

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: **RULE TITLE:**
 33-602.221 Protective Management
PURPOSE AND EFFECT: Rulemaking is necessary to replace superfluous language; clarify that the enumerated conditions and privileges shall be the same as those afforded to inmates in the general population; extend the ICT review schedule for inmates in protective management from at least every thirty days to at least every 60 days; revise form DC6-235; and make any other “clean-up” revisions deemed necessary for inclusion or deletion.
SUBJECT AREA TO BE ADDRESSED: Protective Management
RULEMAKING AUTHORITY: 944.09 F.S.
LAW IMPLEMENTED: 944.09, 944.34, 944.04, F.S.
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 REGISTER.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Office of the General Counsel, Attn: FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com. A copy of the preliminary draft may also be obtained using the following link: <http://www.dc.state.fl.us/legal/ch33/notices/index.html>
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE NO.: **RULE TITLE:**
 33-501.401 Admissible Reading Material
PURPOSE AND EFFECT: The rule is being modified to provide clarity on rejections of publications sent to inmates due to advertisements within the publication, to update a staff job title, and to correct several formatting errors.
SUMMARY: The proposed rule amendments removes rule language allowing publications containing advertisements otherwise prohibited by rule in instances where the

advertisements are not the focus of the publication or prominent or prevalent throughout the publication. Additionally, the changes update the title of the Bureau Chief of Education and correct several formatting errors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 944.09, 944.11, F.S.

LAW IMPLEMENTED: 944.11, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399 (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Office of the General Counsel, Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com.

THE TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material

(1) through (14) No change.

(15) Rejection of Publications. An inmate can possess a publication that is not detrimental to the security, order, or disciplinary or rehabilitative interests of any institution of the Department or any privately-operated facility housing inmates committed to the custody of the Department. A publication will be rejected if:

(a) through (n) No change.

(o) The publication contains an advertisement promoting any of the following ~~where the advertisement is the focus of, rather than being incidental to, the publication, or the advertising is prominent or prevalent throughout the publication:~~

1. through 4. No change.

(p) No change.

(16) through (20) No Change.

(21) Inmate Grievance Appeals.

(a) through (b) No Change.

~~(c)(b)~~ When a publication is impounded or rejected pursuant to the criteria set forth in subsection (15) or (19) of this rule, an inmate must bypass the informal and formal institutional levels of review, and file a grievance directly with the Office of the Secretary as described in Rule 33-103.007, F.A.C.

1. through 6. No change.

(22) Literature Review Committee.

(a) A Literature Review Committee (LRC) will act as the final reviewing authority for appeals regarding publications rejected or impounded pursuant this rule. The committee will be composed of the following individuals:

1. Bureau Chief of Security Operations or his or her designee;

2. Bureau Chief of Policy Management and Inmate Appeals or his or her designee;

3. Bureau Chief of Education Programs or his or her designee.

(b) The Bureau Chief of Education Programs or his or her designee will serve as the chairperson of the LRC and will be responsible for coordinating all activities of the committee.

(c) Within 30 days of receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publications, from an institution or facility or receipt of an inmate grievance appeal forwarded by the Bureau of Inmate Grievance Appeals, the Bureau Chief of Education Programs or his or her designee will schedule a meeting of the LRC to review the decision to reject or impound a publication or the appeal. The committee will consider the appeal (if filed), the rule authority and reasons for the rejection or impoundment cited in Form DC5-101, the portions of the publication that have been cited as cause for the rejection or impoundment, and any other relevant material relating to the decision to reject or impound the publication or

the appeal. The committee will affirm or overturn the decision to reject or impound the publication or approve or deny the appeal based upon the criteria set forth in this rule. Decisions of the committee will be by majority vote. Except as otherwise provided in this rule, the decision of the committee is final.

(d) through (f) No change.

(23) No change.

(24) Review by the LRC

(a) through (b) No change.

