

**Section I**

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

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE CHAPTER TITLE: Public Records Scheduling and Dispositioning  
 RULE CHAPTER NO.: 1B-24

PURPOSE AND EFFECT: The purpose of the rule is to implement Chapter 2000-258, Florida Statutes, (s. 257.36, F.S.) to revise the processes used by custodians and the Division of Library and Information Services to create and revise records retention schedules, and to dispose of records.

SUBJECT AREA TO BE ADDRESSED: Establishing records retention schedules and procedures for disposition.

SPECIFIC AUTHORITY: 257.36 FS.

LAW IMPLEMENTED: 257.36 FS.

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

TIME AND DATE: 10:00 a.m., August 7, 2000  
 PLACE: Room 10, Florida Records Storage Center, 4319 Shelfer Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Berberich, Bureau Chief, Bureau of Archives and Records Management, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)487-2073

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: Small Group Health Insurance Availability  
 RULE NO.: 4-154.530

PURPOSE AND EFFECT: To promulgate rules necessary to implement and clarify HB 591, relating to small group health insurance.

SUBJECT AREA TO BE ADDRESSED: The implementation of HB 591, relating to small group health insurance.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 627.6699 FS.

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

TIME AND DATE: 1:30 p.m., August 15, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rich Robleto, Bureau Chief, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: Annual Rate Filings  
 RULE NO.: 4-170.007

PURPOSE AND EFFECT: The proposed amendment adopts the transmittal form used to transmit forms DI4-586 and DI4-584.

SUBJECT AREA TO BE ADDRESSED: Adoption of the transmittal form used to transmit forms DI4-586 and DI4-584.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS.

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

TIME AND DATE: 9:30 a.m., August 29, 2000  
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Beth Vecchioli, Bureau Chief, Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5310

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 4-170.007 Annual Rate Filings.
- (1) through (7) No change.

(8) Each filing shall include a completed Form DI4-XXX (rev. xx), Annual Rate Filing Form, which is hereby adopted and incorporated by reference, and is available from the address in (4)(h).

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS. History—New 12-25-90, Formerly 4-72.007, Amended 1-27-92, 3-9-93, 9-7-93.

**DEPARTMENT OF INSURANCE**

RULE TITLE: Claim Payments  
 RULE NO.: 4-191.066

PURPOSE AND EFFECT: To take testimony related to rule development on topics included in Chapter 00-252, Laws of Florida (CS/CS/CS/SB 1508) related to provider contracts, claims coding, and claims payment.

SUBJECT AREA TO BE ADDRESSED: Specific testimony is requested on: issues related to clean claims not addressed in the statutory definition; identification of current federal activities related to claims payment; and identification of other claims payment, claims coding, and provider contracting issues requiring rulemaking.

SPECIFIC AUTHORITY: 641.36 FS.

LAW IMPLEMENTED: 641.31(12), 641.3155, 641.3903(5)(a), 641.3903(5)(c)3.,5.,6. FS.

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

TIME AND DATE: 9:00 a.m., August 16, 2000  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Bracher, Bureau Chief, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-2550

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting James Bracher at (850)413-2550.

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

**DEPARTMENT OF INSURANCE**

RULE TITLE: Forms Incorporated by Referece  
 RULE NO.: 4-193.065

PURPOSE AND EFFECT: This rule is being amended to adopt and incorporate forms by reference.

SUBJECT AREA TO BE ADDRESSED: This rule is being amended to adopt and incorporate forms by reference.

SPECIFIC AUTHORITY: 624.308(1), 651.013, 651.015(1)(3) FS.

LAW IMPLEMENTED: 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS.

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

TIME AND DATE: 9:00 a.m., August 24, 2000  
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Raleigh Close, Sr. Management Analyst, Insurance Consumer Service, Department of Insurance, Phone (850)413-5816

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)922-3110, Ext. 4214.

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

**DEPARTMENT OF REVENUE**

RULE TITLE: Qualifications  
 RULE NO.: 12-9.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12-9.003, F.A.C., is to incorporate changes to the Certified Florida Appraisers/Certified Florida Evaluators and Certified Florida Collectors/Certified Florida Collector Assistants certification course curriculum recommended by the Admissions and Certifications Committees for these certification programs.

SUBJECT AREA TO BE ADDRESSED: Course curriculum changes to tax collector and property appraiser certification programs.

SPECIFIC AUTHORITY: 195.002(2), 213.06(1) FS.

LAW IMPLEMENTED: 145.10, 145.11, 195.002, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 2000  
 PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-9.003 Qualifications.

(1) In order to qualify for any of the professional designations, an applicant must have at least 2 years experience in a Florida property appraiser's office, a Florida tax collector's office, or with the Department. Provided, however, to qualify for the special qualification salary, elected officials must meet all certification requirements set forth in these rules within 4 years after taking office.

(2) Applicants must attend a minimum of 120 hours of approved courses and pass properly monitored written examinations. The 120 hours need not be continuous, but may be divided into 15 to 30 hour courses ~~four 30-hour per week courses including up to 4 hours each week for examinations.~~

(3) The tax collector's qualifying curriculum ~~course~~ must include course work ~~four courses~~ as follows:

(a) Duties and Responsibilities of Florida Tax Collectors; and

~~(b) Collection and Distribution of Ad Valorem Taxes in Florida; and~~

~~(b)(c) Approved elective courses totaling 90 hours with properly monitored examinations~~ Two elective approved courses other than the two listed above.

(4) The property appraiser's qualifying courses, as approved under Rule 12-9.001(11), must include four courses as follows:

(a) Fundamentals of Real Property Appraisal (International Association of Assessing Officers – Course 101, or an approved course substitute);

(b) Income Approach to Valuation (International Association of Assessing Officers – Course 102), or an approved course substitute; and

(c) Two other approved ~~30-hour~~ elective courses to make up the remaining hours under subsection (2).

(5) No change.

Specific Authority 195.002(2), 213.06(1) FS. Law Implemented 145.10, 145.11, 195.002, 213.05 FS. History—New 4-2-81, Formerly 12-9.03, Amended 4-11-89, 12-19-89, 12-30-97, \_\_\_\_\_.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: RULE NOS.:

Conveyances Subject to Tax 12B-4.013

Conveyances Not Subject to Tax 12B-4.014

PURPOSE AND EFFECT: Subsection (31) of Rule 12B-4.013, and subsection (8) of Rule 12B-4.014, FAC., are being removed from the Florida Administrative Code due to 2000 legislation that eliminated the imposition of documentary stamp tax on transfers of real property resulting from a merger. It is the Department's intent to add these two proposed rule amendments to the proposed Documentary Stamp Tax rule package that was the subject of a Rule Development Workshop held on February 22, 2000, and to publish a combined Notice of Proposed Rulemaking at the appropriate time.

SUBJECT AREA TO BE ADDRESSED: These rule provisions being proposed for removal from the Florida Administrative Code concern the taxation of conveyances resulting from mergers.

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02, 201.08, 201.09, 201.10, 201.11, 201.21, 201.22, 201.23, 201.24, 517.32 FS.

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

TIME AND DATE: 10:00 a.m., August 14, 2000

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

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Mary Herring at (850)922-4704. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Joy Eldred, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4844

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-4.013 Conveyances Subject to Tax.

(1) through (30) No change.

~~(31) Statutory Merger: The transfer of real property to a surviving corporation, partnership, limited liability company or other business entity resulting from the operation of an applicable statute governing the merger or consolidation of such business entities is not taxable unless a deed is given, in~~

~~which ease the consideration is presumed to be equal to the fair market value of the real property interest being transferred.~~  
~~Cross Reference — Rules 12B-4.013(7) and 12B-4.014(8); F.A.C.~~

~~(31)(32)~~ No change.

~~Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History—Revised 8-18-73, Formerly 12A-4.13, Amended 12-11-74, 2-21-77, 5-23-77, 12-26-77, 7-3-79, 9-16-79, 11-29-79, 3-27-80, 12-23-80, 12-30-82, Formerly 12B-4.13, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97, 7-28-98,\_\_\_\_\_.~~

12B-4.014 Conveyances Not Subject to Tax.

(1) through (7) No change.

~~(8) Statutory Merger: The transfer of real property to a surviving corporation, partnership, limited liability company or other business entity resulting from the operation of an applicable statute governing the merger or consolidation of such business entities is not taxable unless a deed is given, in which case the consideration is presumed to be equal to the fair market value of the real property interest being transferred.~~

~~Cross Reference — Rules 12B-4.013(7) and 12B-4.013(31); F.A.C.~~

(9) through (16) renumbered (8) through (15) No change.

~~Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History—Revised 8-18-73, Formerly 12A-4.13, Amended 2-21-77, 12-26-77, 12-23-80, Formerly 12B-4.14, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97,\_\_\_\_\_.~~

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE TITLES:	RULE NOS.:
Documents, Extensions, and Due Dates for Filing	12C-3.0015
Calculation of Tax upon Resident Decedent Estates	12C-3.0035
Calculation of Tax upon Nonresident Decedent Estates	12C-3.0045
Calculation of Tax upon Nonresident Alien Decedent Estates	2C-3.0055
Forms	12C-3.008
Releases	12C-3.012
Protest Procedures	12C-3.013

**PURPOSE AND EFFECT:** A) The additional proposed amendments to Rule 12C-3.0015, FAC., clarify which rule provisions apply to decedents dying before January 1, 2000, and which provisions apply to those dying on or after January 1, 2000; specify the appropriate form(s) to be filed; discuss filing requirements which must be met within 9 months of the decedent’s death; explain that the personal representative must submit a copy of the federal closing letter in certain cases; clarify when the Department will issue a Nontaxable Certificate and Receipt for Estate Tax Form; and further

explain the instances which cause the assessment of penalties and/or the accrual of interest. B) The additional changes to Rule 12C-3.0035, FAC., clarify how to calculate the proper tax on the Estate Tax return; and revise the discussion concerning how an Estate Tax refund received from another state should be handled for Florida Estate Tax purposes. C) The additional proposed amendments to Rule 12C-3.0045, FAC., contain technical clarification regarding how to calculate the tax on nonresident decedents’ estates. D) The additional suggested revisions to Rule 12C-3.0055, FAC., contain similar technical clarifications for calculating the tax on nonresident alien decedents’ estates. E) The additional proposed amendments to Rule 12C-3.008, FAC., change the name of the agency’s form DR-308. F) The additional changes to Rule 12C-3.012, FAC., conform several references to form DR-308 to the name change contained in Rule 12C-3.008, FAC. G) The additional proposed revisions to Rule 12C-3.013, FAC., provide that the procedures for protesting Estate Tax billings will be governed by Rule 12-6.0033, FAC., and eliminate the less formal protest procedures currently contained in Rule 12C-3.013, FAC.

**SUBJECT AREA TO BE ADDRESSED:** These proposed rule amendments address the procedures taxpayer’s must follow to calculate and remit the Estate Tax imposed by Chapter 198, F.S.

**SPECIFIC AUTHORITY:** 72.011, 198.08, 213.06(1), 213.21 FS.

**LAW IMPLEMENTED:** 72.011, 198.02, 198.03, 198.04, 198.05, 198.08 198.12, 198.13, 198.14, 198.15, 198.22, 198.32, 213.21 FS.

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

**TIME AND DATE:** 10:00 a.m., August 14, 2000  
**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Pam Brown at (850)922-4698. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS:** Maryellen Clemens, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4712

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-3.0015 Documents, Extensions, and Due Dates for Filing.

(1) Preliminary Notice and Report. For estates of decedents dying before January 1, 2000, within ~~Within~~ 2 months after the decedent's death or within a like period after qualifying as such, the personal representative shall submit to the Department of Revenue Form DR-301, Preliminary Notice and Report, to determine whether or not the estate is subject to tax.

(2)(a) Estate Not Subject to Tax.

1. For decedents dying prior to January 1, 2000:

If the estate is not required to file the federal estate tax Form 706 subject to federal estate tax, upon receipt of the Form DR-301 and \$5 fee, a nontaxable certificate will be issued to the estate's representative. This nontaxable certificate, (Form DR-302) may be when recorded in the county where the decedent owned property is located, will help show clear title to assets to be transferred from the decedent's estate.

2. For decedents dying on or after January 1, 2000:

The Department will no longer issue a Nontaxable Certificate and Receipt for Estate Tax (Form DR-302) in this instance. For decedents dying on or after January 1, 2000, if the estate is not required to file federal estate tax Form 706 or Florida estate tax Form F-706, the personal representative may file an Affidavit of No Florida Estate Tax Due (Form DR-312) with the Clerk of Court in each county where the decedent owned property. The affidavit will attest that no federal estate tax return (Form 706) is required to be filed for the estate and no Florida estate tax is due pursuant to Chapter 198, F.S. The certificate (Form DR-302) or affidavit (Form DR-312), when recorded in the county where the decedent's property is located, will remove the Department's lien. The certificate or affidavit is admissible as evidence to show nonliability for tax.

(3) Estate Possibly Subject to Tax.

(a) For decedents dying prior to January 1, 2000:

In addition to the Form DR-301, report, within nine months after the decedent's death, the personal representative (as defined in Section 198.01(2), F.S.) of every estate of a Florida resident, nonresident, or alien decedent whose estate includes Florida property and is required to file is subject to filing under the federal Federal Internal Revenue Code shall file a an executed copy of the executed federal estate tax return Federal Estate Tax Return (federal Federal Form 706 or federal Federal Form 706-NA 706NA), together with any payment of the Florida estate tax due with the Department of Revenue within nine months from the date of death. The copy of the executed Federal Estate Tax Return serves as the Florida estate tax return. If the Department of Revenue determines that the estate owes no tax to Florida, upon payment of a \$5 fee and receipt of a copy of the federal closing letter, the Department will issue to

the personal representative a Nontaxable Certificate and Receipt for Estate Tax (Form DR-302). This certificate has the same effect as a receipt. It may be recorded in the county or counties in which the decedent owned property. The certificate is admissible as evidence that the estate owes no Florida estate tax.

(b) For decedents dying on or after January 1, 2000:

The personal representative of an estate owning Florida property must file the Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (Form F-706), and a copy of the executed federal estate tax return (Form 706 or Form 706-NA), together with any payment of Florida estate tax estimated to be due. Upon receipt of a copy of the federal closing letter and payment of any Florida estate tax due, the Department will issue a Final Certificate for Estate Tax (Form DR-304). This certificate may be recorded as evidence that no additional Florida Estate Tax is due. If no tax is due, upon payment of a \$5 fee and receipt of a copy of the federal closing letter, the Department will issue a Nontaxable Certificate and Receipt for Estate Tax (Form DR-302).

(4) Domicile Affidavit – If the estate is filing as a Florida nonresident or nonresident alien, the personal representative must file the Estate Tax Domicile Affidavit, (Form DR-310), with the copies copy of the executed Florida Form F-706 and executed federal Federal Form 706.

(5) Extensions.

(a) If an extension of time is required for filing the copy of the federal Federal Form 706 return or paying the Florida estate tax, or both, the personal representative must file a copy of the federal extension request with the Department within 30 days after filing such request with the federal taxing authorities. If the federal Federal Internal Revenue Service grants the extension, the personal representative must file a copy of the approved federal extension with the Florida Department of Revenue within 30 days of receiving the approved federal extension. The Department will grant the same extension to pay or file with Florida as granted by the federal Federal Internal Revenue Service.

(b) An extension of time to file the copy of the federal Federal Form 706 return does not extend the time to pay the Florida estate tax. Interest and interest will accrue on any tax due and not paid by the original from the due date (as specified in Rule 12C-3.001(3), F.A.C.) will accrue from the original due date to the date until the tax is paid. Penalties will be assessed, and if any extension of time to pay is granted on the federal extension form, only interest will be assessed until the date the tax is paid.

(6) No change.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.02, 198.03, 198.04, 198.05, 198.12, 198.13, 198.14, 198.15, 198.32 FS. History--New 12-13-94, Amended \_\_\_\_\_.

12C-3.0035 Calculation of Tax upon Resident Decedent Estates.

(1) Calculation of tax:

(a) Gross estate. The gross estate includes interests in property owned outside the United States.

(b) Credit for state death taxes. The credit for state death taxes as shown on the federal return is the beginning point for determination of the tax due Florida: on Form F-706, Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens. The credit shown in Part I of this return This entire credit is the amount of tax due Florida if the decedent was a Florida resident and the situs of all property in the estate was located in Florida. In the case of a resident decedent owning property with a situs in other states, a reduction against the Florida tax is allowed in Part I of the Florida return for the estate taxes properly paid to the other states after all refunds of state taxes are adjusted against the other state taxes paid. The gross estate includes interests in property owned outside the United States.

(2) No change.

(3) Subsequent State Tax Refunds. If, after filing an executed copy of the federal estate tax return (Federal Form 706) with the Department of Revenue, any amount of estate or inheritance tax is subsequently refunded by another state either prior to or after the closing letter is received from the IRS (or the Final Certificate, (Form DR-304) is issued to the estate, the personal representative is required to notify the Florida Department of Revenue of the corrected amount of estate or inheritance tax paid to the other state and remit the amount of the refund to Florida, plus interest on the refunded amount from the original due date of the return until the tax is paid to Florida. If, after filing the Florida Estate Tax Return (Form F-706) and/or a copy of the federal estate tax return (Form 706), a refund of estate or inheritance tax is received from another state, this refund is owed to Florida because this amount was claimed as a reduction of the amount due Florida. If the refund is received either:

(a) prior to or after the federal closing letter is received, or

(b) prior to or after the Florida Final Certificate (Form DR-304) is issued by the Department to the estate, the Florida Form F-706 must be amended and the amount of the refund remitted to the State of Florida. If the refund is not remitted timely with the amended Florida Estate Tax Return, interest and/or penalties may be assessed.

(4) No change.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.02 FS. History—New 12-13-94, Amended \_\_\_\_\_.

12C-3.0045 Calculation of Tax upon Nonresident Decedent Estates.

