

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-37.039	Prescribed Forms for Training and Certification
69A-37.065	Programs of Study and Vocational Courses

PURPOSE AND EFFECT: The Department is holding a workshop for the purpose of exploring options with the public for the implementation of new programs of study and vocational courses relating to standards for Fire Officer Professional Qualifications. The workshop may also include a general discussion of the current Fire Officer Program including length of programs, content of programs, instructor requirements, prerequisite requirements, certification requirements, and proposed rule development in that regard.

SUBJECT AREA TO BE ADDRESSED: Training and certification programs for the Fire Officer Program.

RULEMAKING AUTHORITY: 633.01(1), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34, 633.35, 633.38, 633.45 FS.

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

DATE AND TIME: July 27, 2011, 8:30 a.m. – 10:30 a.m.

PLACE: Marriot Hotel, Room, Salon H & J, 400 South Collier Blvd., Marco Island, Florida 34145

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: Bill Wentlandt at (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barry Baker, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, telephone (352)732-1433 or Barry.Baker@MyFloridaCFO.com

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.002	Placement of Races on Primary Ballots

PURPOSE AND EFFECT: This rule, last amended in 2003, is obsolete as a result of 2004 changes made to Rule 1S-2.032, Florida Administrative Code, relating to the uniform content and style layout standards for primary and general election ballots, and subsequent legislative changes to elections results reporting under Sections 98.0981, F.S., and 102.141, F.S. If adopted, no legislative ratification is triggered.

SUMMARY: Repeal of obsolete rule relating to placement of races on primary ballots and tabulation requirements for universal primary contests.

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: 20.10(3), 97.012, 101.015(3), 101.151(8) FS.

LAW IMPLEMENTED: 101.015, 101.151 FS., Art. VI, Section 5(b) of the Florida Constitution.

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: July 25, 2011, 1:00 p.m.

PLACE: Room 307, R.A. Gray Building, Florida Department of State, Tallahassee, Florida 32399

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: David Drury, Chief, Bureau of Voting System Certification, Division of Elections, Florida Department of State, R.A. Gray Building, Tallahassee, Florida 32399, (850)245-6200, e-mail at: drdrury@dos.state.fl.us, or Maria Matthews, Assistant General Counsel, Florida Department of State, General Counsel's Office, R.A. Gray Building, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimatthews@dos.state.fl.us. The preliminary text is available

upon request, by contacting one of the named persons listed above, or is also accessible via the Division of Elections' webpage at: <http://election.dos.state.fl.us/rules/rules-index.shtml>. 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: David Drury, Chief, Bureau of Voting System Certification, Division of Elections, Florida Department of State, R.A. Gray Building, Tallahassee, Florida 32399, (850)245-6200; e-mail at: drdrury@dos.state.fl.us, or Maria Matthews, Assistant General Counsel, Florida Department of State, General Counsel's Office, R.A. Gray Building, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimatthews@dos.state.fl.us. The preliminary text is available upon request, by contacting one of the named persons listed above, or is also accessible via the Division of Elections' webpage at: <http://election.dos.state.fl.us/rules/rules-index.shtml>

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.002 Placement of Races on Primary Ballots.

Rulemaking Specific Authority 101.015 FS. Law Implemented Article VI, Section 5(b) of the Florida Constitution. History—New 10-22-00, Amended 10-29-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Gisela Salas, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2011

DEPARTMENT OF REVENUE

Child Support Enforcement Program

RULE NO.: 12E-1.0051
RULE TITLE: Undistributable Collections

PURPOSE AND EFFECT: Section 409.2558(3), F.S., requires the Department to establish by rule a method to determine a collection or refund to be undistributable to the final intended recipient. The law provides that before determining a collection or refund undistributable, the Department must make reasonable efforts to locate individuals to whom collections or refunds are owed. The law also directs the Department to process, as program income, payments the Department disburses that are less than \$1.00 by paper check and the check is not cashed after 180 days, or any amount less than \$1.00 owed on a closed Title IV-D case. The purpose of creating proposed Rule 12E-1.0051, F.A.C., is to provide guidance to the public about the Department's procedures for locating individuals to whom collections or refunds are owed, processing undistributable collections, how an individual can

reclaim an undistributable collection, and processing payments that are less than \$1.00 as program income. The effect is to provide the public with information on how the Department will: (1) try to locate individuals to whom collections or refunds are owed; (2) determine a collection or refund to be undistributable; (3) process undistributable collections; (4) allow an individual to reclaim a collection applied as program income; and (5) process payments that are less than \$1.00 as program income.

