

c. The caps and T-shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

d. Two sets of class E uniforms will be issued to each team member. One uniform shall be maintained with assigned equipment at all times to ensure the team member is in a constant state of readiness.

(f) Class F Uniform.

1. The Class F uniform shall be issued to tracking canine officers and shall consist of:

a. Brown or camouflage BDU or brush pants. The BDU's will be worn (bloused) in the military style by utilizing the drawstrings. Blousing rubbers or velcro blousers are also authorized. Trouser legs will not be wrapped around the leg or stuffed into the boot. The camouflage color shall be appropriate for the season and surrounding terrain as determined by the warden.

b. Brown or camouflage battle dress utility shirt with:

I. Sleeves appropriate for the weather;

II. The correctional officer's first and last name embroidered (in gold for the brown shirt and in black for the camouflage shirt) above the right pocket;

III. K-9 embroidered on the back in gold on the brown shirt, in black for the camouflage shirt;

IV. A department patch on the left shoulder with "Tracking Unit" embroidered underneath in gold for the brown shirt and in black for the camouflage; the department patch is not mandatory for the camouflage shirt.

V. A cross flags patch on the right shoulder for the brown shirt. The cross flags patch is not mandatory for the camouflage shirt.

c. T-shirt (optional for field work only), khaki in color or camouflage to match the pants, with "K-9" embroidered on the back in gold for the khaki T-shirt and in black for the camouflage T-shirt;

d. A brown, green or camouflage (color appropriate for surrounding terrain as determined by the warden) field jacket (M-65 military battle dress utility);

e. A black (brown, green or sand option for camouflage) nylon or cloth pistol belt with handcuff case, glove pouch and holster;

f. Military-style combat, jump, or Hi-tech boot;

g. Brown or camouflage uniform cap (optional);

h. Brown or camouflage chaps may be issued to wear over pants legs;

i. Leather badge holder;

j. Heavy duty cut resistant utility gloves;

k. Tactical ballistic vest.

l. Snakebite boots will be provided to K-9 program officers by the department. The boots will be black, khaki, or woodland camouflage design.

2. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.

3. Components of the uniform shall not be mixed, i.e., camouflage pants, shirt and hat will be worn together as will the brown uniform. There will be no color mixing.

4. Wardens shall issue each officer assigned to the K-9 program a minimum of five pairs of pants, three long sleeve shirts and five short sleeve shirts.

(g) The following items may be worn with the correctional officer uniform as defined below:

1. Department issued brown outerwear coat or brown bomber-style jacket – authorized for wear with class A, B, C, D, E, and F uniforms. Rank insignia may be worn on the coat epaulets. Institutional employee clubs may purchase jackets as described below from the approved contract vendor for re-sale to uniformed staff. The bomber jacket shall meet the following minimum specifications:

a. Department patch sewn on left shoulder.

b. Flag patch sewn on right shoulder.

c. Badge tab on left chest.

d. Collar, wrist and waist material shall be brown and of the same material.

e. Epaulets.

f. Side pockets.

g. Zippered black liner.

2. Brown tie – authorized for wear with the class A uniform only. Tie clasps or tie tacks shall either be plain or have a department emblem or insignia and must match the nameplate and rank insignia in color. The service pin shall be permitted to be worn as a tie tack with the class A uniform.

3. Hat – authorized for wear with the class A, B, and C uniform. The hat is mandatory for wear as part of any authorized honor guard and will be supplied by the department. The hat is no longer a mandatory part of the Class A uniform. Officers who have been issued hats are authorized to wear them, but additional hats will not be ordered for issuance by the department. However, the department will provide the opportunity for staff who desire a hat to purchase one through an approved contract vendor. Excessive rolling of hats will not be permitted.

4. Western style riding hat – authorized for wear by correctional officers assigned to field labor squads when outside the secure perimeter of the correctional facility. The western style riding hat will be furnished by the department.

5. Uniform cap – authorized for wear with the Class A B, C, D, E and F uniform. Caps shall not be worn for formal occasions such as court appearances or funerals. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform cap will be furnished by the department.

