

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

**EXECUTIVE OFFICE OF THE GOVERNOR**  
**Office of Tourism, Trade and Economic Development**

RULE NOS.:	RULE TITLES:
27M-2.001	Certification for Retained Spring Training Facilities
27M-2.002	Application Procedures for Certification of a Facility for a Professional Sports Franchise
27M-2.003	Certification as a Facility for a New Professional Sports Franchise

**PURPOSE AND EFFECT:** To establish the application processes for certification of spring training facilities and professional sports franchise facilities. Also provides a process for decertification of certified spring training facilities.

**SUBJECT AREA TO BE ADDRESSED:** Certification of sports facilities.

**RULEMAKING AUTHORITY:** 288.11621(8), 288.1162(2) FS.

**LAW IMPLEMENTED:** 288.11621, 288.1162 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: Michelle Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568, michelle.dennard@eog.myflorida.com  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-601.220	Youthful Offenders – Definitions

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rulemaking is to eliminate obsolete definitions.

**SUBJECT AREA TO BE ADDRESSED:** Youthful Offender Program.

**RULEMAKING AUTHORITY:** 944.09, 958.11 FS.

**LAW IMPLEMENTED:** 944.09, 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.220 Youthful Offenders – Definitions.

~~(1) Central Office Screening Committee — refers to the committee located in the central office, chaired by the Chief of Classification and Central Records and consisting of one additional representative from the Bureau of Classification and Central Records, an individual designated by the Director of the Office of Program Services, and an individual designated by the Director of the Office of Community Corrections. The purpose of this team is to review recommendations for sentence modification and to submit their findings to the Deputy Director of Institutions for final approval or disapproval.~~

~~(2) Inmate Management Plan Team (IMPT) — refers to a team consisting of the inmate’s classification officer and a representative from security and programs. The team members develop the inmate’s management plan which must be approved by the Institutional Classification Team (ICT), monitor the inmate’s progress, determine the inmate’s eligibility for sentence modification and make recommendations to the ICT as necessary in accordance with the rules.~~

~~(1)(3) Extended Day Program — refers to a 16 hour daytime program at youthful offender institutions that is designed to provide at least 12 hours of activities. The program is structured to include work assignments, educational (vocational and academic) programs, counseling, behavior modification, coordinated movement ~~military style drills~~, systematic discipline, and other programmatic opportunities that will reduce inmate idleness and enhance the young inmate’s chance at becoming a law abiding citizen upon re-entry into the community.~~

~~(4) Inmate Management Plan (IMP) — refers to the individualized plan developed for each inmate based upon information collected from various risk and needs assessments and other documents or reports that identify deficiencies. The plan establishes specific goals and performance objectives for meeting assessed needs in program, work and adjustment areas.~~

~~(5) Release Placement Plan — Refers to a report prepared by the Office of Community Corrections field office staff outlining information relative to the inmate’s proposed employment, residence, family ties or support system, financial resources and other resources available to the inmate upon release.~~

~~(2)(6)~~ Sentence Modification – ~~refers to~~ an alteration or amendment by the court of the original sentence. The modification reduces the time to be served and may impose ~~imposes~~ a term of probation, community control or other community sanctions, which, when added to the term of incarceration, will not exceed the length of the original sentence.

~~(3)(7)~~ Institutional Classification Team (ICT) – where used herein, ~~refers to~~ the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

~~(4)(8)~~ State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

~~(5)(9)~~ Youthful Offender – where used herein, refers to any person who is sentenced as such by the court or is classified as such by the department pursuant to Section 958.11(4) ~~Section 958.0411(4)~~, F.S.

Rulemaking Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New 3-13-01, Formerly 33-506.100, Amended 2-19-03, 4-1-04, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.223  
RULE TITLE: Designation of Institutions for Youthful Offenders

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove the list of specific youthful offender institutions and indicate that youthful offenders may be reassigned to non-youthful offender facilities per Section 958.11, F.S.

SUBJECT AREA TO BE ADDRESSED: Youthful Offender Program.

RULEMAKING AUTHORITY: 944.09, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.223 Designation of Institutions for Youthful Offenders.