SUMMARY: The proposed creation of Rule 12E-1.0051, F.A.C., provides guidance to the public about the Department's procedures for locating individuals to whom collections or refunds are owed, processing undistributable collections, allowing individuals to reclaim an undistributable collection and processing refund requests. The proposed rule also tells the public that if the Department disburses a payment of less than \$1.00 by paper check and the check is not cashed after 180 days, or if less than \$1 is owed on a closed Title IV-D case, the Department will process the payment as program income, which is split between the state (General Revenue Fund) and federal governments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business.

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

RULEMAKING AUTHORITY: 409.2557(3)(j), 409.2558(3), 409.2558(9) FS.

LAW IMPLEMENTED: 409.2558(3), 409.2558(5) FS.

A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: August 1, 2011, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building Two, Room 4102, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Child Support Enforcement Program is asked to advise the Department at least 48 hours before the hearing by contacting: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P.O. Box 8030, Tallahassee, Florida 32314-8030, telephone: (850)617-8035, e-mail address: scruggsp@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12E-1.0051 Undistributable Collections.

(1) Introduction. The Department is responsible for distribution of child support payments under Section 409.2558, F.S. When the Department is unable to disburse the payment to the final intended recipient, the provisions of this rule shall be applied.

(2) Definitions. For purposes of this rule:

(a) "Final intended recipient" means a custodial parent, noncustodial parent, a parent's estate, or a state, country, or Federal agency providing Title IV-D services, including those agencies administering programs under Title IV-A (Temporary Assistance for Needy Families), IV-E (Foster Care), and XIX (Medicaid) of the Social Security Act.

(b) "Obligee" means the person to whom support payments are made pursuant to an alimony or child support order.

(c) "Obligor" means a person who is responsible for making support payments pursuant to an alimony or child support order.

(d) "Undistributable collection" is defined by the social and economic assistance provisions in Section 409.2554(14), F.S., to mean a support payment received by the Department which the Department determines cannot be distributed to the final intended recipient.

(3) Undistributable Collection Processing.

(a) The Department will consider a collection undistributable when:

1. The final intended recipient is deceased and the Department cannot locate the final intended recipient's estate or the estate does not claim the funds.

2. The final intended recipient cannot be found after making reasonable efforts to locate the individual.

(b) The Department will use the following sources to try to find the final intended recipient. If the final intended recipient is deceased, location searches under subparagraphs 1 through 6 are not required. Reasonable efforts to locate a final intended recipient are considered exhausted when, at a minimum, searches of the following sources have taken place and the Department has not found the final intended recipient.

1. Department's automated case management computer system, to include electronic searches with multiple sources and responses from the Federal Parent Locator Service, as required in 45 CFR 303.70. This search includes the obligor, obligee, and children.

2. Florida Department of Highway Safety and Motor Vehicles.

3. Florida Agency for Workforce Innovation. This search includes employment, wage, unemployment, and Workers' Compensation records.

4. Florida Department of Corrections.

5. Location sources available from an out-sourced location vendor, subject to a contractual agreement between the Department and vendor.

6. Secure Internet locate sites, as determined on a case-by-case basis.

(c) If the searches under subparagraphs (b)1. through 6. find the final intended recipient, the Department disburses the payment.

(d) If the searches under subparagraphs (b)1. through 6. do not find the final intended recipient, the collection is considered undistributable. The Department shall process the collection in priority order as provided in Section 409.2558(3), F.S.

(e) When the obligor has more than one support order with a past-due balance being enforced by the Department, the Department shall notify the obligor by certified mail, restricted delivery, return receipt requested, of its intent to apply the collection to the obligor's other cases, according to Section 409.2558(3)(b)6., F.S. If the address of the obligor is unknown, the Department will try to find the obligor using sources referenced in paragraph (b) of this subsection.

(f) If the obligor disagrees with the Department's plan to apply the collection to the obligor's other cases and a petition is filed in circuit court and served on the Department within 30 calendar days of the mailing date of notice, the Department will not apply the collection to the obligor's other cases unless the court enters an order for the Department to apply the collection to the obligor's other cases.

(g) When the Department has processed the collections as required in Section 409.2558(3)(b)6., F.S., and there are collections remaining, the Department will refund the remaining collections to the obligor if the address of the obligor is known. If the address of the obligor is unknown, the Department will try to find the obligor using sources referenced in paragraph (b) of this subsection.

(4) Undistributed Collections for Ninety-Nine Cents or Less.

(a) If the Department has sent one or more paper checks totaling ninety-nine cents or less to a final intended recipient, the final intended recipient has not cashed the check(s) within 180 days of the issue date on the check(s), the collection(s) is the only remaining payment due to the final intended recipient, and the final intended recipient does not have an established method of electronic disbursement, the Department shall process the collection as program income.

(b) If the Department identifies undistributed collections totaling ninety-nine cents or less on a closed case and the collection is the only remaining collection due to the final intended recipient, the Department shall process the collection as program income without attempting to locate the final intended recipient.

