

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-1.0391  
**RULE TITLE:** Grading System for State-Approved Supplemental Educational Services Providers

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to implement a process for assigning service designations for state-approved supplemental educational services providers as required by Section 1008.331, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** Supplemental Educational Services for eligible students in Title I schools that have not made adequate yearly progress for two or more years.

**RULEMAKING AUTHORITY:** 1008.331 FS.

**LAW IMPLEMENTED:** 1008.331 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATES AND TIMES:** November 9, 2009, 9:00 a.m. – 12:00 Noon; November 12, 2009, 12:00 Noon – 3:00 p.m.; November 13, 2009, 9:00 a.m. – 12:00 Noon

**PLACES:** November 9, 2009 – Florida Department of Education, 325 West Gaines Street, Suite 1721, Tallahassee, FL 32399; November 12, 2009 – Hillsborough Community College, 4001 Tampa Bay Blvd., Tampa, FL 33614; November 13, 2009 – School Board Auditorium, Miami-Dade County Public Schools, 1450 N.E. 2 Avenue, Miami, Florida 33132

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lisa Bacen, Chief, Bureau of Student Assistance, 325 West Gaines Street, Suite 348, Tallahassee, FL 32399-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-4.02451  
**RULE TITLE:** Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages

**PURPOSE AND EFFECT:** The purpose of this rule development is to update the Performance Standards, Skills and Competencies for the Endorsement in English for Speakers of Other Languages. The competencies and indicators required for approval of educator preparation programs pursuant to Rule 6A-5.066, F.A.C., and for district in-service add-on programs pursuant to Section 1012.575, F.S., for the Endorsement in English for Speakers of Other Languages (ESOL), are contained in the publication, “English for Speakers of Other Languages (ESOL) Endorsement (Florida’s English for Speakers of Other Languages (ESOL) Performance Standards, Skills, and Competencies).”

**SUBJECT AREA TO BE ADDRESSED:** Revised and researched-based Performance Standards, for the purpose of endorsement for English for Speakers of Other Languages (ESOL).

**RULEMAKING AUTHORITY:** 1012.55, 1012.56, 1012.575 FS.

**LAW IMPLEMENTED:** 1012.55, 1012.56, 1012.575 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATES AND TIMES:** October 30, 2009, 10:00 a.m. – 12:00 Noon; November 9, 2009, 10:00 a.m. – 12:00 Noon; November 10, 2009, 10:00 a.m. – 12:00 Noon

**PLACES:** October 30, 2009, Florida Department of Education, 325 West Gaines Street, Room 1721/25, Tallahassee, FL 32399; November 9, 2009, Hillsborough Community College – Dale Mabry Campus, Student Services Building #113, Room 108, 4001 Tampa Bay Blvd., Tampa, FL 33614; and November 10, 2009, University of Miami, University Center, Room Flamingo A, 1306 Stanford Drive, Coral Gables, FL 33146

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lori Rodriguez, Bureau of Academic Achievement through Language Acquisition, Florida Department of Education, 325 West Gaines Street, Suite 501, Tallahassee, FL 32399; (850)245-0417. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail: [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <http://www.fldoe.org/aala/>.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE NO.:** 12A-1.060  
**RULE TITLE:** Registration

PURPOSE AND EFFECT: Section 212.12(2)(d), F.S., as amended by section 25, Chapter 2007-106, L.O.F., provides that any person who, after written notice issued by the Department, intentionally fails to register the business with the Department, is liable for a specific penalty of 100 percent of any unreported or any uncollected tax or fee. The person who has received such written notice may file a written challenge to the notice in accordance with the procedures established by the Department. The purpose of this rulemaking is to provide for issuance of a notice alerting a person of the requirement to register his or her business and the procedures by which that person may timely file a written challenge to such notice. The effect of this rulemaking is to inform taxpayers of the Department's procedures for imposing the penalties for failure to register after written notice has been issued by the Department and the procedures for timely filing a written challenge to such written notice.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the imposition of the specific penalty imposed under Section 212.12(2)(d), F.S., for failure to register a business after the Department has issued written notice alerting a person of the requirement to register that business.

RULEMAKING AUTHORITY: 212.12(2)(d), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.12(2), (5), (6), 212.18(3) 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: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-107.0011  
 RULE TITLE: Public-Private Transportation Facilities

PURPOSE AND EFFECT: Rule 14-107.0011, F.A.C., is being amended to establish a fee for unsolicited proposals, as directed by Section 334.30(1), F.S.

SUBJECT AREA TO BE ADDRESSED: A fee for unsolicited public-private transportation facility proposals is established.

RULEMAKING AUTHORITY: 334.044(2), 334.30(1) FS.

LAW IMPLEMENTED: 334.30(1) 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-107.0011 Public-Private Transportation Facilities.

(1) An initial fee of \$50,000 payable to the Florida Department of Transportation ~~shall~~ ~~must~~ accompany any unsolicited a public-private transportation facility proposal. Unsolicited pProposals received without the initial fee shall not be accepted.

(2) Payment shall be made by cash, cashier's check, or any other non-cancelable instrument. Personal checks will not be accepted.

(3) If the initial fee is not sufficient to pay the Department's costs of evaluating the unsolicited proposal proposals, the Department shall request in writing additional amounts required. The public-private partnership or private entity submitting the unsolicited proposal shall pay the requested additional fee within 30 days. Failure to pay the additional fee shall result in the unsolicited proposal being rejected.

~~(4) The Department shall refund any fees in excess of the costs of evaluating the proposal after the evaluation is complete.~~

Rulemaking Specific Authority ~~334.044(2)~~, 334.30 FS. Law Implemented ~~334.30(1)~~ FS. History--New 3-13-97, Amended 12-14-04,\_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-503.001  
 RULE TITLE: Chaplaincy Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the types of religious items that may be transported from an inmate's individual housing area for the purpose of group worship.

SUBJECT AREA TO BE ADDRESSED: Chaplaincy Services.

RULEMAKING AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 90.505, 944.09, 944.11, 944.803 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-503.001 Chaplaincy Services.

(1) through (2) No change.

(3) Religious Services and Rituals.

(a) through (f) No change.

(g) Inmates in the general population may transport the following items for individual worship, as defined in Rule 33-602.201, F.A.C., from their assigned cells or individual sleeping areas to the institutional chapel or other designated program area for the purpose of participating in a scheduled religious program, service, or activity for which the item is necessary or appropriate, as determined by the Chaplain:

1. Jewish – prayer shawl;

2. Muslim – prayer rug;

3. Asatru or Odinism – runes and accompanying cloth bag;

4. Greek Orthodox – prayer rope;

5. Buddhist – black or brown Rakusu.

(4) through (13) No change.