6. Correctional officer badges.

a. Badges shall be issued to all certified correctional officers regardless of their work location.

b. Correctional officer badges will be issued by the department to be worn as part of the class A, class B (when wearing the uniform shirt), and class C uniform.

c. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Officers wearing the polo shirt are authorized to wear the department issued badge on a black leather badge holder furnished by the employee. The badge holder will be affixed to the duty belt and will be worn on the left side of the trousers.

d. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections.

e. Use of the issued badges as credentials for personal purposes is prohibited.

f. Only badges issued by the department shall be used to conduct officially designated duties.

g. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt.

h. The badges shall be issued to certified officers upon employment and will be not be provided to uncertified officers until after certification is received.

i. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost, stolen, or damaged outside the performance of duty.

j. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series.

k. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges.

l. Correctional officers of any rank who are promoted, transferred, or otherwise relocated into a non-security position shall return their badges to the warden of the institution the staff member is departing. If an officer who is being promoted requests to keep the badge, he or she shall be allowed to do so upon reimbursement of the department of the cost of a replacement badge.

m. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory.

n. Badges will not be issued to canines.

7. Rank Insignias.

a. Sergeant pin for correctional officer sergeants shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

b. Gold colored lieutenant's bar for correctional officer lieutenants shall be worn on the collar military style with Class A, B, C and F uniforms only.

c. Gold colored captain's bar for correctional officer captains shall be worn on the collar military style with Class A, B, C and F uniforms only.

d. Gold colored major's insignia for correctional officer major shall be worn on the collar military style with Class A, B, C and F uniforms only.

e. Gold colored colonel's insignia for correctional officer colonel shall be worn on the collar military style with Class A, B, C and F uniforms only.

f. Rank insignia will not be worn on the polo type shirt.

8. Nameplate – gold or silver to match rank insignia, shall contain the employee's last name and first two initials (no rank abbreviation) shall be worn above the right pocket with Class A, B, and C uniforms only. Replacement nameplates for name change, loss, normal wear and tear, or other damage outside the performance of normal duty will be the employee's responsibility.

9. Brown skirt for females can be substituted for trousers for religious reasons only upon written authorization of the regional director of institutions following review of the officer's written request. The skirts will be the same fabric as the trousers with no stripe.

10. Whistle, as authorized by the warden worn with Class A, B, C and F uniforms. Whistles will be the same color as the rank insignia and, if worn, must be furnished by the employee.

11. Service Pin. The department service pin is authorized to be worn above the nameplate with Class A, B, and C uniforms only.

12. Shift Supervisor Patch. Correctional officer supervisors assigned as shift supervisors are authorized to wear the shift supervisor patch with Class A, B, and C uniforms. When worn, the shift supervisor patch will be sewn directly above the flag patch on the right shirt sleeve.

13. Meritorious Service Pin.

a. The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with Class A, B, and C uniforms only.

b. For those staff members who have service in excess of five years and are presently displaying a regular service pin as part of their uniform dress, the regular service pin will be relocated one half inch to the left of the military seam and the meritorious service pin will be displayed one half inch to the right of the military seam. Both pins will be situated one half inch above the nameplate.

c. When additional department issued pins are worn, they will be displayed using the following formula: odd numbers of pins one half inch above the first row of pins and centered on the military crease; even numbers of pins one half inch above and centered over lower rows of pins.

14. Emergency Response Team (E.R.T.) Pin.

a. The E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms.

b. The E.R.T. pin shall be worn evenly spaced between the bottom of the badge and the top of the left shirt pocket, centered on the military crease.

15. Drill Instructor Pins.

a. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease.

b. If worn along with the E.R.T. pin, the drill instructor pin will be worn one half inch above the E.R.T. pin. K-9 or other squad pins will no longer be worn on the uniform.

16. American Flag and Certified Public Manager (CPM) pins.

a. A small American flag pin is authorized to be worn with class A, B or C uniforms.

b. Graduates of the CPM course are authorized to wear the pin with class A, class B (when wearing the uniform shirt) or class C uniforms.

c. These pins shall be displayed utilizing the formula outlined in sub-subparagraph (3)(g)13.c., above.

d. No other non-department issued pins are authorized for wear.

17. Flag Patches. Flag patches shall be sewn one inch below the shoulder crease on the right shirt sleeve of the uniform shirt. When worn, the institutional rocker emblem shall be sewn or otherwise affixed directly over the department emblem on the left shirt sleeve.

18. Gloves.

a. Glove pouches for disposable latex or vinyl gloves will be issued to all officers.

b. Plain black gloves are authorized for wear during cold weather when working outside. Lettering or logos on gloves are not authorized.

c. Protective gloves will be issued to employees upon request.