(c) The library services administrator will forward all information submitted by the publisher to the LRC for review at the next regularly scheduled LRC meeting. The Bureau Chief of Education Programs or his or her designee will provide the publisher written notification of the LRC's decision. The decision will also be communicated to all correctional institutions and facilities. A publisher may request reconsideration of a publication pursuant to subparagraph (24)(a)1. at any time.

(25) Special Meeting of the LRC.

(a) through (c) No change.

(d) The library services administrator will forward all information submitted by the publisher to the Bureau Chief of Education Programs who will schedule a special meeting of the LRC to consider the request.

(e) through (f) No change.

(g) The Bureau Chief of Education Programs or his or her designee will provide the publisher written notification of the LRC's decision. The decision will also be communicated to all correctional institutions and facilities.

~~(h)(f)~~ If a publication is rejected at a special meeting of the LRC, the publisher may not request reconsideration at a special meeting of the LRC for a period of five calendar years from the date of the rejection.

Rulemaking Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, 9-5-05, 8-1-06, 6-16-09, 11-22-10, 6-9-20, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Mahoney, Director of Programs and Re-Entry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ricky D. Dixon, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 20, 2021

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-602.210 Use of Force

PURPOSE AND EFFECT: Rulemaking is necessary to implement legislative revisions (HB 7051 – 2021) to section 943.1735, Florida Statutes, to adopt policies in the subject of use of force; to provide for an alternative method of dispensing chemical agent canisters to authorized officers and staff; revise Form DC6-230, revise Form DC6-232; revise Form DC6-281; and any other “clean-up” revisions needed or deemed necessary for inclusion/deletion.

SUMMARY: This rule is being updated to to implement legislative revisions (HB 7051 – 2021) to section 943.1735, Florida Statutes to adopt policies in the subject of use of force; to provide for an alternative method of dispensing chemical agent canisters to authorized officers and staff; revise Form DC6-230, revise Form DC6-232; revise Form DC6-281; and any other “clean-up” revisions needed or deemed necessary for inclusion/deletion.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 944.09, F.S.

LAW IMPLEMENTED: 776.012, 776.06, 776.07, 843.04, 943.1717, 943.1735, 944.09, 944.35, 945.025, 945.04, 957.05 FS.

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participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lauren Sanchez, Paralegal Specialist, 501 S. Calhoun Street, Tallahassee, FL 32399 (850)717-3610, lauren.sanchez@fdc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Office of the General Counsel, Attn. FDC Rule Correspondence, 501 South Calhoun Street, Tallahassee, Florida 32399, FDCRuleCorrespondence@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) Definitions.

(a) through (x) No Change.

(y) Reasonable Force – Any force that is authorized, consistent with current training, and appropriate for the purpose of protecting oneself or another or for gaining an inmate’s compliance with a lawful order.

(z) through (ii) No Change.

(2) Authorization to Use Force.

(a) through (b) No Change.

(c) Any force used must be reasonable, lawful, consistent with current training, and of the minimum amount necessary to achieve one or more of the objectives listed in paragraph (2)(a).

(d) through (e) No Change.

(3) No Change.

(4) Use of Force – General and Miscellaneous Provisions.

(a) No Change.

(b) Miscellaneous Use of Force Protocol.

1. through 3. No Change.

4. On-duty correctional officers who observe another officer engaging or attempting to engage in excessive use of force against an inmate has a duty to intervene.

a. When such intervention is reasonable based on the totality of the circumstances and the observing officer may intervene without jeopardizing his or her own health or safety, he/she will intervene to end the excessive use of force or attempted excessive use of force.

b. When an officer’s attempts to intervene fail to end the excessive use of force or attempted excessive use of force, the intervening officer will immediately notify the officer in charge and call for assistance from additional correctional officers.

54. Hands-on force shall not be used if injury is less likely to occur by using chemical agents, specialty impact munitions, or EIDs.

65. If an inmate who is secured in a cell fails to comply with a lawful order to cease his or her prevention of staff from closing a food flap/cuff port cover, staff shall pursue an organized use of force.

