

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to amend the 2008-2009 Course Code Directory and Instructional Personnel Assignments. This amendment is necessitated by the implementation requirements of 2008 legislation (Senate Bill 1908), which added flexibility for the high school graduation requirement in arts. Specified practical arts courses can now be used to meet the Performing/Fine Arts requirement for high school graduation, so the Course Code Directory must be amended via this rule to reflect the new designation.

SUBJECT AREA TO BE ADDRESSED: Course Code Directory – assignment of Performing/Fine Arts designation to specific practical arts courses for purposes of meeting high school graduation requirement.

SPECIFIC AUTHORITY: 1001.02(1), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1011.62(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Holly Edenfield, Executive Director of Legislative and Public Affairs, Division of Public Schools, 325 West Gaines Street, #514, Tallahassee, FL 32399, (850)245-0659.

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

(1) through (4) No change.

(5) The “Course Code Directory and Instructional Personnel Assignments 2008-2009,” as amended October 2008, is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), 1009.53(3), 1011.62(1)(r) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS. History–New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, 5-19-08, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-602.201, F.A.C., to allow wardens to establish local clothing procedures based upon confinement or other high security status when possession of multiple items presents a security risk, clarify the items which inmates may take when they are transferred to outside community hospital for treatment or to a court appearance, and for consistency regarding the items that inmates may possess as religious property, where restricted religious property shall be stored, how religious symbols shall be worn, and how religious property items will be approved for placement on inmates’ property lists.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Jordan-Nunes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

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

(2)(a) When an inmate is initially received by the Department, the receiving or property officer shall take charge of the inmate's personal property. The officer shall inventory all items in the inmate's possession at that time using Form DC6-224, Inmate Personal Property List.

(b) After final disposition is completed, the officer shall give one copy of the receipt to the inmate along with that property the inmate is authorized by the Department to keep. Personal property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of the receipt shall be placed with any property which is not authorized within the Department and which is to be stored. One copy of the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of the receipt shall be given to the inmate. One copy of the receipt shall be placed in the inmate property file. The unauthorized property will be held at the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative or friend, or to mail money or valuables to their families or other persons of their choice at no expense to the Department of Corrections. The 30 day time period will not include any time during which an appeal or grievance is pending. Persons picking up items must pre-arrange with the warden for pick-up at a specific time during administrative working hours (Monday through Friday 8:00 a.m. through 5:00 p.m.).

(3) Upon receipt at any facility of the department, a written receipt for personal property that is in excess of that allowed shall be given to the inmate. When it becomes necessary to confiscate and impound the authorized personal property of an inmate subsequent to his reception in the institution, it will be immediately inventoried by an officer in the presence of the inmate, and a written, signed receipt, Form

DC6-220, Inmate Impounded Personal Property List, itemizing the property will be given to the inmate. Form DC6-220 is incorporated by reference in subsection (17) of this rule. If the inmate's behavior is such that the security and order of the institution is jeopardized by his presence during the inventory process, the inmate's presence shall not be required. In such cases a second officer shall witness the inventory process. Proper procedures will be taken to safeguard and store such property so as to prevent its loss, damage or theft. Upon release of the property, a signed receipt will be obtained from the inmate. Money in excess of the amount allowed by institutional policies found in the possession of an inmate will be handled in accordance with paragraph 33-602.203(5)(a), F.A.C.

(4) Authorized Property.

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

(b) Wardens are authorized to establish local clothing storage procedures based upon confinement or other high security status when possession of multiple items presents a security risk for inmates in that status. Local clothing storage procedures shall comply with the following:

1. Clothing shall be exchanged on a one-for-one basis;

2. Inmates must have the opportunity for at least three (3) exchanges per week or the same opportunity for exchange as provided to other inmates at the institution, whichever is greater;

3. Local clothing storage procedures must be consistently applied for all inmates of a particular security or housing status. Additional restrictions or removal of clothing items for individual inmates for safety or security reasons shall be handled and documented in accordance with rules applicable to the particular confinement status.

~~(c)(b)~~ Wardens shall establish local procedures whereby a married inmate can receive his or her wedding band if the wedding band was not brought with the inmate at the time of reception into the department.

~~(d)(e)~~ Inmates on work release shall be allowed to have an expanded inventory of clothing or supplies for their work requirements as approved by the warden.

~~(e)(d)~~ Inmates shall be required to maintain receipts for items purchased from the canteen for as long as they possess the items. In instances where items purchased from the canteen are added to the Form DC6-224, Inmate Personal Property List, ~~Form DC6-224~~, by the property officer, the inmate will not be required to maintain the original canteen receipt.