(5) Reclamation of Undistributable Collections.

(a) The final intended recipient may reclaim undistributable collections retained as program income. The final intended recipient may not reclaim an undistributable collection if the collection was applied to bad check charges because the obligor's payment is returned to the Child Support Enforcement Program for insufficient funds, overpayments, state-assigned arrears, administrative costs, other cases in which the obligor owes past-due support, or the collection was returned to the obligor. The final intended recipient may contact the local child support office or contact the Child Support Enforcement Program Office and ask for the Payment Processing Unit, and request a reclamation form.

(b) To reclaim a collection, the final intended recipient must complete and send to the Department, Form CS-FM125, Request for Refund, dated July 2010, incorporated by reference in this rule. The final intended recipient must prove they are the collection owner by giving his or her name, mailing address, and if known, the child support or case number, date of payment(s), and amount claimed.

(c) The Department will review the information submitted by the final intended recipient and respond in writing to approve or deny the request.

1. If approved, the Department will mail the collection to the final intended recipient.

2. If denied, the Department will mail Form CS-FM127, Request for Refund Denied, dated July 2010, incorporated by reference in this rule, to the final intended recipient. Form CS-FM127 states the request is denied, reason for the denial, and the final intended recipient may contest the decision by seeking an administrative hearing under Chapter 120, F.S. The form includes a Notice of Rights.

3. A final intended recipient may seek an administrative hearing to contest the Department's decision to deny a request to reclaim a collection considered undistributable by the Department. A petition for an administrative hearing must be received by the Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk within 20 calendar days from the mailing date of Form CS-FM127. Administrative hearings shall be conducted pursuant to Chapter 120, F.S.

(6) Forms.

Members of the public may get a copy of the forms used in this rule chapter, incorporated by reference, without cost, by writing to the Department of Revenue, Child Support Enforcement Program, Attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030.

Rulemaking Authority 409.2557(3)(j), 409.2558(3), 409.2558(9) FS. Law Implemented 409.2558(3), 409.2558(5) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)617-8035, e-mail address scruggsp@dor.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the *Florida Administrative Weekly* on November 5, 2010 (Vol. 36, No. 44, pp. 5318-5319). No request to hold a workshop was received by the Department.

DEPARTMENT OF CORRECTIONS

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

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

SUMMARY: The proposed rule clarifies the circumstances under which an inmate or visitor's visiting privileges may be suspended and incorporates a matrix to guide staff in determining the length of the suspension.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Suspension of Inmate Visiting Privileges.

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

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

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

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

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

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

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

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

2.(b) Possessing or passing money.

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

4. Possessing or using intoxicating beverages.

5. Possessing a recording device.

6. Violation of visiting rules.

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

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

(a) ~~Intoxicating beverages;~~

(b) ~~Recording devices.~~

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

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

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

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

(e) If an inmate is found guilty of an offense listed in paragraph (1)(c), the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form NI1-102, Visiting Privileges Suspension Matrix. Form NI1-102 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. If an inmate's visiting privileges are suspended pursuant to this Rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(c), the inmate is subject to an increased period of suspension as follows:

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

2. If the subsequent offense is different from the previous offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NI1-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

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

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

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

1. through 2. No change.

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

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

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

4. through 7. No change.

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

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

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

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

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

~~5. Falsifies As a former employee, contract employee, or vendor falsifies information to obtain visiting privileges, including falsification of guardianship documents, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertant or good faith mistake, omission, or clerical error.~~

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

(c) If a visitor is found guilty of an offense listed in paragraph (2)(b), the warden or designee shall suspend the visitor's visiting privileges for the period of time specified on Form NI1-102, Visiting Privileges Suspension Matrix. If a visitor's visiting privileges are suspended pursuant to this Rule and the visitor subsequently commits one of the offenses listed in paragraph (2)(b), the visitor is subject to an increased period of suspension as follows: Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. — falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(2), F.A.C. — visitor attire, Rule 33-601.726, F.A.C. — visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a) through (h), F.A.C., shall have visiting privileges suspended by the warden or designee supervisor for up to one year.

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

2. If the subsequent offense is different from the previous offense, the visitor's visiting privileges shall be suspended for the length of time specified on Form NI1-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of two years from the time of the subsequent offense.

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2011

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 clarify provisions relating to possession and disposal of religious property and to amend the approved personal property list.

SUMMARY: The proposed rule clarifies provisions relating to possession and disposal of religious property and adds several personal items to the approved property list.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.201 Inmate Property.