19. Shoes and Boots.

a. Shoes shall be black, plain-toed military style.

b. Boots, including Hi-Tech types are permissible with uniform pants but are mandatory with BDU pants. The boots must be black with a plain toe, regular heel, and no decorative stitching. Black side webbing inserts are permissible. Heels shall not exceed one and one half inches in height.

c. All footwear must be capable of maintaining a high gloss.

20. Belts. Belts must be black, 1-1/2 to 1-5/8 inches in width, with either a silver colored open-face metal buckle or a bronze buckle bearing the department emblem. Buckles must be approximately the same width as the belt.

21. Socks.

a. Socks must be black.

b. If white socks are needed for medical reasons, the employee shall be required to wear socks with a white foot and black upper part or white socks can be worn under black ones.

c. Female officers shall be allowed to wear flesh-tone stockings.

22. Ponchos and Raincoats. Plain see-through ponchos or raincoats with no logos are authorized for wear inside the secure perimeter. Yellow raincoats or ponchos with no logos are permitted for wear outside the secure perimeter only.

23. Maternity Uniforms. Pregnant officers will be issued maternity uniforms upon request. At least four maternity uniforms will be issued.

24. Windbreakers. The brown department windbreaker with department emblem on the left chest is authorized to be worn with the class B, C, D, E or F uniform. No other color windbreaker is authorized for uniformed staff. Additionally, non-uniformed staff are authorized to wear a brown or black department windbreaker.

(i) The standard department issue of uniforms will be as follows:

1. One class A shirt with hash marks;

2. One pair of wool blend class A trousers;

3. Two pair of BDU trousers

4. Two pair of polyester/cotton class B trousers;

5. Three uniform shirts;

6. Two polo type shirts;

7. One brown outer-wear coat;

8. One cap;

9. One glove pouch;

10. One brown clip-on tie.

(4) Correctional officers assigned to the recreation department shall wear full uniforms to and from work, but shall be allowed to change into recreational attire during regular duty hours.

(5) The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.

(a) Correctional officers assigned to supervise boot camp facilities, the basic training program and extended day programs shall wear either the class C or class D uniform. The jump boots will be furnished by the department.

(b) Correctional officers assigned to supervise boot camp facilities shall be authorized to wear military style drill instructor hats provided by the department.

(c) The uniform shirt shall be tucked into the trousers in the military style tuck.

(d) Uniforms shall be worn in such a manner that the button flap on the shirt, the right edge of the belt buckle, and the zipper flap on the trousers are in a direct vertical line.

(e) Uniforms shall be clean and neatly pressed.

(f) Boots shall be highly polished at the beginning of each work day and shall remain in that condition during all ceremonial inspections of the basic training program inmates.

(g) The uniform cap shall be worn by all uniformed basic training program staff. Officers of the rank of correctional officer supervisor or higher shall wear their rank insignia on the center front of their caps in lieu of the department emblem.

(h) Officers supervising physical training are authorized to wear running shoes during physical training for safety and comfort.

(i) Each basic training program officer shall carry a whistle on a chain attached to the left epaulet and clipped to the left front pocket of the uniform shirt. Whistles will be furnished by the department.

(j) Each officer shall be issued a pair of class A trousers to be worn as prescribed in paragraph (3)(a).

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40C-9.021
Acquisition Procedures; Negotiations	40C-9.041
Appraisals	40C-9.061
Disposition of Surplus Land	40C-9.081
Land Management Policy	40C-9.101
Land Management Review Team	40C-9.115
Access to and Closure of Conservation Easements	40C-9.117
Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft	40C-9.320
Concessions	40C-9.330
Unauthorized Facilities or Structures	40C-9.340
Special Use Authorization	40C-9.360
District Leases	40C-9.370

PURPOSE AND EFFECT: Miscellaneous revisions to Chapter 40C-9, Florida Administrative Code, pertaining to the acquisition and management of water management lands.

SUBJECT AREA TO BE ADDRESSED: Acquisition and management of water management lands so as to define district conservation easements; modification of the definition of "Mobility Impaired Persons" to comply with current law; specification of the manner in which public access is provided for certain conservation easement lands; delegation to staff of authority to enter into Special Use Authorizations, and, under specified circumstances, leases of District lands; removal of one-year restriction on Special Use Authorizations, and other editorial or minor revisions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.139, 373.1391 FS.