(1) Upon completion of the reception process, each youthful offender shall be transferred to an institution designated for his or her age and custody in accordance with Section 958.11, F.S.

(2) Youthful Offenders may be reassigned to non-youthful offender facilities in accordance with Section 958.11, F.S. The following are designated as youthful offender institutions:

- ~~(a) Indian River Correctional Institution;~~
- ~~(b) Lancaster Correctional Institution and Lancaster Work Camp;~~
- ~~(c) Brevard Correctional Institution and Brevard Work Camp;~~
- ~~(d) Sumter Correctional Institution – Male Basic Training Program;~~
- ~~(e) Lowell Correctional Institution Women’s Unit – Basic Training Program;~~
- ~~(f) Lake City Correctional Institution;~~
- ~~(g) Hernando Correctional Institution; and~~
- ~~(h) Taylor Correctional Institution Annex.~~

Rulemaking Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended 3-13-01, Formerly 33-506.103, Amended 12-7-04, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.225  
RULE TITLE: Classification Screening for Youthful Offenders in Adult Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to the Office of Youthful Offenders, which no longer exists.

SUBJECT AREA TO BE ADDRESSED: Youthful Offender Program.

RULEMAKING AUTHORITY: 958.11 FS.

LAW IMPLEMENTED: 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.225 Classification Screening for Youthful Offenders in Adult Facilities.

(1) The Bureau of Classification and Central Records Office of Youthful Offenders shall continuously review classification data for inmates eligible for youthful offender designation to determine if the criteria for assignment to the youthful offender program is met. Offenders identified shall be classified and assigned as youthful offenders. Any inmate designated as a youthful offender shall be assigned to a youthful offender facility.

(2) When inmates meeting the youthful offender criteria are received at non-youthful offender institutions, the staff should continuously review those cases for transfer to a youthful offender institution.

Rulemaking Specific Authority 958.11 FS. Law Implemented 958.11 FS. History--New 10-11-95, Formerly 33-33.011, 33-506.105, Amended.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.226  
 RULE TITLE: Youthful Offender Program Participation

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to define “successful completion” of the youthful offender program for the purpose of a Departmental recommendation for sentence modification, to set forth the process by which a modification is recommended, and to generally clarify the youthful offender program protocol.

SUBJECT AREA TO BE ADDRESSED: Youthful Offender Program.

RULEMAKING AUTHORITY: 944.09, 958.04, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.04, 958.11, 958.12 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.226 Youthful Offender Program Participation.

(1) Each institution that houses youthful offenders ~~offender~~ shall provide a programmatically diversified extended day of 16 hours of required inmate participation six days a week, contingent upon available resources.

(2) The schedule of events shall be developed by each warden and approved by the regional director and the Office of Institutions.

~~(3) Definitions. Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate’s eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S. Requests for sentence modification will not be made before successful completion of the extended day program.~~

~~(a) Bureau of Admission and Release – the bureau in the central office responsible for overseeing and auditing all the processes involved with sentencing documents received from the courts and for controlling inmates’ prison commitment, coordinating release processes, and administering the department’s re-entry initiatives. After the youthful offender has successfully participated in the youthful offender program and completed the IMP as developed, a complete evaluation of the case shall be initiated. The evaluations shall include a review and summary of the following areas:~~

- ~~1. Disciplinary record;~~
- ~~2. Gain time earned, forfeited or withheld and reasons for the action taken;~~
- ~~3. Academic and vocational accomplishments;~~
- ~~4. Work assignments which would assist the youthful offender in obtaining future employment;~~
- ~~5. Counseling programs;~~
- ~~6. Substance abuse programs;~~
- ~~7. Other programs and objectives specifically recommended for the youthful offender; and~~
- ~~8. Release placement plan prepared by probation and parole office staff which will include proposed residence, employment, family ties or support systems, financial resources, other resources available to the inmate and any recommendation for continued treatment;~~
- ~~9. Nature of offense and length of sentence.~~

~~(b) Bureau of Classification and Central Records – the bureau in the central office responsible for the overall classification system in the department, including reception, facility, work, program, and custody assignments, disciplinary processes, population management, and maintaining active and inactive inmate records. The evaluation of the youthful offender’s eligibility for a recommendation for a modification of sentence shall be coordinated by the institutional classification staff and incorporated into a complete progress report. The completed progress report shall be reviewed and, once approved, signed by the ICT and a representative of the SCO.~~