(f)(e) An inmate transferred from a private prison to a Department of Corrections facility shall be permitted to retain only that property that is authorized by the department in Appendix 1. Any unauthorized item will be confiscated and held by the institution for 30 days. During this 30 day period, the inmate shall be given an opportunity to have the items picked up by an approved visitor, relative or friend, or to mail the items to persons of their choice at no expense to the Department of Corrections. The 30 day time period will not include any time during which a grievance or appeal is pending.

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

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

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

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

3. An inmate who is in possession of the maximum number of articles allowed by this rule and who wishes to replace a worn item must contact the property officer to arrange to discard or send the worn item out at his own expense before purchasing a replacement item.

(b) Property that is authorized for inmates in general population such as shaving powders, oils and lotions shall be unauthorized or restricted based upon an inmate's confinement or other high security status when that item presents a security risk. Further limits on personal items for inmates in confinement or other high security statuses are authorized as referenced in Rules 33-602.220, 33-602.221, 33-602.222 and 33-601.800, F.A.C.

(6) Storage of Excess Legal Materials.

(a) Definitions.

1. Active Legal Material: Pleadings (i.e., complaint, petition or answer), legal motions and memoranda, affidavits, court orders and judgments, correspondence, and other documents (including discovery and exhibits), in or directly pertaining to an inmate's own pending, active or prospective cases or lawsuits before the courts or administrative agencies.

2. Inactive Legal Material: Legal material not related to the inmate's ongoing litigation, or not directly pertaining to an inmate's pending, active or prospective cases or lawsuits before the courts or administrative agencies.

3. Excess Active Legal Material: Active legal material that exceeds the capacity of storage available in the inmate's locker.

4. Excess Inactive Legal Material: Inactive legal material that exceeds the capacity of storage available in the inmate's locker.

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

(c) Storage of Excess Active Legal Material.

1. A secure space for storing excess active legal material will be provided for inmates to use to store active legal material that cannot be contained in the inmate's locker. Each facility will identify a secure area for such storage.

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

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

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

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

4. In the event the inmate refuses to organize and inventory his or her legal material as ordered, the inmate shall receive a disciplinary report. If the inmate refuses to comply after being ordered a second time, the inmate shall receive a disciplinary report and the department shall organize and inventory the material. The inventory shall be performed in the same manner as the staff review described in subparagraph 5. below.

5. Prior to placing an inmate's active legal material into excess storage, the inmate's legal material shall be subject to a cursory review by department staff to ensure compliance with department rules regarding utilization of excess storage, approved property and contraband. This review will only be conducted in the presence of the inmate. Only the case style, signature on the document (if any) and letterhead (if any) may be read. Any material that is determined by staff to not be active legal material, shall be collected by two designated employees and placed in storage box(es) with interlocking flap for storage pending disposition. The warden or designee shall notify the inmate on Form DC6-2007, Excessive Inactive Legal Material Disposition Determination, of the determination that the inmate has 30 days to make arrangements to have the excess inactive legal material picked up by an approved visitor or sent to a relative or friend at the inmate's expense, as provided in subparagraph (6)(c)6., or the institution will destroy it. This notification shall be provided to the inmate within three calendar days of the determination unless the inmate provides verification of a deadline that cannot be met within the three day waiting period. The 30 day limit shall not include any time that a grievance appeal is pending provided the inmate has provided the warden or the warden's designee with the written notice required in subparagraph (6)(c)7. Form DC6-2007 is incorporated by reference in subsection (17) of this rule. For purposes of this subparagraph, the warden's designee may include the property room supervisor.

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

7. If the inmate intends to appeal the determination and wishes to have the order to dispose of the excess inactive legal material within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he or she intends to appeal the determination to the office of the secretary. The written notice must be filed within 15 calendar days of the determination and shall include a statement by the inmate that the inmate intends to appeal the determination and must specifically identify the documents or papers on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

8. If the inmate fails to file written notice with the warden within 15 calendar days, fails to provide Form DC6-2007, Excess Inactive Legal Material Disposition Determination, as an attachment to his or her appeal, addresses more than one

issue or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., his or her appeal shall be returned without response to the issue raised.

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

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

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

12. In no event will an inmate's active legal material be destroyed or removed from the facility except, in accordance with procedures for disposition of inmate personal property provided in this rule, as authorized and directed in writing by the inmate.

13. The department will not store case law, legal texts or books, or multiple copies of legal material as excess active legal material.

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

(e) Inmate Access to Excess Active Legal Material.