LAW IMPLEMENTED: 259.105, 373.056, 373.088, 373.089, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59 FS.

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

TIME AND DATE: 1:30 p.m., Wednesday, January 7, 2004

PLACE: St. Johns River Water Management District, Governing Board Room, 4049 Reid Street, Palatka, Florida 32178-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-9.021 Definitions.

When used herein:

(1) through (2) No change.

(3) "Conservation Easement" means an easement in real property whereby the District is the dominant tenant for the purposes of the easement but does not own the underlying fee title. A Conservation Easement will place restrictions upon utilization of the property by the underlying fee owner and may include a grant to the District of affirmative rights of utilization in the property, including the right to permit public access. Any utilization for public access shall not exceed the express grant of the Conservation Easement, and may be further limited by the District through the establishment of site-specific policies regarding public utilization.

(3) through (5) renumbered (4) through (6) No change.

~~(7)(6)~~ "District Land" means any real property in which the District has an equitable or legal interest that allows the District to possess, or control regulate entry upon; or limit or engage in specific uses of the property. District Land includes Conservation Easements.

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

~~(11)(10)~~ "Mobility impaired persons" means a person having a State of Florida Mobility-Impaired eligibility Certification (Florida Physician's Certification) administered through the Florida Fish and Wildlife Conservation Commission eligible for a disabled person exemption parking permit pursuant to section 320.0848, Florida Statutes.

(11) through (17) renumbered (12) through (18) No change.

Specific Authority 373.044, 373.113, 373.139, 373.1391 FS. Law Implemented ~~259.105, 373.056, 373.088, 373.089, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59 FS.~~ History--New 6-15-82, Amended 1-16-94, 5-11-94, 7-30-01, _____.

40C-9.041 Acquisition Procedures; Negotiations.

(1) through (2) No change.

(3) The District shall obtain at least one ~~written~~ appraisal pursuant to Rule 40C-9.061, Florida Administrative Code. For lands that are acquired with acquisition moneys released by the Department of Environmental Protection, the District shall obtain at least one certified appraisal.

(4) through (5) No change.

(6) The District shall attempt to negotiate the acquisition of desired parcels in accordance with the following procedure:

(a) No change.

(b) A "Negotiation Report" may be prepared and forwarded to Legal Counsel, which shall summarize such negotiations, including the amount of offer made by the District, and any counter-offer made by the property owner.

(c) In the event an offer is accepted, the District shall:

1. No change.

2. When necessary, Request Legal Counsel to prepare a resolution by requesting the Governing Board requesting the Department of Environmental Protection to release the necessary funds pursuant to Chapter 62-402, Florida Administrative Code, if applicable.

(d) through (e) No change.

(7) No change.

Specific Authority 373.044, 373.113, 373.139 FS. Law Implemented 259.105, 373.056, 373.088, 373.089, 373.093, 373.096, 373.099, 373.139, 373.199, 373.59 FS. History—New 6-15-82, Amended 7-30-01.

40C-9.061 Appraisals.

~~(1) All lands to be acquired, except donations, shall be appraised by at least one real estate appraiser.~~

(1)(2) The District's contract with non-staff appraisers shall substantiate that each Prior to contracting with the District, each appraiser selected shall submit an affidavit substantiating that such appraiser has no vested or fiduciary interest in the property to be appraised, except for the professional fee.

~~(2)(3) The After a contract between the District and the appraiser has been executed, District shall transmit all pertinent data to the appraiser regarding the assignment.~~

(3)(4) Appraisal information shall be presented to the Governing Board concurrently with the presentation of the proposed purchase agreement. An appraisal shall be approved by the Governing Board prior to negotiations with a landowner, provided however, that the Executive Director may approve appraisals for negotiations, subject to the condition that such approval be ratified by the Governing Board at its next meeting, or unless such approval is delegated by the Governing Board.

Specific Authority 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.139, 373.59 FS. History—New 6-15-82, Amended 7-30-01.

40C-9.081 Disposition of Surplus Land.

The District may sell or exchange District Land in accordance with the applicable procedures set forth in Section 373.089 and 373.139, Florida Statutes. All District Lands proposed for surplus shall be declared surplus by the Governing Board in accordance with the applicable requirements of Sections 373.056 and 373.089, Florida Statutes, prior to sale. Proceeds from the sale or exchange of District Land shall be utilized in accordance with the applicable requirements of Sections 373.089 and 373.139, Florida Statutes.