76. Reactionary use of force to prevent an inmate from self-harm shall only be used in the most extreme cases when the action of the inmate has caused observable injuries, the inmate is attempting to hang himself or herself, or the inmate possesses an instrument for self-injury and the risk is imminently life threatening.

(c) No Change.

(5) Use of Chemical Agents.

(a) General.

1. through 2. No Change.

3. Authorization to Use CS instead of OC.

a. No Change.

b. The warden or designee may authorize the use of CS as an initial primary chemical agent whenever past applications of OC to an inmate were documented on a Report of Force Used, Form DC6-230, as having been applied and ineffective. Form DC6-230, Report of Force Used, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida

32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04915>.

The effective date of the form is XX/XX 10/20.

c. No Change.

4. No Change.

(b) No Change.

(c) Use of Chemical Agents on Inmates in Controlled Conditions.

1. The warden or designee shall be consulted and his or her written Authorization for Use of Force, Form DC6-232, must be obtained for any organized use of force prior to the application of chemical agents. Form DC6-232, Authorization for Use of Force, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01701>.

The effective date of the form is XX/XX 09/99. The person responsible for submitting the use of force authorization shall prepare, date, and sign the authorization either prior to or immediately after the end of the shift in which force was used. If the authorization for use of force is granted after normal working hours, the authority granting the action shall sign the

use of force authorization within one day following the incident, excluding weekends and holidays.

2. No Change.

(6) Use of Other Less-Lethal Weapons.

(a) No Change.

(b) The use of EIDs, batons, specialty impact munitions, or other less-lethal weapons within an institution shall be authorized only by the warden or designee when their use is necessary, their use would comport with the other provisions of this rule, and the use of the chemical agents referenced elsewhere in this rule would be either inappropriate or ineffective. Such weapons shall be utilized by officers who have completed the Department's standard training on their use and shall be used in accordance with manufacturer specifications.

1. EIDs.

a. EIDs authorized by the Department include:

(I) No Change.

(II) Dart-fired EID (DFEID), which shall be an intermediate level of force alternative, issued primarily to officers supervising inmates within the general population setting. DFEIDs shall not be used on inmates while in a confinement or close management cell, unless it is justified to prevent death or great bodily harm to another person,

(III) through (IV) No Change.

2. Specialty impact munitions. Specialty impact munitions shall only be used when necessary after all other reasonable alternatives to regain control have been exhausted. They are intended to be used as an interim force response between the use of chemical agents and deadly force.

a. Specialty impact munitions shall be used only by the Department's designated armed response teams, Rapid Response Teams, Correctional Emergency Response Teams, and/or trained staff as authorized by the Deputy Secretary of ~~Institutions~~ for use during riots and disturbances and to respond to staff assaults. They are intended as a less-lethal alternative to the use of deadly force. Specialty impact munitions shall not be used on anyone other than an inmate during an authorized use of force.

b. through d. No Change.

3. Pepperball Launching System (PLS). The PLS shall be used instead of aerosol-type chemical agents when aerosol-type chemical agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall be used ~~only~~ by restricted labor squad supervisors and exercise officers for confinement, close management, maximum management, and death row populations. A warden may request authorization from the Deputy Secretary to deploy the PLS for those posts designated for observation of inmate movement and outdoor recreation activities. The PLS shall only be employed by

officers who have completed the Department's standard training in their use and effects.

a. General Provisions.

(I) The Deputy Secretary ~~of Institutions~~ shall designate those institutions authorized to use the PLS.

(II) No Change.

b. through c. No Change.

4. Noise flash distraction devices. Noise flash distraction devices shall be used only by the Department's Rapid Response Teams, Correctional Emergency Response Teams, and/or other trained staff as authorized by the Deputy Secretary ~~of Institutions~~ for the purpose of creating a momentary diversion to assist correctional staff in restoring order in hostile situations. These situations include hostage rescue, crowd control, and certain escape and recapture efforts. The following noise flash distraction devices have been approved for use by the Department:

a. through c. No Change.