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

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

b. Clearly indicate by number the box to be requested.

2. Barring an emergency need demonstrated by the inmate, e.g., a court deadline that requires an immediate response by the inmate, the property room officer shall provide the requested box to the inmate within three workdays from date of receipt of the request, which shall be date stamped when received.

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

4. The legal material to be exchanged shall be inspected for contraband by staff and sealed in the presence of the inmate prior to the box being returned to excess storage.

5. Form DC6-2008, ~~An Excess Active Legal Material Inventory List, Form DC6-2008~~, shall be used and updated each time legal material is stored in or exchanged with legal material from excess storage.

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

(a) When it is necessary to take and impound items of personal property belonging to or in the possession of an inmate, that property shall be taken, handled, processed, and secured in a manner which will safeguard it from loss, damage, destruction or theft while it is under the control of the Department. If the property impounded does not belong to the inmate in possession of the property, an investigation shall be conducted to determine if the owner of the property knowingly permitted the use of the property. If so, the property shall be handled as contraband. If it can be determined that the property was stolen or otherwise taken, the impounded property shall be returned to the rightful owner. Inmates must report stolen items immediately to the housing officer. The officer shall complete an incident report and an attempt will be made to locate the missing property.

(b) When personal property of an inmate is taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. New inmates being processed into the department at one of the reception centers will have their property recorded on Form DC6-220 with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in

this rule. At the time of receipt into the department each inmate will also sign Form DC6-226, ~~an~~ Authorization for Disposition of Mail and Property, ~~Form DC6-226~~, which authorizes the department to dispose of the property should the inmate abandon it. Form DC6-226 is incorporated by reference in subsection (17) of this rule.

1. The inventory shall specifically list and identify each item or each group or package of personal items such as letters, legal papers, etc., as an assortment on Form DC6-220.

2. The inventory list shall be signed and dated by the employee recording the inventory and signed by the inmate, each in the presence of the other, unless doing so would be a danger or a threat to security, or unless the inmate is unavailable.

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

4. The inventoried property will be kept together and identified by placing one signed copy of the inventory with the property.

5. One signed copy of the inventory shall be given to the inmate.

(c) After being inventoried, the property will be removed as soon as possible to a secure area where it will be safe from loss, theft or damage and to which other inmates do not have access.

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

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

1. That part of the property being returned will be listed on the approved release Form DC6-225, Inmate Partial Property Return Receipt, and any property found to be missing at that time will be noted on the form. Form DC6-225 is incorporated by reference in subsection (17) of this rule. The employee making the release and the inmate will date and sign the release form each in the presence of the other. One signed copy of the release form shall be given to the inmate. One copy shall be attached to the original inventory list and kept with the remaining impounded property until all property is returned to the inmate, and then to the inmate's property file.

2. The remaining unauthorized impounded property shall be held by the institution for 30 days. It shall be the responsibility of the inmate to make arrangements to have the property picked up by an approved visitor, relative or friend. In the alternative, the inmate may pay to have the property mailed to one of these approved individuals. The 30-day time period shall not include any time during which an appeal or grievance

proceeding relating to the impounded property is pending. This paragraph does not apply to property that will be returned to the inmate pursuant to paragraph (7)(d) after release from close management, administrative or disciplinary confinement.

3. When property is picked up by an authorized individual, the person receiving the property shall sign the inventory list acknowledging receipt of the property. When arrangements for mailing of property have been made by the inmate, the inmate shall sign the inventory list indicating that property to be mailed.

(f) When all of the impounded property is being returned, the following procedure will be followed:

1. The property being returned will be given to the inmate to check, in the presence of the employee making the release, to determine that all the property listed on the inventory is being returned to the inmate.

2. The inmate will sign and date the original inventory list to indicate that all of the impounded property has been received. The employee will sign as a witness and the receipt shall be placed in the inmate's personal property file.

3. If items of personal property listed on the inventory cannot be located at the time the property is returned, those items shall be indicated as being missing on the inventory list.

(g) When an inmate whose personal property has been taken and impounded is transferred to another facility, that property shall be transported with the inmate or as soon as possible thereafter. It is the responsibility of the sending location to ensure that only authorized property is transported and that the inmate has signed the proper receipt for the property, Form DC6-227, Receipt for Personal Property. Form DC6-227 is incorporated by reference in subsection (17) of this rule. The procedures for returning property listed in paragraph (f) shall be followed. When the inmate has excessive authorized property which cannot be transported with the inmate, the procedures for making a partial return listed in paragraph (e) shall be followed.

