

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-3.001	Purpose
5M-3.002	Definitions
5M-3.003	Approved Best Management Practices
5M-3.004	Notice of Intent to Implement
5M-3.005	Presumption of Compliance
5M-3.006	Land Application of Animal Wastes
5M-3.007	Record Keeping
5M-3.008	Land Use Changes
5M-3.009	Preservation of Authority

PURPOSE AND EFFECT: The purpose of this rulemaking is to allow producers within the Northern Everglades area an opportunity to enroll in approved best management practices.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision will address eligible best management practices and rate thresholds for land applying animal manure on production areas.

RULEMAKING AUTHORITY: 373.4595(3)(c)1.a., (4)(a), (b), 403.067(7)(c)2., 570.07(10), (23) FS.

LAW IMPLEMENTED: 373.4595(3)(c)1.a., (4)(a), (b), 403.067(7)(c)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: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.731	Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify the circumstances under which an inmate or visitor's visiting privileges may be suspended.

SUBJECT AREA TO BE ADDRESSED: Visiting Privileges.
RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 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:

33-601.731 ~~Revocation or~~ Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.

(a) Suspension, including indefinite suspension, of an inmate's visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314, F.A.C.

(b)(2) Indefinite suspension of an inmate's visiting privileges shall be considered by the ~~ICT Institutional Classification Team (ICT)~~ as a management tool only when an inmate is found guilty of the following offenses:

1. Any major rule violation as defined in Rule 33-601.713, F.A.C.

(a) ~~Possessing any firearms, dangerous weapons, explosives or explosive devices;~~

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

2.(e) Possessing or using: a cellular telephone or other portable communication device as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

(c)(3) An inmate shall be subject to suspension of visiting privileges ~~for up to two years~~ by the ICT as a management tool when the inmate is found guilty of the following disciplinary offenses: ~~in paragraphs (a) through (d) below. In determining the length of suspension, the ICT shall consider the extent of the sexual misconduct, the amount and type of drugs, the amount of money, the type of article or instrument, the inmate's prior disciplinary history, and the inmate's prior visiting record.~~

~~1.(a)~~ Committing or engaging in sexual misconduct (i.e., nudity, sexual acts with or without others, willful exposure of private body parts, or soliciting sexual acts from others).

~~2.(b)~~ Possessing or passing money.

~~3.(e)~~ Possessing or using drugs or refusing to submit to substance abuse testing.

~~4.~~ Possessing or using intoxicating beverages.

~~5.~~ Refusing to participate in a mandatory program or being removed from a mandatory program due to negative behavior.

~~6.~~ Possessing a recording device.

~~7.~~ Violation of visiting rules.

~~(d)~~ Possessing any article or instrument that aids in escape or attempted escape.

~~(4)~~ An inmate shall be subject to suspension of visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, by the ICT as a management tool when an inmate is found guilty of possessing any of the following contraband or illegal items:

~~(a)~~ Intoxicating beverages;

~~(b)~~ Recording devices.

~~(5)~~ An inmate shall be subject to suspension of visiting privileges for three months by the ICT as a management tool when an inmate is rated "unsatisfactory" for the work or program performance rating, including part-time assignment or security assessment. Such three-month suspension shall begin with the month the rating was entered and run consecutively for each unsatisfactory rating.

~~(6)~~ Inmates shall be suspended from receiving visits for three months beginning with the next visiting period for refusing to participate or being removed from a mandatory program due to negative behavior.

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

~~(d)~~ The ICT shall suspend the visiting privileges of any inmate subject to a pending investigation for escape, attempted escape, or possession of escape paraphernalia until the investigation is complete. If the inmate is found guilty, the ICT shall consider indefinite suspension of the inmate's visiting privileges pursuant to paragraph (1)(b) of this Rule. If the inmate is not found guilty, the ICT shall immediately reinstate the inmate's visiting privileges.

~~(e)~~ If an inmate is found guilty of an offense listed in subsection (1)(c), the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form NII-102, Visiting Privileges Suspension Matrix. Form NII-102 is hereby incorporated by reference. A copy of any of is available from the Forms Control Administrator, 4070 Esplanade Way, Tallahassee, Florida 32399-2500. If an inmate's visiting privileges are suspended pursuant to this Rule and the inmate

receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(c), the inmate is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of a guilty finding for the same offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

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

~~(2)(9)~~ Suspension of Visitor's Visiting Privileges.

(a) A visitor's visiting privileges shall be indefinitely suspended revoked by the warden or designee when the visitor:

1. through 2. No change.

3. Assists, facilitates, aids or abets an inmate to escape or attempt to escape or is found in possession of or passing or attempting to pass to an inmate any item or instrument that is capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in this instance.

~~a.~~ All visiting privileges of the escapee shall be suspended upon his or her return to department's custody.

~~b.~~ Visiting privileges shall be suspended pending completion of the Inspector General's investigation if an attempted escape is alleged.

4. through 7. No change.

(b) A visitor's visiting Visiting privileges shall be suspended by the warden or designee for up to two years when the visitor:

1. Attempts to pass or passes money to an inmate,;

2. Is intoxicated or has consumed intoxicating beverages or is found in possession of intoxicating beverages on the grounds of any department facility, or is found passing or attempting to pass such items to an inmate,;

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

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

5. Falsifies As a former employee, contract employee, or vendor falsifies information to obtain visiting privileges, including falsification of guardianship documents, unless it is

reasonably determinable that the incorrect information was provided as a result of an inadvertent or good faith mistake, omission, or clerical error.

6. Violates the visitor search provisions of Rule 33-601.726, F.A.C.

(c) If a visitor is found guilty of an offense listed in paragraph (2)(b), the warden or designee shall suspend the visitor's visiting privileges for the period of time specified on Form NI1-102, Visiting Privileges Suspension Matrix. If a visitor's visiting privileges are suspended pursuant to this Rule and the visitor subsequently commits one of the offenses listed in paragraph (2)(b), the visitor is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of the commission of the same offense, the visitor's visiting privileges shall be suspended for the length of time specified on Form NI1-102 for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the visitor's visiting privileges shall be suspended for the length of time specified on Form NI1-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense. ~~Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. — falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(2), F.A.C. — visitor attire, Rule 33-601.726, F.A.C. — visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a) through (h), F.A.C., shall have visiting privileges suspended by the warden or designee supervisor for up to one year.~~

(3)(10) The warden or designee shall have the discretion to impose a length of suspension less than the maximum allowed by rule by considering the type of violation, the impact of the violation on the overall security or safety of the institution, and prior visits without incident.

(4) Temporary suspensions. The Inspector General's Office is authorized to temporarily suspend the visiting privileges of an approved visitor who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, _____.

Editorial Note: Formerly 33-601.707 and 33-601.708, F.A.C.

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that for inmates who have committed certain offenses such as assault or battery against staff, the regional director shall provide written authorization prior to release of such inmates from close management.

SUBJECT AREA TO BE ADDRESSED: Close management.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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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:

33-601.800 Close Management.

(1) through (15) No change.

(16) Review of Close Management.

(a) through (f) No change.

(g) Before an inmate is released from CM, written authorization must be obtained by the SCO from the regional director Secretary, Deputy Secretary, Assistant Secretary of Institutions, or Deputy Assistant Secretary of Institutions, if any of the following apply;

1. through (19) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, 3-9-11, _____.

Editorial Note: Formerly 33-601.801-.813, substantially amended February 1, 2001.