~~(1) The District may sell or exchange District lands. District lands are considered surplus when:~~

~~(a) They are not required for District or project purposes pursuant to Sections 373.59, Florida Statutes.~~

~~(b) They have no possible or future utility in the land management program of the District.~~

~~(c) They have been declared surplus by the Governing Board.~~

~~(2) All funds received from the sale of surplus lands shall be used to purchase other lands meeting the criteria in Section 373.59, Florida Statutes.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.056, 373.089, 373.139, 373.199, 373.59 FS. History—New 6-15-82, Amended 7-30-01.

40C-9.101 Land Management Policy.

(1) through (3) No change.

(4) Pursuant to Section 373.1395, Florida Statutes, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District Lands or park areas provided to the public for recreational purposes. Additionally, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District Lands or water areas leased to the state for outdoor recreational purposes. This subsection does not apply when the District charges a fee for entering onto or for the public or commercial use of District Lands or park areas.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1395, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 7-30-01.

40C-9.115 Land Management Review Team.

(1) through (3) No change.

(4) The District staff shall provide an annual written report to the Governing Board by October 1 of each year, identifying the properties that have been reviewed by the management review team and the review team's findings.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59, 373.591 FS. History—New 7-30-01, Amended _____.

40C-9.117 Access to and Closure of Conservation Easements.

Not all Conservation Easements permit public access. For Conservation Easements that permit public access, such access shall be limited to trails and entry points designated by signs, and to those uses designated by sign or brochure at designated entry points.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.199, 373.59, 373.591 FS. History—New _____.

40C-9.320 Use of Motorized Vehicles, Recreational Vehicles, Boats, and Aircraft.

(1) Motorized vehicles that are licensed for Florida highway use are allowed on District Lands. All-terrain, off-road, or other motorized vehicles not licensed for Florida highway use are prohibited on all District Lands except as follows:

(a) No change.

(b) By Special Use Authorization issued by the Executive Director or Designee Governing Board pursuant to Rule 40C-9.360, F.A.C., which shall be limited to three ~~one~~ Special Use Authorizations per calendar year District-wide, and shall have a duration not to exceed two days; or

(c) By Special Use Authorization issued by the Executive Director or Designee Governing Board for the purpose of leading guided all-terrain vehicle tours on property designated by the District, pursuant to Rule 40C-9.360, F.A.C. No more than six Special Use Authorizations shall be granted per calendar year. Said Special Use Authorizations shall have a duration not to exceed one year. Each guided tour shall be limited to no more than 12 people and the vehicles involved shall be limited to those commonly referred to as "4-wheelers" and shall have low ground pressure tires so as to minimize impacts to existing vegetation.

(2) through (8) No change.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.083, 373.088, 373.093, 373.096, 373.099, 373.139, 373.0391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, 7-30-01, _____.

40C-9.330 Concessions.

The District encourages the development of retail sales or rentals that provide services or goods that assist the public in using District Lands at locations adjacent to or near District Lands as opposed to being located on District Lands. However, the District recognizes that, in certain instances, concessions could be located on District Lands to serve the interests of the public and assist the District in providing for public uses of District Lands while managing these lands in an environmentally acceptable manner. Therefore, the District may ~~shall~~ enter into a negotiated agreement contract, ~~pursuant to the District's contracting procedures as set forth in chapter 40C-1, F.A.C.~~, to establish and operate a concession on District Lands if:

(1) through (5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History—New 1-16-94, Amended 5-11-94, _____.

40C-9.340 Unauthorized Facilities or Structures.

(1) No change.

(2) Any unauthorized facility or structure discovered on District lands shall be removed according to the following procedure:

(a) through (b) No change.

(c) If the owner of the unauthorized facility or structure fails to remove such facility or structure within 30 days after posting of the District notice, the District shall remove such facility or structure from the District Land or claim such facility or structure as District property. The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.

Specific Authority 373.044, 373.113, 373.1391 FS. Law Implemented 373.088, 373.093, 373.096, 373.099, 373.139, 373.0391, 373.1401, 373.199, 373.59 FS. History—New 1-16-94, Amended 5-11-94, 7-30-01, _____.

40C-9.360 Special Use Authorization.