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

(i) If an inmate is transferred without his personal property, the property shall be forwarded to the inmate by the sending institution within five working days, or as soon thereafter as possible if conditions resulting from the emergency preclude forwarding within five days. The property, along with an itemized list, shall be placed in a sealed

container for transporting. A staff member at the receiving institution shall, in the presence of the inmate to whom the property belongs, check the property against the property list to ensure that all property is accounted for. The inmate shall sign Form DC6-227, Receipt for Personal Property, when the property is given to the inmate. Any discrepancies shall be noted on the form. If the inmate refuses to sign Form DC6-227, Receipt for Personal Property, a notation to that effect shall be placed on the form and a second employee shall witness and sign the form.

(8) Any inmate transferring to an outside community hospital for treatment or to a court appearance shall take only ~~items of personal clothing and hygiene items and prescription medication issued by health services, except in those cases in which the inmate is expected to be absent for a period of more than 30 days. If the inmate is to return within 30 days,~~ remaining personal property shall be inventoried utilizing Form DC6-220, Inmate Impounded Personal Property List, and stored in a secure location. When the inmate returns, only those items that he possessed before transfer will be allowed.

(9) Any inmate being released by parole or expiration of sentence shall take all personal property with him and sign Form DC6-227, Receipt for Personal Property, at the time of release.

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

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

(a) The property will be inventoried and stored in a secure area.

(b) An attempt will be made to locate the person or persons indicated on the inmate's notification record who will take possession of the property.

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

(d) If the effort to locate the person or persons is not successful, or if the person or persons listed fail to make arrangements to take possession, property will be given to charity. Funds in the inmate bank trust fund will be handled in accordance with Rule 33-203.201, F.A.C.

(e) Abandoned property will be held by the institution for a period of 30 days to ensure sufficient time to incorporate the procedures outlined above.

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

(a) The maintenance of proper accountability of inmate property;

(b) The likelihood of disruptive and belligerent behavior on the part of the inmate in the event that he is found guilty at the disciplinary hearing; and

(c) The physical layout of the institution.

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

(14) Missing Inmate Property.

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

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

(c) If the loss is substantiated by the investigation, the warden or designee shall forward to the Department of Corrections Environmental Health, Safety and Risk Management Office a cover letter with recommendation of payment amount, a copy of the investigation with supporting documentation including proof of ownership (Form DC6-224), and a completed Department of Financial Services Lien Disclosure.

(d) The Department of Corrections Environmental Health, Safety and Risk Management Office shall review and forward the claim to the Department of Financial Services, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used to notify the institution of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office. Form DC6-238 is incorporated by reference in subsection (17) of this rule.

(e) In the event that the Department of Financial Services, Division of Risk Management, decides to pay any or all of the inmate's claim, the following procedure will be followed:

1. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will receive the check for deposit.

2. The Department of Corrections Bureau of Finance and Accounting, Inmate Bank Section, will notify the Environmental Health, Safety and Risk Management Office via memo or e-mail of the deposit of the inmate's claim check.

(15) Transfer of Property. Inmates shall not transfer items of personal property to any other individual by way of loan, sale, trade, barter or donation.

(16) ~~Approved~~ Religious Property.

(a) Inmates shall be permitted to possess the following religious items or material:

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

2. Items adhering to the tenets of a particular religion for wearing at all times or use during individual worship. Items may include:

a. Jewish – yarmulke;

b. Catholic – rosary;

c. Muslim – prayer rug, koofi;

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

e. Asatru or Odinism – runes and accompanying cloth bag.

3. Religious symbols such as a cross, Star of David, talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter. Religious symbols and items worn about the neck shall be worn under the shirt.

(b) Inmates shall not be permitted to possess the following religious items or materials which adhere to the tenets of a particular religion for individual worship or group worship which pose a security risk when allowed in an inmate's cell or dorm. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain and items shall be stored in the chapel. Items required by the tenets of a particular religion, including:

1. Jewish – prayer shawl yarmulke, tefillin;

2. Wiccan – tarot cards; and

~~3.2. Buddhist – meditation cushion or Zafu Catholic – rosary;~~

~~3. Muslim – prayer rug, koofi; and~~

~~4. Native American – medicine bag, headband.~~

(c) Inmates shall not be permitted to possess religious items or materials intended for use in group worship. These group worship items shall not be stored at the institution, but may be brought in by volunteers for the religious observance. Group worship items include: Religious symbols such as a cross, Star of David, talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter.