(1) The reception center ~~chief~~ Chief of security ~~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~~ Chief of security ~~Security~~ or his designee shall be responsible for the maintenance of the inmate property file. An addendum will be made to Form DC6-224, Inmate Personal Property List, 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~~ 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~~ 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 that is not authorized within the ~~department~~ Department and that 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~~ Department. The 30 day period will not include any time during which an appeal or grievance pertaining to the disposition of the property 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) No change.

(4) Authorized Property.

(a) The property reflected on the Approved Property List (Appendix One), in the indicated quantities, is authorized within the ~~department~~ 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 his assigned housing unit.

(b) through (e) No change.

(f) An inmate transferred from a jail or private prison to a Department of Corrections facility shall be permitted to retain only that property that is authorized by the ~~department~~ Department in Appendix One. 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 pertaining to the disposition of the property is pending.

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

(a) Property that is contraband pursuant to Rule 33-602.203, F.A.C., shall be handled as provided in that rule ~~Rule 33-602.203, F.A.C.~~

1. through 3. No change.

(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, and 33-601.820, F.A.C.

(6) Storage of Excess Legal Materials.

(a) through (b) No change.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or ~~chief~~ Chief of security ~~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~~ Department providing:

a. No change.

b. If, after organizing and inventorying his or her legal material, the inmate will not be able to fit active legal material in his assigned inmate locker, the inmate shall complete Form DC6-2006, Request for Storage of Excess Active Legal Material, and Form DC6-2008, Excess Active Legal Material Inventory List, 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. No change.

4. In the event the inmate refuses to organize and inventory his 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 ~~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 ~~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 a box(es) with interlocking flaps 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 or sent out~~ at the inmate's expense, as provided in subparagraph (6)(c)6. The, ~~or the~~ institution will otherwise destroy the material ~~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. through 8. No change.

9. If the inmate's grievance appeal is denied and the inmate wishes to appeal the determination to the courts as well as ~~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 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, the inmate shall have 30 days to make arrangements to have the materials 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 a box(es) with interlocking flaps, shall be numbered in sequential order, and shall have the inmate's name and department ~~Department~~ 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, Excess Active Legal Material Inventory List, shall be completed or updated by the inmate before the box(es) ~~is are~~ sent or returned to excess storage.

12. through 13. No change.

(d) through (f) No change.

(7) Impounded Property.

(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 that will safeguard it from loss, damage, destruction, or theft while it is under the control of the department ~~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 ~~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~~ ~~Department~~ each inmate will also sign Form DC6-226, Authorization for Disposition of Mail and Property, which authorizes the ~~department~~ ~~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. No change.

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. through 5. No change.

(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) No change.

(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, at which time it will be placed in and then to the inmate's property file.

2. through 3. No change.

(f) No change.

(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 that which cannot be transported with the inmate, the procedures for making a partial return listed in paragraph (e) shall be followed.

(h) through (9) No change.

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

(11) through (12) No change.

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

(14) Missing Inmate Property.

(a) No change.

(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 30 days.

(c) through (e) No change.

(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) Religious Property.

(a) No change.

(b) Unless otherwise prohibited by ~~department~~ ~~Department~~ rule, inmates shall be permitted to possess, for personal use, religious publications as defined in Rule 33-503.001, F.A.C., that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.

(c) Unless otherwise prohibited by ~~department~~ ~~Department~~ rule or by paragraph (e) of this subsection, inmates shall be permitted to possess the following items adhering to the tenets of a particular religion for wearing or carrying at all times or for use during individual worship in their assigned cell or individual sleeping area if assigned to open dormitory housing. Such religious items must be documented on Form DC6-224, Inmate Personal Property List. When an inmate makes a change in religious preference, the inmate must dispose of all of the items associated with the previous religion unless such items are also associated with the new religious preference. Disposal shall be in accordance with paragraph (i) below ~~may be by mailing at the inmate's expense or by waste disposal~~ and must be done before the inmate shall be permitted to possess items adhering to the new religious preference. An inmate shall be allowed to maintain the following religious items in his individual housing unit unless specific and definable security concerns require storage and usage elsewhere. An inmate shall not be transported to the chapel for the purpose of using an item for individual worship if the inmate possesses the item in his housing area; however, if an inmate does not possess a necessary item for individual worship in his housing area and the item is available at the institutional chapel, the inmate shall not be prohibited from being transported to the chapel for the purpose of using the item for individual worship.

1. Religious items for wearing or carrying at all times:

a. through g. No change.

h. No more than two pictures or images depicting gods, saints, or other religious or spiritual entities. Such pictures or images may be no larger than 8.5" x 11" inches. This limit does not apply to images or pictures contained within religious publications.

(d) No change.

(e) Limitations on Use of Religious Property. When an inmate is prohibited from retaining possession of religious items due to transfer to a different management or housing status, such items shall be stored and returned to the inmate once he has been transferred back to a setting in which the items are permissible pursuant to this rule.