(7) Use of Deadly Force.

(a) Use of Deadly Force. Except as set forth elsewhere in this subsection, an officer is authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to himself, herself, or another.

1. No Change.

2. Firearms or weapons shall be issued to an officer only upon instructions of the warden or designee, chief of security, or shift supervisor by the arsenal officer or the officer designated to issue weapons. Officers shall not intentionally discharge a firearm loaded with lethal ammunition, as opposed to less-lethal ammunition, at or in the direction of another person except under the following circumstances after all reasonable less-lethal ~~non-lethal~~ alternatives have been exhausted and there is no reasonable danger to innocent bystanders:

a. through d. No Change.

3. Nothing in this rule shall be read to say that there are always reasonable less-lethal ~~non-lethal~~ alternatives to the intentional discharge of firearms loaded with lethal ammunition.

4. Firearms and other weapons are approved for use by the Department's designated armed response team, Rapid Response Teams, Correctional Emergency Response Teams, and/or other trained staff as authorized by the Deputy Secretary ~~of Institutions~~ for use during riots and mass disturbances. The Incident Commander shall determine the type of authorized lethal or less-lethal ammunition that is necessary to quell the riot or mass disturbance; and shall give orders accordingly.

5. No Change.

6. Firearms shall not be discharged:

a. through d. No Change.

e. Except after all reasonable less-lethal ~~non-lethal~~ alternatives have been exhausted,

f. through g. No Change.

(b) through (e) No Change.

(8) No Change.

(9) Post-Use of Force Protocol.

(a) Reporting.

1. through 2. No Change.

3. A Report of Force Used, Form DC6-230, shall be completed by all staff involved in any use of force, reactionary or organized, that occurred during their shift. The Report of Force Used, Form DC6-230, shall be completed no later than the end of the shift during which the use of force occurred, or within 24 hours of the use of force incident if completion of the form is not possible during their shift. All reports must be typed. No Report of Force Used, Form DC6-230, may be altered, changed, or destroyed by any employee. However, staff members may submit amendments to a report at any time with authorization from the warden or designee. In such situations, the original report itself shall remain intact and shall remain as part of the file; an amendment, a separate document, shall be added to the file. The warden or designee shall appoint a staff member of equal or higher rank than those involved in the use of force incident to collect all pertinent information and required documentation. This information shall include the reports of all involved staff who do not agree with the account as reported in the Report of Force Used, Form DC6-230, or the statements of staff witnesses, inmate witnesses, or the inmate subject. Any employee who witnesses but does not participate in a use of force and suspects inappropriate action shall complete a Use of Force Incident Report, Form DC6-210A, documenting their observations and/or attempts to intervene. The warden shall ensure that Form DC4-701C, Emergency Room Record, Form DC4-708, Diagram of Injury, and all associated video recordings capturing the use of force incident, including all fixed camera recordings that captured the incident and subsequent inmate escort until the handheld camera is activated, are included in the review of all uses of force and are forwarded with the rest of the required documentation to the Office of the Inspector General – Use of Force Unit. The Office of Inspector General shall provide the institution with a use of force number once one is assigned and entered into the Office of Inspector General case management system.

4. through 11. No Change.

(b) No Change.

(c) Medical Attention Following Use of Force.

1. Medical Attention for Inmates Following Use of Force.

a. When an officer knows or it is otherwise evident that an inmate is injured or requires medical attention following a use of force, the officer must administer first aid or seek medical assistance, provided doing so is reasonable based on a totality

of the circumstances and can be accomplished without jeopardizing the officer's own health or safety.

ba. Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible following resolution of the riot or disaster. Any treatment or follow-up action shall be documented in the Report of Force Used, Form DC6-230. A qualified health care provider shall examine any person physically involved in a use of force to determine the extent of injury, if any, and shall prepare a report that shall include a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician, and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within one (1) business day of the incident and shall be submitted to the warden for initial review. The qualified health care provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document observed or known physical injuries. A copy of the reports, including referenced forms, shall be attached to the Report of Force Used, Form DC6-230. The original reports shall be filed in the inmate's medical record.