1. Alcoholic beverages or wine;

2. Wiccan – stones or crystals.

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

(e) The chaplain shall serve as advisor to staff and inmates in the area of religious property at the institution. The chaplaincy services administrator shall provide advice and guidance to the department regarding approved religions and other department religious issues.

(f) Inmate requests for ~~other types of~~ religious property shall be reviewed by the chaplain to determine whether the item is required by the inmate's particular religion and security personnel to determine whether the item presents a threat to security and order. ~~When items such as the tefillin or tarot cards are requested, a case-by-case evaluation shall be conducted by the chaplain and security personnel to determine whether the item presents a threat to security and order. In making the decision whether to allow the inmate to have the item in his possession, to allow the item to be stored in the chapel and used under supervision of the chaplain, or to deny the request for the item, staff shall consider the following factors:~~

- ~~1. The nature of the item requested and the particular dangers to security and order that the item presents;~~
- ~~2. The characteristics of the institution and of the general inmate population at the institution;~~
- ~~3. The custody level and record of the inmate requesting the item; and~~
- ~~4. Any other factors particular to the situation which impact on interests of security and order at that institution.~~

~~(g) All security issues related to approved religious property shall be addressed and resolved by security staff.~~

(17) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (a) Form DC6-224, Inmate Personal Property List, effective date 11-21-00.
- (b) Form DC6-220, Inmate Impounded Personal Property List, effective date 10-23-06.
- (c) Form DC6-226, Authorization for Disposition of Mail and Property, effective date 11-21-00.
- (d) Form DC6-225, Inmate Partial Property Return Receipt, effective date 11-21-00.
- (e) Form DC6-227, Receipt for Personal Property, effective date 11-21-00.
- (f) Form DC6-238, Report of Risk Management Claim for Inmate Property, effective date 7-8-03.
- (g) Form DC6-2006, Request for Storage of Excess Legal Material, effective date 7-8-03.
- (h) Form DC6-2008, Excess Active Legal Material Inventory List, effective date 7-8-03.
- (i) Form DC6-2007, Excess Inactive Legal Material Disposition Determination, effective date 7-8-03.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08,_____.

APPENDIX ONE
PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified below as “exemptions”, property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in department canteens, items purchased in canteens at private facilities will not always be admissible in department facilities.

Definitions.

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

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

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

AUTHORIZED PROPERTY LIST

CLOTHING

Quantity	Unit	Value	Articles
1	each		Athletic Bra (canteen – female only)
1	each		Belt (state issue)
4	each		Bras (state issue or canteen – female only)
1	each		Coat (state issue)
3	each		Dresses (state issue – female only)
1	pair		Gloves, work (state issue)
4	each		Handkerchief, cotton, white only (canteen)
1	each		Hats (state issue)
2	pair		Pajamas – long (state issue or canteen) Light blue or white – female only
			Light blue – male
7	each		Panties (state issue or canteen – female only)
3	each		Pants (state issue)
1	each		Raincoat or Poncho – clear (state issue or canteen)
1	each		Robe (state issue – female only)
3	each		Shirt, outer (state issue)
4	each		Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
1	pair		Shoes, Athletic (canteen)
1	pair		Shoes, Work (state issue)
2	each		Shorts, athletic (navy blue) (canteen)
1	each		Shower cap, clear only (female only) (canteen)
1	pair		Shower slides (canteen)
3	each		Slips (state issue – female only)
6	pair		Socks (state issue or canteen)
1	each		Supporter, athletic (male only) (canteen)
2	each		Sweatshirts (gray only) (canteen order)
4	each		Undershorts (male only) (state issue or canteen)
2	each		Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (canteen)
25	each		Roller clips – plastic only (females only), (canteen)
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;
1	set		Checkers (light wood or plastic, standard checkers only) (canteen order)
1	set		Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each		Coffee mug – plastic (canteen)
1	each		Comb-pocket type, no handles (non-metal) (state issue or canteen)
*			Correspondence – * limited by storage space limitations
1	pack		Cotton swabs (plastic or paper stems only) (canteen)
2	each		Crème rinse and conditioner (canteen)
1	each		Cup, drinking – plastic (canteen)
1	package		Dental floss, (floss loops only), unwaxed (canteen)
1	each		Denture adhesive (state issue or canteen)
1	each		Denture cup (canteen order)
2	each		Deodorant and antiperspirant (no aerosols) (canteen)
1	set		Domino (light wood or plastic, standard size)