~~(c) Extended Day Program – a 16-hour per day, multi-phase program at designated youthful offender institutions designed to reduce inmate idleness and improve a youthful offender’s chance of successful re-entry into the community. Prior to making a recommendation for sentence~~

modification, the inmate's classification officer shall send a Victim Input Statement, Form DC1-701B, to the victim(s) or the victims' family for comments regarding the release of the inmate. Form DC1-701B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(d) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the state classification office. Once the inmate has been approved by the ICT and the SCO for a recommendation for sentence modification, a request for initiation of a Youthful Offender's Release Placement Plan, Form DC6-121, shall be made to the community corrections office in the county where the inmate plans to reside. The community corrections office in the county where the inmate plans to reside shall complete the placement release plan and return it to the requesting institution. Form DC6-121 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(e) Review Board – the team consisting of extended day program staff, to include at least one officer of the rank of sergeant or above and a staff member directly involved in the training and instruction of youthful offenders, responsible for determining advancement through the phases of extended day program. The sentence modification package shall include at a minimum the following:

1. The completed release placement plan that has been verified by community corrections field staff;
2. The completed victim input statement forms;
3. A progress report with justification for sentence modification;
4. An order of modification of sentence placing defendant on probation prepared by the classification officer for the judge's signature;
5. A completed Defendant's Waiver of Rights to Modify Sentence and Place Defendant on Probation, Form DC3-235. Form DC3-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-19-03.

(f) State Classification Office (SCO) – the office or office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving,

disapproving, or modifying institutional classification team recommendations. The completed sentence modification package shall be forwarded to the Bureau of Classification and Central Records for review by the central office screening committee.

(g) ~~The central office screening committee shall review the sentence modification request for completeness and shall make a written recommendation to the Deputy Director of the Office of Institutions (classification) to approve or disapprove the request.~~

1. ~~If the Deputy Director concurs with the recommendation for sentence modification, the Chief of the Bureau of Classification shall transmit a written request to the sentencing judge to consider modifying the inmate's sentence.~~

2. ~~If the Deputy Director does not concur with the recommendation for sentence modification, the Chief of Classification will notify the ICT at the facility where the inmate is housed. The ICT will notify the inmate of the decision.~~

(h) ~~One or more of the following will render the inmate ineligible for consideration of a sentence modification to the court:~~

1. ~~Conviction for murder, attempted murder, or an offense resulting in a death;~~
2. ~~Conviction for sexual battery pursuant to Section 794.011, F.S.;~~
3. ~~Conviction for kidnapping pursuant to Section 787.01, F.S.;~~
4. ~~Conviction for earjacking pursuant to Section 812.133, F.S.;~~
5. ~~Conviction for domestic violence pursuant to Section 741.28, F.S.;~~
6. ~~Conviction for home invasion robbery pursuant to Section 812.135, F.S.;~~
7. ~~Sentenced as a habitual offender pursuant to Section 775.084, F.S.; or~~
8. ~~Currently serving mandatory portion of a sentence pursuant to Section 775.082, F.S.~~

(i) ~~If the recommendation is approved by the sentencing judge, the community corrections office shall send the certified court order to the Bureau of Sentence Structure and Population Management for the inmate to be released through the department's release procedures.~~

(j) ~~If the judge disapproves the modification request, the community corrections office that handled the modification request shall notify the chief of the Bureau of Classification and Central Records and the ICT. The ICT shall notify the inmate.~~

(4) Extended Day Program Phases. Phases are consecutive. An inmate must complete Phase I before advancement to Phase II and Phase II before advancement to Phase III.

(a) Phase I:

1. Phase I shall consist of a two-week orientation period, including a broad, extensive training program including physical fitness, work assignments, regimented application of discipline, and personal development programs.

2. To advance to Phase II, the inmate must pass an evaluation on orientation materials.

(b) Phase II shall consist of continued demonstration of skills learned in Phase I, adherence to the structure of the extended day program, and positive consistency and participation in vocational, academic, and betterment programs.