(1) A person shall apply for a Special Use Authorization to use District Lands in a manner not otherwise specifically provided for in this chapter, ~~if:~~

~~(a) The requested use will last for one year or less; and~~

~~(b) The requested use does not involve the permanent alteration of any District land or placing any structure or facility on any District land for more than one year.~~

(2) To receive a Special Use Authorization the applicant must provide reasonable assurance that:

(a) The requested use will not involve the permanent alteration of any District Land or the permanent placement of any structure on District Land;

~~(b)(a)~~ The requested use is resource-based;

~~(c)(b)~~ The requested use is consistent with the management plan for the District Lands involved;

~~(d)(c)~~ The requested use will not harm the environmental resources of the District Land;

~~(e)(d)~~ The requested use will not cause unreasonable expense to the District;

~~(f)(e)~~ The requested use will not create a substantial risk of liability to the District;

~~(g)(f)~~ The requested use will not harm any dam, impoundment, works, water control structures, roads, or District owned facilities or equipment;

~~(h)(g)~~ The requested use will not interfere with District water management, leased, or authorized uses of the land; and

~~(i)(h)~~ The requested use will not interfere with any other use allowed by this chapter.

(3) No change.

(4) ~~Except as provided in paragraph 40C-9.320(1)(b), F.A.C.,~~ ~~the~~ The Governing Board delegates to the Executive Director or Designee the authority to issue or revoke Special Use Authorizations pursuant to this section.

(5) Any person may apply for a Special Use Authorization according to the following procedure:

(a) No change.

(b) If the requested use will create a substantial risk of liability to the District, the applicant can mitigate the substantial risk of liability by:

1. Providing proof of liability and property damage coverage insurance naming the District as an insured in an amount sufficient to cover the cost of the potential liability which is posed to the District; or

2. Providing waivers or releases ~~of or~~ liability sufficient to eliminate the potential liability which is posed to the District.

(c) The application will be reviewed by District staff the Land Management Staff and the Land Resource Committee for compliance with the criteria listed in subsection 40C-9.360(2), F.A.C., ~~who The Land Management Staff and the Land Resource Committee~~ shall then issue a recommendation regarding the application to the Executive Director or ~~Ddesignee, to the Governing Board if the use is requested pursuant to paragraph 40C-9.320(1)(b) or (e), F.A.C.~~ The staff recommendation shall set forth the recommended term for the Special Use Authorization, which may be based upon a term of one year or less, and may be renewable for up to five years. All Special Use Authorizations shall be revocable at will by the District.

(d) through (e) No change.

(f) If a requested use applied for under paragraph 40C-9.320(1)(b), F.A.C., satisfies the criteria in this section, and if the District has not reached the limit for issued no other Special Use Authorization for a use under paragraph 40C-9.320(1)(b), F.A.C., during the same calendar year, the Executive Director or Designee may Governing Board shall issue the Special Use Authorization. If a requested use applied for under paragraph 40C-9.320(1)(b), F.A.C., does not satisfy the criteria in this section, or if the District has reached the limit for previously issued a Special Use Authorizations for a use under paragraph 40C-9.320(1)(b), F.A.C., during the same calendar year, the ~~Governing Board shall deny the~~ Special Use Authorization shall be denied.

(g) No change.

(6) through (8) No change.

Specific Authority 373.044, 373.083, 373.113, 373.1391 FS. Law Implemented 373.083, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.1401, 373.199, 373.59 FS. History--New 1-16-94, Amended 5-11-94, 7-30-01,_____.

40C-9.370 District Leases.

(1) A person shall apply for a District Lease to use District ~~Lands in a manner which is not specifically provided for in this chapter, and which is not eligible for a Special Use Authorization. Additionally, a person shall apply for a District Lease to use District lands if the use constitutes an agricultural activity or is of such a nature as to requires a legal interest in the District Land.~~

(2) A District Lease ~~may shall only~~ be granted only when the purpose of the lease is consistent with the land management plan for such District Land, and otherwise consistent with the statutory criteria applicable to the acquisition of such District Land. The lease shall include such terms and conditions as are considered to be in the best interest of the District.

(3) No change.

(4) The Governing Board delegates to the Executive Director or Designee the authority to enter into leases of District Land where: (1) the use of District Land to be authorized by the lease is explicitly included within a management plan that has been approved by the Governing Board; (2) the total estimated lease revenue is less than \$100,000; and (3) the period of the lease does not exceed five years. However, staff may submit any proposed lease to the Governing Board for approval when staff determines that entering into the lease may generate significant public interest.