cb. After any use of force, a clinician shall complete Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury, with applicable data or the letters "N/A" used to indicate inapplicability. The attending physician or medical practitioner shall document the presence or absence of any injury in his or her records whenever force has been applied. Every physical examination of an inmate patient who has been the subject of an application of force shall be documented with specificity by the attending physician or medical practitioner to include extent of injury, type of injury, and a description of any injury. Any time a clinician reports reasonable suspicion of abuse of an inmate to the warden or the Office of Inspector General, it shall be recorded in the Use of Force Incident Report, Form DC6-210A.

de. Upon being summoned by a shift supervisor to the location of the inmate after a use of force, health services staff shall conduct an examination of the inmate after the decontamination process is completed. Health services staff or the ranking officer present shall ensure that any inmate who has a history of experiencing or who exhibits symptoms of physical distress as a result of chemical agent exposure is immediately provided all necessary medical attention. Health services staff shall record any observations and medical actions taken on Form DC4-701C, Emergency Room Record, and Form DC4-708, Diagram of Injury, including the presence or non-presence of injury.

ed. Post DFEID Deployment.

(I) through (V) No Change.

fe. In addition to completing a medical examination of any inmate who is exposed to chemical agents or EIDs, the clinician shall make a mental health referral for any inmate classified as "S-2" or "S-3" on Form DC4-529, Staff Request/Referral, and forward it immediately so that a mental health evaluation can be conducted on the inmate. Form DC4-529, Staff Request/Referral, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-01692>. The effective date of the form is 12/12. Mental health staff shall evaluate the inmate no later than the next business day. The clinician who conducts the evaluation shall recommend to the shift supervisor those measures that he or she believes are necessary for the safety of the inmate, including placement in isolation management, a transitional care unit, or crisis stabilization as those placements are defined in Rule 33-404.103, F.A.C.

gf. In the event an inmate is sent to an outside hospital for evaluation of any medical issue within 24-hours following a use of force involving the inmate, health services staff shall notify the shift supervisor of the circumstances necessitating transport. The shift supervisor shall immediately notify the Warden or designee of the transport. The Warden or designee shall be responsible for notifying the district supervisor (during normal business hours) or the on-call supervisor (after business hours) of the Office of the Inspector General. The outside hospital records shall be included in the documentation provided to the Office of the Inspector General – Use of Force Unit.

2. through 3. No Change.

(10) Review Requirements.

(a) through (b) No Change.

(c) The warden or designee shall review the information and note any inappropriate actions in a memorandum and attach the information to the Report of Force Used, Form DC6-230. The warden or designee's signature in the Warden's Review signature block on the Report of Force Used, Form DC6-230, indicates that the review of the reports, and videotapes as required, did or did not reveal, in addition to procedural concerns, any indication that a use of force was not authorized or appropriate in accordance with this rule. All videotape recordings of force applications and the original and one copy of the Report of Force Used, Form DC6-230, shall be forwarded to the Office of Inspector General within eleven (11) business days. Requests for extensions for submitting the Report of Force Used, Form DC6-230, after eleven (11) days shall require authorization from ~~their regional director the Deputy Secretary of Institutions~~ and the Inspector General or designee. Requests for extensions for submitting the Report of Force Used, Form

DC6-230, beyond eleven (11) days may be granted if required staff is unavailable for signatures due to extended leave or similar circumstances, e.g., a staff member was injured in the use of force, or if major incidents occurring at the institution necessitate an extension, e.g., a riot or other major disturbance, natural disaster evacuation.

(d) No Change.

(e) The Office of Inspector General shall report a disposition to the warden of any use of force within fourteen (14) business days of receipt. The warden shall be noticed of any extension to the review granted by the Inspector General or designee prior to the expiration of the fourteen (14) business days. The Inspector General or designee shall notify the warden either that a case has been reviewed and the use of force was in compliance or not in compliance appropriate or a further review has commenced.