		(canteen order)
1	pair	Earphone pads (replacement) (canteen order)
1	pair	Ear rings, post type (female only) (canteen order)
*		Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack	Emery board – cardboard (canteen)
1	pack each	Envelopes – legal and oversized (canteen)
*		Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
2	each	Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each	Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box	Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*		File folders (*limited by storage space)
1	each	Hairbrush – nonmetal, handles for females only (canteen)
2	each	Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
1	each	Hair net (female only) (canteen)
25	each	Hair rollers (female only) (canteen)
2	each	Handballs or racketballs (canteen)
1	each	Headphones for use with radio (canteen)
1	each	Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride compounds (canteen – as approved by health services)
2	each	Hearing aid (state issue or personal)
*		Hobby craft – at locations where program exists and subject to storage space limitations
1	each	Insect repellent (canteen)
1	each	Jigsaw puzzle (canteen order)
1	each	Laundry bag (state issue or canteen)
1	each	Lighter, disposable (approved type) (canteen)
1	each	Lip balm (canteen)
1	each	Locks, combination (V68 series) (canteen)
1	each	Make-up bag, clear only (female only) (canteen)
1	each	Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
1	each	Moisturizer – no mineral oils, no vaseline (canteen)
1	each	Mouthwash (canteen)
1	each	Nail clippers, not to exceed 2 1/2" (canteen)
2	pack	Notebook paper (canteen)
4	each	Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)
*		Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each	Photo album, non-metal (canteen)
50	each	Photographs (personal)
2	decks	Playing cards (standard) (canteen)
5	each	Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each	P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*		Prosthesis – * as approved by health services

1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-306.100	Scope and Intent
62-306.200	Definitions
62-306.300	General Requirements
62-306.310	Prohibitions and Restrictions
62-306.320	Eligibility for Registration of Credits
62-306.400	Waters and Pollutants Subject to Trading
62-306.500	Credit Generation and Validation
62-306.600	Use of Credits and Credit Tracking
62-306.700	Compliance with Trade Provisions
62-306.800	Program Evaluation
62-306.900	Forms

PURPOSE AND EFFECT: The rule will establish the procedures for water quality credit trading, including the process to determine how credits are generated, quantified, and validated; the process for tracking credits, trades, and prices paid; limitations on the use of credits, including eligible pollutants, minimum water quality requirements, and any adjustments for uncertainty or location; the timing, duration, and transfer of credits; and the mechanisms for determining compliance with trade provisions.

SUBJECT AREA TO BE ADDRESSED: Water Quality Credit Trading provides entities the option of meeting their required pollutant load reductions under a Total Maximum Daily Load (TMDL) in a more effective, cost efficient manner by purchasing credits from other sources that have reduced their load by more than required under the TMDL.

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.062, 403.067 FS.

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

DATE AND TIME: November 21, 2008, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Renee Gray at (850)245-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renee Gray, Bureau of Assessment and Restoration Support, 2600 Blair Stone Road, Mail Station 3560, Tallahassee, FL 32399-2400, Telephone (850)245-8416

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-606.100	Scope, Intent, Purpose, and Applicability
62-606.200	Definitions

PURPOSE AND EFFECT: Chapter 2008-231, Laws of Florida, establishes the Clean Ocean Act and requires the Department to develop rules to implement its requirements. Therefore, the Department is initiating rule development for Ch. 62-606, F.A.C., for releases of wastes from gambling vessels operating within Florida coastal waters. Among other requirements, Ch. 62-606, F.A.C., will provide definitions and require gambling boat owner/operators to register their vessels with the Department. The rule will also require an owner/operator of a gambling vessel berth location to establish procedures for the release of waste from gambling vessels and to make available a waste-management service to handle and dispose of the vessel’s waste.

SUBJECT AREA TO BE ADDRESSED: Development of Ch. 62-606, F.A.C., for releases of wastes from gambling vessels operating in Florida coastal waters and the minimum waste-service demand to be met by berth/waterfront-land facility owners.

SPECIFIC AUTHORITY: Chapter 2008-231, Laws of Florida.
LAW IMPLEMENTED: Chapter 2008-231, Laws of Florida.

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: Gregory M. Brown, P.E., Florida Department of Environmental Protection, Domestic Wastewater Section, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, telephone

(850)245-8617, or e-mail: greg.brown@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from the Department’s Internet site at: <http://www.dep.state.fl.us/water/wastewater/index.htm> (OGC No. 08-0278)

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-27.410	Pharmacy Technician 1:1 Ratio

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish guidelines for approving pharmacy technician ratios at 2:1 or 3:1.