(c) Phase III shall consist of:

1. Continued demonstration of capability in the areas of personal responsibility, job assignments, and academic and vocational programs, as well as all other areas of daily living and activities;

2. Maintenance of high proficiency in achievements;

3. Providing assistance to staff with designated activities; and

4. Evaluation in all areas on a continuous basis to ensure that the inmate should remain in Phase III.

(d) Remedial Phase. The remedial phase is designed for inmates who are not participating in the extended day program such that sentence modification may be achieved and who pose disciplinary and management problems and/or have basic needs for additional behavior modification measures based on poor institutional adjustment or behavior. The remedial phase shall consist of an extensive period of behavior modification emphasizing compliance with rules, proper institutional adjustment, and appropriate social behavior.

(5) Advancement to Phase III.

(a) The Bureau of Classification and Central Records or designee will review inmates and determine if they meet the criteria for recommendation for modification of sentence. Review will include consideration of the potential rehabilitative benefits that may be achieved through the inmate's participation in Phase III. No inmate has a right to recommendation for modification of sentence. Institutional classification staff is authorized to notify the Bureau of Classification and Central Records or designee of an inmate who meets the criteria for advancement to Phase III as set forth in this rule. The sentencing court shall be notified in writing by the Bureau of Classification and Central Records or designee requesting approval for the inmate to participate in the extended day program such that modification of sentence may be achieved. The state attorney shall, at the same time, be notified that the department is seeking such approval from the court.

1. If the sentencing court approves the department's request that the inmate participate in the extended day program such that a potential recommendation for modification of sentence may be achieved per subsection (6) of this rule, the Bureau of Classification and Central Records or designee will note on the

record that the sentencing court has approved this possibility. Institutional classification staff will notify the inmate of the court's response. The 150 day period described in subparagraph (6)(a)1. below commences upon placement.

2. If the sentencing court disapproves of the inmate's participation in the extended day program such that the inmate may achieve modification of sentence, the inmate shall complete incarceration pursuant to the terms of the commitment order. The Bureau of Classification and Central Records or designee will note on the record that the sentencing court has denied the inmate the possibility of sentence modification. Institutional classification staff will notify the inmate of the court's response.

(b) If not previously identified by the department and approved for participation by the sentencing court, a Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for advancement to Phase III. If approved by the ICT for advancement, the Bureau of Classification and Central Records or designee will review the inmate for eligibility for a potential recommendation for modification of sentence under subsection (6) of this rule. If not deemed eligible, the inmate shall remain in Phase III, subject to the provisions of subsection (4) of this rule, completing incarceration pursuant to the terms of the commitment order. Form DC6-188 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(6) Recommendations for Modification of Sentence.

(a) The following will result in an evaluation by the Bureau of Classification and Central Records or designee of the inmate's eligibility for recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S.:

1. Potential for successful participation in all phases of the youthful offender extended day program, to include participation in Phase III of the extended day program for a minimum of 150 days; and

2. Reclassification to minimum or community custody.

(b) Successful participation in the extended day program is defined as:

1. Satisfactory gain time ratings in Phase III for a minimum of 150 days. Those days for which the youthful offender does not participate satisfactorily shall be repeated. Any break in service of these days for reasons not in the inmate's control will be considered when determining days to be repeated.

2. Participation in recommended programs;

3. No disciplinary reports for the previous four months; and

4. No more than four corrective consultations for the previous four months.

(c) Evaluation of the inmate's eligibility will include:

1. Review of circumstances of offense;

2. Institutional adjustment; and

3. Achievements.

(d) One or more of the following will render the inmate ineligible for recommendation of a sentence modification to the court:

1. Conviction for murder, attempted murder, or an offense resulting in a death;

2. Conviction for sexual battery pursuant to Section 794.011, F.S.;

3. Conviction for kidnapping pursuant to Section 787.01, F.S.;

4. Conviction for domestic violence pursuant to Section 741.28, F.S.;

5. Sentenced as a habitual offender pursuant to Section 775.084, F.S.; or

6. Currently serving mandatory portion of a sentence pursuant to Section 775.082, F.S.

(7) Extended Day Program Assessment. Each inmate shall be required to participate in a satisfactory manner for a minimum of 150 days in order to successfully complete the program.