(1) If the decedent was not a resident of Florida (but was a citizen or resident of the United States) and the estate owns property with a situs in Florida and a credit for state death taxes

is taken on the federal return, estate tax will be due the State of Florida if the Florida property, in Part II, Florida Form F-706, as reduced by any related nonrecourse mortgage, has any value remaining after such reduction (but not below zero).

(2) To determine the amount of Florida estate tax due on Florida Form F-706, divide the gross value (net of nonrecourse mortgages) of the Florida assets in Part II property by the gross value (net of nonrecourse mortgages) of the entire estate (as shown on Line 1 of federal estate tax Form 706, taxable by the United States (including property located outside the United States) in Part II and multiply this number by the credit for state death taxes in Part II. The result of these calculations is the amount of estate tax due Florida in Part II, Form F-706:

Florida Estate Tax =

$$\frac{\text{Gross value of Florida property}}{\text{Gross value of entire estate wherever situate}*} \times \text{Federal Credit for State Death Taxes}$$

\*The gross value of the entire estate wherever situate includes all property in which the decedent had *any* interest, including property outside the United States.

(3) No change.

(4) Marital Deduction Property. The gross value of marital deduction property is included in the gross value of Florida property in Part II, if such property has a Florida situs and is included in the gross value of the estate, wherever situate. As part of the gross estate, such property is included in Florida's estate tax formula in Part II of the Florida F-706 Estate Tax Return.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.03, 198.22 FS. History—New 12-13-94, Amended \_\_\_\_\_.

12C-3.0055 Calculation of Tax upon Nonresident Alien Decedent Estates.

(1) The following formula shall be used in calculating the tax upon the estate of an alien decedent who was not a citizen or resident of the United States at the time of death but who owned property in Florida: The gross value of property taxable under Florida estate tax law in Part III of the Florida Estate Tax Return Form F-706, as finally determined by the United States Internal Revenue Service in federal Form 706-NA, multiplied by the credit allowable for state death tax in Part III, under the Federal Revenue Act, divided by the gross value of the estate taxable by the United States in Part III, or:

Florida Estate Tax =

$$\frac{\text{Gross value of Florida property}}{\text{Gross value of all property located in the United States}} \times \text{Federal Credit for State Death Taxes}$$

(2) The entire amount of the federal credit for state death taxes as shown on the executed copy of the federal Federal Form 706-NA 706NA and Part III of Florida Form F-706 is the amount of tax due Florida if all the United States property owned by the nonresident alien decedent was located in Florida. A portion of this credit is due Florida in Part III if other property is owned in other states by the nonresident alien decedent in other states. There is no Florida limitation (other than the amount of the credit for state death taxes) on the total

amount of estate tax due Florida where some property is owned by the nonresident alien decedent in other states of the United States.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.04 FS. History—New 12-13-94, Amended \_\_\_\_\_.

12C-3.008 Forms.

The following public-use forms and instructions are employed by the Department in its dealings with the public and are hereby adopted by reference. These forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department’s automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department’s Internet site stated in the parentheses (http://sun6.dms.state.fl.us/dor/). ~~Copies may be obtained by application to the Department of Revenue, Bureau of Tax Information and Media Services, P. O. Box 7443, Tallahassee, Florida 32399-7443.~~

Form Number	Title	Effective Date
(1) DR-301	Preliminary Notice and Report (r. 07/99 05/93)	08/94
DR-302	Nontaxable Certificate and Receipt for Estate Tax (r. 07/90)	01/93
DR-304	Final Certificate for Estate Tax (r. 05/90)	01/93
DR-305	Certified Copy of Final Certificate (r. 07/90)	01/93
DR-306	Certified Copy of Nontaxable Certificate (r. 08/92)	01/93
DR-307	Preliminary Monthly Report (r. 08/92)	01/93
(2) DR-308	<u>Request and Certificate Application for Waiver and Release of Florida Estate Tax Lien (r. 01/00 09/82)</u>	01/93
DR-309	<del>Certificate of Waiver and Release of Florida Estate Tax Lien (r. 08/92)</del>	01/93
(3) DR-310	<del>Estate Tax Domicile Affidavit (r. 11/96 n. 04/94)</del>	08/94
DR-311	<del>Notice of Proposed Estate Tax Assessment (n. 06/94)</del>	08/94
(4) DR-312	<u>Affidavit of No Florida Estate Tax Due (for decedents dying on or after January 1, 2000) (n. 01/00)</u>	_____
(5) F-706	<u>Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (n. 01/00)</u>	_____

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.08 ~~120.53(1)(b)~~ FS. History—New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, \_\_\_\_\_.

12C-3.012 Releases.

A decedent's estate being probated in this state may request a release of certain property from the estate tax lien. A release will be issued under the following conditions:

(1) Estate of Resident Decedents –

(a) Filing of a Request an Application and Certificate for Waiver and Release of the Florida Estate Tax Lien (Form DR-308), together with:

1. through (b) No change.

(3) Waiver and Release of the Florida Estate Tax Lien.

When a release is requested, if it appears that a tentative tax or additional tax will be due this state on the basis of the information contained in the Request Application and Certificate for Waiver and Release of the Florida Estate Tax Lien (Form DR-308), the tentative tax as determined in subsections (1) or (2) of this rule may be required before the Request and Certificate for Waiver and Release is issued.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.22 FS. History—New 8-25-94, Amended 12-13-94, \_\_\_\_\_.

12C-3.013 Protest Procedures.

The personal representative of an estate shall use the procedures contained in Rule 12-6.0033, F.A.C., to protest any billing issued to the estate by the Department.

~~(1) After receiving a billing notice issued by the Bureau of Returns Processing, the personal representative of the estate shall have 60 calendar days from the issuance of the billing notice to resolve the issue with the Revenue Examiner or Revenue Examiner's Supervisor. The personal representative may either call the Revenue Examiner at the number indicated on the billing notice or write the Chief, Bureau of Returns Processing, Department of Revenue, Building F, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100. If the matter is not resolved at the end of the specified 60 calendar day period, the personal representative of the estate will be given an opportunity to request that a Notice of Proposed Estate Tax Assessment (Form DR-311), incorporated by reference in 12C-3.008, F.A.C., be issued. Alternatively, the personal representative of the estate may request a Notice of Proposed Estate Tax Assessment at any time if they wish to pursue other administrative or judicial remedies.~~

~~(2) Upon receipt of a request for a Notice of Proposed Estate Tax Assessment from the personal representative of the estate, the Department will issue the Notice of Proposed Estate Tax Assessment.~~

~~(3)(a) When a Notice of proposed Estate Tax Assessment is issued, the personal representative may secure further agency review by filing a written protest under the procedures provided for in Rule 12-6.003, F.A.C.~~

~~(b) Failure to timely file such written protest will result in the proposed assessment becoming final agency action pursuant to Rule 12-6.004(2)(a), F.A.C.~~

~~(4) Issues of domicile of the decedent shall be evaluated by the Department at any time, before or after, a decision under this rule is rendered.~~

~~Specific Authority 72.011, ~~420.53(1)~~, 198.08, 213.06(1), 213.21(1)(a) FS. Law Implemented 72.011, 198.08, 213.21 FS. History--New 8-25-94, Amended \_\_\_\_\_.~~

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE: Assessment of Mobile Homes  
RULE NO.: 12D-6.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-6.003, FAC., is to conform the rule to section 320.055, Florida Statutes, which was amended under chapter 99-248, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Mobile home sticker effective dates.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 192.011, 193.075, 213.05, 320.015, 320.08(11), 320.0815 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-6.002 Assessment of Mobile Homes.

(1) through (2) No change.

(3) Under sections 320.055(2) ~~and (3)~~, Florida Statutes, a mobile home sticker is effective considered to be current through the 31st day of December and is authorized to be renewed during the 31 days prior to expiration on December 31. A mobile home renewed during the renewal period is

effective from January 1 through December 31 January of the year following its issuance and therefore shall be considered to be current on January 1, as well.

(4) through (6) No change.

Cross references: Rule 12A-1.007(11), F.A.C.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.001, 192.011, 193.075, 213.05, 320.015, 320.055, 320.08(11), 320.0815 FS. History--New 10-12-76, Formerly 12D-6.02, Amended 2-17-93, 1-11-94, 12-27-94, 12-28-95, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLES: Educational Exemption  
RULE NOS.: 12D-7.015

Exemption of Homes for the Aged 12D-7.017

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.015, F.A.C., is to implement the provisions of Chapter 2000-306, Laws of Florida, providing for an ad valorem property tax exemption for charter school facilities.

Rule 12D-7.017, F.A.C., is proposed for repeal as it is duplicative of the statutes and therefore unnecessary.

SUBJECT AREA TO BE ADDRESSED: 12D-7.015: Charter school facility ad valorem property tax exemption. 12D-7.017: Repeal.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.012, 196.197, 196.1975, 196.198, 196.1983, 213.05, 402.26 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-7.015 Educational Exemption.

(1) through (3) No change.

(4) Facilities, or portions thereof, used to house a charter school which meet the qualifications for exemption are exempt from ad valorem taxation as provided under section 196.1983, Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.198, 196.1983, 213.05, 402.26 FS. History—New 10-12-76, Formerly 12D-7.15, Amended 12-30-97, 12-30-99, \_\_\_\_\_.

12D-7.017 Exemption of Homes for the Aged.

~~Before an exemption may be granted to an applicant as a home for the aged, the following requirements must be satisfied as of January 1 of the tax year for which the request for exemption from ad valorem taxation is sought:~~

~~(1) The home for the aged is serving a “charitable purpose” as defined by section 196.012(7), Florida Statutes;~~

~~(2) The home for the aged is non-profit under the criteria of section 196.195, Florida Statutes. The home for the aged may be a corporation not for profit or a Florida limited partnership, the sole general partner of which is a corporation not for profit;~~

~~(3) The home for the aged is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.~~

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.197, 196.1975, 213.05 FS. History—New 10-12-76, Formerly 12D-7.17, Amended 10-11-77, 12-28-95, 12-30-99, Repealed.

**DEPARTMENT OF REVENUE**

**Divison of Ad Valorem Tax**

RULE TITLE: RULE NO.:

Submission of Computer Tape Material 12D-8.013  
to the Department

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.013, FAC., is to provide for coding in property tax data files/records that will flag data that is exempt from the public records law, Chapter 119, Florida Statutes, in order to ensure confidentiality of such data.

SUBJECT AREA TO BE ADDRESSED: Confidentiality codes in the Standard N.A.L. file.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 195.027, 195.096, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.013 Submission of Computer Tape Materials to the Department.

(1) through (5) No change.

(6) Record Layouts for STANDARD FILES. Property appraisers are not required to keep data in the standard file layouts for day-to-day operations. However, they are required to merge and/or reformat their existing files to the standard file layout as appropriate when submitting computer tape materials to the Department.

(a) The STANDARD N.A.L. File shall be formatted as follows:

1. Record length – 450 characters (fixed length).
2. Block length – 3600 characters (8 records per block).
3. The following is a listing of the STANDARD N.A.L. File and is contained in an example form, Form DR-590 (incorporated by reference in Rule 12D-16.002, F.A.C.).

Name, Address, Legal (N.A.L.) File						
Field	Location		Field			
No.	Field Label	First	Last	Size	Type	Comments
1	Unique					
	Parcel No.	1	28	28	A/N	
	County No.	1	2	2	N	
	Parcel No.	3	28	26	A/N	Show 2 digit county code, local parcel number, and space fill the remaining digits to 28
2	Roll type	29	29	1	A	"R" for real
3	Roll year	30	31	2	N	

4	D.O.R. land use code	32	35	4		All numeric except for notes and header records	13	Square footage	89	97	9	N	Assume no decimal places for square feet
5	Special assessment code	36	36	1	N		14	Improved quality	98	100	3	A/N	
6	Total just value	37	45	9	N		15	Construction class	101	101	1	N	
7	Total assessed value	46	54	9	N	Classified use value, including homestead property, if applicable; otherwise just value	16	Filler	102	102	1	A	Space Fill
8	Total taxable value for operating purposes	55	63	9	N		17	Effective or actual year built of major improvement	103	106	4	N	
9	New construction value or deletion value	64	72	9	N	Signed field; negative value indicates deletion	18	Total living area (or adjusted area) or usable area if non-residential	107	113	7	N	
10	Land value	73	81	9	N	Classified use value of land, if applicable; otherwise just value of land	19	Number of buildings	114	115	2	N	
11	Land units code	82	82	1	N	Use land-unit-of-value code here	20	Market area	116	117	2	A/N	10 To 30 areas
12	Number of land units	83	88	6	N	Assume two decimal places for acreage	MOST RECENT SALE DATA (through field 26)						
							21	Transfer code	118	119	2	N	
							22	Vacant or improved code	120	120	1	A	"V" or "I"
							23	Sale price	121	129	9	N	
							24	Date of sale Year	130	133	4	N	
								Month	134	135	2	N	01 through 12
							25	O.R. Book	136	140	5	A/N	
							26	O.R. Page	141	144	4	A/N	

SECOND MOST RECENT SALE DATA (through field 33)							SOCIAL SECURITY NUMBERS (SSN) OF APPLICANT AND OTHER OWNER (THROUGH FIELD 45)						
27	Filler	145	146	2	A	Space Fill	42	Applicant's Status	356	356	1	A	Applicant's marital status H = Husb. W = Wife O = Other "H", "W", or "O"
28	Transfer code	147	148	2	N								
29	Vacant or improved code	149	149	1	A	"V" or "I"							
30	Sale price	150	158	9	N		43	Applicant's SSN	357	365	9	N	
31	Date of sale Year	159	164	6	N		44	Co-Applicant's Status	366	366	1	A	Co-Applicant's marital status H = Husb. W = Wife O = Other "H", "W", or "O"
	Month	159	162	4	N								
		163	164	2	N	01 through 12							
32	O.R. Book	165	169	5	A/N								
33	O.R. Page	170	173	4	A/N								
34	Stratum No.	174	175	2	N	Always "00"; will be assigned by D.O.R.	45	Co-Applicant's SSN	367	375	9	N	
35	Owner's name	176	205	30	A	Primary owner	46	Personal exemption flags	376	376	1	A/N	Use numeric "0" or "A" thru "Z"
36	Street address line 1	206	235	30	A/N	Mailing address of primary owner	47	Other exemption value	377	383	7	N	
37	Street address line 2	236	265	30	A/N		48	Amount of homestead exemption	384	388	5	N	
38	City	266	295	30	A/N		49	Amount of widow(er) exemption	389	393	5	N	
39	State or country	296	320	25	A/N		50	Amount of disabled exemption	394	400	7	N	
40	U.S. mail zip code	321	325	5	N		51	Amount of renewable energy exemption	401	407	7	N	
41	Short legal description	326	355	30	A/N	1st 30 characters							

52	Group Number/ Confidentiality Code	408	409	2	N	First Character Always "0" Will be assigned by Department of Revenue
						For second character "0" Otherwise any confidential parcels should be indicated with code "1"
	Filler	408	409	2	A	Space fill
53	Neighborhood code	410	417	8	A/N	
54	Public land	418	418	1	A	
55	Taxing authority code	419	422	4	A/N	First two digits indicate municipality
56	Parcel location	423	431	9	A/N	
	Township	423	425	3	A/N	2 numeric, 1 alpha
	Range	426	428	3	A/N	2 numeric, 1 alpha
	Section or Grant No.	429	431	3	N	Right justify
57	Alternate key	432	444	13	A/N	
58	Tax Roll Sequence No.	445	450	6	N	Numbers shall be assigned in the order parcels appear on the assessment roll

(1) Field type legend:

A = Alphabetic  
A/N = Alphanumeric  
N = Numeric

(b) through (c) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 195.096, 213.05 FS. History--New 12-7-76, Amended 7-17-80, 9-30-82, Formerly 12D-8.13, Amended 12-27-94, 12-31-98, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLES:

RULE NOS.:

Destruction of Twenty-Year-Old Tax Receipts

12D-13.010

Sale at Public Auction

12D-13.063

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.010, FAC., is to update the rule to reflect current technologies used for storing and retrieving data.

The purpose of the proposed amendment to Rule 12D-13.063, FAC., is to remove language mandating acceptable methods of payment to the clerk of the circuit court for tax deeds which methods are not statutorily required.

SUBJECT AREA TO BE ADDRESSED: 12D-13.010: Destruction of twenty-year-old tax receipts, record keeping medium. 12D-13.063: Methods of payment to clerks of the circuit court for tax deed sales.

SPECIFIC AUTHORITY: 195.002(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 28.24, 119.041, 119.09, 197.122, 197.202, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

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Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-13.010 Destruction of Twenty-Year-Old Tax Receipts.

The collector may destroy tax receipts as they become 20 years old. He or she may also destroy receipts after they are one year old, provided they are microfilmed or microfiche. For purposes of this rule, microfilm and microfiche includes storage in digital electronic format. Microfilm or microfiche of tax receipts may be destroyed as they ~~it~~ becomes 20 years old. Approval must be obtained from the Department of State, Division of Library and Information Services before destruction of any tax receipts by the tax collector, regardless of age.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 119.041, 119.09, 197.202, 213.05 FS. History—New 6-18-85, Formerly 12D-13.10, Amended 12-13-92,\_\_\_\_\_.

12D-13.063 Sale at Public Auction.

(1) through (6) No change.

(7) It is recommended that ~~Payment to~~ the clerk of the circuit court accept payment ~~shall be~~ by certified check, cash, bank draft, or cashiers check. The clerk of the circuit court shall issue the tax deed immediately upon receipt of full payment. Full payment shall be the highest bid accepted by the clerk of the circuit court plus documentary stamps and recording costs. The deed shall be signed by the clerk of the circuit court, witnessed by two witnesses and the official seal shall be affixed. The tax deed shall be in the form prescribed by the Department of Revenue.

(8) through (9) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 28.24, 197.122, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS. History—New 6-18-85, Formerly 12D-13.63, Amended 5-23-91, 12-13-92,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE: Index to Forms

RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The proposed amendments to Rule 12D-16.002, FAC., implement forms revisions created in Chapters 2000-262, 2000-223, 2000-306, Laws of Florida, and incorporate other technical changes made to forms.