Rulemaking Specific Authority 944.09, 944.11 FS. Law Implemented 90.505, 944.09, 944.11, 944.803 FS. History--New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, 2-25-08, 9-22-08,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.201  
 RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify distinctions in permissible use and storage of religious items; amend the list of religious items permitted for individual worship or for wearing or carrying all times; create a limitation on the amount of time inmates may possess food and drink items purchased from the canteen; clarify the number and type of envelopes inmates are permitted

to possess; and specify that inmates who are transferred to a Department facility from jail have 30 days to dispose of unauthorized property.

SUBJECT AREA TO BE ADDRESSED: Inmate Property.

RULEMAKING 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) The reception center Chief of Security shall ensure that property files are established for all new inmates. The inmate property file shall become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property shall be placed in this file in chronological order. The Chief of Security or his designee shall be responsible for the maintenance of the inmate property file. An addendum will be made to the Form DC6-224, Inmate Personal Property List, any time the status of inmate personal property changes. Examples of changes include when an inmate receives additional property through an approved source or when the inmate chooses to dispose of a broken or worn out item. Form DC6-224 is incorporated by reference in subsection (17) of this rule.

(2)(a) No change.

(b) After final disposition is completed, the officer shall give one copy of the receipt to the inmate along with that property the inmate is authorized by the Department to keep. Personal property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of the receipt shall be placed with any property ~~that~~ ~~which~~ is not authorized within the Department and ~~that~~ ~~which~~ is to be stored. One copy of the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of the receipt shall be given to the inmate. One copy of the receipt shall be placed in the inmate property file. The unauthorized property will be held at the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative, or friend, or to mail money or valuables to their families or other persons of their choice at no expense to the Department of Corrections. The 30 day ~~time~~ period will not

include any time during which an appeal or grievance is pending. Persons picking up items must pre-arrange with the warden for pick-up at a specific time during administrative working hours (Monday through Friday 8:00 a.m. through 5:00 p.m.).

(3) No change.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the ~~Department~~ ~~department~~ once an inmate is permanently assigned, provided the inmate has sufficient storage space. An inmate may not use other inmates' storage space, or other non-authorized storage containers, or store property in locations other than ~~his~~ ~~their~~ assigned housing unit.

(b) through (d) No change.

(e) Inmates shall be required to maintain receipts for items purchased from the canteen for as long as they possess the items. In instances where items purchased from the canteen are added to ~~the~~ Form DC6-224, Inmate Personal Property List, by the property officer, the inmate will not be required to maintain the original canteen receipt. Food and beverage items purchased from the canteen are intended for consumption, and inmates may not retain such items longer than 30 days, as evidenced by the canteen receipt. A food or beverage item shall be considered contraband if found in the possession of an inmate more than 30 days after its purchase.

(f) An inmate transferred from a jail or private prison to a Department of Corrections facility shall be permitted to retain only that property that is authorized by the Department ~~department~~ in Appendix One ~~4~~. Any unauthorized item will be confiscated and held by the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative or friend, or to mail the items to persons of their choice at no expense to the Department of Corrections. The 30 day time period will not include any time during which a grievance or appeal is pending.

(5) Unauthorized Property- (Also see Control of Contraband, Rule 33-602.203, F.A.C.).

(a) Property ~~that which~~ is ~~considered~~ contraband pursuant to Rule 33-602.203, F.A.C., shall be handled as provided ~~for~~ in Rule 33-602.203, F.A.C.

1. If an inmate receives postage stamps in the mail that ~~which~~, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess stamps out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra stamps as soon as they are received. The stamps must be sent out; the institution will not store excess stamps for inmates. Excess stamps found in an inmate's property will be considered contraband.

2. If an inmate receives photographs in the mail that ~~which~~, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess photographs out at his own expense. It is the inmate's responsibility to make arrangements with staff to send out the extra photographs as soon as they are received. Excess photographs found in an inmate's property will be considered contraband.

3. through (b) No change.

(6) Storage of Excess Legal Materials.

(a) No change.

(b) Storage of Legal Material. Each inmate is authorized to possess in his ~~or her~~ assigned housing area his own active or inactive legal material not exceeding the capacity of storage available in the inmate's assigned locker.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or Chief of Security ~~chief of security~~ that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate shall be given a written order from an employee of the Department ~~department~~ providing:

a. The inmate shall have one week (seven calendar days); to organize and inventory his ~~or her~~ legal material and separate excess inactive legal material from excess active legal material; and

b. If, after organizing and inventorying his ~~or her~~ legal material the inmate will not be able to fit ~~his~~ active legal material in his assigned inmate locker, the inmate shall complete Form DC6-2006, Request for Storage of Excess Active Legal Material, and Form DC6-2008, Excess Active Legal Material Inventory List, to be submitted to the warden for review. Forms DC6-2006 and DC6-2008 are incorporated by reference in subsection (17) of this rule.

3. If time is needed in excess of seven calendar days for the inmate to organize and inventory his ~~or her~~ legal material, the inmate shall, prior to the expiration of the seven calendar day period, submit an inmate request to the warden to ask for additional time to complete his review. The inmate shall specify the basis for the request for additional time and how much additional time will be required to complete ~~the inmate's~~ organizing and inventorying ~~of his or her~~ legal material. The total period of time for the inmate to complete this review shall not exceed 30 calendar days.

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, the inmate shall receive a disciplinary report and the Department ~~department~~ shall organize and inventory the material. The inventory shall be performed in the same manner as the staff review described in subparagraph 5. below.

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~~ ~~department~~ staff to ensure compliance with ~~Department~~ ~~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 flaps 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)(c)7. 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. No change.

7. If the inmate intends to appeal the determination and wishes to have the order to dispose of ~~the~~ excess inactive legal material within 30 days stayed while the 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 Office of the Secretary ~~office of the secretary~~. The written notice must be filed within 15 calendar days of the determination. ~~It and~~ shall 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 to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

8. If the inmate fails to file written notice with the warden within 15 calendar days of the determination, fails to provide Form DC6-2007, Excess Inactive Legal Material Disposition Determination, as an attachment to the his or her appeal, addresses more than one issue, or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., the his or her appeal shall be returned without response to the issue raised.

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.

10. If the inmate's appeal is denied, the inmate ~~he or she~~ shall have 30 days to make arrangements to have the materials picked up by an approved visitor, relative, or friend, or pay to have the material sent to one of these approved individuals. If the material is not picked up or mailed out within 30 days, the institution shall destroy it.