(a) The review board shall continually assess the inmate's participation in the program and recommend status assignments, which may include recommendation to repeat days for which an overall unsatisfactory report was received.

(b) Inmates who have successfully participated for the required time period but who are awaiting release by the sentencing court or other releasing authority shall remain subject to the rules of the department and the extended day program. Failure to adhere to these rules may be grounds for removal from the program, withdrawal of the department's request to the court for modification of the inmate's sentence, or a request by the department to rescind modification of sentence. Form DC6-193, Order Rescinding Modification of Sentence, will be completed by the Bureau of Classification and Central Records or designee and provided to the court with the request to rescind modification of sentence. This form is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(8) Removal from Consideration for Recommendation.

(a) An inmate can be removed from the program for health reasons, expiration of sentence, or when such removal is in the best interest of the inmate or the security of the institution and in accordance with Section 958.11, F.S.

(b) If removal is for behavioral or disciplinary reasons, the inmate will not be reconsidered for a recommendation for modification of sentence.

(9) Sentence Modification Process.

(a) Inmates who have satisfactorily participated in the extended day program will be recommended for sentence modification.

(b) Institutional classification staff shall notify the Bureau of Classification and Central Records or designee of those inmates expected to achieve successful participation and forward a completed Form DC3-235, Defendant's Waiver of Rights in Modification of Sentence, no earlier than 60 days but no later than 45 days prior to the inmate's expected completion of the program.

(c) The Bureau of Classification and Central Records or designee shall either approve the ICT's recommendation, disapprove the recommendation, or refer the matter back to the ICT for additional information.

(d) If approved by the Bureau of Classification and Central Records or designee, a cover letter reporting that the inmate is participating satisfactorily in the program and is expected to complete will be sent to the community corrections intake office within the circuit of the sentencing court by the Bureau of Classification and Central Records or designee within 3 working days from the receipt of an e-mail or telephone call from the facility that the inmate is expected to complete the program.

(e) The community corrections intake office shall complete Form DC3-234, Order Modifying Sentence, and submit it to the court for approval or disapproval within 5 working days from receipt of the request. Form DC3-234 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(f) The community corrections intake office shall ensure that Form DC3-234 is received from the sentencing court and shall route the form to the Bureau of Admission and Release.

(g) The appropriate Admission and Release staff and the Bureau of Classification and Central Records or designee will be notified as to the receipt of Form DC3-234.

(h) Upon receipt of the court's written action, the appropriate staff in the Bureau of Admission and Release shall make the necessary sentence structure adjustments and, if applicable, initiate release processes.

(i) If the sentence modification order is not received within 5 working days after the inmate completes the program, the Bureau of Classification and Central Records or designee shall notify by email or by telephone the community corrections intake office which submitted the sentence modification packet to the court. The community corrections intake office staff shall contact the sentencing judge to determine the status of the

request for sentence modification. Community corrections intake staff shall notify the Bureau of Classification and Central Records or designee as to the status of the request for sentence modification. If the community corrections intake office staff member obtains the approved DC3-234, the staff member shall forward the DC3-234 to the Bureau of Admission and Release and the processes enumerated in paragraphs (9)(g) through (9)(h) of this rule shall be followed.

(j) If the sentencing court disapproves the sentencing modification, the community corrections intake office shall notify the Bureau of Classification and Central Records or designee. The Bureau of Classification and Central Records or designee will notify the ICT at the institution housing the inmate, and the provisions of paragraph (9)(k) of this rule shall be followed.

(k) If modification of sentence is denied by the sentencing court, the Bureau of Classification and Central Records or designee will approve transfer of the inmate to an appropriate facility. If recommended for work release, the SCO will review and approve transfer as appropriate. The ICT shall notify the inmate of the court's denial.

(10) Nothing in this rule is intended to prohibit an inmate from petitioning the court if the inmate believes he or she has successfully participated in the program on the basis set forth in this rule or on the basis of other facts he or she believes are relevant.