SUBJECT AREA TO BE ADDRESSED: Forms revisions.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Freight Line and Equipment Companies Annual Report (r. <del>12/00</del> <del>1/94</del> )	<del>12/00</del> <del>12/94</del>
(3)(a)	No change.	
(b) DR-403AC	Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. <del>04/00</del> <del>1/97</del> )	<del>12/00</del> <del>12/97</del>
(4)(a) DR-403AM	Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. <del>04/00</del> <del>1/97</del> )	<del>12/00</del> <del>12/97</del>
(b) through (5) (a)	No change.	
(b) DR-403EB	Assessment Roll Exemption Breakdown (r. <del>04/00</del> <del>3/90</del> )	<del>12/00</del> <del>3/90</del>
(6) through (21)(a)	No change.	

(b) DR-474 Notice of Proposed Property Taxes (r. ~~12/00 1/95~~) 12/00 12/94

(c) No change.

(d) DR-474N Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. ~~12/00 06/98~~) 12/00 12/98

(22)(a) DR-482 Application and Return for Agricultural Classification of Lands (r. ~~12/00 12/99~~) 12/00 1/00

(b) through (27) No change.

(28)(a) DR-489AC Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. ~~04/00 1/97~~) 12/00 12/97

(b) DR-489AM Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. ~~04/00 1/97~~) 12/00 12/97

(c) DR-489EB Assessment Roll Exemption Breakdown (r. ~~04/00 3/90~~) 12/00 3/90

(d) No change.

(29)(a) DR-490 Notice of Disapproval of Application for Property Tax Exemption by the County Property Appraiser (r. ~~12/00 12/99~~) 12/00 1/00

(b) No change.

(30) through (34) No change.

(35) DR-500 Renewal Application for Homestead and Related Tax Exemptions (r. ~~12/00 1/93~~) 12/00 1/93

(36) through (37) No change.

(38)(a) DR-501 Original Application for Ad Valorem Tax Exemption (r. ~~12/00 12/99~~) 12/00 01/00

(b) through (c) No change.

(d) DR-501SC Sworn Statement of Adjusted Gross Income of Household and Return (r. ~~12/00 n. 12/99~~) 12/00 01/00

(39) No change.

(40)(a) DR-504 Ad Valorem Tax Exemption Application and Return (r. ~~12/00 12/97~~) 12/00 12/97

(b) through (46)(a) No change.

(b) DR-513 Tax Collector's Certification (r. ~~12/00 3/99~~) 12/00 1/00

(c) through (51)(a) No change.

(b) DR-534 Notice and Application for Alternative Payment of 19\_\_ Property Taxes (r. ~~12/00 12/96~~) 12/00 12/96

(52) through (57) No change.

(58) DR-590 Standard Record Layout for Rule 12D-8 Name, Address and Legal (N.A.L.) File (Required format) (r. ~~12/00 1/95~~) 12/00 12/94

(59) through (61) No change.

(62) DR-594 Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (n. ~~12/00~~) 12/00

(63) DR-599 Electronic Data Interchange Transfer Authorization and Agreement Form (n. ~~12/00~~) 12/00

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1995, ~~196.1983~~, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLES:	RULE NOS.:
Definition and Scope of the Rules	12D-16.010
Communication of Return Information in Electronic Format	12D-16.030
Taxpayer Information and Identity	12D-16.040
Acknowledgment to Taxpayer	12D-16.050
Uniform Format for All Counties	12D-16.060
Procedures for Transfer	12D-16.080
Due Date; General Provisions	12D-16.090
PURPOSE AND EFFECT: Proposed Rules	12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.080, 12D-16.090, FAC., are created to implement the

provisions of section 193.052, Florida Statutes, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.

SUBJECT AREA TO BE ADDRESSED: Electronic data interchange method of filing tangible personal property tax returns.

SPECIFIC AUTHORITY: 193.052, 213.06(1) FS.

LAW IMPLEMENTED: 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 12D-16.010 Definition and Scope of the Rules.

These rules address the electronic data interchange (EDI) of tangible personal property return information. The scope of these rules is to provide for the format and instructions necessary for the return of information to the property appraiser by the taxpayer; to ensure that all property subject to ad valorem tax is properly listed by the taxpayer; to require a uniform format for the electronic transfer of return information used by any county which elects to accept the electronic returns; to require that the format of the electronic return replicates the Form DR-405 Tangible Personal Property Tax Return (incorporated by reference in Rule 12D-16.002, F.A.C.), as it is currently prescribed by the Department; to ensure that adequate safeguards for verification of taxpayers' identities are part of the EDI system; and to provide a standard of data transfer which ensures the confidentiality of information which is proprietary to the taxpayer. For the purposes of this rule chapter, the terms and phrases used in

these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "Acknowledgment" when used in reference to EDI means the verification code or receipt number generated by the EDI system, which may include or be a trace number, which confirms the successful received communication of return information or extension request.

(2) "Call-in period" means the specified time interval in each day during which EDI return information or extension request received by the data collection center will be date stamped as being received. The call-in period must be specified by the property appraiser; if the property appraiser does not specify otherwise on Form DR-599 Electronic Data Interchange Transfer Authorization and Agreement Form (incorporated by reference in Rule 12D-16.002, F.A.C.), the call-in period shall be a default of "24/7", meaning 24 hours each day, seven days a week, with allowance for necessary outages.

(3) "Data collection center" means any computer facility operated by the property appraiser or a third party vendor designated by the property appraiser who, under contract with the property appraiser, collects and processes electronic return information or extension requests from taxpayers.

(4) "Due date" means the latest date on which a return is required to be made by a taxpayer, including any extensions under section 193.062, F.S., unless context of rule indicates otherwise.

(5) "Electronic data interchange" or "EDI" means any transfer of taxpayer records in approved digital format, using suitable encryption technology to maintain confidentiality.

(6) "Electronic return filing" means the electronic transfer of return data or extension request generated by the taxpayer and transmitted to a data collection center.

(7) "Electronic return" or "electronic format" means a digital transfer of all information required by the Form DR-405, Tangible Personal Property Tax Return, as currently prescribed by the Department, or substitute forms of the Form DR-405 which have been approved by the Department.

(8) "Receipt number" means the verification code generated by the EDI system which acknowledges the received communication of return information or extension request.

(9) "Taxpayer security code" means a confidential authorization code, or password, assigned to each taxpayer which uniquely identifies the taxpayer and allows only the taxpayer, the taxpayer's fiduciary or authorized agent of the taxpayer to communicate return information or extension request to the data collection center. Taxpayer security codes assigned are part of the return, are confidential, and shall not be the same as the parcel or account identification number assigned by the property appraiser which are part of the public records.

(10) “Trace number” means the verification code generated by the EDI system which uniquely identifies the received communication of return information or extension request and can be used for later retrieval.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

#### 12D-16.030 Communication of Return Information in Electronic Format.

(1) Except as otherwise provided by this rule, any notice, return of information, application form, or completed application form that is required or permitted under this rule to be exchanged between a property appraiser and the taxpayer or between a property appraiser and an agent or fiduciary designated by the taxpayer may be delivered in an electronic format if the property appraiser and taxpayer agree to the terms specified under this rule.

(2) Taxpayers who participate in an EDI program implemented by the property appraiser shall use one of the following means of communicating return information or extension requests to the property appraiser.

(a) Computer-to-computer communication of information over a direct link to a data collection center maintained by the property appraiser.

(b) Communication of information indirectly through a third party data collection center having the ability to guarantee the confidentiality of taxpayer data and subject to the same confidentiality requirements as the property appraiser.

(3) This rule is not intended to prohibit the use of any direct method of electronic transfer of information which ensures that all tangible personal property required to be identified by the taxpayer is properly listed.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

#### 12D-16.040 Taxpayer Information and Identity.

(1) The property appraiser’s EDI system may be a service provider identified by the property appraiser as the appropriate data collection center must be used by taxpayers who elect to submit electronic returns.

(2) The property appraiser will make available a notice to taxpayers and an Electronic Data Interchange Transfer Authorization and Agreement Form (DR-599, an official form incorporated by reference in Rule 12D-16.002, F.A.C.) to be used to remit electronic returns. When completed and filed, this form shall constitute part of the EDI return.

(3) The taxpayer must complete and sign the Form DR-599 and it must be received by the property appraiser by the date the property appraiser specifies using such form.

(a) The information required to be provided by the taxpayer on this form includes:

1. Business name;
2. Business mailing address;

3. Taxpayer’s Federal Employer Identification Number or Social Security Number, whichever is most appropriate;

4. Contact person (title and telephone number);

5. Name and signature of person authorized to sign returns;

6. Name of any agent or fiduciary who returns property information on behalf of the taxpayer and the capacity under which the agent or fiduciary is acting.

(c) The form must specify the medium of communication to be used by the EDI system; the type of communication covered and the means for protecting the security of any electronically submitted information. The form may address other matters relevant to the method of communication between the property appraiser and the taxpayer. The form, together with EDI filings, shall constitute the return information of the taxpayer and shall be confidential.

(4) The property appraiser shall assign a confidential taxpayer security code directly to the taxpayer to be used by the taxpayer when communicating return information or extension requests to the data collection center. This number shall be provided to the taxpayer upon receipt of the Form DR-599, at the latest.

(5) Use of the EDI return method by a taxpayer will be conditioned upon the taxpayer’s written agreement to provide return information to the data collection center as provided in these rules.

(6) The Form DR-599 will be in effect from year to year except as follows. The taxpayer may revoke the form where the taxpayer desires to discontinue EDI. The property appraiser may reserve the right to revoke the EDI return filing privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly failed to make timely return transfers; or, repeatedly fails to provide required data records with the EDI transfer. Additionally, the property appraiser shall have the right to revoke the EDI privilege for any reason he or she deems sufficient which jeopardize the integrity of the system.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

#### 12D-16.050 Acknowledgment to Taxpayer.

Methods by which the taxpayer will be provided with an acknowledgment may include, but are not limited to:

(1) Acknowledgment may be made at time EDI is received by the property appraiser, such that the property appraiser’s EDI system sends an electronic confirmation number or trace number to the taxpayer after receipt of a successful transmission by the data collection center.

(2) The property appraiser may mail a paper acknowledgment to the taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

12D-16.060 Uniform Format for all Counties.

(1) The acceptable file structure of the return shall be as described in Electronic Data Interchange TPP Return File Structure Form (DR-594, an official form incorporated by reference in Rule 12D-16.002, F.A.C.), which is an electronic facsimile of Form DR-405. The property appraiser may accept data sent in another file structure approved by the department pursuant to s. 195.022, F.S., which may include a file structure specified in a format described in subsection (2) of this rule.

(2)(a) The property appraiser must accept data sent in flat file ASCII delimited format.

(b) The property appraiser may accept data sent in other formats agreed to by the property appraiser including, but not limited to, the transaction set for the return data described in the American Standards Committee x12 Group Transaction Set, Number 813, Electronic Filing of Tax Return Data, Version 4010, or later.

(3)(a) If the taxpayer has timely filed Form DR-599, the taxpayer may request an extension of the April 1 return due date by EDI. Any such request must be made by EDI to the data collection center by the date specified by the property appraiser. The request shall include the following information, in the following file structure, blanks delimited, in a format stated in subsection (2):

<u>Data Element:</u>	<u>Number of Characters</u>
<u>TIP number,</u>	<u>15</u>
<u>Tax ID number,</u>	<u>15</u>
<u>FEI Number,</u>	<u>15</u>
<u>Name,</u>	<u>40</u>
<u>Reason for any extension beyond 30 days,</u>	<u>400</u>

(b) The property appraiser shall provide confirmation on granting any extension from April 1 that exceeds 30 days.

Cross reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.080 Procedures for Transfer.

(1) An acknowledgment will be issued at the conclusion of the successful transfer of EDI return information or extension request for each return or extension request filed. This number provides a means of verifying receipt of the successful transmission and serves as receipt for the delivery of the return or extension request. The property appraiser shall maintain either this number or a trace number as a record of the transfer, for later retrieval.

(2) Electronic transfers which are not received by the property appraiser on or before the due date of the return will constitute late returns and the applicable late filing penalties shall apply.

(3) If a taxpayer does not receive an acknowledgment, the return information or extension request shall not be considered filed.

Cross Reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.090 Due Date: General Provisions.

(1) To be considered timely, taxpayers who remit return information through an EDI system must initiate the transfer so that the information is received on or before the due date of the return as specified under section 193.062, F.S. If the due date on which the taxpayer is required to complete an EDI return falls on a Saturday, Sunday, or official Federal or State holiday, the taxpayer must complete the transfer no later than the following business day in order for the return to be considered timely filed, or alternatively file a standard paper return.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties under section 196.062, F.S. shall apply, except as provided in these rules.

(3) The provisions of Rule 12D-8.005, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return after the due date.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:

Community Release Programs  
 Placement of Inmates into Community  
 Release Programs

RULE NOS.:  
 33-601.602  
 33-601.606

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify applicable definitions, update applicable forms, and establish relevant procedures. The effect is to provide and clarify definitions of terms applicable to community release programs and placement therein; update and provide relevant forms; establish procedures relating to community release and placement therein; and establish criteria for placement in and termination from community release programs.

SUBJECT AREA TO BE ADDRESSED: Community Release Programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

~~(1) Purpose. This rule sets forth guidelines to be utilized in the extension of the limits of confinement, specifically the Community Release Programs.~~

~~(1)(2) Definitions.~~

(a) Community Release – Any program which allows inmates to work at paid employment or participate in education, training, or substance abuse treatment programs in a work release community ~~correctional~~ center, contract community work release facility, or community contract facility, or voluntarily work with a public or nonprofit agency in the community.

(b) ~~Community~~ Work Release – The community release program which allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(c) No change.

(d) Community Volunteer Service – An activity which allows inmates housed at a work release community ~~correctional~~ center or contract facility to voluntarily work with a governmental or nonprofit agency in the community.

(e) No change.

~~(f) Non-Advanceable Release Date – Those sentences in which the earliest release date can not be reduced by the application of discretionary gain time.~~

~~(g) Inmates – For purposes of this rule, the term “inmates” refers to adults and youthful offenders in the department’s custody.~~

~~(h) Center Work Assignment – Inmates assigned to community correctional centers to serve in a support capacity in the areas of maintenance, food service, and transportation and to provide services in the public works under the provisions of rule 33-601.202.~~

~~(i) Approving Authority – The term “approving authority” refers to the Secretary of the Department of Corrections, or his designee, who for the purpose of this rule shall be the select exempt status employee who has oversight responsibility of a community correctional center, or the Bureau Chief for Community Residential Programs.~~

(j) Correctional Officer Major – The chief correctional officer charged with the responsibility of the daily operation of a community correctional center.

~~(f)(k) Net earnings – Gross pay less withholding tax, social security deductions, and any legally required court ordered civil deductions.~~

(l) ~~Extenuating circumstances – Factors identified in a particular case which suggest that, in spite of some indications to the contrary, an inmate has become a viable candidate for the community release program due to his or her overall adjustment.~~

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

~~(3) Policy Statement.~~

~~(a) The department shall allow selected inmates to leave the principal places of their confinement for a prescribed period of time not accompanied by a custodial agent, by authorizing the placement of these inmates in community release programs.~~

~~(b) All rules and policies of the department apply to inmates in community release programs. The approving authority shall have authority to remove inmates from community release programs whenever the approving authority determines that removal is in the best interest of the safety and security of the public, the department, or the inmate.~~

~~(c) The decision as to which inmates shall be allowed to leave the principal places of their confinement shall be based upon criteria listed in (6) of this rule.~~

~~(d) Inmate participation in the community release programs shall be voluntary. Inmates who participate in the community release programs shall at all times be considered in the custody of the department.~~

~~(4) Objectives of Extending the Limits of Confinement. The objectives are to contribute to the total rehabilitation of the inmate by any of the following means:~~

~~(a) Ease the transition from incarceration into the community.~~

~~(b) Place the inmate in employment which may be retained after release.~~

~~(c) Contribute restitution to the victim of the inmate’s crime and pay any court ordered payments.~~

~~(d) Permit the inmate to contribute towards the inmate’s own support and the support of the inmate’s family, thus reducing costs to public agencies.~~

~~(e) Help determine the inmate’s readiness for release.~~

~~(f) Preserve and strengthen family and community ties.~~

~~(g) Permit the inmate to develop or maintain occupational skills.~~

~~(h) Participate in programs that will assist the inmate in becoming a law abiding and productive citizen upon release.~~

~~(5) Community Release Ineligibility Criteria. The following inmates shall be ineligible to participate in community release programs:~~

~~(a) Any inmate convicted of sexual battery pursuant to s. 794.011 F.S.;~~

~~(b) Any inmate convicted of escape pursuant to s. 945.092 F.S.~~

~~(c) Absent extenuating circumstances, the following inmates shall be ineligible to participate in community release programs:~~

1. Inmates who have been terminated from a community release program on their current commitment for a rule violation or disciplinary action. Inmates removed pursuant to 33-601.602(13)(c) shall be ineligible for return to a community release program unless they successfully complete recommended substance abuse programs or are deemed appropriate for return by the substance abuse or mental health counselor prior to successful completion of the program.

2. Inmates who are serving more than their third commitment to prison, including commitments in any other state or federal correctional agency, and who have been given the opportunity to participate in a community release program during a previous commitment.

3. Any inmate found guilty of a rule 33-601.314 4-1, violation for escape within the last 5 years.

(d) No inmate can participate in community work release, center work assignment or study release if he or she has ever refused to participate in Tier II, Tier III, or Tier IV programs, unless subsequently completing a comparable treatment program.

(6) Eligibility Criteria.

(a) Participation in community release programs is not a right, but a privilege which must be earned by the inmate.

(b) Inmates who are within the last 36 months of confinement are eligible for consideration for participation in the center work assignment, community Tier IV, study release program unless they are serving a sentence which includes a non-advanceable release date or a current commitment of 1st, 2nd, or 3rd degree murder or attempt; then they shall be considered for participation when within 15 months of their earliest release date.