11. Prior to being stored in excess storage, excess active legal material shall be placed in ~~storage~~ box(es) with interlocking flaps, shall be numbered in sequential order, and shall have the inmate's name and ~~Department~~ ~~department of corrections~~ number clearly written on the top and side of each box. Prior to being sealed, the box(es) shall be inspected by staff, in the presence of the inmate, for contraband. Each box shall be sealed in the presence of the inmate prior to being placed into excess storage. Form DC6-2008, Excess Active Legal Material Inventory List, shall be completed or updated by the inmate before the box(es) are sent or returned to excess storage.

12. through (d) No change.

(e) Inmate Access to Excess Active Legal Material.

1. When an inmate wants access to a box of active ~~his or her~~ legal material stored in excess storage, the inmate shall:

a. Notify the property room officer by submitting ~~Inmate Request~~, Form DC6-236, Inmate Request; and

b. through 2. No change.

3. After receipt of a box of ~~his or her~~ legal materials from excess storage, the inmate shall then be permitted to exchange those active legal materials in the requested box with other active legal materials in the inmate's assigned locker.

4. through 5. No change.

(f) Transfer. An inmate being transferred to another institution shall be permitted to take along ~~with his or her other personal property~~ all of the inmate's legal material. The transferred inmate's legal material must be maintained and possessed in accordance with the receiving institution's available locker storage space.

(7) Impounded Property.

(a) When it is necessary to take and impound items of personal property belonging to or in the possession of an inmate, that property shall be taken, handled, processed, and secured in a manner that which will safeguard it from loss, damage, destruction, or theft while it is under the control of the Department. If the property impounded does not belong to the

inmate in possession of the property, an investigation shall be conducted to determine if the owner of the property knowingly permitted the use of the property. If so, the property shall be handled as contraband. If it can be determined that the property was stolen or otherwise taken, the impounded property shall be returned to the rightful owner. Inmates must report stolen items immediately to the housing officer. The officer shall complete an incident report and an attempt will be made to locate the missing property.

(b) When personal property of an inmate is taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. New inmates being processed into the Department ~~department~~ at one of the reception centers will have their property recorded on Form DC6-220, with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule. At the time of receipt into the Department ~~department~~ each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the Department ~~department~~ to dispose of the property should the inmate abandon it. Form DC6-226 is incorporated by reference in subsection (17) of this rule.

1. through 2. No change.

3. If an inmate refuses to sign the inventory list, or is not present, that fact will be noted on the inventory and signed by the employee making the inventory and also by a second employee present.

4. through (c) No change.

(d) Authorized property impounded during a period of close management, administrative confinement, or disciplinary confinement shall be held at the institution and returned to the inmate at the end of such period.

(e) If it is appropriate to return part, but not all, of the impounded property to the inmate, the following procedure will be followed:

1. No change.

2. The remaining unauthorized impounded property shall be held by the institution for 30 days. It shall be the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor, relative, or friend. In the alternative, the inmate may pay to have the property mailed to one of these approved individuals. The 30-day time period shall not include any time during which an appeal or grievance proceeding relating to the impounded property is pending. This paragraph does not apply to property that will be returned to the inmate pursuant to paragraph (7)(d) after release from close management, administrative confinement, or disciplinary confinement.

3. through (g) No change.

(h) Except in emergency situations such as transfers immediately following a disturbance or institutional evacuation, whenever an inmate is transferred from one institution to another, the inmate's personal property and personal property file shall be transferred with him. The sending institution shall have the responsibility of ensuring that the inmate being transferred has only that property that which belongs to him and that such property is authorized. The inmate and the officer inspecting the property shall sign and date Form DC6-227, Receipt for Personal Property, at the time of transfer. Any property that is left behind or missing shall be noted on the form.

(i) If an inmate is transferred without his personal property, the property shall be forwarded to the inmate by the sending institution within five working days, or as soon thereafter as possible if conditions resulting from the emergency preclude forwarding within five days. The property, along with an itemized list, shall be placed in a sealed container for transporting. A staff member at the receiving institution shall, in the presence of the inmate to whom the property belongs, check the property against the property list to ensure that all property is accounted for. The inmate shall sign Form DC6-227, Receipt for Personal Property, when the property is given to the inmate. Any discrepancies shall be noted on the form. If the inmate refuses to sign Form DC6-227; ~~Receipt for Personal Property~~, a notation to that effect shall be placed on the form and a second employee shall witness and sign the form.

(8) through (9) No change.

(10) When, with the prior knowledge of the Department, an inmate is not under the immediate control of the Department for more than 24 hours ~~with the prior knowledge of the Department~~ and his ~~or her~~ personal property does not accompany him ~~or her~~, it will be inventoried and held until the inmate's his or her return.

(11) When an inmate dies, escapes, or otherwise voluntarily abandons his ~~or her~~ property, the procedures listed below will be followed:

(a) through (b) No change.

(c) If this effort is successful, a signed receipt for the property will be obtained from the person taking possession of the property, and the receipt will be placed in the inmate's personal property file.

(d) through (e) No change.

(12) The warden or ~~his~~ designee, shall determine how an inmate's personal property shall be managed when the that inmate has to appear at a disciplinary hearing by evaluating the following factors:

(a) through (c) No change.

(13) The warden or his designee is authorized to require an inmate to bring all of his personal property to the disciplinary hearing if the warden or designee he determines that this is necessary after evaluating the factors set out in subsection (12) above.

(14) Missing Inmate Property.

(a) When an inmate's property is ~~being~~ returned after being stored for any reason and items documented on ~~the~~ Form DC6-224, Inmate Property List, cannot be located, this fact shall be documented on the form. Any request for compensation or replacement of missing items shall be initiated via the inmate grievance process by the inmate whose property is missing.

(b) If the grievance is approved, the assistant warden or other designee of the warden, shall conduct an investigation of the loss. The investigation shall be completed and forwarded within 30 ~~thirty~~ (30) days.

(c) through (15) No change.

(16) Religious Property.

(a) Definitions.

1. Religious property – property adhering to the tenets of a particular religion, including items for wearing or carrying at all times, items for individual worship in the inmate's cell or individual sleeping area in open dormitory style housing, and items for storage and supervised use at the institutional chapel.

2. Koofi – short, brimless cap worn by male followers of Islam.

3. Prayer rope – short, knotted rope used for individual worship by followers of the Greek Orthodox faith.

4. Prayer rug – small rug on which followers of Islam conduct individual worship.

5. Prayer shawl – shawl with tassels or twisted threads on each corner worn by followers of Judaism for Morning Prayer and on holy days.