Rulemaking Specific Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, 958.04, 958.11, 958.12 FS. History—New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04,\_\_\_\_\_.

**LAND AND WATER ADJUDICATORY COMMISSION**

**Kendall Creek Community Development District**

RULE NO.: 42FFF-1.002  
 RULE TITLE: Boundary

PURPOSE AND EFFECT: A petition has been filed with the Florida Land and Water Adjudicatory Commission requesting the merger of the Main Street Community Development District (“Main Street CDD”) and the Rivers Edge Community Development District (“Rivers Edge CDD”) (together, “District”). On June 16, 2010, the Main Street CDD and the Rivers Edge CDD each adopted resolutions authorizing the process necessary to accomplish the merger and approving a Merger Agreement. The Merger Agreement, among other things, provides for: the filing of a petition; the intent that Rivers Edge CDD remain as the surviving district; the proper allocation of the indebtedness; and the manner in which debt is to be retired. The merger agreements are contained as Exhibits 1A and 1B to the petition. Main Street CDD currently covers approximately 89.9 acres of land located entirely within St. Johns County, Florida. Rivers Edge CDD currently covers

approximately 4,086.6 acres of land located entirely within St. Johns County, Florida. Main Street CDD and Rivers Edge CDD are generally located in the RiverTown Development of Regional Impact. A general location map is provided in Exhibit 3 to the petition. The current metes and bounds descriptions of the external boundaries of the CDDs are set forth in Exhibit 4 to the petition. After merger, the surviving district will encompass a total of approximately 4,176.5 acres. The approval of the Merger Agreement and authorization to file the petition by the Districts’ Board of Supervisors constitutes consent of all landowners within the Districts.

SUBJECT AREA TO BE ADDRESSED: Merger of the Main Street Community Development District and the Rivers Edge Community Development District.

RULEMAKING AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 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: Thursday, June 2, 2011, 10:00 a.m.

PLACE: Conference Room 2107, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. 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: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Westchase Community Development District**

RULE NOS.: 42000-1.001, 42000-1.002, 42000-1.003  
 RULE TITLES: Establishment, Boundary, Board of Supervisors

PURPOSE AND EFFECT: A petition has been filed with the Florida Land and Water Adjudicatory Commission requesting the merger of the Westchase Community Development District (“Westchase CDD”) and the Westchase East Community

Development District (“Westchase East CDD”). On January 5, 2010, the Board of Supervisors for the Westchase CDD and the Westchase East CDD each adopted resolutions approving a merger agreement. The merger agreement, among other things, makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The merger agreement is contained as Exhibit A to the Petition. Westchase CDD currently covers approximately 741 acres of land located entirely within Hillsborough County, Florida. Westchase East CDD currently covers approximately 972 acres of land located entirely within Hillsborough County, Florida. General location maps are contained as Exhibit 2 to the Petition. Pursuant to section 190.046(3), F.S., the approval of a Merger Agreement and Petition by the Districts’ Board of Supervisors constitutes consent of the landowners within the Districts. Westchase CDD will be the surviving District and the development plan that exists today will remain the same.

**SUBJECT AREA TO BE ADDRESSED:** Merger of the Westchase Community Development District and the Westchase East Community Development District.

**RULEMAKING AUTHORITY:** 190.005, 190.046 FS.

**LAW IMPLEMENTED:** 190.004, 190.005, 190.046 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:** Tuesday, May 31, 2011, 2:00 p.m.

**PLACE:** The Capitol, Room 2107, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. 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:** Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Division of Victim Services and Criminal Justice Programs

RULE NO.:	RULE TITLE:
2A-8.005	Adjustments to Reflect Consumer Price Index

**PURPOSE AND EFFECT:** The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

**SUMMARY:** The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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. An SERC has not been prepared by the agency.

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:** 112.19 FS.

**LAW IMPLEMENTED:** 112.19 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

**THE FULL TEXT OF THE PROPOSED RULE IS:**

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2011 ~~2010~~ increased 2.7 ~~2.3~~ percent. Therefore, the statutory amount for the period July 1, 2011 ~~2010~~ through June 30, 2012 ~~2011~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$62,465.39 ~~\$60,823.16~~.