(c) Inmates who are within the last 24 months of confinement will be considered for participation in the community work release program, (paid employment) unless serving a sentence which includes a non-advanceable release date, or a current commitment of 1st, 2nd, or 3rd degree murder or attempt; then they shall be within 12 months of their earliest release date.

(d) In addition to these requirements inmates must meet the following criteria:

1. The inmate is minimum custody;
2. The objectives specified in 33-601.602(4) will be served;
3. The best interests for the safety and security of the community and department will be served;
4. There is cause to believe that the inmate will honor the trust bestowed upon him or her;
5. The inmate has remained disciplinary report free for 90 days as outlined on form DC4-840.

(e) The department shall consider the following factors in assessing an inmate for community work release:

1. The inmate's overall adjustment to incarceration;

2. The inmate's attitude, behavior, and motivation towards successful re-entry into society;

3. Program participation by the inmate within the institution;

4. The length of time which remains to be served by the inmate prior to expiration of sentence;

5. Community safety given the inmate's arrest history;

6. Community safety given the circumstances of the inmate's current and prior convictions; and

7. Additional criteria as specified on Form DC4-840, Checklist for Transfers to Community Residential Facilities.

(f) Any inmate who has a detainer filed against him or her shall be ineligible for community release unless:

1. The detaining authority has, in writing, not objected to the inmate's placement and furlough participation in the program; or

2. It can be established that the detainer would be withdrawn upon the payment of restitution, fines, or court costs and it appears likely that the inmate will earn sufficient funds in order to pay the restitution, fines or court costs within the time frame that the inmate is participating in the program.

(g) Inmates shall serve at least 90 days with the Department of Corrections on their current commitments prior to placement in the community work release program.

(h) Priority will be given to those inmates with the least amount of time remaining to serve, providing all other considerations are equal.

(7) Requirements and General Considerations.

(a) Except as limited in this rule, the limits of confinement for community release will be extended in area and in time to the degree necessary to allow the inmate to travel to the community release destination, accomplish the purpose for which the release was authorized, and return to the facility. The limits will be specified in writing and the inmate will be advised of the limits prior to the community release.

(b) Community work release, study release or Community Tier IV approval will only be granted after initial recommendation by the inmate's facility, and final decision by the appropriate approving authority, based upon (6) of this rule. If the inmate is disapproved at the facility, or by the approving authority, the inmate shall be advised in writing the reason for the decision.

(c) A DC4-840 shall be completed on each inmate recommendation for community release, except that any inmate currently housed at a community correctional center or community based Tier IV facility in community work assignment or Tier IV status going to community work release status need not have a DC4-840 completed.

~~(d) Upon request, when an inmate is approved for community work release, the approving authority shall notify the state attorney, victim or personal representative of the victim of such approval within 30 days of the approval of the community release recommendation.~~

~~(2)(8) Inmate Conduct While On Community Release.~~

(a) During the inmate orientation process, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC4-837. Form DC4-837 is incorporated in (16) of this rule.

1. through 10. No change.

(b) No change.

(c) Every inmate assigned to a community release facility shall immediately, upon arrival, sign a Letter of Notice, Form DC4-866, or the inmate shall be terminated from the program. The inmate shall be furnished a copy of the Letter of Notice and must agree to abide by the conditions of the Letter of Notice. Form DC4-866 is incorporated by reference in (16) of this rule.

(d) The work release community correctional center probation officer shall complete a Personalized Program Plan for Community Correctional Centers, Form DC4-838, on all inmates assigned to the work release community correctional center within 14 days of receipt of the inmate at the center. Form DC4-838 is incorporated by reference in (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification correctional probation officer and the correctional officer major. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC4-838A, Personalized Program Plan – Modification Plan. Form DC4-838A is incorporated by reference in (16) of this rule. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed bi-weekly with the inmate. The outcome of each review shall be documented on Form DC4-838B, Personalized Program Plan – Monthly Progress Review. Form DC4-838B is incorporated by reference in (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) When the inmate is ready for release a Transition Release Plan, Form DC4-838C, shall be completed in order to assist the inmate in his or her release plans. Form DC4-838C is incorporated in (16) of this rule.

~~(3)(9) Community Study Release.~~

(a) No change.

1. The inmate meets all criteria outlined in this rule and Rule 33-601.606;

2. ~~The objectives specified in 33-601.602(4) will be served;~~

~~2.3. The conditions regarding the financial assistance, placement and time constraints, and aptitude are satisfied;~~

~~3.4. If the inmate has detainers filed against him or her, the detaining authority must not object to the inmate's participation in the community study release program in writing; and;~~

~~4.5. The inmate has not been convicted of any murder, manslaughter, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with attempt to commit a felony, aircraft piracy, or any attempt to commit the listed crimes if the program requires attendance at any state university or community college.~~

~~(b) through (f) No change.~~

~~(g) The state classification office approving authority for community correctional centers shall have the authority to approve all requests for Community Study Release, ensuring that the criteria specified in this rule are met.~~

~~(4)(10) Center Work Assignment (CWA). Upon request of the inmate, the inmate shall be considered for placement in a center work assignment, providing:~~

~~(a) The inmate meets all criteria outlined in this rule and Rule 33-601.606;~~

~~(b) The objectives specified in 33-601.602(4) will be served;~~

~~(b)(e) The inmate meets criteria specified on Form DC4-840, Checklist for Transfers to Work Release Centers, sections A and B. Form DC4-840 is incorporated by reference in (16) of this rule.~~

~~(5)(11) Community Tier IV. Upon request of the inmate, they will be considered for placement in the community Tier IV program providing:~~

~~(a) through (b) No change.~~

~~(c) The objectives specified in 33-601.602(4) will be served.~~

~~(6)(12) Status Changes of Center Work Assignment, Community Tier IV, Or Paid Employment Status Inmates At Community Residential Facilities. The approving authority shall have the authority to approve all status changes for inmates in the Community Release Program utilizing the criteria set forth in this rule and in Rule 33-601.606, and consistent with the safety and security of the public.~~

~~(13) Termination From Community Release.~~

~~(a) The approving authority shall consider and have the authority to terminate an inmate from community release if:~~

~~1. The approving authority, following placement of the inmate in a community release program, receives any information concerning the inmate which would impact adversely on the safety and security of the community;~~

~~2. The inmate engages in conduct that causes the approving authority to believe that the inmate will not honor the trust bestowed upon him or her;~~

3. The approving authority determines that it is not in the best interest of the safety and security of the public, the department or the inmate to continue the inmate in the program;

4. Based on actions and behavior, the inmate is not amenable to the status changes allowed in 33-601.602(12).

(b) Any time an inmate housed in a community release facility cannot be located, and a concerted effort has failed to locate the inmate, a BOLO (Be On the Lookout For) shall be requested and the inmate shall automatically be terminated from community release in the interest of public safety. Once located, the inmate shall be transferred to a secured facility. If, following investigation, it is determined that the inmate did not escape, as defined in s. 945.091(4), F.S., the approving authority for community correctional centers shall reinstate the inmate unless circumstances exist in which reinstatement would present a risk to security and public safety.

(c) Any inmate residing at a community release facility who tests positive for drugs or alcohol shall be immediately terminated from the program and placed into administrative confinement at a major institution. After the inmate is secured in confinement, the correctional officer major of the community facility shall ensure that the disciplinary process is initiated and completed.

(d) When an inmate is removed from a community residential program and placed in a secure facility, the inmate shall be terminated from the community release program.

(e) Upon the termination of an inmate from the community release program, reasons for the termination will be placed in the inmate's file and a copy of said reasons shall be forwarded to the Bureau of Community Residential Programs via electronic mail.

~~(7)(14)~~ Employment.

(a) through (e) No change.

(f) The prospective employer shall sign an Employer Work Release Agreement, Form DC4-826. Form DC4-826 is incorporated by reference in (16) of this rule. Inmates engaged in paid employment are not considered an employee of the state or the department while engaging in or traveling to and from such employment.

(g) through (h) No change.

(i) Facility personnel shall visit the inmate's place of employment for new employers within the first five working days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC4-832, Employment Contacts. Form DC4-832 is incorporated by reference in (17) of this rule.

(j) through (l) No change.

~~(8)(15)~~ Clothing and Equipment.

(a) through (b) No change.

~~(9)(16)~~ Transportation.

(a) through (b) No change.

(c) In order to ensure that inmates are not working long distances from the center, the approving authority for community correctional centers shall establish maximum boundaries for employment sites by center geographic location. The maximum boundaries shall not exceed one hour travel time to the employment site from the facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the approving authority for community correctional centers, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety. In making the assessment, the factors listed in 33-601.602(9)(16)(b) shall be taken into account.

~~(10)(17)~~ Disbursement of Earnings.

(a) through (g) No change.

(h) A work releasee who is receiving Worker's Compensation or sick pay shall pay subsistence fees commensurate with the rate set forth in subparagraph (d) (3) above based on the amount of compensation received, less any legally required payroll deductions.

(i) through (k) No change.

(l) Any requests for special withdrawal shall be completed on Form DC2-101, Special Withdrawal. Form DC2-101 is incorporated in (16) of this rule.

~~(11)(18)~~ Restitution.

(a) through (d) No change.

(e) Restitution requirements shall be recorded on Form DC4-803A, Monetary Reimbursement Agreement. Form DC4-803A is incorporated in (16) of this rule.

~~(12)(19)~~ Advance of Funds. The Department of Corrections is authorized to advance monies up to \$75.00 from the Inmate Welfare Fund for an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in 33-601.602(10)(17) shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate and, after suitable proceedings to ensure due process, other sources of funds available to the inmate shall be taken to the extent possible to satisfy the advancement of monies. Any property the inmate has with the department shall be taken to satisfy the debt, provided that before any property is taken, the inmate shall be given a hearing before the classification team to determine the fact and the amount of the debt. The inmate shall be given 24 hours written notice of such hearing. The inmate shall be allowed to present relevant evidence and argument. All or part of the discharge gratuity as provided in Rule 33-601.502 shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

~~(13)(20)~~ Citizen Committees. The correctional officer major of a work release community correctional center shall establish committees of volunteer citizens in the various communities of the state to assist the Department of Corrections by:

(a) through (e) No change.

~~(14)(21)~~ Program Facilities.

(a) No change.

(b) Inmates participating in the community release programs will be housed in a work release community correctional center or contract facility;

(c) No change.

~~(15)(22)~~ Records Required. The department shall keep a record of the following:

(a) through (d) No change.

~~(16)(23)~~ Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC2-101, Special Withdrawal Form, effective December 7, 1997.

(b) DC4-803A, Monetary Reimbursement Restitution Agreement, effective December 7, 1997.

(c) DC4-822, Center Work Assignment, effective December 7, 1997.

(d) DC4-826, Employer's Community Work Agreement, effective December 7, 1997.

(e) DC4-832, Employment Contacts, effective December 7, 1997.

(f) DC4-837, Certificate of Orientation, effective December 7, 1997.

(g) DC4-838, Personalized Program Plan for Work Release Centers, effective December 7, 1997.

(h) DC4-838A, Personalized Program Plan – Modification Plan, effective December 7, 1997.

(i) DC4-838B, Personalized Program Plan – Monthly Progress Review, effective December 7, 1997.

(j) DC4-838C, Transition Release Plan, effective December 7, 1997.

(k) ~~DC6-127~~ ~~DC4-840~~, Checklist for Transfers to Community Residential Facilities, effective December 7, 1997.

(l) DC4-866, Letter of Notice, effective December 7, 1997.

~~(m) DC4-874A, Inmate Driver Agreement, effective December 7, 1997.~~

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended \_\_\_\_\_.

33-601.606 Placement of Inmates into Community Release Programs.

(1) Definitions.

(a) Center Work Assignment (CWA) – refers to an inmate assignment to a work release center to serve in a support capacity.

(b) Institutional Classification Team (ICT) refers to a team at the institutional level consisting of the warden or assistant warden, classification supervisor and chief of security who are responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the state classification office.

(c) Pre-Work Release Transition Program refers to the department's 100-hour transitional skills program which prepares inmates for employment and re-entry into society prior to an inmate being assigned to work release. The program covers thirteen modules including goal setting, problem solving, social situations, emotional control, job hunting, pre-employment skills, keeping a job, money management, wellness, sexual responsibility and parenting, domestic violence, continuing education, special needs issues and community re-entry support. The program is provided by an OPS teacher position in conjunction with a local community college.

(d) State Classification Office (SCO) refers to a staff member at the central office level who is responsible for inmate classification decisions. Duties include approving or rejecting institutional classification team recommendations.

(e) Work Release refers to the community residential program for incarcerated inmates, which allows them to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. Current or prior convictions for sexual battery covered in s. 794.011, F.S.

2. Current or prior convictions for escape covered by s. 945.092, F.S. or had a disciplinary report for escape within the last five years.

3. Been terminated from work release, community-based residential substance abuse program or center work assignment for disciplinary reasons during his current commitment.

4. Been incarcerated four or more times in any state or federal correctional facility.

5. Refused to complete substance programs Tier II, III, or IV.

6. A felony detainer.

7. A misdemeanor detainer, unless it can be established by the inmate's classification officer that the detainer would be withdrawn upon payment of restitution, fines or court ordered obligations and it appears that the inmate will earn sufficient funds to pay the obligation that has caused the detainer.

(b) In order to be eligible for community release programs an inmate must:

- 1. Be in minimum custody.
- 2. Be in Department of Corrections custody for 90 days prior to placement.
- 3. Be disciplinary report free for at least 90 days prior to placement.

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

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

(3) Reasons For Removal From CWA, Work Release and Community-Based Residential Substance Abuse Programs.

(a) The inmate violates any laws, rules or procedures or tests positive for drugs or alcohol.

(b) Any information is received concerning the inmate that is determined will adversely impact on the safety and security of the inmate, department, or the community.

(c) There is reason to believe that the inmate will not honor the trust bestowed upon him.

(4) Process for Removal from CWA, Work Release, and Community Based Residential Substance Abuse Programs.

(a) When an inmate is removed from CWA, work release or a community based residential substance abuse program and placed in a secure facility, the inmate shall be terminated from the program.

(b) Upon the termination of an inmate from CWA, work release, or a community based residential substance abuse program, the Termination Report, Form EF6-009 will be given to the ICT who shall approve or disapprove the termination. Form EF6-009 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(c) If disapproved, the inmate shall be rein stated to his previous work release status by the ICT. If the ICT determines that there is a need to transfer the inmate to a different work release facility, the ICT shall forward the request to the SCO for approval.

(d) If approved by the ICT, the termination shall be forwarded to the SCO who shall approve or disapprove the termination.

(e) If disapproved by the SCO, the SCO shall ensure that the inmate is returned to his or her previous work release status.

(5) Escape From CWA, Work Release Or Community Based Residential Substance Abuse Program.

(a) Any time an inmate cannot be located at his authorized location, a BOLO (Be On the Lookout For)/Warrant shall be requested and the inmate's assignment shall be terminated in the interest of public safety.

(b) Once located, the inmate shall be transferred to a secure facility.

(c) If, following investigation, it is determined that the inmate did not escape, as defined in s. 945.091(4), F.S., procedures as outlined in Rule 33-601.606(4) shall be followed in order to reinstate the inmate to work release.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Inmate Visiting – Definitions	33-601.713
Inmate Visiting – General	33-601.714
Visiting Application Initiation Process	33-601.715
Visiting Record Management	33-601.716
Visiting Denial	33-601.717
Review of Request for Visiting Privileges	33-601.718
Visiting by Former and Current Department and Contractor Employees	33-601.719
Sex Offender Visiting Restrictions	33-601.720
Visiting Operations	33-601.721
Visiting Schedule	33-601.722
Visiting Check-In Procedures	33-601.723
Visiting Attire	33-601.724
Permissible Items for Visitors	33-601.725
Visitor Searches	33-601.726
Visitor Conduct	33-601.727
Inmate Visiting Appearance, Search, and Conduct	33-601.728
Termination of Visits	33-601.729
Visiting Check-Out Procedures	33-601.730
Suspension of Visiting Privileges	33-601.731
Reinstatement of Suspended Visiting Privileges	33-601.732
Visiting – Special Status Inmates	33-601.733
Visiting – Close Management Inmates	33-601.734
Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement	33-601.735
Non-Contact Visiting	33-601.736
Special Visits	33-601.737
Visiting – Forms	33-601.738

PURPOSE AND EFFECT: The purpose of the proposed rules is to provide definitions for terms and forms applicable to visiting, to establish procedures relating to visiting. The effect

is to: define applicable terms; provide applicable forms; establish the duties of Department staff with regard to visiting, visiting procedures, visitors and visiting records; to establish procedures for visiting applications, entry and exit into facilities, and visiting schedules; establish criteria for denial of visiting; and to establish guidelines for eligibility of visitors and inmates with regard to status, attire, conduct and permissible items.

SUBJECT AREA TO BE ADDRESSED: Visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.701 Visiting – Authority of the Secretary.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.01, Amended 6-20-85, 5-13-87, 3-8-98, Formerly 33-5.001, Repealed.

33-601.702 Posting of Visiting Policies.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-5.02, Amended 6-20-85, 3-8-98, Formerly 33-5.002, Repealed.

33-601.703 Visiting Records.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-5.03, Formerly 33-5.003, Repealed.

33-601.704 Visiting – Inmates in Special Status.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.04, Amended 6-20-85, 3-8-98, 10-7-98, Formerly 33-5.004, Repealed.

33-601.705 Refusal of Visit by Inmate.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-5.05, Amended 6-20-85, 3-8-98, Formerly 33-5.005, Repealed.

33-601.706 Inmate's Visitors List.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.06, Amended 10-6-83, 6-20-85, 3-12-86, 9-6-93, 3-8-98, Formerly 33-5.006, Repealed.