~~(5)(4)~~ Review of Applications for District Leases will comply with be reviewed by the Governing Board pursuant to the requirements of Section 373.093, F.S.

~~(6)(5)~~ If required, the District shall publish notice of its intent to grant a District Lease in a newspaper in the county in which the District Land is situated pursuant to the requirements of Section 373.093, F.S.

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

Specific Authority 373.044, 373.083, 373.113, 373.0391 FS. Law Implemented 373.056, 373.083, ~~373.088~~, 373.093, 373.096, 373.099, 373.199, 373.139, 373.1391, 373.199, 373.1401, 373.59 FS. History--New 1-16-94, Amended 5-11-94, 7-30-01,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Procedural 40D-1

RULE TITLE: RULE NO.:
Basins 40D-1.107

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend 40D-1.107, F.A.C. to implement changes to the legal descriptions of certain of the District's basin boundaries resulting from the transfer of land within Polk County from the St. Johns River Water Management District to the Southwest Florida Water Management District and to adjust other basin boundaries to more closely follow hydrologic boundaries.

SUBJECT AREA TO BE ADDRESSED: During the recently concluded regular state legislative session, Section 373.0691 and 373.0693, F.S. were amended to transfer areas from the St. Johns Water Management District to the Southwest Florida Water Management District and to remove the requirement for approval by the Legislature for the Governing Board to "abolish or combine" any of the Basins within the District. The statutory amendment to the District boundary necessitates that certain of the Basin boundaries be changed to add the area transferred. In addition, pursuant to the statutory amendments, the Governing Board is changing Basin boundaries to more closely approximate the actual watershed boundaries of the applicable Basin.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.0691, 373.0693 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: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing
Home Services

RULE NO.:

59G-6.010

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for long-term care facilities will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan). Interim rates (i.e. not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan, and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUBJECT AREA TO BE ADDRESSED: Reimbursement rates for nursing homes.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: 9:00 a.m., January 5, 2004

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient
Hospital Services

RULE NO.:

59G-6.020

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for hospital inpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan). Interim rates (i.e. not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUBJECT AREA TO BE ADDRESSED: Reimbursement rates for inpatient hospitals.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., January 5, 2004

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Outpatient
Hospital Services

RULE NO.:

59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan (the Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for hospital outpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Outpatient Hospital Reimbursement Plan (the Plan). Interim rates (i.e. not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUBJECT AREA TO BE ADDRESSED: Outpatient hospital reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: 11:00 a.m., January 5, 2004

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert C. Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities

RULE NO.: 59G-6.040

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities Reimbursement Plan (the Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for intermediate care facilities for the mentally retarded and the developmentally disabled publicly owned and publicly operated will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities Reimbursement Plan (the Plan). Interim rates (i.e. not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the

Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUBJECT AREA TO BE ADDRESSED: ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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:

DATE AND TIME: 1:00 p.m., January 5, 2004

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert C. Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

RULE NO.: 59G-6.045

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated Reimbursement Plan (the Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for intermediate care facilities for the mentally retarded and the developmentally disabled not publicly owned and not publicly operated will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities Not Publicly Owned and Not Publicly Operated Reimbursement Plan (the Plan). Interim rates (i.e. not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated reimbursement rate.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 2:00 p.m., January 5, 2004

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert C. Butler, Bureau Chief, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Information Resource

Security Policies and Standards 60DD-2

RULE TITLES: RULE NOS.:

Purpose; Definitions; Policy; Applicability;

Departmental Security Programs; 60DD-2.001

Responsibilities; Risk Management

Control of Computers and Information

Resources 60DD-2.002

Physical Security and Access to Data

Processing Facilities 60DD-2.003

Logical and Data Access Controls 60DD-2.004

Data and System Integrity 60DD-2.005

Network Security 60DD-2.006

Backup and Recovery 60DD-2.007

Personnel Security and Security Awareness 60DD-2.008

Systems Acquisition, Auditing and Reporting 60DD-2.009

Standards Adopted 60DD-2.010

PURPOSE AND EFFECT: To consider development of a rule chapter on agency best practices on minimum security standards for the protection of state information resources.

SUBJECT AREA TO BE ADDRESSED: Purpose; Data and Information Resource Policy; Applicability; Departmental Security Programs; Responsibilities; Risk Management; Control of Computers and Information Resources; Physical Security and Access to Data Processing Facilities; Logical and Data Access Controls; Data and System Integrity; Network Security; Backup and Recovery; Personnel Security and Security Awareness; Systems Acquisition, Auditing and Reporting; Adoption of Federal Standards.