1. No change.

2. Inmates on close management or maximum management status and inmates in disciplinary or administrative confinement shall be permitted to possess religious publications, items for wearing or carrying at all times, and items for individual worship unless the warden or designee finds that the inmate's possession of the item poses a specific and definable safety or security threat. In determining whether an item presents a specific and definable threat, the following shall be considered:

a. through (f) No change.

(g) The chaplain at the institution shall serve as advisor to staff and inmates in the area of religious property listed in paragraphs (c) and (d) of this subsection. Should issues arise concerning the appropriateness of any particular religious item that is alleged to be permitted by this subsection, the institutional chaplain will evaluate the item in conjunction with security staff to determine whether the item is permissible. The agency chaplaincy services administrator ~~Chaplaincy Services Administrator~~ shall provide advice and guidance to the department ~~Department~~ regarding approved religious items, religions and religious items not listed in this rule, and other department ~~Department~~ religious issues.

(h) Inmate requests for religious property not listed in this rule shall be reviewed by the agency chaplaincy services administrator ~~Chaplaincy Services Administrator~~ to determine whether the item adheres to the tenets of ~~is required by~~ the inmate's particular religion. If the chaplaincy services administrator ~~Chaplaincy Services Administrator~~ determines that the item adheres to the tenets of ~~is required by~~ the inmate's religion, the agency security bureau chief shall conduct a review to determine whether the item presents a specific and definable threat to security and order. In determining whether an item presents a threat to security and order the following shall be considered:

1. through 2. No change.

(i) Disposal of Religious Property.

1. Religious property that must be disposed of in order for an inmate to remain in compliance with the provisions of this rule (e.g., to remain within limits on the number of permissible items) shall be retained by the institution for 30 days. The inmate may mail out the item(s) during this time at no expense to the department or may elect to give the item(s) to the institutional chaplain for disposal in a manner respecting the tenets of the faith to which the item adheres. If after 30 days the inmate has not disposed of the property, it shall be transferred to the chaplain for disposal in a manner respecting the tenets of the faith to which the item adheres.

2. Religious property that must be disposed of in order for an inmate to receive items adhering to a different faith pursuant to paragraph (c) above may be mailed out at no expense to the department or may be given to the institutional chaplain for disposal in a manner respecting the tenets of the faith to which the item adheres.

(17) No change.

APPENDIX ONE PROPERTY LIST

This list incorporates all property authorized to be possessed by inmates in all department ~~Department~~ institutions and facilities except community correctional centers. Except for items specified below as "exemptions," ~~"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 ~~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 ~~Department~~ canteens, items purchased in canteens at private facilities will not always be admissible in department ~~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. All canteen items are subject to availability and may not be available for purchase. 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 department 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.

Exemptions.

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.

– 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)
7	each		Light blue or white – female only Light blue – male
3	each		Panties (state issue or canteen – female only)
1	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 (<u>canteen or</u> 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) – *
1	each		Quantity as specified by Rule 33-501.401, F.A.C.
1	each		Bowl – plastic (canteen)
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; Canteen bag
<u>1</u>	<u>each</u>		(canteen)
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	<u>set</u>	<u>Earbuds (canteen)</u>
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)
25	each	Envelopes – legal (#10 size) (canteen)
5	each	Envelopes – oversized (10" x 13") (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)
20		Greeting cards and accompanying envelopes
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)
<u>Maximum</u>	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)
<u>weekly dosage +</u>		Hearing aid (state issue or personal)
2	each	Hobby craft – at locations where program exists and subject to storage space limitations
*		Insect repellent (canteen)
1	each	Jigsaw puzzle (canteen order)
1	each	<u>Keyboard (canteen)</u>
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	<u>each</u>	<u>MP3 Player (canteen)</u>
1	<u>each</u>	<u>MP3 Player arm band holder (canteen)</u>
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)
<u>1</u>	<u>each</u>		<u>Screen protector (canteen)</u>
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)
<u>1</u>	<u>each</u>		<u>Toilet Paper (state issue or canteen)</u>
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)

Rulemaking 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, 12-25-08, 1-25-10, 7-4-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Russell Hosford, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Edwin Buss, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 20, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 10, 2010

COMMISSION ON ETHICS**RULE NOS.:**

34-8.002

RULE TITLES:

General Rules for Filing Full and Public Disclosure of Financial Interests

34-8.007

Choosing to File Copy of Income Tax Return

34-8.008

Final Filing for CE Form 6 Filers

34-8.009

Amended Filing for CE Form 6 Filers

34-8.202

General Rules for Filing a Statement of Financial Interests

34-8.208

Final Filing for CE Form 1 Filers

PURPOSE AND EFFECT: The purpose of the proposed amendments is to make revisions to financial disclosure forms that are adopted by reference in the various rules of Chapter 34-8, Florida Administrative Code. The filing year on all of the forms will be changed to 2011, and filing instructions are being revised for greater clarity. Additionally, where there were statutory changes to those who are required to file, those changes are reflected in the forms. Also, Rule 34-8.007, F.A.C., is being amended to address the situation where a filer elects to file their Federal income tax return with their CE Form 6. Even if they were not required to submit W-2's and other attachments to the I.R.S. if they filed electronically, they are still required to provide those documents with their CE Form 6.