33-601.707 Visiting Denial.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-8-76, Formerly 33-5.07, Amended 10-6-83, 6-20-85, 3-12-86, 1-28-98, 3-8-98, Formerly 33-5.007, Repealed.

33-601.708 Visiting Procedures and Conditions.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 386.204, 386.205, 944.09, 944.23 FS. History–New 10-8-76, Amended 10-6-83, 6-20-85, Formerly 33-5.08, Amended 3-12-86, 4-16-95, 3-8-98, 6-29-98, Formerly 33-5.008, Repealed.

33-601.709 Non-Contact Visiting.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 6-15-98, Formerly 33-5.0081, Repealed.

33-601.710 Special Visits.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-6-83, Formerly 33-5.10, Amended 6-20-85, 3-12-86, 3-8-98, Formerly 33-5.010, Repealed.

33-601.713 Inmate Visiting – Definitions.

(1) “Authorized Adult” refers to an approved visitor eighteen years or older who has notarized authorization to escort a minor and represent the minor’s parent or legal guardian should the minor need to be questioned or searched for visiting purposes.

(2) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Offender Based Information System (OBIS) that automates visitor facility entry and exit.

(3) “Central Visiting Authority (CVA)” refers to the section within the Bureau of Classification and Central Records responsible for the management of inmate visiting procedures, visiting records, and fact-based decisions on visiting requests.

(4) “Emancipated Minor” refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to the Request for Visiting Privileges, Form DC6-111A. Form DC6-111A is incorporated by reference in Rule 33-601.738.

(5) “Institutional Classification Team (ICT)” refers to the team responsible for making local classification decisions as defined in rule and procedure. The ICT shall be comprised of the warden or assistant warden who shall serve as chairperson, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule.

(6) “Immediate Family” refers to an inmate’s spouse, children, parents, brothers, sisters, grandparents, great grandparents, grandchildren, stepbrothers, stepsisters, stepparents, foster parents, stepchildren, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters in law.

(7) “Minor” refers to any visitor seventeen years of age or younger who must visit in the company of a parent, legal guardian, or authorized adult who is an approved visitor.

(8) “Non-Contact Visiting” at authorized institutions refers to visual visiting where a structural barrier is used to prevent the inmate and visitor from any form of physical contact, but allows verbal communication.

(9) “Suspension” refers to the suspension of visiting privileges for an inmate or visitor, to include the current and any future incarcerations.

(10) “Regular Visit” refers to any approved visit between an inmate and any persons on the inmate’s visiting record that occurs on scheduled visiting days and hours.

(11) “Approved Visitor” refers to any person who is approved by the CVA to visit an inmate and whose approval is documented in the inmate visiting record.

(12) “Request for Visiting Privileges” refers to Form DC6-111A, which must be fully completed by all prospective visitors twelve years of age and older and forwarded to the CVA for resolution.

(13) “Scheduled Visiting Days” refers to the specific days and times an inmate is authorized to visit. This is normally Saturday and Sunday, from 9:00 AM until 3:00 PM, Eastern Standard Time (8:00 AM – 2:00 PM Central Standard Time).

(14) “Special Status Inmate” refers to an inmate who is not in the general population but is in a special classification status as outlined in 33-601.733 that shall prohibit or restrict visiting based upon the status.

(15) “Special Visit” refers to an authorized visit on a day, at a time or for a duration of time other than an inmate’s regularly scheduled visiting days, or with a person not listed in the inmate’s approved visiting record.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

#### 33-601.714 Inmate Visiting – General.

(1) Inmate visiting is a privilege, not a guaranteed right of either the inmate or the visitor. Inmates are not assigned to specific institutions solely for the convenience of visiting privileges.

(2) All visitors are subject to Department rules, procedures, technical instructions and restrictions imposed as a condition of admittance and the directions of institutional staff while on institutional grounds.

(3) The warden, assistant warden, or duty warden is authorized to deny or terminate a visit if any of its aspects are disruptive or violate rules, procedures, instructions, restrictions, orders, or directions. Any violation shall subject the visitor to suspension of visiting privileges by the CVA and the inmate to disciplinary action.

#### (4) Positing of Policies.

(a) To ensure that all visitors are aware of s. 944.47, F.S., governing contraband, the warden shall post the statute in a conspicuous place at the entrance to the institution or facility.

(b) The warden shall display the visiting rule, procedures, and any technical instructions in a manner that allows visitors to read them before they begin the institutional visiting entry process.

(5) The CVA shall publish a departmental visitor’s information handbook that shall include statutes, rules, procedures, and instructions relating to visiting. The warden shall ensure that a new visitor receives a copy of the handbook. These handbooks are not authorized in the visiting area.

(6) Inmates shall be allowed to file grievances regarding those requests for visiting privileges that are disapproved or suspended by the CVA. Grievances concerning CVA actions shall be filed directly with the Office of the Secretary, bypassing the informal grievance step and the formal grievance filed at the institutional level. Grievances concerning institutional actions shall not be filed directly with the Secretary.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

#### 33-601.715 Visiting Application Initiation Process.

(1) During the reception process, classification staff shall develop and maintain a computerized list of the inmate’s immediate family members for placement on the automated visiting record. Placement of a name on the automated visiting record in and of itself is not approval to visit.

(2) The inmate shall be given up to fifteen copies of the Request for Visiting Privileges, Form DC6-111A, and Visitor Information Summary, Form DC6-111B, within 24 hours after arrival. Form DC6-111B is incorporated by reference in Rule 33-601.738. The inmate shall be responsible for sending the forms to each family member or friend twelve years of age or older, whom the inmate wishes to be placed in his or her approved visiting record. Minors eleven years of age and younger are not required to submit a Request for Visiting Privileges, Form DC6-111B.

(a) Only visitors approved pursuant to rule 33-601.718 shall be allowed to visit.

(b) The prospective visitor shall be required to complete a Form DC6-111A, Request for Visiting Privileges, by filling in each line or inserting “NA” (not applicable) where appropriate.

(c) The applicant shall provide a social security number for identification purposes for obtaining the visitor’s criminal history and to be used as the identification number for the automated visiting record.

1. Failure to provide a social security number shall result in denial of the visiting request.

2. As part of the automated visiting record, the social security number may become public record.

(3) The CVA shall conduct criminal history background checks on all applicants 18 years of age or older requesting visiting privileges. A criminal history background check shall be conducted on an applicant 17 years old or younger if information on the application indicates that it is prudent to do so.

(4) Upon transfer to a permanent institution or facility, each inmate shall be provided with a visitor information letter containing visiting information specific to that institution or facility to be mailed, at the inmate's expense, to each approved visitor.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New

#### 33-601.716 Visiting Record Management.

(1) The CVA shall develop and maintain computerized inmate-visiting records.

(2) Department staff shall document all requests for visits, recommendations of the warden or the ICT, decisions made with regard to visiting and pertinent comments on the automated visiting record.

(3) No more than fifteen people, twelve years of age or older, including family and non-family members, are allowed on an inmate's visiting record.

(4) Inmates shall be permitted to remove or request to add visitors to their inmate visiting records by completing a Remove/Add Visitor Request, Form DC6-111C, provided by institutional classification staff. Form DC6-111C is incorporated by reference in rule 33-601.738. Additions to the visiting record shall be allowed at any time, up to the limit of fifteen approved visitors. Deletions shall only be permitted every six months.

(5) A person who requests placement on an inmate's visiting record shall be referred to the inmate concerned.

(6) A visitor shall not be permitted to be on more than one inmate's visiting record unless they are immediate family members.

(7) A visitor shall be on only one non-immediate family member inmate's visiting record.

(8) An approved visitor who is on the visiting list of an immediate family member inmate and a non-immediate family member inmate may visit only one inmate on the same day.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New

#### 33-601.717 Visiting Denial.

(1) Visitors shall not be denied visiting because of disability, race, creed, color, or national origin of the inmate or visitor. Visits shall not be denied based on the ideas or opinions held or expressed by the inmate or visitor or for any reason unrelated to security, good order, or rehabilitative objectives of the institution.

(2) The CVA shall have authority to refuse to approve visiting for applicants with prior negative visiting behavior based on the security threat to the institution, nature of the behavior, and the elapsed time since the incident. Denial of visiting shall be permanent if the prospective visitor was involved in, or assisted in, an escape or attempted escape from any correctional facility.

(3) Visiting shall be denied if the visitor advocates or has advocated violence or the violation of any law or rule or is a danger to the security and good order of the institution.

(4) Visiting shall be denied during a declared emergency.

(5) Any person shall be subject to denial of permission to visit based upon the following criteria:

(a) The introduction or attempted introduction of contraband into any facility;

(b) Assisting or attempting to assist an escape or escape attempt from any facility;

(c) The nature and extent of the individual's criminal record, consideration of which includes:

1. Felony convictions, withholds of adjudication and criminal history dispositions in any jurisdiction. If the disposition of a felony arrest is not reflected, the disposition shall not be ascertained prior to completion of the review of the visiting request unless circumstances suggest additional clarification is prudent;

2. Community supervision and prior incarceration in any jurisdiction.

3. Former department employment, contract employment or volunteer work with a documented history that raises security concerns;

4. Commission of serious or repeated violations of departmental rules or procedures during a previous visit within the past five years;

5. Either the inmate or potential visitor gave false or misleading information to obtain visiting privileges with in the past five years;

6. The individual is a victim of an inmate's current or prior offense with consideration of the nature of the inmate's offense, the extent of the victimization and the relationship of the victim to the inmate;

7. The individual is a co-defendant of the inmate in a current or prior offense;

8. Other factors related to the security, order or effective management of the institution.

(6) The inmate's immediate family members shall be subject to denial of visiting based on the following:

(a) The potential visitor's criminal conviction or rule violation history or a reasonable suspicion supported by specific, objective facts that suggest the visit would further criminal activity or rule violations.

(b) The family member is a victim of the inmate's current or prior offense, or

(c) The family member is a co-defendant in the inmate's current or prior offense.

(7) A department volunteer or intern shall not be approved for visiting at an institution or facility to which he or she is assigned. Following termination or assignment to another facility, visitation at the former institution or facility shall not occur until twelve months have elapsed.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

### 33-601.718 Review of Request for Visiting Privileges.

(1) In approving or disapproving visiting privileges, CVA staff shall review the Request for Visiting Privileges, Form DC6-111A, and shall consider all factors related to the security, order or effective management of the institution.

(a) Prior criminal records shall not automatically result in disapproval of visiting. The nature, extent, and recentness of the criminal convictions combined with the person's relationship to the inmate shall affect approval or disapproval.

(b) CVA staff shall evaluate a person's criminal history and visiting background using the CVA Visitor Screening Matrix, Form DC6-111D, to consider whether the applicant:

1. Has prior felony convictions;

2. Has prior incarcerations, probation, parole, community control, or other forms of community supervision;

3. Has been convicted of any new felony convictions within five years of release from incarceration.

4. Is under community supervision for minimum of one year and additionally:

a. Complies with all conditions of supervision, and

b. Submits a written authorization of the supervising correctional probation officer with the Request for Visiting Privileges;

5. Has a history of past negative department visiting behavior; and

6. Other factors such as security threat group involvement or ex-employee status.

(c) Form DC6-111D is incorporated by reference in Rule 33-601.738.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

### 33-601.719 Visiting By Former and Current Department and Contractor Employees.

(1) Former Department and Contractor Employees. The CVA shall consider approving former department employees and former employees of a contractor who was under contract with the department for visiting privileges under the following circumstances:

(a) Employment termination is more than twelve months;

(b) During employment the applicant did not have a documented incident of any of the following:

1. Revealing or discussing security plans or procedures with inmates,

2. Security breaches or rule violations,

3. A personal relationship with an offender,

4. Problems which affected the security, order or effective management of the institution, or

5. Leaving employment under adverse conditions.

(c) Visiting shall not occur in the facility where the visitor was employed, unless five years have elapsed since the applicant left employment.

(2) Current Department and Contractor Employees. The CVA shall consider approving current department employees and employees of a contractor currently under contract with the department for visiting privileges under the following conditions:

(a) The employee is a member of the inmate's immediate family;

(b) The employee has not violated the conditions stipulated in (1) of this rule;

(c) The employing warden, warden of the institution housing the inmate to be visited, circuit administrator (community corrections Staff), regional director (regional office staff), and Director of Institutions (central office staff), have approved the visit in writing.

(d) Visiting shall not occur in the facility where the visitor is employed.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

### 33-601.720 Sex Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger:

(a) If the inmate has a current or prior conviction under:

1. Chapter 794, F.S. – sexual battery,

2. Chapter 800, F.S. – lewdness; indecent exposure,

3. Chapter 827, F.S. – abuse of children,

4. Chapter 847, F.S. – obscene literature; profanity, or

(b) The offense reveals that the inmate committed or attempted to commit aggravated child abuse or attempted to commit a sex act on or in the presence of, or against a person fifteen years old or younger.

(c) A plea of nolo contendere followed by a withhold of adjudication does not constitute a conviction under s. 944.09(1)(n), F.S.

(d) Current and prior convictions from other jurisdictions comparable to the offenses listed above, also serve as a basis for imposing visiting restrictions.

(e) Only the judge who issued an order imposing visitation restrictions may modify those restrictions.

(2) A warden, with a recommendation from the CVA supervisor, is authorized to approve a visit between a minor who is accompanied by an authorized adult and an inmate who meets the criteria in (1) above if visiting is not restricted by court order and the warden determines the visit to be in the minor's best interest. Factors to be considered are:

(a) A request for consideration from a professional certified or licensed counselor, from the community, acting in the interest of the minor, or an evaluation by the counselor of the impact on the minor of such visits or the lack of visits,

(b) The duration and frequency of prior visits without adverse incidents.

(c) A psychological evaluation of the inmate as to the danger presented to the minor and any continuing issues regarding visits with the minor.

(d) The availability of non-contact visiting facilities at the institution, and

(e) Other factors related to the safety and best interest of the minor.

(3) The warden shall provide documentation required in 33-601.720(2) above to the CVA supervisor who shall recommend approval or denial to the warden.

(4) The warden, with a recommendation from the CVA supervisor, is authorized to modify the visiting status if factors materially affecting the visiting privilege decision change. Modification of privileges and court modifications of previously imposed visiting restrictions shall be documented in the AVR by institutional staff.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

#### 33-601.721 Visiting Operations.

(1) Each institution shall provide a visiting area that facilitates both indoor and outside visiting and is adequately staffed to maintain security and safety.

(2) Staff shall conduct a comprehensive contraband search of the visiting area and the visitor parking lot before and after visiting.

(3) Inmates shall be required to conduct visits in a separately designated visiting area as determined by the warden, assistant warden, or duty warden when visiting in the regular visiting area poses a threat to security, safety, or good order of the institution or any person.

(4) Wardens shall require non-contact visits when a contact visit poses a threat to security or good order of the institution.

(5) Smoking shall be permitted only in an outdoor smoking area designated by the warden.

(6) Staff shall minimize interaction with the inmate or their visitors unless the inmates or visitors are violating rules or procedures or are being disruptive.

(7) All visiting area staff shall participate in a minimum of four hours of annual training specific to operations of the visiting park and visiting in general.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

#### 33-601.722 Visiting Schedule.

(1) Regular visitors shall be allowed to visit between 9:00 AM and 3:00 PM Eastern Standard Time (EST) – 8:00 AM and 2:00 PM Central Standard Time CST each Saturday and Sunday.

(a) Institutions shall initiate the visiting registration process at 8:15 AM EST and 7:15 AM CST.

(b) Visitors shall not be processed after 2:00 PM EST and 1:00 PM CST.

(c) Regular visiting shall occur when the holidays of July Fourth, Thanksgiving Day, and Christmas Day fall on a weekday.

(2) Where unusual circumstances occur, the warden shall be authorized to allow an inmate additional visiting hours for a regular or special visitor. The exception will be based on such factors as great travel distance or infrequency of visits.

(3) The warden shall request exceptions to regular visiting days, hours, and numbers of visitors when facilities are limited based on fire safety standards for capacity. The secretary shall approve or disapprove the request for exception.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

#### 33-601.723 Visiting Check-In Procedures.

(1) Only five approved visitors, 12 years of age or older, at any time may visit an inmate in the visiting area. Children 11 years old and younger do not count against the five approved visitors.

(2) A visitor's initial check-in shall take place in a location that minimizes weather exposure and provides restrooms.

(3) Visitors shall be required to register for visiting through the automated visiting record. The failure to do so or providing false information shall result in denial or termination of the visit and suspension of visiting privileges.

(4) All visitors twelve years of age or older must present a valid form of picture identification for visiting registration. Acceptable forms of identification are identification cards that contain a photograph, current address, and date of birth and physical characteristics of the individual.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship.

(6) Upon completion of visitor registration, the approved visitors shall exchange his or her valid identification for a numbered visitor's badge.

(a) Visitors shall not exchange the issued numbered badge with any non-Department of Corrections personnel.

(b) An ultra-violent hand stamp will be used as a secondary method of visitor verification. The stamp will be applied and viewed at registration.

(7) Should a visitor find it necessary to leave the visiting park prior to completion of the visit, the visitor shall not depart until institutional staff have verified the identity of the visitor and the presence and location of the inmate being visited. The

visitor will not be allowed reentry unless approved by the shift supervisor or the duty warden. If reentry is approved, the visitor will proceed through the check-in procedure as required in this rule.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

### 33-601.724 Visitor Attire.

Persons desiring to visit shall be fully clothed including shoes. Small hats such as baseball caps, religious coverings, or surgical caps are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in revealing attire. The warden, assistant warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

- (1) Halter tops or other bra-less attire.
- (2) Underwear type tee shirts.
- (3) Tank tops.
- (4) Fish net shirts.
- (5) Skin tight clothing or spandex clothing.
- (6) Clothes made with see-through fabric unless a non-see-through garment is worn underneath.
- (7) Dresses, skirts, or Bermuda-length shorts more than three inches above the knee, or
- (8) Any article of clothing with a picture or language which presents a potential threat to the security or order of the institution.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

### 33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) One unopened pack of cigarettes and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.