SUBJECT AREA TO BE ADDRESSED: Guidelines for approving pharmacy technician ratios at 2:1 or 3:1.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.014, 893.07(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.001	Definitions
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License – Ground
64E-2.0321	Certificate of Public Convenience and Necessity

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) is required to review administrative rules and advise agencies concerned of its findings. This charge applies to existing as well as proposed rules. JAPC notified the Bureau of Emergency Medical Services that the law implemented for Rule 64E-2.032, F.A.C., appeared to contravene the law implemented, Section 401.27, F.S., in certain parts. This rule was repealed and replaced with the definition of “operate”. This definition did not satisfy JAPC’s objections. The purpose of this rule revision is to provide clarification for the EMS community regarding the

Certificate of Public Convenience and Necessity (COPCN) requirement for licensure and satisfy JAPC's objections. After comments at the public hearing the Bureau of EMS has elected to present this proposal at one more rule workshop to finalize the COPCN language.

SUBJECT AREA TO BE ADDRESSED: Licensure as a basic life support or advanced life support service and Certificate of Public Convenience and Necessity (COPCN).

SPECIFIC AUTHORITY: 401.25, 401.35 FS.

LAW IMPLEMENTED: 401.25 FS.

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

DATE AND TIME: September 12, 2008, 1:00 p.m. – 3:30 p.m.

EST (additional time may be added if deemed necessary)

NOTE: The emergency dispatch rule workshop will take place in the morning from 8:30 a.m. – 11:30 a.m. EST and has been noticed separately under Chapter 64J-3, F.A.C.

A conference line will be available for the workshop. We ask conference line participants from the organization to only use one line to ensure that others are able to call in.

Conference Dial-In Number: 1(888)808-6959; Conference Code: 1454440

In the event that this workshop has to be canceled due to an event, such as a storm (as we did for Tropical Storm Fay) the alternate date will be September 16, 2008 at the same time listed here, but in Tallahassee at the location listed below. This is ONLY if the September 12 workshop is canceled.

Please RSVP by visiting the legislative page of the Bureau of EMS website at <http://www.fl-ems.com>.

PLACE: Orange County Emergency Operations Center (EOC), 6590 Amory Court, Winter Park, FL 32792, (407)894-4141

A conference line will be available for the workshop. We ask conference line participants from the organization to only use one line to ensure that others are able to call in.

Conference Dial-In Number: 1(888)808-6959

Conference Code: 1454440

September 16 Alternate location (ONLY if September 12 is canceled).

Capital Circle Office Complex
Betty Easley Room 152
4075 Esplanade Way
Tallahassee, FL 32311

The conference line listed above will be made available for this alternate date if needed.

NOTICES OF CANCELLATION WILL BE POSTED ON THE BUREAU OF EMS LISTSERV. To subscribe visit <http://www.fl-ems.com>.

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: Alexander Macy at (850)245-4440, ext. 2735 or

Alexander_Macy@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; e-mail lisa_walker2@doh.state.fl.us; Fax (850)488-9408. The preliminary text and a copy of the meeting information may be found on the legislative page of the Bureau of EMS website at <http://www.fl-ems.com>

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

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.:	RULE TITLES:
64J-3.001	Definitions
64J-3.002	Certification of 911 Emergency Dispatchers

PURPOSE AND EFFECT: To develop rules as directed by Senate Bill 1694 the "Denise Amber Lee Act." The department will collaborate with subject matter experts to do the following:

- develop and establish rules for the educational and training criteria for the certification and recertification emergency dispatchers (ED)
- develop and establish certification & recertification applications
- develop and establish by rule a procedure for biennial renewal certification
- develop and establish by rule a procedure for the initial certification of 911 ED who have documentation of 5 years of supervised full-time employment as a 911 ED since 1/1/2002
- develop and establish rules for renewing a certificate that has been inactive for 1 year or less
- develop and establish rules for renewing a certificate that has been on inactive status for more than 1 year

SUBJECT AREA TO BE ADDRESSED: Certification of 911 Emergency Dispatchers.

SPECIFIC AUTHORITY: 401.465 FS.

LAW IMPLEMENTED: 401.465 FS.

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

DATE AND TIME: September 12, 2008, 8:30 a.m. – 11:30 a.m. EST

NOTE: the Certificate of Public Convenience and Necessity (COPCN) rule workshop will take place in the afternoon from 1:00 p.m. – 4:00 p.m. EST and has been noticed separately under 64E-2.

A conference line will be available for the workshop. We ask conference line participants from the organization to only use one line to ensure that others are able to call in.

Conference Dial-In Number: 1(888)808-6959

Conference Code: 1454440

Please RSVP by visiting the legislative page of the Bureau of EMS website at <http://www.fl-ems.com>.