SUMMARY: CE Form 6 (Full and Public Disclosure of Financial Interests), CE Form 6F (Final Full and Public Disclosure of Financial Interests), CE Form 6X (Amendment to Full and Public Disclosure of Financial Interests), CE Form 1 (Statement of Financial Interests), CE Form 1F (Final Statement of Financial Interests), and CE Form 1X (Amendment to Form 1 Statement of Financial Interests), are affected by this rulemaking.

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: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(7), 112.3145, 112.3145(9), 112.3147, 112.322(9) FS.

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., 112.3144, 112.3144(6), 112.3144(7), 112.3145, 112.3145(2)(b), 112.3145(9) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 29, 2011, 9:00 a.m.

PLACE: Senate Office Building, Room 37S, 404 South Monroe Street, Tallahassee, FL

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: Millie Fulford, Legal Secretary, Florida Commission on Ethics, Telephone: (850)488-7864 or email: fulford.millie@leg.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 RULES IS: Julia Cobb Costas, Assistant General Counsel, Florida Commission on Ethics, Telephone: (850)488-7864 or email: costas.julie@leg.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

34-8.002 General ~~Rules~~ Rule for Filing Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year. Full and public disclosure of financial interests means filing a sworn statement showing net worth, assets and liabilities on the form prescribed by the Commission, CE Form 6 – Full and Public Disclosure of Financial Interests, together with either a copy of the person's most recent federal income tax return, including all attachments, or the completed income disclosure portion of CE Form 6. The CE Form 6 (1/2012) ~~(1/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History—New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-7-01, 1-19-11, 1-1-12.

34-8.007 Choosing to File Copy of Income Tax Return.

(1) A reporting official who chooses to file a copy of his or her most recent income tax return with the CE Form 6 shall include copies of all schedules and forms that were included with or attached to the official's return when it was filed with the I.R.S. If the official's return was filed with the I.R.S. electronically and copies of W-2's, 1099's, or other forms showing sources of income were not required to be submitted, he or she must still provide copies of those documents to the Commission if he or she elects to file a copy of the return with the CE Form 6.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking ~~Specific~~ Authority Art. II, Section 8, Fla. Const., 112.3144, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const. History--New 5-17-77, Formerly 34-8.07, Amended 8-7-94, 7-2-00, 11-7-01, 1-1-12.

34-8.008 Final Filing for CE Form 6 Filers.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, file with the Commission a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be on the form prescribed by the Commission, CE Form 6F – Final Full and Public Disclosure of Financial Interests. The CE Form 6F (1/2012) ~~(4/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3144, 112.3147, 112.322(9) FS. Law Implemented 112.3144(5), 112.3144(6) FS. History--New 11-7-01, Amended 1-19-11, 1-1-12.

34-8.009 Amended Filing for CE Form 6 Filers.

(1) A person may amend his or her full and public disclosure of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended filing shall be filed with the same office where the original form was filed and shall be on the form prescribed by the Commission, CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests. The CE Form 6X (1/2012) ~~(4/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3144(6), 112.3144(7), 112.3147, 112.322(9) FS. Law Implemented 112.3144(7) FS. History--New 11-7-01, Amended 1-19-11, 1-1-12.

34-8.202 General Rules for Filing a Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests, with the supervisor of elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency's headquarters. The CE Form 1 (1/2012) ~~(4/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS. History--New 11-7-01, Amended 1-19-11, 1-1-12.

34-8.208 Final Filing for CE Form 1 Filers.

(1) No change.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F – Final Statement of Financial Interests. The CE Form 1F (2012) ~~(4/2011)~~ is adopted by reference herein and may be obtained without cost from the Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us.

(3) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2012.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145(2)(b) FS. History--New 11-7-01, Amended 1-19-11, 1-1-12.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Philip C. Claypool, Executive Director and General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.: RULE TITLE:

59G-13.050 Assisted Living Waiver Services

PURPOSE AND EFFECT: The purpose of proposed Rule 59G-13.050, F.A.C., is to incorporate by reference the Assisted Living Waiver Services Coverage and Limitations Handbook, March 2011. The rule will ensure that providers properly implement the rules, regulations, and policies governing the waiver program.