6. Rakusu – small, bib-like garment worn about the neck by followers of Buddhism.

7. Runes – small tiles, each inscribed with a runic letter, used for individual worship by followers of Odinism or Asatruism.

8. Scapular – two small squares, sometimes bearing religious images or texts, connected by string and worn about the shoulders of followers of Catholicism.

9. Tarot cards – deck of 78 cards depicting spiritual entities used for individual worship.

10. Tefillin – two small leather boxes, each containing a black leather strap inscribed with religious text. The tefillin are wrapped around the body by followers of Judaism as a form of individual worship.

11. Tzitzit – four-cornered garment with tassels or twisted threads on each corner worn by followers of Judaism. When the tzitzit is worn underneath the clothing, the tassels are to hang below the outer garment.

12. Yarmulke (or Kippah) – small, round cap worn by male followers of Judaism and the Assembly of Yashua.

13. Zafu – a meditation cushion used by followers of Buddhism.

(b) Unless otherwise prohibited by Department rule, inmates ~~inmates~~ shall be permitted to possess, for personal use, ~~the following religious items or material:~~

1. ~~religious~~ Religious publications as defined in Rule 33-503.001, F.A.C., ~~for personal use~~ that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

(c) Unless otherwise prohibited by Department rule or by paragraph (e) of this subsection, inmates shall be permitted to possess the following items adhering to the tenets of a particular religion for wearing or carrying at all times or for use during individual worship in their assigned cell or individual sleeping area if assigned to open dormitory housing. Such religious items must be documented on Form DC6-224, Inmate Personal Property List. When an inmate makes a change in religious preference, the inmate must dispose of all of the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal may be by mailing at the inmate's expense or by waste disposal and must be done before the inmate shall be permitted to possess items adhering to the new religious preference. An inmate shall be allowed to maintain the following religious items in his individual housing unit unless specific and definable security concerns require storage and usage elsewhere. An inmate shall not be transported to the chapel for the purpose of using an item for individual worship if the inmate possesses the item in his housing area; however, if an inmate does not possess a necessary item for individual worship in his housing area and the item is available at the institutional chapel, the inmate shall not be prohibited from being transported to the chapel for the purpose of using the item for individual worship.

1.2. Religious items ~~Items~~ adhering to the tenets of a particular religion for wearing or carrying at all times ~~or use~~ during individual worship. Items may include:

a. Jewish – black yarmulke, white tzitzit worn underneath the clothing with the fringes permitted to hang below the bottom of the shirt;

b. Catholic – devotional scapular worn underneath the clothing rosary beads;

c. Muslim – white prayer rug; koofi for men, white or blue headscarves for women with a possession limit of four scarves;

d. Native American – medicine bag, headband, feather and;

e. Assembly of Yashua – black yarmulke; ~~Asatru or~~ Odinism – runes and accompanying cloth bag.

f. Rastafarian – white or blue headscarves for women with a possession limit of four scarves;

g. One set of prayer beads, such as Rosary, Dhikr, Orisha, Mala, or Japa-Mala beads;

~~h.3. One religious symbol or medallion. Religious symbols such as a cross, Star of David, or talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter, and Religious symbols and items worn about the neck shall be worn under the shirt on a jewelry-type chain. Religious symbols that are designed to be affixed to clothing with a pin are not permitted.~~

2. Religious items for individual worship in an inmate's assigned cell or individual sleeping area:

a. Jewish – Prayer shawl (white or white with colored trim) no larger than 72" x 72", one set of tefillin;

b. Muslim – prayer rug no larger than 30" x 42";

c. Asatru or Odinism – runes and accompanying cloth bag;

d. Greek Orthodox – prayer rope;

e. Buddhist – Black or brown Rakusu;

f. No more than two pictures or images depicting gods, saints, or other religious or spiritual entities. Such pictures or images may be no larger than 8.5 x 11 inches.

~~(d)(b) Religious items to be stored and used in the chapel. The inmates shall not be permitted to possess the following religious items or materials which adhere to the tenets of a particular religion for individual worship or group worship which pose a general security risk when allowed in an inmate's cell or sleeping area if assigned to an open dormitory housing unit ~~form~~. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain or an approved volunteer, and these items shall be stored in the chapel:-~~

1. Tarot cards Jewish – prayer shawl, tefillin;
2. Wiccan – stones or crystals tarot cards; and
3. Buddhist – meditation cushion or Zafu.

(e) Limitations on Use of Religious Property.

1. Inmates in a transitional care unit, an isolation cell, observation cell, isolation management room, crisis stabilization unit, on self-harm observation status, or housed at Corrections Mental Health Institution (CMHI) are not permitted to store or use religious property, other than religious publications as provided in paragraph (a) of this subsection, without review and approval by the inmate's Multidisciplinary Services Team.

2. Inmates on close management or maximum management status and inmates in disciplinary or administrative confinement shall be permitted to possess items for wearing or carrying at all times and items for individual worship unless the warden or designee finds that the inmate's possession of the item poses a specific and definable safety or security threat. In determining whether an item presents a specific and definable threat, the following shall be considered:

a. The physical characteristics of the item and the particular dangers to security, inmate and staff safety, and institutional order that the item presents;

b. Limitations on possession or access, if any, that may be dictated by the characteristics of the inmate's custody classification or management status.

~~(e) Inmates shall not be permitted to possess religious items or materials intended for use in group worship. These group worship items shall not be stored at the institution, but may be brought in by volunteers for the religious observance. Group worship items include:-~~

1. Alcoholic beverages or wine;
2. Wiccan – stones or crystals.

~~(f)(d) Religious property and other religious items shall be acquired through an authorized vendor, canteen purchase, or bona fide religious organization, or donor.~~

~~(g)(e) The chaplain at the institution shall serve as advisor to staff and inmates in the area of religious property listed in paragraphs (c) and (d) of this subsection at the institution. Should issues arise concerning the appropriateness of any particular religious item that is alleged to be permitted by this subsection, the institutional chaplain will evaluate the item in conjunction with security staff to determine whether the item is permissible. The agency Chaplaincy Services Administrator chaplaincy services administrator shall provide advice and guidance to the Department department regarding approved religious items, religions and religious items not listed in this rule, religions and other Department department religious issues.~~

~~(h)(f) Inmate requests for religious property not listed in this rule shall be reviewed by the agency Chaplaincy Services Administrator chaplain to determine whether the item is required by the inmate's particular religion. If the Chaplaincy Services Administrator determines that the item is required by the inmate's religion, the agency security bureau chief shall conduct a review and security personnel to determine whether the item presents a specific and definable threat to security and order. In determining whether an item presents a threat to security and order the following shall be considered:~~

1. The physical characteristics of the item requested and the particular dangers to security, inmate and staff safety, and institutional order that the item presents;

2. Limitations on possession or access, if any, that may be dictated by the characteristics of a particular inmate's custody classification or management status.