(f) Upon review of the submitted documents, the Office of Inspector General shall notify the warden in writing or by electronic mail of its findings. The Office of the Inspector General shall evaluate the use of force to determine if the type and amount of force used was in accordance with the law, rule, or procedure, and whether any procedural violations are noted. All video recordings submitted with a Report of Force Used, Form DC6-230, shall be retained and maintained by the Office of Inspector General in accordance with public records retention law. The Office of Inspector General shall deem the use of force in compliance or not in compliance with law, rule, or procedure. The Office of the Inspector General shall notify the regional director and warden any time a reasonable suspicion or probable cause is found that the force administered by a staff member was not in compliance with law, rule, or procedure. ~~The Office of Inspector General shall conduct an investigation of the incident.~~ The warden shall complete Form DC6-296, Non-Compliant Use of Force/Warden Disposition Report, should the review of referred cases lead to a determination that a procedural violation occurred. All disciplinary actions shall be forwarded to the Human Resources Section upon completion. Form DC6-296, Non-Compliant Use of Force/Warden Disposition Report, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-12231>. The effective date of the form is 10/20.

(g) The Assistant Deputy Secretary of Institutions, regional director, or warden shall be responsible for issuing any corrective action pursuant to a finding of non-compliance with this rule. Copies of the employee's report, the warden's summary, and the Office of Inspector General review and determination shall be kept in the inmate's file pursuant to public records retention law. The Department shall maintain an

electronic database of all use of force incidents that is searchable by officer name.

(h) No Change.

(i) The regional director shall review the information provided by the warden and note whether he or she agrees with the determination to reassign the employee in question. The regional director shall forward the written notification to the Assistant Deputy Secretary of Institutions.

(j) through (k) No Change.

(11) Chemical Agents – Issuance, Storage, and Handling.

(a) through (b) No Change.

(c) Except in cases where an institution is equipped with an automated chemical agent canister dispensing machine, all ~~All~~ chemical agent dispensers shall be numbered and recorded on Form DC6-216, Chemical Agent Accountability Log. Form DC6-216, Chemical Agent Accountability Log, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02950>. The effective date of the form is 8/13. Form DC6-216 shall be maintained in any location where chemical agents are stored. Chemical agent dispensers shall be weighed prior to issuance and upon return to storage. For institutions equipped with automated chemical agent canister dispensing machine, the arsenal sergeant will complete a DC6-216 indicating the initial weight of all canisters being placed in the machine and to document weights when removed permanently from the machine. Daily issuance and return will be documented via a report from the automated system.

(d) through (f) No Change.

(g) For those staff assigned to internal security and designated A-Team members, exchange of approved canisters shall occur on the compound, with the canister number and confirmation of seal status and condition of canister called into the control room and notation made on the DC6-281, Control Room Security Equipment/Weapons Check Out/In Log. Form DC6-281, Control Room Security Equipment/Weapons Check Out/In Log, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, FL 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-02952>. The effective date of the form is XX/XX 8/13. The canisters will be inventoried and inspected once per week by the arsenal sergeant with appropriate entry placed on the Control Room Log.

(h) through (i) No Change.

(j) At designated institutions utilizing an authorized automated chemical agent canister dispensing machine, select

chemical agent dispensers shall have a numbered, breakable seal applied directly to the canister’s plunger housing. The seal will be applied in such a way as to prevent dispensing chemical agents from the canister without first breaking the numbered seal. Only officers and staff, as provided in subsection (11)(d), are approved to access an authorized chemical agent canister dispensing machine. These chemical agent canisters shall be securely encased and attached to the officer’s belt. Officers shall examine the condition of the canister and the safety seal at the time of receiving any chemical dispenser from the automated chemical agent canister dispensing machine to ensure that the canister is not damaged and that the seal is intact and shall report any alteration or broken seal to the shift supervisor.