(b) A vehicle key.

(c) Up to \$25.00, in \$1.00 and \$5.00 denominations only, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area.

(d) One numbered visitor's badge;

(e) Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. A visitor requiring medical injections must leave the institution for such purposes, but shall be allowed to return. The visitor shall not be allowed to bring

needles or syringes into any department facility or leave them on the grounds of any department institution facility under any circumstances.

1. Visitors taking prescription medications are allowed only the dosage necessary for the visiting period.

2. Each prescription medication brought into any institution or facility must be in its original prescribed container. The use of one container for different types of medication will not be allowed.

3. Each container must have a clearly readable prescription label that shows:

a. The type of medication.

b. The dosage requirements, and

c. The individual's name for whom the medication was prescribed.

(f) Feminine hygiene items enclosed in the original individual wrapping may be carried into the visiting park in a small pouch or bag.

(g) Hairbrush and comb.

(h) Visitors with authorized infants and small children shall be allowed to bring in:

1. Five diapers, three clear plastic baby bottles or two sippy cups for toddlers, and three clear jars of baby food with the original seal intact;

2. Baby wipes or towelettes, provided they are in a clear plastic bag;

3. An infant or baby carrier for each infant. Baby carriers are subject to search before entry into the institution and visitors shall be required to remove the infant from each carrier during the search.

4. One set of infant clothing.

(2) A visitor who brings any item not listed above that is not considered contraband or illegal, or who brings more than the permissible amounts of authorized items, shall be required to find a secure location to store the items for the duration of their visit.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New

### 33-601.726 Visitor Searches.

(1) Visitors shall be subject to search upon entering and exiting the institution. Refusal of either search shall result in denial of the current and future visits.

(2) Authorized visitor searches include:

(a) Search of the interior and exterior of any hand carried item.

1. Staff shall accomplish this search in a manner that does not damage or destroy the item or impair its use.

2. If the item would be damaged, destroyed or impaired by the search, the visitor shall not be allowed to bring the item into the institution.

(b) Careful search by touching of the visitor's hair and scalp;

(c) Visual inspections of the ears, nose, and mouth without the insertion of any instruments or the officer's fingers;

(d) Removal of and searching inside the visitor's hat, shoes and gloves;

(e) Removal of any clothing such as scarves, overcoats, or sweaters worn over a visitor's first layer of exterior clothing, and a search by visual inspection and touching of the interior and exterior and pockets of such clothing;

(f) After removal of outer clothing, careful search by visual inspection and by touching of the visitor's first layer of clothing generally worn over one's underwear;

(g) Careful search by touching of clothing worn next to the body such as stockings or socks, using sufficient pressure to detect contraband items;

(h) Searches with metal detection devices;

(i) K-9 searches; and

(j) Drug ion scanner searches.

(3) The visitor shall be instructed to sign an Unclothed Body Search Consent, Form DC1-803, if specific factual reasons support the suspicion that contraband is concealed on a visitor's person, and this suspicion is not resolved by a less intrusive search. Form DC1-803 is incorporated by reference in 33-601.738 of this rule.

(a) The warden, assistant warden, or duty warden must approve strip searches. Approval shall be given only after careful evaluation of the asserted factual grounds that justify the search. The visit shall be denied if the visitor refuses to give written consent to the strip search.

(b) The visitor shall also be asked to sign a Consent to or Notification for Search, Form DC1-804, if reasons exist to search the visitor's vehicle. Form DC1-804 is incorporated by reference in rule 33-601.738. Visiting shall be denied if the visitor refuses to give written consent to search the vehicle.

(4) Security staff of the same sex as the visitor must conduct strip searches.

(5) Visitor body cavity searches are not authorized. If less intrusive searches do not resolve the suspicions, visiting will be denied.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New \_\_\_\_\_.

#### 33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) There shall be no loitering;

(b) Visitors shall not take any article whatsoever from the visiting area or the grounds of the institution (e.g., gifts from inmates or inmates' excess personal property items) without prior authorization from the warden, assistant warden, or duty warden.

(c) Visitors are prohibited from using cameras on department property without the express consent of the warden. The warden is authorized to approve camera use on a case-by-case basis when the warden determines that it would not be detrimental to the security and order of the institution.

1. Visitors shall not photograph any part of the institution's physical structure, buildings, fences, staff, visitors, or inmates.

2. Areas in which the general public is prohibited from taking photographs shall be clearly posted and identified in the institution's visitor information.

(d) Visitors shall not possess, introduce, or attempt to introduce contraband or illegal items into any department institution or facility. Violations shall result in the suspension of visiting privileges by the CVA. Contraband items not of an illegal nature shall be seized by staff when found and shall be returned only on the approval of the duty warden.

(e) Under no circumstances shall any department employee offer or be allowed to keep any item for the visitor.

(f) Visitors shall not walk or drive along the perimeter road or on the grounds of the institution except in those areas designated for inmate visitor parking;

(g) Visitors shall not play vehicle radios loudly while on department property;

(h) Visitors shall not yell or exhibit loud, boisterous, threatening language or disorderly behavior while on department property;

(i) Visitors shall keep accompanying children orderly during their visit so as not to disturb other inmates and visitors. If the visitor is unable to control his or her children, the visit shall be terminated and the visitor and children shall be escorted out of the institution or facility.

(j) Visitors shall not visit with any inmate except the inmate the visitor was admitted to visit or with any other visitor.

(k) A visitor shall not under any circumstances leave an unattended child or animal in any vehicle or elsewhere on department property while visiting.

(l) Visitors shall not give to or receive from the inmate any item of any description unless authorization is first obtained from the warden, assistant warden, or duty warden. The only exceptions are food and beverage items purchased by visitors from vending machines or canteens and photographs purchased through the inmate photo project. The visitor may pass the food or beverage only to the inmate he or she is visiting. The visitor shall not give cash or currency directly to an inmate.

(m) Visitors may briefly (five seconds) embrace and kiss the inmate to be visited once at the beginning and end of visit.

1. A visitor and inmate may hold hands if visiting park staff can observe the holding of hands.

2. Small children of the inmate or of the visitor may be held by the inmate.

3. No other forms of affection or physical contact between visitors is authorized.

(2) Visitors shall be allowed to attend institutional church services and other special programs if consistent with security considerations.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New \_\_\_\_\_.

33-601.728 Inmate Visiting Appearance, Search, and Conduct.

(1) During visiting, inmates shall wear a clean uniform consisting of the following department issued items:

(a) Blue shirt

(b) Tee shirt worn beneath the blue shirt. A sweat shirt may be worn instead during cold weather.

(c) Blue trousers

(d) Belt

(e) Socks and underwear

(f) Brogans or tennis shoes unless authorization (medical pass) carried on the inmate's person allows an exception to the footwear.

(g) ID card in accordance with 33-602.101(9)(h).

(2) Inmates shall be strip-searched before and after visiting. Staff will conduct searches in accordance with rule 33-602.204.

(3) Inmates shall not visit with anyone other than their authorized visitors.

(4) The inmate shall not pass items to another inmate or to a visitor or accept items from another inmate or a visitor except as specified in 33-601.727(1)(l).

(5) Inmates shall not be loud, boisterous, threatening, or disorderly during a visit or while in the visiting area.

(6) Inmates may briefly (five seconds) embrace and kiss each visitor once at the beginning and end of each visit.

(a) Inmates may hold their small children or the children of their visitors.

(b) Inmates and their visitors may hold hands if the holding of hands can be observed by visiting park staff.

(c) No other forms of affection or physical contact between inmates is visitors are authorized.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New \_\_\_\_\_.

33-601.729 Termination of Visits.

(1) A warden, assistant warden, or duty warden shall be authorized to deny or terminate a visit for the following reasons:

(a) The visitor is or appears to be under the influence of drugs or alcohol;

(b) The visitor refuses or fails to produce a valid photographic identification or falsifies identifying information;

(c) Visiting space is limited;

(d) The inmate has already received his or her authorized visits and has departed the visiting area;

(e) The visitor is disruptive or the children accompanying the visitor are disruptive;

(f) The visitor is not on the inmate's approved visiting list;

(g) The visitor, having been admitted to visit one inmate, attempts to visit another inmate that he or she is not authorized to visit;

(h) The inmate refuses to visit with the visitor;

(i) The visitor does not and can not meet dress requirements for visitors;

(j) Emergency situations as declared by the warden or duty warden;

(k) A determination that the visit may jeopardize the security or safety of staff, inmates, others, or the institution;

(l) After completing a visit with one inmate, the visitor leaves the institution and attempt to re-enter to visit with a different inmate; or

(m) The visitor violates visitor's conduct standards in Rule 33-601.727.

(2) Before considering termination of a visit in progress due to violation of or failure to comply with any establish rule or procedure, the warden, assistant warden or duty warden shall first attempt less severe alternatives when applicable, including verbal warnings to the inmate and visitor about improper conduct.

(3) Reconsideration for Visitation.

(a) A visitor denied visiting by the warden, assistant warden, or duty warden shall be permitted to ask the CVA to mediate the matter, using local or institutional telephone access for this purpose. The CVA employee will either inform the visitor of his or her agreement with the decision of the duty warden or shall contact the facility on behalf of the visitor. The final decision shall rest with the warden, assistant warden, or duty warden.

(b) A visitor initially denied permission to visit for reasons other than for possession or attempted introduction of contraband and who corrects the problem causing the denial shall be granted visiting if not otherwise precluded by rule and if the inmate is not in the process of visiting with others.

(4) The warden, assistant warden or duty warden shall ensure that the inmate is notified of the denial of his or her visitor's admission and the reasons as soon as possible.

(5) An inmate who does not wish to receive a visit can refuse the visit.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New \_\_\_\_\_.

33-601.730 Visiting Check-Out Procedures.

(1) When an inmate ends the visit, all of the inmate's visitors shall be required to depart the visiting park immediately.

(2) Upon completion of the visit the visitors shall not be cleared to leave the visiting park until the inmate with whom they visited is accounted for by institutional staff.

(3) Upon departure from the visiting park, each visitor shall be verified by visitor badge number and shall then proceed to the visitor registration area.

(4) At the registration area, each visitor shall turn in his or her numbered badge to the officer. The officer shall verify the identity of the visitor by physically comparing the picture identification. The picture identification will be returned to the visitor.

(5) Additional verification shall be obtained by viewing the ultra-violent stamp on the visitor's hand.

(6) Each visitor shall be logged out on the automated visiting record.

(7) No more than five adult visitors shall be allowed in the registration area at any time during checkout.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New

### 33-601.731 Suspension of Visiting Privileges.

(1) 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.

(2) Suspension of an inmate's visiting privileges as a management tool by the ICT is available as a management tool by the ICT when an inmate is found guilty of the following offenses:

(a) Refusing to participate or is removed from a mandatory program due to negative behavior. The inmate shall be suspended from receiving visits for three months beginning with the next visiting period following the removal or refusal.

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

(c) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach.

(3) Suspension of an inmate's visiting privileges as a management tool by the ICT for the following disciplinary offenses are limited to a two-year period when inmate is found guilty of:

(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).

(b) Possessing drugs or money.

(c) Possession of any article or instrument that aids in escape or attempted escape.

(4) Suspension of an inmate's visiting privileges as a management tool by the ICT for the following disciplinary offenses are limited to three months for a first offense, six months for a second offense and two years for a third or subsequent offense when an inmate is found guilty of possession of any of the following contraband or illegal items:

(a) Any intoxicating beverages.

(b) Any cellular phone or recording devices, or

(c) Any pager.

(5) Suspension of an inmate's visiting privileges shall be considered 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 and shall be considered for suspension of visits privileges for three months beginning with the month the rating was entered and running consecutively for each unsatisfactory rating

(6) The ICT shall consider suspending the inmate's visiting privileges for each subsequent offense described in 33-601.731(1) through (5).

(7) Suspension of Visitor's Visiting Privileges.

(a) A visitor's visiting privileges shall be suspended by the CVA when the visitor:

1. Is found in possession of an illegal drug (controlled substances) when entering or exiting any department facility, or is found passing, attempting to pass, accepting, or attempting to accept such items to or from an inmate.

2. Is found in possession of a firearm or explosive device, articles, or instrument, or is found attempting to pass or passing such items to an inmate. Staff will secure the weapons for the law enforcement officers.

3. Assists, facilitates, aids or abets an inmate to escape or attempt to escape or is found 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. For criminal activity, serious rule violations repeated visiting rule or procedure infractions or any security breach.

(b) Visiting privileges shall be suspended by the CVA for a mandatory period of two years when the visitor:

1. Refuses to be questioned or consent to a pat or strip-search;

2. Attempts to pass or passes money to an inmate;

3. Is found in possession of intoxicating beverages when entering any department facility, or found passing or attempting to pass such items to an inmate;

4. Is found in possession of any article or instrument capable of being used to aid in effecting or attempting an escape. Local law enforcement shall be called in these instances.

5. Violates visitor conduct standards in Rule 33-601.727(1)(k) or (l).

(c) Visitors found in violation of visitor conduct standards as outlined in Rule 33-601.727(1)(a)-(j) shall have visiting privileges suspended by the CVA for a mandatory period of one year.

(8) The warden shall have the discretion to recommend to the CVA a period of suspension for less than the mandatory period of suspension by considering the type of violation and the impact of the violation on the overall security or safety of the institution. The warden shall set forth the justification for less than the mandatory period of suspension in the recommendation to the CVA.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New \_\_\_\_\_.

### 33-601.732 Reinstatement of Suspended Visiting Privileges.

(1) The warden shall approve or deny requests for reinstatement of an inmate's suspended visiting privileges. The inmate shall submit a written request for reinstatement to the warden on Form DC3-005, Inmate Request.

(a) Reinstatement of privileges suspended for more than two years shall only be considered after two years from imposition.

1. The warden shall review the request, render a final decision and notify the inmate concerned.

2. Should the inmate be denied reinstatement, the inmate may not make another request for one year from the last decision requesting reinstatement.

(b) Reinstatement of privileges suspended for two years or less shall not be considered for reinstatement for a period of one year. Should the inmate be denied, the inmate may not make another request for six months from the last decision requesting reinstatement.

(c) Early reinstatement of suspensions of one year or less shall not be considered for reinstatement until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.

(2) The CVA shall approve or deny requests for reinstatement of a visitor's suspended visiting privilege. The visitor, or inmate on behalf of the affected visitor, shall submit a written request for reinstatement of privileges to the CVA supervisor. The visitor for whom the reinstatement is being considered shall submit a Request for Visiting Privileges, Form DC6-111A, if the suspension has been for longer than six months.

(a) Reinstatement of privileges suspended for more than two years shall only be considered after two years from imposition.

1. The CVA supervisor shall review the request, render a final decision and notify the visitor concerned.

2. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request for one year from the last decision requesting reinstatement.

(b) Reinstatement of privileges suspended for two years or less shall not be considered for reinstatement for a period of one year. Should the visitor be denied reinstatement the inmate or suspended visitor may not make another request for six months from the last decision requesting reinstatement.

(c) Early reinstatement of suspensions of one year and under shall not be considered for reinstatement until at least six months from the date of suspension. Should the visitor be denied reinstatement, the inmate or suspended visitor may not make another request.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New \_\_\_\_\_.

### 33-601.733 Visiting – Special Status Inmates.

(1) Inmates in special statuses are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special classification statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden, assistant warden or duty warden has authority to grant exceptions if the inmate remains at the reception center more than 45 days and the CVA has approved the visitors.

(b) In death row, maximum management, close management, disciplinary confinement, administrative confinement, or protective management status, inmates shall have visiting privileges as outlined in rules 33-601.734 through 33-601.736.

(c) Inmates hospitalized in a DC infirmary or non-correctional medical facility shall not have visiting privileges except as described in (3) and (4) below.

(d) Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-506.207.

(2) Upon placement in a special classification status where visiting privileges are prohibited or restricted, the warden shall ensure:

(a) That inmates are provided the opportunity to notify at least three approved visitors of the prohibition or restriction before the next scheduled visiting day if the situation permits the inmate to do so, or

(b) That staff makes visitor notifications if the inmate is unable to make them.

(c) Notification of placement in a special classification status shall take place at the inmate's expense.

(3) Requests for visiting exceptions in special situations such as prolonged hospitalization, serious medical conditions or terminal illnesses shall be reviewed by the warden and chief

health officer who shall render a decision on a case-by-case basis. The regional director shall be informed in high risk or high profile cases before allowing visiting.

(4) An inmate housed in a community hospital shall not be permitted visits except as authorized by the warden and chief health officer on a case by case basis.

(5) A death row or maximum management inmate shall be allowed to receive non-contact visits from approved visitors in accordance with 33-602.306(5) and 33-601.820.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New

#### 33-601.734 Visiting – Close Management Inmates.

(1) Visits for CM I and CM II inmates shall be non-contact visits. The warden shall determine the level of supervision and restraint for visits with inmates in CM III status on a case-by-case basis.

##### (2) CM I.

(a) Inmates are eligible to receive a non-contact visit after completing ninety days of satisfactory adjustment in CM I status and maintaining a clear disciplinary record since assignment to CM I.

(b) CM I inmates are eligible for another visit after each subsequent 90-day period in which a clear disciplinary record is maintained, providing security or safety concerns do not preclude a visit. CM I inmates are eligible for a maximum of four visits per year.

(c) CM I inmates placed into disciplinary status are not eligible for visiting until ninety days following release from disciplinary status or the conclusion of the disciplinary hearing, if a penalty other than disciplinary confinement was imposed.

##### (3) CM II.

(a) Inmates are eligible to receive a non-contact visit after completing sixty days of satisfactory adjustment in CM II status and maintaining a clear disciplinary record since assignment to CM II status.

(b) CM II inmates are eligible for another visit after each subsequent 60-day period in which a clear disciplinary record and satisfactory adjustment are maintained, provided security or safety concerns do not preclude a visit. CM II inmates are eligible for a maximum of six visits per year.