(17) No change.

Rulemaking 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, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08,\_\_\_\_\_.



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 property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in department canteens, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order. All canteen items are transferable between institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST				
CLOTHING				
Quantity	Unit	Value	Articles	
1	each		Athletic Bra (canteen – female only)	
1	each		Belt (state issue)	
4	each		Bras (state issue or canteen – female only)	
1	each		Coat (state issue)	
3	each		Dresses (state issue – female only)	
1	pair		Gloves, work (state issue)	
4	each		Handkerchief, cotton, white only (canteen)	
1	each		Hats (state issue)	
2	pair		Pajamas – long (state issue or canteen)	
			Light blue or white – female only	
			Light blue – male	
7	each		Panties (state issue or canteen – female only)	
3	each		Pants (state issue)	
1	each		Raincoat or Poncho – clear (state issue or canteen)	
1	each		Robe (state issue – female only)	
3	each		Shirt, outer (state issue)	
4	each		Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.	
1	pair		Shoes, Athletic (canteen)	
1	pair		Shoes, Work (state issue)	
2	each		Shorts, athletic (navy blue) (canteen)	
1	each		Shower cap, clear only (female only) (canteen)	
1	pair		Shower slides (canteen)	
3	each		Slips (state issue – female only)	
6	pair		Socks (state issue or canteen)	
1	each		Supporter, athletic (male only) (canteen)	
2	each		Sweatshirts (gray only) (canteen order)	
4	each		Undershorts (male only) (state issue or canteen)	
2	each		Underwear, thermal (state issue or canteen)	
PERSONAL ARTICLES				
Quantity	Unit	Value	Articles	
Number in use			Batteries (canteen)	
25	each		Roller clips – plastic only (females only), (canteen)	
*			Books (legal, educational, religious, fiction) – *	
			Quantity as specified by Rule 33-501.401, F.A.C.	
1	package		Breath tablets (canteen)	
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.	
*			Canteen purchases – * limited by approved storage space;	

	1	set	Checkers (light wood or plastic, standard checkers only) (canteen order)
	1	set	Chess (light wood or plastic, 2 inches max. height) (canteen order)
	1	each	Coffee mug – plastic (canteen)
	1	each	Comb-pocket type, no handles (non-metal) (state issue or canteen)
	*		Correspondence – * limited by storage space limitations
	1	pack	Cotton swabs (plastic or paper stems only) (canteen)
	2	each	Crème rinse and conditioner (canteen)
	1	each	Cup, drinking – plastic (canteen)
	1	package	Dental floss, (floss loops only), unwaxed (canteen)
	1	each	Denture adhesive (state issue or canteen)
	1	each	Denture cup (canteen order)
	2	each	Deodorant and antiperspirant (no aerosols) (canteen)
	1	set	Domino (light wood or plastic, standard size) (canteen order)
	1	pair	Earphone pads (replacement) (canteen order)
	1	pair	Ear rings, post type (female only) (canteen order)
	*		Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
	1	pack	Emery board – cardboard (canteen)
	15 + 5	pack each each	Envelopes – legal (#10 size) and oversized (canteen) Envelopes – oversized (10" x 13") (canteen)
	*		Envelopes, self-addressed stamped – * the total in the inmate's possession shall not exceed the limit of 1 pack.
	2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; "personal" means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
	1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
	1	box	Feminine hygiene products (internal and external) (female only) (state issue or canteen)

	*		File folders (*limited by storage space)
	1	each	Hairbrush – nonmetal, handles for females only (canteen)
	2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
	1	each	Hair net (female only) (canteen)
	25	each	Hair rollers (female only) (canteen)
	2	each	Handballs or racketballs (canteen)
	1	each	Headphones for use with radio (canteen)
	1	each	Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
	2	each	Hearing aid (state issue or personal)
	*		Hobby craft – at locations where program exists and subject to storage space limitations
	1	each	Insect repellent (canteen)
	1	each	Jigsaw puzzle (canteen order)
	1	each	Laundry bag (state issue or canteen)
	1	each	Lighter, disposable (approved type) (canteen)
	1	each	Lip balm (canteen)
	1	each	Locks, combination (V68 series) (canteen)
	1	each	Make-up bag, clear only (female only) (canteen)
	1	each	Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
	1	each	Moisturizer – no mineral oils, no vaseline (canteen)
	1	each	Mouthwash (canteen)
	1	each	Nail clippers, not to exceed 2 1/2" (canteen)
	2	pack	Notebook paper (canteen)
	4	each	Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)
	*		Periodicals – *as specified by Rule 33-501.401, F.A.C., and storage space limitations
	1	each	Photo album, non-metal (canteen)
	50	each	Photographs (personal)
	2	decks	Playing cards (standard) (canteen)
	5	each	Pony tail holder (fabric) or hair claws (plastic) (female only)
	1	each	P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
	*		Prosthesis – * as approved by health services
	1	each	50.00 Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (canteen)
	1	each	Razor, disposable (state issue)
	1	each	50.00 Razor, battery operated, non-rechargeable (canteen)

	*			order) Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
	1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
	1	each	100.00	Ring, engagement (personal, female only)
	1	each	100.00	Ring, wedding (personal)
	1	each		Roller cap, clear only (female only) (canteen)
	1	set		Scrabble (canteen order)
	2	each		Shampoo (canteen)
	1	each		Shaving cream (canteen)
	1	each		Shaving powder (canteen)
	1	pair		Shoe laces (canteen)
	1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
	2	each		Soap, bath (state issue or canteen)
	1	each		Soap dish (canteen)
	1	each		Soap, laundry (female only) (canteen)
	*			Special needs – *special devices as approved for compliance with medical needs
	1	each		Spoon, plastic (canteen)
	40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
	1	each		Sunglasses, no mirror type (canteen)
	1	each		Sunscreen lotion (canteen)
	1	each		Talcum powder (canteen)
	1	each		Toothbrush (state issue or canteen)
	1	each		Toothbrush holder (canteen)
	2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
	2	each		Towels (state issue)
	1	each		Wallet (canteen)
	1	each	50.00	Watch (personal or canteen)
	1	each		Watch band (nylon and Velcro only) (canteen)
	2	each		Washcloths (state issue or canteen)

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:                   RULE TITLES:  
 33-602.220                   Administrative Confinement  
 33-602.221                   Protective Management  
 33-602.222                   Disciplinary Confinement

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to specify that an inmate in administrative confinement may possess religious items pursuant to Rule 33-602.201, F.A.C., to clarify visiting procedures for inmates in Administrative Confinement, to clarify the visiting procedure for inmates in Protective Management, and to specify that an inmate in Disciplinary Confinement may possess religious items pursuant to Rule 33-602.201, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Security Operations.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) through (4) No change.