~~(k)(j)~~ Shift supervisors shall examine the seal of any chemical dispenser reported to be altered, broken, or manipulated and upon confirmation of alteration, breakage, or manipulation shall report the observation on a Use of Force Incident Report, Form DC6-210A. The sergeant in charge of the arsenal shall maintain a master inventory of all individual chemical agent dispensers in storage. The master inventory shall indicate the weight of each dispenser at the time the original seal is attached and shall note the weight of the dispenser any time a dispenser is returned with a broken seal on Form DC6-216, Chemical Agent Accountability Log, and replace the seal or attach a new one. Where an automated chemical agent canister dispensing machine is utilized, a report upon the return of the canister will be generated when a weight changes. The arsenal sergeant shall report any discrepancies in the weight of the dispenser to the chief of security and complete a Use of Force Incident Report, Form DC6-210A.

~~(l)(4)~~ The shift supervisor shall verify the weight of chemical agent dispensers after any use of the dispenser upon return to storage. Additionally, the shift supervisor shall ensure all issued chemical agent dispensers are accounted for and recorded on Form DC6-216, Chemical Agent Accountability Log or an automated report from the canister dispensing machine. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the contents are consistent after a reported use of force and recorded on Form DC6-216 or an automated report from the canister dispensing machine.

~~(m)(4)~~ Each assigned PLS system shall be numbered, maintained, and inventoried by the shift supervisor or designee on Form DC6-216, Chemical Agent Accountability Log.

(12) No Change.

Rulemaking Authority 944.09 FS. Law Implemented 776.012, 776.06, 776.07, 843.04, 943.1717, 943.1735, 944.09, 944.35, 945.025, 945.04, 957.05 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-

18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09, 5-26-09, 4-8-10, 9-13-10, 3-22-11, 12-16-12, 8-11-13, 11-5-13, 1-10-18, 10-28-20. _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Comerford, Assistant Deputy Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2021
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 27, 2021

**Section III
 Notice of Changes, Corrections and
 Withdrawals**

NONE

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

NONE

**Section VI
 Notice of Meetings, Workshops and Public
 Hearings**

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 13, 2022, 2:00 p.m.

PLACE: Treasure Coast Regional Planning Council, 421 SW Camden Avenue, Stuart, Florida 34994

The meeting is also available virtually: <https://global.gotomeeting.com/join/370713749>

You can also dial in using your phone. United States: 1(872)240-3311, Access Code: 370-713-749

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council's Comprehensive Economic Development Strategy Committee will hold its bi-monthly meeting.

In accordance with the requirements of Sec. 120.525, Florida Statutes, notice is hereby given that the Comprehensive Economic Development Strategy Committee intends to utilize communications media technology to facilitate attendance of a portion of its voting membership for purposes of constituting a quorum to conduct business, that such attendance will be broadcast publicly at the above meeting location, and also that a minimum of one-third of its voting membership will be physically present at the above location.

A copy of the agenda may be obtained by contacting: Stephanie Heidt at (772)221-4060 or sheidt@tcrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephanie Heidt at (772)221-4060 or sheidt@tcrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Stephanie Heidt at (772)221-4060 or sheidt@tcrpc.org.

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 21, 2022, 9:30 a.m.

PLACE: Indian River State College Chastain Campus, Wolf High Technology Center, 2400 SE Salerno Road, Stuart, Florida 34997

The meeting is also available virtually: <https://global.gotomeeting.com/join/830021037>

You can also dial in using your phone. United States: 1(872)240-3212, Access Code: 830-021-037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Treasure Coast Regional Planning Council will hold its monthly board meeting. In accordance with the requirements of Section 120.525, Florida Statutes, notice is hereby given that the Treasure Coast Regional Planning Council intends to utilize communications media technology to facilitate attendance of a portion of its voting membership for purposes of constituting a quorum to conduct business, that such attendance will be broadcast publicly at the above meeting location, and also that a minimum of one-third of its voting membership will be physically present at the above meeting location.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Liz Gulick at (772)221-4060 or lgulick@tcrpc.org.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2022, 1:30 p.m.