SUMMARY: The rule will provide policies and procedures for Assisted Living Waiver Services.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 09.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Thursday, August 4, 2011, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Carol Schultz at the Bureau of Medicaid Services, (850)412-4256. 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: Carol Schultz, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4256, e-mail: carol.schultz@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.050 Assisted Living Waiver Services.

(1) This rule applies to all Assisted Living Waiver Services providers enrolled in the Medicaid program.

(2) All Assisted Living Waiver Services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Assisted Living Waiver Services Coverage and Limitations Handbook, March 2011, incorporated by reference. The handbook is available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 and selecting option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carol Schultz

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2010

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: RULE TITLE:

64B9-7.001 Fees

PURPOSE AND EFFECT: The purpose of this amendment is to include renewal fees for persons who are licensed as CNS and ARNP's.

SUMMARY: The rule amendment will include renewal fees for persons who are licensed as CNS and ARNP's.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

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: 456.013.(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (9) No change.

(10) For renewal of an RN/CNS/ARNP license certificate, two hundred five dollars (\$205.00).

(10) through (12) renumbered (11) through (13) No change.

(d) For renewal of an RN/CNS/ARNP license certificate, one hundred thirty (\$130.00).

(14)(13)(a) through (c) No change.

(d) For an RN/CNS/ARNP license certificate, ninety-five dollars (\$95.00).

(14) through (18) renumbered (15) through (19) No change.

Rulemaking Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, 5-20-07, 12-21-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:

64B9-8.001 The Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes this rule amendment to dispense with the geographical distribution of probable cause cases because the Board has three panels that meet monthly, and there are not always present or former board members available from specific parts of the state.

SUMMARY: The purpose of this amendment is to take out the geographical assignments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

RULEMAKING AUTHORITY: 456.073(1), (3), 464.006 FS.

LAW IMPLEMENTED: 456.073(4) 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.001 The Probable Cause Panel.

(1) The determination as to whether probable cause exists shall be made by a majority vote of a probable cause panel of the Board.

~~(2)(a)~~ The Board establishes three probable cause panels of two persons each to be appointed by the Chairman of the Board. Each panel may have one former Board member serve, and at least one member of each panel must be an active licensee of the Board. No more than one member of each panel shall be a consumer member. One member of each panel shall be designated chairman. The Board may designate one panel to review the cases closed by the Department.

~~(b) One panel shall be designated as the North Florida probable cause panel and shall consist of members residing in the northern part of the state. Cases arising from the southern part of the state shall be referred to the North Florida panel.~~

~~(c) One panel shall be designated as the Central Florida probable cause panel and shall consist of members residing in the middle part of the state. Cases arising from the northern part of the state shall be referred to the Central Florida panel.~~

~~(d) One panel shall be designated as the South Florida probable cause panel and shall consist of members residing in the southern part of the state. Cases arising from the central part of the state shall be referred to the South Florida panel.~~

~~(e) It is the Board's intent to distribute the workload equitably among the three panels and to conduct meetings in a geographically convenient and economical manner for the panel members. A panel may refuse to consider a case that clearly belongs to another panel. However, it is not the intent of the Board to require mathematical and geographic precision. That one panel acted on a case which arguably should have been considered by another shall not be grounds to invalidate that panel's action.~~

~~(3)(f)~~ If a case needs to be reconsidered by the probable cause panel for any reason, the case must be taken to the panel which initially considered it.

~~(4)(2)~~ The panel shall: ~~(a)~~ ~~s~~ Suggest penalties for inclusion in any stipulations between the Department and the licensee, based on the material submitted by the Department, the Board's past treatment of similar cases, and the Board's disciplinary guidelines. All stipulations and terms shall be subject to approval or rejection by the full Board.

(b) Receive interim reports from the probation supervisor to consider referring potential problem probationers to the full Board or for further investigation and a probable cause determination.

~~(5)(3)~~ The panel may consider and recommend rules concerning disciplinary actions, procedures, and penalties to the full Board.

Rulemaking Specific Authority 456.073(1), (3), 464.006 FS. Law Implemented 456.073(4) FS. History—New 11-28-79, Amended 11-22-84, Formerly 21O-10.04, Amended 4-8-92, 9-22-92, Formerly 21O-10.004, 61F7-8.001, Amended 5-1-95, Formerly 59S-8.001, Amended 8-18-98, 4-28-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:
64B9-8.006

RULE TITLE:
Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes this rule amendment to include the penalties and sentencing guidelines for health care fraud of Chapter 2009-223, Laws of Florida.

SUMMARY: The purpose of this amendment is to include the penalties and sentencing guidelines for health care fraud of Chapter 2009-223, Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

RULEMAKING AUTHORITY: 456.072, 456.079 FS.