(5) Conditions and Privileges.

(a) through (b) No change.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The original will be placed in the inmate’s property file and a copy of the form will be given to the inmate. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates shall be allowed to possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. All property retained by the inmate must fit into the storage area provided.

(d) through (h) No change.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the ~~ICT or~~ warden or designee. The warden or designee shall notify the control room in writing when approval is given in advance of the visitor arriving at the institution. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all of the criteria set forth in subsection (2) of Rule 33-601.735, F.A.C. The warden or his or her designee must approve all visits in advance.

(j) through (q) No change.

(6) through (11) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History–New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09.

33-602.221 Protective Management.

- (1) through (3) No change.
- (4) Conditions and Privileges.
- (a) through (h) No change.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. Visiting shall take place in a separate facility from the general population if a separate facility is available. If a separate facility is not available, the warden or duty warden A visiting time for protective management inmates shall schedule visiting be set aside in the visiting park either before or after visiting hours for general population inmates, during visiting hours if separate facilities for visitation are available, or on different days from the general population. Visiting shall be limited by the warden or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or ~~his or her~~ designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C.

- (j) through (10) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09,\_\_\_\_\_.

33-602.222 Disciplinary Confinement.

- (1) through (3) No change.
- (4) Conditions and Privileges.
- (a) through (b) No change.

(c) Personal Property. Inmates in confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless there is an indication of a security problem. Inmates in disciplinary confinement may also possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. If removal of any item in the inmate’s possession is determined necessary, the correctional staff shall document their actions on the Form DC6-229, Daily Record of Special Housing, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for her or his confiscated items by completing the Inmate Impounded Personal Property List, Form DC6-220. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates in disciplinary confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol.

- (d) through (14) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, 6-25-08, 6-8-09,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-1.659  
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The rulemaking is intended to add reporting forms to the list of District forms that will be used in related rulemaking. Simultaneously with this rulemaking the District is amending Chapter 40D-2, Water Use Permits, F.A.C., to include additional conservation standards and reporting for water use permittees and applicants.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District’s list of forms. The three forms being added to the list are to be used by Public Supply permittees to report information required, or proposed to be required by Chapter 40D-2, Water Use Permits, F.A.C. Two of forms will be used by Public Supply permittees to annually report required water demand and water conservation information to the District. Those two forms are titled “Public Supply Annual Report For General And Individual Permits, Form No. LEG-R.023.00 (07/09)” and “Public Supply Annual Report For General Water Use Permits Less Than 100,000 Gpd, Form No. Leg-R.047.00 (09/09)”. Another form, titled “SWFWMD Annual Reclaimed Water Supplier Report, Form No. LEG-R.026.00 (07/09)” will be used by Public Supply permittees to report the generation and distribution of reclaimed water.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.044, 373.113, 373.149, 373.171, 373.337 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: Annette Zielinski, Sr. Administrative Assistant, 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS****South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-10.041	Water Reservation Areas: Lower West Coast Planning Area
40E-10.051	Water Reservation Areas: Kissimmee Planning Area

**PURPOSE AND EFFECT:** To assure water necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River as part of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon-South Project.

**SUBJECT AREA TO BE ADDRESSED:** Water reservation for the North Fork of the St. Lucie River in volumes, locations and seasons of the year as is necessary for the protection of fish and wildlife. **NOTE:** The draft rule text is available on the District's website at [www.sfwmd.gov](http://www.sfwmd.gov) and click on "Water Reservations" at bottom of page.

**RULEMAKING AUTHORITY:** 373.044, 373.103(1), 373.106, 373.113, 373.171, 373.216, 373.219, 373.223, 373.229, 373.233 FS.

**LAW IMPLEMENTED:** 373.216, 373.219, 373.223, 373.229, 373.233, 373.239, 373.249 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.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6544, email: [sburns@sfwmd.gov](mailto:sburns@sfwmd.gov) or Beth Lewis, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6343 or (561)682-6343, email: [belewis@sfwmd.gov](mailto:belewis@sfwmd.gov) or Brenda Mills, Planner-Lead, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6536 or (561)682-6536, email: [bmills@sfwmd.gov](mailto:bmills@sfwmd.gov). For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6299 or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

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

**AGENCY FOR HEALTH CARE ADMINISTRATION****Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-8.002	Definitions
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.0095	Personnel
59A-8.0185	Personnel Policies

**PURPOSE AND EFFECT:** The purpose of this rule development is to prepare the rules required in Section 400.497(5) and (6), F.S., on the oversight of the director of nursing required and the use of an unannounced licensure survey related to a licensure application for a change of ownership; to prepare rules on the submission of the quarterly report required in Section 400.474(6)(f), F.S.; to update the health statement required of personnel; to update the statutory references in the rule and forms referenced in the rule to conform to current statutes, and remove items that are now in statutes.

**SUBJECT AREA TO BE ADDRESSED:** Oversight by the director of nursing, change of ownership license, submission of the quarterly report, and updating the rule to conform to current statutes.

**RULEMAKING AUTHORITY:** 400.497 FS.

**LAW IMPLEMENTED:** 400.497, 400.474(6)(f) FS.

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

**DATE AND TIME:** Thursday, November 12, 2009, 1:00 p.m. – 4:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Anne Menard (850)414-6010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, [HQAHOMEHEALTH@ahca.myflorida.com](mailto:HQAHOMEHEALTH@ahca.myflorida.com) or (850)414-6010

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.:                    RULE TITLE:  
61-19.009                    Fines

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment removes reference to the biennial license fee and adds a minimum and maximum fine amount.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is fines.

RULEMAKING AUTHORITY: 455.225(3), 468.402(3) FS.