PLACE: 7601 Hwy 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Well Drilling Advisory Committee (WDAC) Meeting.

A copy of the agenda may be obtained by contacting: nicki.crowe@watermatters.org 1(813)985-7481 ext. 4476.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 7, 2022, 5:30 p.m., Governing Board Meeting

PLACE: Hawks Cay, Dolphin Landing & Dolphin Deck, 61 Hawks Cay Boulevard, Duck Key, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Governing Board will attend a reception open to the public. There is no cost to attend, and free parking is available.

No Governing Board action will be taken.

A copy of the agenda may be obtained by contacting: The agenda will be posted to the District's website

www.SFWMD.gov/meetings, seven days prior to the meeting. Or, you can email Rosie Byrd at rbyrd@sfwmd.gov.

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

For more information, you may contact: Rosie Byrd at rbyrd@sfwmd.gov.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority
The Tampa Bay Water, a Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2022, 10:00 a.m.
PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for AS NEEDED ECOLOGICAL SERVICES CONTRACT NO'S.: 2022-027 - 035. As a part of the selection process, the Selection Committee will meet to review and discuss the responses and ranking of the firms, determine if interviews are needed and review potential interview questions.

A copy of the agenda may be obtained by contacting: Records Department at (727)796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department at (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Records Department at (727)796-2355.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program
The Long-Term Care Ombudsman Program announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 4, 2022, 2:30 p.m.
PLACE: Conference Call: 1(855)578-6266, Participant Passcode: 401-517-032 and Microsoft Teams, Teams link at <https://ombudsman.elderaffairs.org/quarterly-meeting-schedule/>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee Business.

A copy of the agenda may be obtained by contacting: Dept. of Elder Affairs / LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, or call: (850)414-2323, or email: ltcopinformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation
The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 28, 2022, 9:00 a.m.
PLACE: via-telephone only. To attend the meeting by telephone, please call 1(888)909-7654 and enter pass code 128126 when prompted.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will address official business of the Florida Mobile Home Relocation Corporation which will include, among other matters, a review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use and such other business as may come before the Board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Vicky Krentz at 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Vicky Krentz at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Vicky Krentz, Executive Director, FMHRC, PO Box 7848, Clearwater, FL, 33758, 1(888)862-7010. Ms. Krentz may be reached by email at vicky@fmhrc.org.

DEPARTMENT OF CHILDREN AND FAMILIES

Refugee Services
The Broward Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 20, 2022, 10:00 a.m. – 12:00 Noon

PLACE: Meeting will take place via the Microsoft Teams platform. Use the below link to connect to the meeting:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDJjNWIwMTgtNTUyZC00MWE0LWJmNWYtY2Q3ZjI1NzYyNzQz%40thread.v2/0?context=%7b%22Tid%22%3a%22f70dba48-b283-4c57-8831-cb411445a94c%22%2c%22Oid%22%3a%224c7ac74e-0835-4242-a8cf-f26976fc1c32%22%7d

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Broward Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Miriam Rosario at (561)227-6722 or David Draper at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Miriam Rosario at (561)227-6722 or David Draper at (407)317-7335. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Miriam Rosario at (561)227-6722 or David Draper at (407)317-7335.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

NONE

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

NONE

**Section XII
Miscellaneous**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Water Restoration Assistance

Clean Water State Revolving Fund

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

City of Pompano Beach

The Florida Department of Environmental Protection (DEP) has determined that the septic tank elimination and installation of manholes, gravity sewer, a duplex submersible lift station Installation, and a force main improvements projects involving the repair or replacement of the wastewater collection and transmission system is not expected to generate controversy over potential environmental effects. The total estimated cost is \$2,200,083. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to Eric Meyers, P.E., Clean Water SRF Program, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 3505, Tallahassee, Florida 32399-3000. Comments also may be offered by

telephone at (850)245-2969 or by e-mail to
Eric.V.Meyers@floridadep.gov.

Section XIII
Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