LAW IMPLEMENTED: 456.079, 464.018 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (3)(bbb) No change.

	<u>First Offense</u>	<u>Second Offense</u>
<u>(ccc) Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program.</u> (456.072(1)(ii), F.S.)	<u>Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u>	

<u>(ddd) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement.</u> <u>(456.072(1)(jj), F.S.)</u>	<u>Reprimand, suspension until restitution made. Fine of 10% of overpayment, maximum of \$5,000.00.</u>	<u>Reprimand, and suspension to revocation. Fine of 20% of overpayment, maximum of \$5,000.00.</u>
<u>(eee) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program.</u> <u>(456.072(1)(kk), F.S.)</u>	<u>Reprimand to suspension and a fine of \$250.</u>	<u>From suspension and a fine of \$500 to revocation.</u>
<u>(fff) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud.</u> <u>(456.072(1)(ll), F.S.)</u>	<u>(fff) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.</u>	

(4) through (6) No change.

Rulemaking Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 210-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, 7-5-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2010

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-138.001
RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: This rule is being amended to adopt the 2010 and 2011 NAIC Financial Condition Examiners Handbooks. The current rule adopted the 2006 and 2009 versions.

SUMMARY: Section 624.316, Florida Statutes, requires the Office to examine insurer's financial condition, using generally accepted accounting procedures. This statute also allows the Office to adopt the NAIC Financial Condition Examiners Handbooks to facilitate these exams. By adopting the newest versions of the handbook, this rule ensures that the procedures used by the Office to examine insurers are the current generally accepted accounting practices.

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: 624.308(1), 624.316(1)(c) FS.

LAW IMPLEMENTED: 624.316(1)(c) 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: August 2, 2011, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, 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: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2010 ~~(2006)~~ is hereby adopted and incorporated by reference.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2011 ~~2009~~ is hereby adopted and incorporated by reference.

(2) through (3) No change.

Rulemaking Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions
5L-1.008	Shellfish Handling

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 16, April 22, 2011 issue of the Florida Administrative Weekly.

The following revisions are the Department's final proposed amendments to Rule 5L-1.007, F.A.C.

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (2) No change from current rule text.

(3) The commercial harvester's tags shall be white in color except as required in paragraph 5L-1.007(3)(i), F.A.C., and shall contain legible waterproof indelible information arranged in the specific order as follows:

(a) through (h) No change from current rule text.

(i) If shellstock exceeds the requirements in subsection 5L-1.008(5), (7), (8) or (9), F.A.C., the commercial oyster harvester tag shall be identified with the preprinted language "FOR SHUCKING ONLY BY A CERTIFIED DEALER" or "FOR POST HARVEST PROCESSING ONLY" in bold, 14 point font and the tag shall be green in color. Containers of oysters shall not be tagged with both a green tag and a white tag at any time.

(4) No change from current rule text.

(5) Bulk tagging, by a certified shellfish dealer, while washing, packing, during depuration, wet storing, staging and intrastate transport of shellfish is permissible up to final packaging only when the lot container (i.e., pallet), contains shellfish which are harvested on the same day, from the same harvest area, and have the same intended use (i.e., for halfshell consumption, for shucking, or for further processing), and is tagged as follows:

(a) through (f) No change from current rule text.

(g) If shellstock exceeds the requirements in subsection 5L-1.008(5), (6), (7), (8) or (9), F.A.C., the shellstock bulk tag shall be identified with the preprinted language "FOR SHUCKING ONLY BY A CERTIFIED DEALER" or "FOR POST HARVEST PROCESSING ONLY" in bold, 14 point font and the tag shall be green in color.

(6) The dealer's tag shall contain legible, waterproof, indelible information arranged in the specific order as follows:

(a) through (g) No change from current rule text.

(h) If shellstock exceeds the requirements in subsection 5L-1.008(5), (6), (7), (8) or (9), F.A.C., the shellstock dealer tag shall be identified with the preprinted language "FOR SHUCKING ONLY BY A CERTIFIED DEALER" or "FOR POST HARVEST PROCESSING ONLY" in bold, 14 point font and the tag shall be green in color.

(i) through (j) No change from current rule text.

(7) through (12) No change from current rule text.

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, 10-14-01, 5-29-02, 8-17-04, 9-28-04, 7-28-08, 7-29-08, 4-26-10, _____.

The following revisions are the Department's final proposed amendments to rule 5L-1.008.

5L-1.008 Shellfish Handling.

(1) through (4) No change from current rule text.

(5) Throughout the year, it is harvester's responsibility that shellfish shall be harvested between sunrise and sunset as established by the U.S. Weather Service. During the months of November, December, January, February, and March, the harvester shall assure that clams shellfish shall be delivered to a certified shellfish dealer by 10:00 p.m. of the same day as