LAW IMPLEMENTED: 455.225(3), 468.402, 468.407(2), 468.413(4) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Anthony B. Spivey, Executive Director, Office of Talent Agencies, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony B. Spivey, Executive Director, Office of Talent Agencies, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Pilotage Rate Review Board**

RULE NOS.:                    RULE TITLES:  
61E13-2.001                    Definitions  
61E13-2.004                    Initiation of Rate Change  
61E13-2.005                    Contents of Application by a Pilot  
61E13-2.006                    Contents of Application by Persons Other Than a Pilot  
  
61E13-2.007                    Processing of Application  
61E13-2.009                    Effective Date of Orders

61E13-2.010                    Notice of Intended Agency Action  
61E13-2.011                    Request for Hearing Pursuant to the Administrative Procedure Act  
  
61E13-2.012                    Determination of Disputed Issues of Material Fact; Formal or Informal Hearings

PURPOSE AND EFFECT: The Board intends to review its rules to determine whether any changes to these rules are necessary.

SUBJECT AREA TO BE ADDRESSED: Review of rules to determine whether changes are necessary.

RULEMAKING AUTHORITY: 310.151(1)(c) FS.

LAW IMPLEMENTED: 120.57, 310.151 FS.

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

DATE AND TIME: December 9, 2009, 10:00 a.m.

PLACE: Hutchinson Island Marriott Beach Resort & Marina, 555 N.E. Ocean Boulevard, Stuart, Florida 34996

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Pilot Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:                    RULE TITLE:  
64B3-5.007                    Director; Limitations and Qualifications

PURPOSE AND EFFECT: The Board proposes to review the existing language in the rule to determine whether changes are necessary and to add a certification to serology/immunology.

SUBJECT AREA TO BE ADDRESSED: Director; Limitations and Qualifications.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 381.0034(3), 483.800, 483.809, 483.823(1), 483.824 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-10.005  
 RULE TITLE: Scope of Practice Relative to Specialty of Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the scope of the specialty of histocompatibility.

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-25.001  
 RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: To allow the examination to be offered in Spanish; and to update the application.

SUBJECT AREA TO BE ADDRESSED: Spanish language examination and changes to the application.

RULEMAKING AUTHORITY: 456.013(5) (7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 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 Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-25.004  
 RULE TITLE: Endorsements

PURPOSE AND EFFECT: To update the application questions.

SUBJECT AREA TO BE ADDRESSED: Applicant history questions.

RULEMAKING AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 456.013(2), 456.0635, 480.041(4)(c) 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 Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-26.002  
 RULE TITLE: Licensure of Massage Establishments

PURPOSE AND EFFECT: To update the application questions.

SUBJECT AREA TO BE ADDRESSED: Applicant history questions.

RULEMAKING AUTHORITY: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 456.0635, 480.043(1), (2), 483.043(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.:                    RULE TITLE:  
64B7-30.004                    Citations

PURPOSE AND EFFECT: To make the timeframes for compliance with citations consistent.

SUBJECT AREA TO BE ADDRESSED: Timeframes for compliance with citations.

RULEMAKING AUTHORITY: 456.072, 456.077 FS.

LAW IMPLEMENTED: 456.072, 456.077 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 Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.:                    RULE TITLE:  
64B11-4.003                    Standards of Practice; Discipline

PURPOSE AND EFFECT: The purpose of this rule amendment is to bring the rule into compliance with new requirements of Florida law.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice; Discipline.

RULEMAKING AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 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: Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:                    RULE TITLE:  
64B15-13.001                    Continuing Education for Biennial  
Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language including clarifying the definition of prevention of medical errors course.

SUBJECT AREA TO BE ADDRESSED: Continuing education for biennial renewal.

RULEMAKING AUTHORITY: 495.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5), (6), (7), 459.008, 459.008(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:                    RULE TITLE:  
64B15-19.002                    Violations and Penalties

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify violations and penalties.

SUBJECT AREA TO BE ADDRESSED: Violations and penalties.

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 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 Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:                   RULE TITLE:  
64B15-19.007               Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify rule language to clarify citation fines and penalties.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.073, 456.077 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 Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-3.001	Licensure as a Physical Therapist by Examination
64B17-3.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-3.003	Licensure by Endorsement

PURPOSE AND EFFECT: To update the application for licensure, to delete outdated provisions and to make the rule consistent with the statutory requirements; to move the special testing accommodations questions to another part of the application; and to update the licensure application.

SUBJECT AREA TO BE ADDRESSED: Updating the licensure application; moving special testing accommodations questions; and statutory compliance with new licensure restrictions.

RULEMAKING AUTHORITY: 456.017, 486.025, 486.031(3), 486.051, 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-4.001	Licensure as a Physical Therapist Assistant by Examination
64B17-4.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-4.003	Licensure by Endorsement

PURPOSE AND EFFECT: To update the licensure application; to move the special testing accommodations questions to another part of the application; and to update the licensure application.

SUBJECT AREA TO BE ADDRESSED: Statutory compliance with new licensure restrictions; and moving special testing accommodations questions.

RULEMAKING AUTHORITY: 456.017(1)(b), 486.025, 486.102, 486.104, 486.107(1) FS.

LAW IMPLEMENTED: 456.017, 486.102(2), 486.104, 486.107(1) 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: Susan

Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:                 RULE TITLES:  
64B17-7.001               Disciplinary Guidelines  
64B17-7.0027             Procedure for Compliance with  
                                  Board Ordered Laws and Rules  
                                  Exam

PURPOSE AND EFFECT: To review and adjust the current guidelines and to create guidelines for new statutory violations; and to move the special testing accommodations questions to another part of the application.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines; and special testing accommodations questions.

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:                 RULE TITLE:  
64B17-9.001               Continuing Education

PURPOSE AND EFFECT: To move the special testing accommodations questions to another part of the application; and to provide a standard for the amount of credit an individual may apply towards Continuing Education Credit for completion of graduate level courses.

SUBJECT AREA TO BE ADDRESSED: Special testing accommodations questions; and creation of standards for approval of graduate course credit for continuing education.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.:                 RULE TITLE:  
64B18-11.001             Application for Licensure

PURPOSE AND EFFECT: The Board proposes to revise the application for licensure to incorporate new statutory requirements imposed by Section 456.0635, F.S.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure.

RULEMAKING AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.0635, 461.006 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.:                 RULE TITLE:  
64B24-8.002             Disciplinary Action and Guidelines

PURPOSE AND EFFECT: To add penalty guidelines for explicit new violations for which a practitioner may be disciplined.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Action and Guidelines.

RULEMAKING AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 456.079, 467.203 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, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:                   RULE TITLES:  
64E-14.003                   Construction Procedures, Variances  
64E-14.005                   Application and Variance Fees

PURPOSE AND EFFECT: Section 154.06, Florida Statutes, requires the department to adopt by rule a uniform statewide fee schedule for regulatory activities performed through the environmental health program. The purpose of this proposed rule is to adopt a fee schedule to help recover the costs of providing environmental health services in the migrant labor camp program. The effect is that a uniform statewide fee schedule would be created for regulatory activities performed in this program.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will address fees for services provided, such as inspections, re-inspections, plan reviews, and construction site evaluations.