(c) CM II inmates placed in disciplinary status are not eligible for visiting until sixty days following release from disciplinary status or the disciplinary action, if a penalty other than disciplinary confinement was imposed.

(d) Inmates moved from CM I to CM II shall receive credit toward visiting for clear disciplinary record and time served in CM I.

##### (4) CM III.

(a) CM III inmates are eligible to receive a visit after completing sixty days of satisfactory adjustment in CM III and maintaining a clear disciplinary record since assignment to CM III.

(b) CM III inmates are eligible for another visit after each subsequent 30 day period in which a clear disciplinary record and satisfactory adjustment is maintained if security or safety concerns do not preclude a visit. A CM III inmate is eligible for a maximum of eleven visits per year.

(c) CM III inmates placed in disciplinary status are not eligible for visiting until thirty days following release from disciplinary status or the disciplinary action, if a penalty other than disciplinary confinement was imposed.

(5) Time spent in any status other than close management status shall not count towards completion of the period required prior to visiting. For example, if a CM I inmate serves thirty days and then enters a medical status for thirty days, he must complete another sixty days in CM I status prior to consideration for a visit.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New

#### 33-601.735 Visiting – Disciplinary Confinement, Protective Management, and Administrative Confinement Inmates.

(1) Disciplinary confinement inmates shall not be permitted visits other than legal visits unless exceptions are made by the warden, assistant warden or duty warden for emergencies.

(2) Protective Management. Inmates shall have a minimum of two hours a week for visiting under the following conditions:

(a) Visiting shall take place in a separate facility from the general population if a separate facility is available;

(b) If a separate facility is not available, the warden, assistant warden or duty warden shall schedule visiting at a time or day different than that for general population inmates.

(c) The warden, assistant warden or duty warden is authorized to limit or deny the visit based upon the degree of threat to the inmate. The warden, assistant warden or duty warden shall determine whether the visit shall be contact or non-contact.

(d) The warden is authorized to approve special visits as provided in 33-601.737.

##### (3) Administrative Confinement.

(a) Inmates in administrative confinement shall be permitted visits with the approval of the warden, assistant warden or duty warden based on the best interest of all concerned.

(b) Visits shall be denied for inmates who are a threat to institutional security.

(c) The warden, assistant warden or duty warden shall determine if non-contact visits are appropriate for inmates in administrative confinement status.

(d) The warden, assistant warden, or duty warden shall notify the control room in writing when approval is given in advance of the visitor arriving at the institution.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New \_\_\_\_\_.

#### 33-601.736 Non-contact Visiting.

(1) When the ICT determines that non-contact visiting is necessary in order to maintain the security and good order of the institution, the ICT shall make a recommendation to the warden who shall approve or disapprove the recommendation.

(2) The ICT shall consider the following factors in determining whether to place an inmate in non-contact status:

(a) Whether the inmate is a threat to the security of the institution,

(b) The inmate's and his or her visitors' past behavior during visiting,

(c) The inmate's disciplinary history involving drugs, contraband, violence, or visiting policy violations occurring during visiting,

(d) Evidence or criminal intelligence reports that an inmate has possessed, sold, or transferred drugs or alcohol,

(e) Whether the inmate has a confirmed membership in a security threat group, and

(f) A positive drug or alcohol urine test.

(3) The ICT shall review non-contact visiting status a minimum of every 6 months to evaluate whether changes are necessary based upon the following:

(a) The seriousness of the incident or circumstances resulting in placement in non-contact status,

(b) The inmate's history of repeated placement on non-contact status,

(c) The inmate's overall adjustment history since placement in non-contact status, and

(d) The inmate's disciplinary pattern within the last year related to drugs, contraband involvement, violence, or visiting rule violations.

(4) The warden shall ensure that there is sufficient space for non-contact visiting based on space available and allowable visitors.

(a) Non-contact visits shall be scheduled for one two-hour visit per week unless an emergency exists or security concerns dictate otherwise.

(b) Non-contact visits shall be limited to a maximum of four adult visitors and as many children as can be accommodated at a time.

(c) More than four visitors can be allowed to visit on a given day, but visiting will be on a rotating basis during the two-hour period.

(d) Inmates are responsible for notifying visitors of their placement on non-contact visiting status.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New \_\_\_\_\_.

#### 33-601.737 Special Visits.

(1) The warden, assistant warden, or duty warden is authorized to approve special visits, impose special conditions for visiting outside of the regular visiting schedule, and to make exceptions to the number of visitors allowed.

(2) Before approving a special visit for any person who is not in the inmate's approved visiting record, institutional staff shall obtain a criminal history on the prospective visitor.

(3) The CVA Visitor Screening Matrix, Form DC6-111D shall be used to evaluate the proposed visitor's criminal record and visiting background in determining approval or disapproval of the special visiting request. Form DC6-111D is incorporated by reference in rule 3-601.738.

(4) Requests for a special visit shall be made by the inmate on the Inmate Request, Form DC3-005 and shall be submitted no less than five workdays in advance of the requested visit. Individuals requesting special visits shall be referred to the inmate who they wish to visit. The warden, assistant warden or duty warden shall approve or deny the request by the next working day after receipt. If it can be conclusively established that circumstances prevented the visitor from requesting a special visit within the five-day period, the warden, assistant warden, or duty warden shall consider the request for a special visit. The inmate shall be responsible for notifying individuals approved for a special visit.

(5) A visitor who has been denied a special visit by the warden, assistant warden or duty warden may request that the CVA mediate on his or her behalf. A local or institution telephone shall be used for this purpose if the visitor is on institutional property. The CVA shall either advise the visitor that the warden's, assistant warden's or duty warden's decision is appropriate or speak to the denying authority on behalf of the visitor. However, the final decision will rest with the approving authority.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New \_\_\_\_\_.

#### 33-601.738 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) DC1-803, Unclothed Body Search Consent, effective \_\_\_\_\_.

(2) DC1-804, Consent to or Notification for Search, effective \_\_\_\_\_.

(3) DC6-111A, Request for Visiting Privileges, effective \_\_\_\_\_.

(4) DC6-111B, Visitor Information Summary, effective

(5) DC6-111C, Remove/Add Visitor Request, effective

(6) DC6-111D, CVA Visitor Screening Matrix, effective

Specific Authority 944.09, 944.115, 944.23 FS, Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History—New

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Minimum Flows and Levels  
 RULE CHAPTER NO.: 40E-8

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish minimum flows and levels for Lake Okeechobee, the Everglades (which includes the freshwater regions of Everglades National Park, Water Conservation Areas, and the Holeyland and Rotenberger Wildlife Management Areas), the Biscayne Aquifer in Southeastern Florida, the Loxahatchee River, the St. Lucie River, the Lower West Coast Aquifers, and the Caloosahatchee River, in accordance with Chapter 373, Florida Statutes.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATE, TIME, AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 Noon, August 15, 2000

PLACE: Stephen P. Clark Government Center, 111 N. W. 1st Street, 18th Floor, Room 18-3, Miami, FL 33128

TIME AND DATE: 10:00 a.m. – 12:00 Noon, August 16, 2000

PLACE: City of Stuart, City Commission Chambers, 121 S. W. Flagler Ave., Stuart, FL 34994, (561)288-5312

TIME AND DATE: 10:00 a.m. – 12:00 Noon, August 24, 2000

PLACE: Lee County Extension Service, 3406 Palm Beach Blvd., Ft. Myers, FL 33916, (941)338-3232

TIME AND DATE: 10:00 a.m. – 12:00 Noon, August 25, 2000

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: [sburns@sfwmd.gov](mailto:sburns@sfwmd.gov)), or Cecile Ross (internet: [cross@sfwmd.gov](mailto:cross@sfwmd.gov)) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm

Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6294 or (561)682-6294 (internet: [jjenniso@sfwmd.gov](mailto:jjenniso@sfwmd.gov)). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLES:	RULE NOS.:
Examination for Licensure	61G3-16.001
Examination Requirements	61G3-16.0010
Reexamination	61G3-16.002
Examination Review Procedure	61G3-16.003
Foreign Language Examination	61G3-16.0041
Manner of Application	61G3-16.008
Supervised Practice Exception	61G3-16.010

PURPOSE AND EFFECT: The Board proposes to update the existing rules.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure; Examination Requirements; Reexamination; Examination Review Procedure; Foreign Language Examination; Examination or Restricted Licensure; Endorsement; Manner of Application; Supervised Practice Exception.

SPECIFIC AUTHORITY: 476.064(4), 476.114(2),(3), 476.134, 455.217, 455.217(2), 455.217(1)(b), 476.144(5), 476.184(2), 10. FS.

LAW IMPLEMENTED: 476.114(2),(3) 476.134, 455.217(2),(5), 455.217(1)(b), 476.144(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: Barbershop Requirements  
 RULE NO.: 61G3-19.011

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Barbershop Requirements.

SPECIFIC AUTHORITY: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLES: Collection and Payment of Fees  
 RULE NOS.: 61G3-20.001

Application Fee for Licensure through Examination or Endorsement 61G3-20.002

Examination Review Fee 61G3-20.0075

PURPOSE AND EFFECT: The Board proposes to update the existing rules.

SUBJECT AREA TO BE ADDRESSED: Collection and Payment of Fees; Application Fee for Licensure Through Examination or Endorsement; Reexamination Fee; Examination Review Fee.

SPECIFIC AUTHORITY: 476.064(4), 476.192, 476.213(2), 455.217(2) FS.

LAW IMPLEMENTED: 455.213(2), 476.192, 476.114(3), 476.192, 455.217 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 IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Exemption of Spouses of Members of  
 RULE NO.: 61G8-17.005

Armed Forces from License Renewal Requirements

PURPOSE AND EFFECT: The Board recommends text be stricken from this rule due to lack of statutory provisions.

SUBJECT AREA TO BE ADDRESSED: Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

SPECIFIC AUTHORITY: 455.02(2), 470.005 FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Qualification Program for Special Inspectors  
 RULE NO.: 61G15-35.003

of Threshold Buildings  
 PURPOSE AND EFFECT: The Board proposes to create a new Chapter entitled "Responsibility Rule of Professional Engineers Providing Threshold Building Inspection", numbered 61G15-35. Within this chapter, a new rule will be promulgated, numbered 61G15-35.003, which will address the qualification program for special inspectors of threshold buildings.

SUBJECT AREA TO BE ADDRESSED: Qualification Program for Special Inspectors of Threshold Buildings.

SPECIFIC AUTHORITY: 471.008, 471.021 FS.

LAW IMPLEMENTED: 471.021 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current registration in good standing as a registered professional engineer whose principal practice is structural engineering in the State of Florida.

(b) Three years of experience in performing structural field inspections on threshold type buildings.

(c) Two years of experience in the structural design of threshold type buildings. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) Experience in the structural inspection and/or design of at least three threshold type buildings. This experience must be within the ten calendar years preceding submission of the application.

(e) Self-certification as to the competency of the applicant to perform structural inspections on threshold buildings.

(2) All registered professional engineers who are certified Special Inspectors and on the Roster of Special Inspectors maintained by the Department of Community Affairs, pursuant to Rule 9B-3.043, F.A.C., as of June 30, 2000 shall be qualified pursuant to this rule and shall continue to be certified Special Inspectors of threshold buildings.

(3) Applications.

(a) The application for Special Inspector, Form FBPE/TBI/2000-01 is hereby incorporated by reference, effective \_\_\_\_\_ . Copies of Form FBPE/TBI/2000-01 may be obtained from the Board by writing to the Florida Board of Professional Engineers, c/o Florida Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32301, or by downloading it from the internet web site www.fbpe.org.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/2000-01 by mailing to the address listed above.

(c) Applications shall contain the following basic information pertaining to the applicant:

- 1. Name;
- 2. Address;
- 3. Phone number;

4. Florida registration number;

5. Educational and experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;

6. Name and address of current employer.

7. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;

8. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and

9. Completed form FBPE/TBI/2000-01.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(4) Temporary Certification. Professional engineers who have been granted temporary registration in Florida pursuant to the provisions of Section 471.021, F.S., may also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.

(5) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Florida Board of Professional Engineers, c/o Florida Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32301.

Specific Authority 471.008, 471.021 FS. Law Implemented 471.021 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 61G18-30.001  
 PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the penalties to be imposed for certain violations pursuant to Section 474.213(1), Florida Statutes, as well as violations of the Practice Act.  
 SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273(1) FS.  
 LAW IMPLEMENTED: 455.2273, 474.213, 474.214 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: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-30.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 474.213(1), Florida Statutes, which are felonies of the third degree as well as violations of the Practice act, it shall issue a final order imposing appropriate penalties, using the following disciplinary guidelines.

(a) Practicing veterinary medicine in this State unless a person holds an active license to practice veterinary medicine pursuant to Chapter 474, Florida Statutes.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine of three thousand dollars (\$3,000.00) ~~one thousand dollars (\$1,000.00)~~ and, upon eligibility for licensure, imposition of a one year probationary period.

In the case of a non-licensed veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of three thousand dollars (\$3,000.00) ~~one thousand dollars (\$1,000.00)~~ plus one year's probation if the subject should become licensed in the State of Florida.

In the case of a non-veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of three thousand dollars (\$3,000.00) ~~one thousand dollars (\$1,000.00)~~ for each count.

(b) No change.

(c) Presenting as one's own license the license of another.

The usual action of the Board shall be to request that the Department issue a Cease and Desist Order, and an administrative fine of five thousand dollars (\$5,000.00) ~~one thousand dollars (\$1,000.00)~~ and, upon issuance of licensure, imposition of a one year probationary period.

(d) Giving false or forged evidence to the Board or member thereof, for the purpose of obtaining a license.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee shall be to impose a penalty of a five thousand dollar (\$5,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine and revocation of any license obtained based on false or forged evidence.

(e) Using or attempting to use a veterinarian's license which has been suspended or revoked.

In the case of an applicant, the usual action shall be denial of licensure and to request the Department issue a Cease and Desist Order. The usual action of the Board in the case of a licensee shall be to impose revocation if the subject's license has been suspended and an administrative fine of five thousand dollars (\$5,000.00) ~~one thousand dollars (\$1,000.00)~~.

(f) Knowingly employing unlicensed persons in the practice of veterinary medicine.

The usual action of the Board shall be to impose a penalty of one (1) year probation and a three thousand dollar (\$3,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine.

(g) Knowingly concealing information relative to a violation of Chapter 474, Florida Statutes.

The usual action of the Board shall be to impose a penalty of six (6) months probation and a one thousand dollar (\$1,000.00) ~~five hundred dollar (\$500.00)~~ administrative fine.

practice veterinary medicine.

two thousand dollar (\$2,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine and suspension followed by probation up to revocation.

(h) Obtaining or attempting to obtain a license by fraud

Revocation or denial of licensure plus an administrative fine of five thousand dollars (\$5,000.00) ~~one thousand dollars (\$1,000.00)~~

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.

The usual action of the Board shall be to impose a penalty of a one (1) year suspension followed by probation for a period of one year and an administrative fine of three thousand dollars (\$3,000.00) ~~one thousand dollars (\$1,000.00)~~ per count or violation.

(i) Selling or offering to sell a diploma conferring a degree in veterinary medicine or a license to practice veterinary medicine in this state.

A fine of five thousand dollars (\$5,000.00) ~~one thousand dollars (\$1,000.00)~~ and revocation.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

In the case of violations, which are not resolved by the Board's rule concerning minor violations, the usual action of the Board shall be to impose a one thousand dollar (\$1,000.00) ~~five hundred dollar (\$500.00)~~ administrative fine.

(2) When the Board finds an applicant, ~~or licensee, or permittee~~ whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 474.214(1), Florida Statutes, it shall issue a Final Order imposing appropriate penalties which are set forth in 474.214(2), Florida Statutes, using the following disciplinary guidelines: and include revocation of license and a fine of up to one thousand dollars (\$1,000.00) per offense.

(a) Attempting to procure, or procuring, a license to practice veterinary medicine or a permit to own and operate a veterinary establishment, by bribery, by fraudulent representation or by error of the Department or the Board.

In the case of an applicant, the usual action of the Board shall be denial of licensure or permit. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty of revocation and a three thousand dollar (\$3,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine.

(f) Violating a statute or administrative rule regulating practice under this chapter or chapter 455 or a lawful disciplinary order or subpoena of the Board or the Department.

The usual action of the Board shall be to impose a penalty of one (1) year probation and a two thousand dollar (\$2,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine. In the case of a subpoena or disciplinary order, the usual action shall be to impose a period of suspension and a four thousand dollar (\$4,000.00) administrative fine.

(b) No change.

(c) Being convicted or found guilty, regardless of an adjudication, of a crime in any jurisdiction which directly relates to the practice of veterinary medicine or the ability to

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty ranging from a

(g) No change.

In the case of a licensed veterinarian being found late in payment of renewal fees, the veterinarian shall have thirty days from receipt of official notice from the Department of Business and Professional Regulation to become current in payment of fees to the Department and pay an administrative fine of five hundred dollars (\$500.00) ~~one hundred dollars (\$100.00)~~. If the delinquent veterinarian does not respond to the Department within the above mentioned thirty days, the Board shall request that the Department issue a Cease and Desist Order, which shall remain in effect until license renewal fees and an administrative fine of one thousand dollars (\$1,000.00) ~~five hundred dollars (\$500.00)~~ are paid.

(h) through (i) No change.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of Chapter 474, Florida Statutes, or the rules of the Board.

The usual action of the Board shall be to impose a penalty of a two thousand dollar (\$2,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine to be followed by probation.

(k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods.

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and a one thousand dollar (\$1,000.00) administrative fine for each count.

In construing this section, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.

(l) Performing or prescribing unnecessary or unauthorized treatment.

The usual action of the Board shall be to impose a penalty ranging from a reprimand to a one year probationary period with a two thousand dollar (\$2,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine.

(m) Engaging in fraud in the collection of fees from consumers or any person, agency, or organization paying fees to practitioners.

The usual action of the Board shall be to impose a penalty of a suspension followed by probation for a period of one year and a three thousand dollar (\$3,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine.