SPECIFIC AUTHORITY: 282.102(2),(6),(16) FS.

LAW IMPLEMENTED: 282.318 FS.

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

TIME AND DATE: 9:00 a.m., January 14, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the State Technology Office at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kris Palmer, Enterprise Information Security Officer, State Technology Office, 2585 Shumard Oak Boulevard, Tallahassee, Florida 32399-0950, (850)488-9895, Kris.Palmer@MyFlorida.com

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

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Strategic Information

Technology Alliance 60DD-3

RULE TITLE: RULE NO.:

Enterprise Technology Services Desk 60DD-3.001

PURPOSE AND EFFECT: To consider development of a rule on the Enterprise Technology Services Desk.

SUBJECT AREA TO BE ADDRESSED: Purpose; Definitions; Services; Enterprise Technology Desk Service Facility; Enterprise Technology Desk Service User Committee; Audits.

SPECIFIC AUTHORITY: 282.23(2), 287.057(24)(d) FS.

LAW IMPLEMENTED: 282.23, 287.057(24) FS.

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

TIME AND DATE: 9:00 a.m., January 27, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the State Technology Office at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David

Farber, Chief, Enterprise Technologies, State Technology Office, Tallahassee, Florida 32399-0950, (850)488-1320, David.Farber@MyFlorida.com.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Citations
RULE NO.: 61G5-30.004

PURPOSE AND EFFECT: The Board proposes to review its rule regarding citations to determine if it needs to revise any of the amounts or violations.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.224, 477.016 FS.

LAW IMPLEMENTED: 455.224, 477.016 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: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Certification of Additional New Business
Entity or Transfer
RULE NO.: 61G6-5.006

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Certification of additional new business entity or transfer.

SPECIFIC AUTHORITY: 489.507(3), 489.511(3), 489.521(2),(3)(a) FS.

LAW IMPLEMENTED: 489.511(3), 489.521(2),(3)(a),(8) 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: John

Knapp, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Certification Examination Requirements
RULE NO.: 61G6-6.001

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Certification examination requirements.

SPECIFIC AUTHORITY: 455.217(1)(b) FS.

LAW IMPLEMENTED: 455.217(1)(b) 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: John Knapp, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Mediation
RULE NO.: 61G6-10.008

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 455.0235(1), 489.507(3) FS.

LAW IMPLEMENTED: 455.2235 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: John Knapp, Executive Director, Board of Electrical Contractors' Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

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

Board of Psychology

RULE TITLE:

RULE NO.:

Rule Governing Time Limits and

Conditions for Maintenance of an

Active Application File

64B19-11.007

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Time limits governing conditions for maintenance of an active application file.

SPECIFIC AUTHORITY: 490.004 FS.

LAW IMPLEMENTED: 490.005 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 Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Florida Building Commission –

Building Code Training Program

9B-70

RULE TITLE:

RULE NO.:

Building Code Training Program

9B-70.001

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of this rule development is to delete obsolete core courses from the rule and make provisions for the core curriculum in the future accommodating courses created by or at the direction of staff to the Florida Building Commission,

and those offered from private sources. The rule will also incorporate voluntary accreditation of advanced continuing education courses regarding the Florida Building Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:05 a.m., January 13, 2004

PLACE: Adams Mark Hotel, 1500 Sand Lake Road, Orlando, Florida

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.001 Building Code Training Program.

The purpose of the Building Code Training Program is to educate licensed building department personnel, contractors, and design professionals through required core curriculum courses or equivalency examination that addresses the Florida Building Code.

(1) The Core Curriculum:

(a) The Core Curriculum is comprised of the Basic Core Course that emphasizes the administrative, enforcement and procedural aspects of the Florida Building Code and updates and amendments thereto ~~five (5) Technical Code Training courses that emphasize comparison between the existing codes and the Florida Building Code~~. Licensees regulated under Chapters 468, Part XII, 481, and 489, Parts I and II, F.S., shall at a minimum complete one course by June 1, 2003 or within two (2) years of initial certification or registration, whichever is later. Licensees regulated under Chapter 471, F.S., are required to complete one core course only if the licensee actively participates in designing buildings, structures, or facilities covered by the Florida Building Code.