RULEMAKING AUTHORITY: 154.06, 381.006, 381.006(5), 381.0086 FS.

LAW IMPLEMENTED: 154.06, 381.0083, 381.0084, 381.0086 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: Sharon Saulter, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399, (850)245-4277

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

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE NOS.:                   RULE TITLES:  
66B-1.003                   Definitions  
66B-1.008                   Project Eligibility  
66B-1.013                   Acknowledgement

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Ensure consistency with the rule and Chapter 374, F.S.; and clarify the rule provisions for project maintenance, and establish specific provisions for the required acknowledgement sign.

The effect of the rule development is to implement changes in the administration of the District's Assistance Program that will aid the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Project Eligibility, and Acknowledgment.

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

DATE AND TIME: October 27, 2009, 11:00 a.m.

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mark Crosley, (561)627-3386. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone (561)627-3386

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

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

RULE NOS.:                   RULE TITLES:  
66B-2.004                   Policy  
66B-2.008                   Project Eligibility  
66B-2.013                   Acknowledgement

**PURPOSE AND EFFECT:** The purpose of the proposed rule development is to include the following provisions in the program rule: Ensure consistency with the rule and Chapter 374, F.S.; and include a section on Environmental Education Facilities & Programs; clarify the rule provisions for project maintenance and establish specific provisions for the required acknowledgement sign.

The effect of the rule development is to implement changes in the administration of the District's Assistance Programs that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

**SUBJECT AREA TO BE ADDRESSED:** Waterways Assistance Program rule sections: Policy, Project Eligibility and Acknowledgement.

**RULEMAKING AUTHORITY:** 374.976(2) FS.

**LAW IMPLEMENTED:** 374.976(1)-(3) FS.

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

**DATE AND TIME:** October 27, 2009, 11:00 a.m.

**PLACE:** The FIND District Office, 1314 Marcinski Road, Jupiter, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mark Crosley, (561)627-3386. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone (561)627-3386

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

**RULE NO.:** 69B-211.320  
**RULE TITLE:** Curriculum Standards for Special Designation

**PURPOSE AND EFFECT:** Rule 69B-211.320, F.A.C., establishes curriculum standards for designations identified by Section 626.221(2)(k), F.S. as exempting a license applicant from the requirement of an examination. This proposed amendment is to include the designation Certified Adjuster

(CA) from ALL LINES Training to the list of designations for which curriculum standards are established. This conforms the rule to the existing statute.

**SUBJECT AREA TO BE ADDRESSED:** The workshop shall address the inclusion of Certified Adjuster (CA) from ALL LINES Training to the list of credentials for which the curriculum standards are provided.

**RULEMAKING AUTHORITY:** 626.221 FS.

**LAW IMPLEMENTED:** 626.221 FS.

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

**DATE AND TIME:** Monday, November 2, 2009, 9:30 a.m.

**PLACE:** 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Leslie Kitterman, (850)413-5472. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Hannah Tucker, Financial Administrator, (850)413-2813 or Leslie Kitterman, Insurance Administrator, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5472

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

**RULE NO.:** 69J-9.001  
**RULE TITLE:** Database of Information Relating to Sinkholes

**PURPOSE AND EFFECT:** Section 627.7065(2), F.S., requires the Department of Financial Services ("DFS") to consult with the Florida Geological Survey ("FGS") and the Department of Environmental Protection ("DEP") to implement a statewide electronic database of sinkholes and related activity identified in the state. Pursuant to Section 627.7065(3), F.S., the content of the database may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report the receipt of claims involving sinkhole loss and other similar activities. The DFS may require insurers to report present and past data of sinkhole

claims. The database may also include information of damage due to ground settling and other subsidence activity. The DFS consulted with the FGS and the DEP to determine the form and content of the database which is set forth in the proposed rule.  
**SUBJECT AREA TO BE ADDRESSED:** The creation of a complete electronic database of sinkhole activity in the State of Florida.

**RULEMAKING AUTHORITY:** 624.308(1), 627.7065(6) FS.

**LAW IMPLEMENTED:** 627.706, 627.7065 FS.

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

**DATE AND TIME:** November 4, 2009, 2:00 p.m.

**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Greg Thomas at (850)413-5768 or Greg.Thomas@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Greg Thomas, Chief, Bureau of Education, Advocacy & Research, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)413-5768

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE OR ON THE DEPARTMENT'S WEBSITE AT:** <http://www.myfloridacfo.com/LegalServices/RuleHearing/>

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
690-200.004	Qualification to Obtain and Hold a License
690-200.005	Use of the Statutory Deposit
690-200.006	Contractual Liability Insurers
690-200.009	Form Filings
690-200.011	Disapproval of Forms
690-200.013	Rate Filings
690-200.014	Exemption From Financial Examination
690-200.015	Forms Incorporated by Reference
690-200.016	New Car Motor Vehicle Service Agreements Issued on Used Cars

**PURPOSE AND EFFECT:** Incorporates into the existing rules a new category of Motor Vehicle Service Agreement Companies: “Motor Vehicle Manufacturers.”

**SUBJECT AREA TO BE ADDRESSED:** Motor Vehicle Service Agreement Companies.

**RULEMAKING AUTHORITY:** 634.021, 634.031, 634.041, 634.121, 634.1213, 634.1216, 634.061, 634.252 FS.

**LAW IMPLEMENTED:** 634.041(12), 637.137(6) FS.

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

**DATE AND TIME:** November 10, 2009, 9:30 a.m.

**PLACE:** 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Amy Groszos, Office of Insurance Regulation, E-mail Amy.Groszos@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Amy Groszos, Office of Insurance Regulation, E-mail Amy.Groszos@flor.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Corporations**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
1N-5.001	Definitions
1N-5.002	Notary's Electronic Signature

**PURPOSE AND EFFECT:** In 2007 the Legislature initiated electronic notarization in Florida by enacting Chapter 2007-257, Laws of Florida. This was codified as Section 117.021, Florida Statutes. Subsection (5) of this section authorizes the Department of State to adopt rules to insure security, reliability, and uniformity of signatures and seals to be utilized in the electronic notarization process. This rule establishes the manner in which a signature and a seal must be electronically affixed and the assurance level of security needed to insure reliability and uniformity. The law and the rule do not assign any regulatory responsibilities on the