PLACE: Orange County Emergency Operations Center (EOC), 6590 Amory Court, Winter Park, FL 32792, (407)894-4141

NOTICES OF CANCELLATION WILL BE POSTED ON THE BUREAU OF EMS LISTSERV. To subscribe visit <http://www.fl-ems.com>.

In the event that this workshop has to be canceled due to an event, such as a storm (as we did for Tropical Storm Fay) the alternate date will be September 16, 2008 at the same time listed above, but in Tallahassee at the location listed below. This is ONLY if the September 12 workshop is canceled.

September 16 Alternate location (ONLY if September 12 is canceled).

Capital Circle Office Complex, Betty Easley Room 152, 4075 Esplanade Way, Tallahassee, FL 32311

The conference line listed above will be made available for this alternate date if needed.

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: Alexander Macy at (850)245-4440, ext. 2735 or Alexander_Macy@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; e-mail lisa_walker2@doh.state.fl.us; Fax (850)488-9408. The preliminary text and a copy of the meeting information may be found on the legislative page of the Bureau of EMS website at <http://www.fl-ems.com>.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.206
RULE TITLE: Lifeline Service

PURPOSE AND EFFECT: The proposed rule is required to comply with section 11 of Chapter 2007-29, Laws of Florida. Lifeline service helps make phone service affordable to low-income customers. The rule creates procedures to automatically enroll potential Lifeline customers once approved for at least one qualifying public assistance program. SUBJECT AREA TO BE ADDRESSED: Automatic enrollment for Lifeline service, a monthly credit on phone bills for eligible low-income customers.

SPECIFIC AUTHORITY: 364.10(3)(h)2. FS.

LAW IMPLEMENTED: 364.10 FS.

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

DATE AND TIME: September 17, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Room 413, Tallahassee, Florida 32399-0700, (850)410-3291

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.203
RULE TITLE: Personal Care of a Disabled Family Member

PURPOSE AND EFFECT: The proposed rule is necessary to adopt changes in the federal final rule reauthorizing the Temporary Assistance for Needy Families Program. School attendance by a disabled family member is no longer a factor when assessing whether alternative care exists for the approval of a need for care exclusion under 45 C.F.R. §261.2(n)(2)(i). The proposed rule will also include a revision to CF-ES 2094, 04/2007.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the time limit and work exemption for participation in the cash assistance program by an individual totally responsible for providing care for a disabled family member.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.105(9) FS.

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

DATE AND TIME: September 18, 2008, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-4.020 RULE TITLE: Food Permits; Requirements and Fees

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for annual permit fees charged to food establishments. Chapter 2008-107(section 5), Laws of Florida, as passed by the 2008 Legislature, authorizes an increase in fee capacity for the Department to recover the cost of services provided relative to issuance of a food permit. This increase in permit fees impacts most food establishments permitted by the Division of Food Safety. This rule amendment further modifies the fee charged for cost recovery for reinspections. Additionally, as authorized by Chapter 2007-67 (section 2), Laws of Florida, the food permit category of Tomato Packing House is included in the schedule of fees.

SUMMARY: This rule modifies the fee schedule for annual permit fees to obtain a food permit and the reinspection fee charged to food establishments. The firm permit category of Tomato Packing House as authorized by Chapter 2007-67 (section 2), Laws of Florida, is also included.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 500.09, 500.12, 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: September 22, 2008, 2:00 p.m. – 4:00 p.m.
 PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)488-0295. 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)488-0295

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) through (4)(a) No change.

(b) The following schedule of fees is established for each food permit.

Bottled Water Plant	500
Bottling Plant	385
Canning Plant	<u>490</u> 410
Convenience Store	330
Convenience Store with Limited Food Service	<u>430</u> 385
Convenience Store with Significant Food Service	<u>475</u> 465
Food Salvage Center	<u>470</u> 440
Food Storage Warehouse	355
Grocery Store	<u>540</u> 465
Health Food Store	300
Health Food Store with Food Service	<u>415</u> 385
Limited Sales	<u>130</u> 100
Meat Market	<u>455</u> 385
Minor Food Outlet	300
Minor Food Outlet, Only	190
Non-perishable Foods	
Minor Food Outlet with Limited Food Service	<u>415</u> 355
Minor Food Outlet with Significant Food Service	<u>470</u> 440
Mobile Vendor	300
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	<u>335</u> 330
Processor, Other Perishable Foods	<u>490</u> 410
Rabbit or Game Processor	<u>390</u> 330
Retail Bakery	355
Retail Bakery with Food Service	<u>490</u> 440