(n) Attempting to restrict competition in the field of veterinary medicine other than for the protection of the public.

The usual action of the Board shall be to impose a penalty of probation for a period of one year and a two thousand dollar (\$2,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine and revocation of the veterinarian's license to practice in the State of Florida if this violation is repeated.

(o) Fraud, deceit, negligence, incompetency, or misconduct in the practice of veterinary medicine.

The usual action of the Board shall be to impose a penalty ranging from probation for a period of one year and a two thousand dollar (\$2,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine to revocation of the veterinarian's license to practice in the State of Florida.

(p) Being convicted of a charge of cruelty to animals.

The usual action of the Board shall be to impose a penalty of suspension followed by probation for a period of one year and a four thousand dollar (\$4,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine.

(q) Permitting or allowing another to use a veterinarian's license for the purpose of treating or offering to treat sick, injured, or afflicted animals.

The usual action of the Board shall be to impose a penalty of a suspension and a three thousand dollar (\$3,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine followed by probation for a period of one year.

<p>(r) Being guilty of incompetence or negligence by failing to practice veterinary medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances.</p>	<p>The usual action of the Board shall be to impose a penalty of probation for a period of one year and a <u>two thousand dollar (\$2,000.00)</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine.</p>	<p>(v) through (w) No change. (x) Refusing to permit the Department to inspect the business premises of the licensee during regular business hours.</p>	<p>The usual action of the Board shall be to impose a penalty of a <u>two thousand dollar (\$2,000.00)</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine, unless circumstances legally justify such action by the veterinarian.</p>
<p>(s) Willfully making any misrepresentations in connection with the inspection of food for human consumption.</p>	<p>The usual action of the Board shall be to impose a penalty of a suspension followed by probation for a period of one year and a <u>four thousand dollar (\$4,000.00)</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine.</p>	<p>(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs defined in Chapter 465, or controlled substances as defined in Chapter 893, for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. Pursuant thereto, the veterinarian shall:</p>	<p>For violations involving medicinal drugs or drugs defined in Chapter 465 the usual action of the Board shall be to impose a penalty of suspension followed by probation for a period of one year and a <u>two thousand dollar (\$2,000.00)</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine. For violations involving <u>controlled substances</u> <del>medicinal drugs</del> as defined in Ch. 893, the usual action of the Board shall be to impose a penalty of suspension or revocation and a <u>four thousand dollar (\$4,000.00)</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine.</p>
<p>(t) Fraudulently issuing or using any false health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal diseases or transporting animals or issuing any false certificate relating to the sale of products of animal origin for human consumption.</p>	<p>The usual action of the Board shall be to impose a penalty of a suspension followed by probation for a period of one year and a <u>three thousand dollar (\$3,000.00)</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine.</p>	<p>1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and the caring of the animal and has recent contact with the animal or has made medically appropriate and timely visits to the premises where the animal is kept. 2. through 3. No change.</p>	
<p>(u) Engaging in fraud or dishonesty in applying, treating, or reporting on tuberculin, diagnostic, or other biological tests.</p>	<p>The usual action of the Board shall be to impose a penalty of a suspension followed by probation for a period of one year and a <u>three thousand (\$3,000.00) dollar</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine.</p>		

<p>(z) Providing, prescribing, ordering, or making available for human use medicinal drugs or drugs as defined in Chapter 465, controlled substances as defined in Chapter 893, or any material, chemical, or substance used exclusively for animal treatment.</p>	<p>For violations involving medicinal drugs or drugs defined in Chapter 465 the usual action of the Board shall be to impose a penalty of a suspension for a period of one year followed by one (1) year probation and a <u>two thousand dollar \$2,000.00</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine. For violations involving controlled substances as defined in Chapter 893 the usual penalty will be revocation.</p>	<p>(ff) Prescribing or dispensing legend drugs <del>drug</del> as defined in Chapter 465, including any controlled substance, inappropriately or in excessive or inappropriate period of quantities.</p>	<p>The usual action of the Board shall be to impose a penalty of a <u>two thousand dollar (\$2,000.00)</u> <del>one thousand dollar (\$1,000.00)</del> administrative fine and probation for a one year.</p>
<p>(aa) Failing to report to the Department any person the licensee knows to be in violation of Chapter 474, Florida Statutes, or the rules of the Board or Department.</p>	<p>The usual action of the Board shall be issuance of a reprimand <u>and a fine of five hundred dollars (\$500.00).</u></p>	<p>(gg) Practicing or offering to practice beyond the scope permitted by law.</p>	<p>The usual action of the Board shall be issuance of a reprimand plus six months probation, <u>a fine of one thousand dollars (\$1,000.00)</u>, and investigative costs.</p>
<p>(bb) Violating any of the requirements of Chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the Federal Drug Abuse Act; or Chapter 893, F.S.</p>	<p>The usual action of the Board shall be to impose a penalty of probation for a period of one year and an administrative fine of <u>two thousand dollars (\$2,000.00)</u> <del>one thousand dollars (\$1,000.00)</del>.</p>	<p>(hh) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.</p>	<p>The usual action of the Board shall be to impose a penalty of a <u>one thousand five hundred dollar (\$1,500.00)</u> <del>five hundred dollar (\$500.00)</del> administrative fine plus six months probation and investigative costs.</p>
<p>(cc) No change.</p>	<p>(ii) Presigning blank prescription forms.</p>	<p>(jj) through (ll) No change.</p>	<p>The usual action of the Board shall be suspension of the veterinarian's license, an administrative fine of <u>two thousand dollars (\$2,000.00)</u>, <del>one thousand dollars (\$1,000.00)</del> and probation for one year plus investigative costs.</p>
<p>(dd) Failing to perform any statutory or legal obligation placed upon a licensee.</p>	<p>The usual action of the Board shall be issuance of a reprimand, <u>and fine of one thousand dollars (\$1,000.00).</u></p>	<p>(mm) Failing to maintain accurate records or reports as required by this chapter or by federal or state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing, and administering of controlled substances.</p>	<p>The usual action of the Board shall be an administrative fine of <u>one thousand five hundred dollars (\$1,500.00)</u> <del>five hundred dollars (\$500.00)</del>.</p>
<p>(ee) Failing to keep contemporaneously written medical records as required by rule of the Board.</p>	<p>The usual action of the Board shall be issuance of a reprimand plus six months probation, <u>a fine of one thousand five hundred dollars (\$1,500.00)</u> and investigative costs.</p>	<p>(nn) Failing to report a change of address to the Board within 60 days thereof.</p>	<p>The usual action of the Board shall be an <u>administrative fine of five hundred dollars (\$500.00)</u>.</p>

(oo) Failure of the responsible veterinarian or permittee to report a change of premises ownership or responsible veterinarian within 60 days thereof.

The usual action of the Board shall be an administrative fine of five hundred dollars (\$500.00).

(pp) Failing to give the owner of a patient, before dispensing a written prescription when requested.

The usual action of the Board shall be an administrative fine of one dollars (\$1,000.00).

(3) When the Board finds an applicant, ~~or~~ licensee, or permittee whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 455.227(1), Florida Statutes, it will issue a Final Order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) Misleading, deceptive, untrue, or fraudulent representations in the practice of veterinary medicine.

The usual action of the Board will be to impose a penalty ranging from suspension followed by one (1) year probation and a two thousand dollar (\$2,000.00) ~~one thousand dollar (\$1,000.00)~~ administrative fine to revocation.

(b) Intentionally violating any rule adopted by the Board or the Department.

The usual action of the Board will be to impose an administrative fine of two thousand dollars (\$2,000.00) ~~one thousand dollars (\$1,000.00).~~

(c) through (d) No change.

(e) The license has been obtained by fraud or material misrepresentation of a material fact.

The usual action of the Board will be revocation of the license and an administrative fine of four thousand dollars (\$4,000.00) ~~one thousand dollars (\$1,000.00).~~

(f) No change.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

The usual action of the Board will be an administrative fine of two thousand dollars (\$2,000.00).

(h) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

The usual action of the Board will be to impose a penalty ranging from suspension followed by one year probation and payment of an administrative fine of three thousand dollars (\$3,000.00) to revocation.

(i) Exercising influence on the patient or client for the purpose of financial gain of the license or a third party.

The usual action of the Board will be an administrative fine of three thousand dollars (\$3,000.00).

(4) No change.

(5) Penalties imposed by the Board pursuant to subsections (1), (2) and (3) above may be imposed in combination or individually, and are as follows:

(a) No change.

(b) imposition of an administrative fine not to exceed five thousand dollars (\$5,000.00) ~~one thousand dollars (\$1,000)~~ for each count or separate offense;

(c) through (f) No change.

(g) denial of an application for licensure or a permit to own and operate a veterinary establishment; and

(h) No change.

(6) through (7) No change.

Specific Authority 455.2273(1) FS. Law Implemented 455.2273, 474.213, 474.214 FS. History--New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NUMBER: 00-15R

RULE CHAPTER TITLE: State Revolving Fund Loan Program

RULE CHAPTER NO.: 62-503

PURPOSE AND EFFECT: The rule revision to be developed would enable the funding of additional stormwater and wastewater management systems under the State Revolving Fund Loan Program. The rule revisions to be developed would expand on those recently noticed under this same Docket Number 00-15R. The previously noticed rule development addressed the funding of projects from future loan repayments of existing loans under the State Revolving Loan Fund Program. The Program provides financial assistance in the form of low-interest loans to local governments for planning, design, construction, and technical services associated with construction and start-up of facilities. The additional rule revisions to be developed would address funding projects using the proceeds of a bond sale. The program is authorized by Section 403.1835, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: State Revolving Loan Fund Program Rules for loans for stormwater and wastewater management facilities.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

SPECIFIC AUTHORITY: 403.1835 FS.

LAW IMPLEMENTED: 403.1835 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Don Berryhill, Bureau of Water Facilities Funding, MS #3505, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

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

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 00-36R

RULE CHAPTER TITLE: Contaminant Cleanup Criteria

RULE CHAPTER NO.: 62-777

PURPOSE AND EFFECT: Rule development for amendments to the Contaminant Cleanup Criteria rules, Chapter 62-777, FAC., to include a rule development workshop and risk impact statement meeting.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection proposes to amend the Contaminant Cleanup Criteria rules, Chapter 62-777, Florida Administrative Code. The proposed amendments will modify certain existing contaminant cleanup target levels applicable to the cleanup of petroleum, drycleaning solvent, and brownfield contaminated sites as well as modify cleanup target levels for treatment of contaminated soils. The modifications are the result of recommendations from the Methodology Focus Group and the Contaminated Soils Forum. The recommendations were based on changes to exposure factors affecting but not limited to the following topics: Surface Area, Adherence Factors, Dermal Absorption, and GI Absorption. The Department anticipates that a concise risk impact statement will be prepared for the proposed Chapter 62-777 which will explain the risk to the public health addressed by the proposed amendments and shall identify and summarize the source of the scientific information used in evaluating that risk.

SPECIFIC AUTHORITY: 376.3071, 376.81, 376.3078 FS.

LAW IMPLEMENTED: 376.3071, 376.81, 376.3078 FS.

A RULE DEVELOPMENT WORKSHOP TO DISCUSS THE PROPOSED RULE CHAPTER AND THE RISK IMPACT STATEMENT FOR THE PROPOSED RULE CHAPTER WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW:

TIME AND DATE: August 30, 2000 beginning at 9:00 a.m. and continuing that day until completion, but not later than 5:30 p.m.

PLACE: Department of Environmental Protection, 2400 Blair Stone Road, Room 609, Twin Towers Office Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND THE RISK IMPACT STATEMENT IS: Roger B. Register, Department of Environmental Protection, Bureau of Waste Cleanup, Mail Station 4505, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0190 or at the e-mail address: roger.register@dep.state.fl.us.

A copy of the meeting agenda or other announcements are available and may be obtained by calling or writing the contact person named above, or an electronic copy may be obtained at the Internet address:

<http://www.dep.state.fl.us/dwm/programs/brownfields>

An electronic copy of the preliminary rule text and tables may be obtained at the Internet address: <http://fdep.ifas.ufl.edu>.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 00-35R

RULE CHAPTER TITLE: Brownfields Cleanup Criteria Rule

RULE CHAPTER NO.: 62-785

PURPOSE AND EFFECT: Rule development for amendments to the Brownfields Cleanup Criteria rules, Chapter 62-785, FAC., to include a rule development workshop and risk impact statement meeting.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is proposing to amend the Brownfields Cleanup Criteria rules, Chapter 62-785, Florida Administrative Code. The proposed amendments would apply to cleanup of sites within designated brownfield areas. The amendments are the result of changes made during the 2000 Florida Legislature. Specifically, the department's rule must prescribe a risk-based corrective action (RBCA) process that is iterative and that tailors site rehabilitation tasks to site-specific conditions and risks. Modifications are proposed to the existing rule to further clarify the RBCA process. Additionally, the statute requires changes to the existing rule when the use of alternative cleanup target levels (ACTLs) are approved at a brownfield site. The statute specifies that when ACTLs are approved at a brownfield site that institutional controls are not required if certain criteria are met. The Department anticipates that a concise risk impact statement will be prepared for the proposed amendments to Chapter 62-785 which will explain the risk to the public health addressed by the proposed amendments and shall identify and summarize the source of the scientific information used in evaluating that risk.

SPECIFIC AUTHORITY: 376.81 FS.

LAW IMPLEMENTED: 376.81 FS.

A RULE DEVELOPMENT WORKSHOP TO DISCUSS THE PROPOSED RULE AMENDMENTS AND THE RISK IMPACT STATEMENT FOR THE PROPOSED RULE AMENDMENTS WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW:

TIME AND DATE: 9:00 a.m., August 30, 2000 beginning at and continuing that day until completion, but not later than 5:30 p.m.

PLACE: Department of Environmental Protection, 2400 Blair Stone Road, Room 609, Twin Towers Office Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND THE RISK IMPACT STATEMENT IS: Roger B. Register, Department of Environmental Protection, Bureau of Waste Cleanup, Mail Station 4505, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0190 or at the e-mail address: roger.register@dep.state.fl.us.

A copy of the preliminary rule text, meeting agenda or other announcements are available and may be obtained by calling or writing the contact person named above, or an electronic copy may be obtained at the Internet address:

http://www.dep.state.fl.us/dwm/programs/brownfields

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Colonic Irrigation Application Deadline 64B7-25.0011

PURPOSE AND EFFECT: The Board proposes to review the existing text of this rule.

SUBJECT AREA TO BE ADDRESSED: Colonic Irrigation Application Deadline.

SPECIFIC AUTHORITY: 480.041(4)(b) FS.

LAW IMPLEMENTED: 480.041(4)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: William Buckhalt, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: RULE NO.:

Citations 64B7-30.004

PURPOSE AND EFFECT: The Board proposes to review the existing text of this rule.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.617 FS.

LAW IMPLEMENTED: 455.617 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C09, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Continuing Education Credit for Physicians 64B8-13.007  
Volunteering To Take FMLE

PURPOSE AND EFFECT: The Board intends to develop a new rule to address continuing education credit for those licensed physicians who successfully complete the Florida Medical Licensure Examination (FMLE), scheduled to be administered by the Department as part of the FMLE Comparison Study.

SUBJECT AREA TO BE ADDRESSED: Continuing education credit.

SPECIFIC AUTHORITY: 455.564(6) FS.

LAW IMPLEMENTED: 455.564(6) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

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

Section II  
Proposed Rules

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLE: Quarterly Report Filing Requirements  
 RULE NO.: 3D-40.022

PURPOSE AND EFFECT: The purpose of the rule is to prescribe the procedure for filing the quarterly reports required by Sections 494.004(6) and 494.0067(9), F.S., that identify those persons who became or ceased being an associate of the business during the previous quarter.

SUMMARY: Each mortgage lender, correspondent mortgage lender and mortgage lender pursuant to the saving clause, that was licensed prior to March 31, 2000, is required to file a quarterly report before April 1, 2000 and within 30 days of each subsequent calendar. Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause, that was licensed after March 31, 2000, is required to file a quarterly report within 30 days of the end of the calendar quarter in which the license was issued. The quarterly report may be submitted in writing or electronically to the Department's website.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 494.0011(2), 494.004(6), 494.0067(9) FS.

LAW IMPLEMENTED: 494.004(6), 494.0067(9) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., August 21, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-40.022 Quarterly Report Filing Requirements.

(1) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender, and mortgage lender licensed pursuant to the savings clause, that was licensed with the Department on or before March 31, 2000, shall file an

initial quarterly report on or before April 30, 2000 as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S. Thereafter, a quarterly report shall be filed as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S., within 30 days of the end of each calendar quarter.

(2) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender and mortgage lender licensed pursuant to the savings clause, that becomes licensed with the Department after March 31, 2000, shall file an initial quarterly report within 30 days of the end of the calendar quarter in which the original license is issued, and thereafter shall file a quarterly report as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S.

(3) The report may be filed electronically on Form DBF-MX-QR-E by accessing the Department's website at www.dbf.state.fl.us, or the report may be filed on Form DBF-MX-QR in a typed format. Forms DBF-MX-QR and DBF-MX-QR-E are hereby incorporated by reference and are available from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) All reports, written or electronic, shall be received by the Department in Tallahassee within thirty (30) days after the last day of each calendar quarter. If the 30th day falls on a weekend or official holiday such reports will be considered timely received on the next business day.

(5) If a correct initial report or correct quarterly report thereafter is not timely received (incidental and isolated clerical errors or omissions shall not be considered a violation) as required by subsection 494.004(6), F.S., or subsection 494.0067(9), F.S., the penalty shall be the issuance of a "notice of noncompliance" for the first offense. Any subsequent finding of a violation of this rule shall be a fine of \$500. The penalty for any intentional violations of this rule shall be a fine of \$500 and suspension of the license.

Specific Authority 494.0011(2), 494.004(6), 494.0067(9) FS. Law Implemented 494.004(6), 494.0067(9) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Tedcastle, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000