

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to generally amend what inmates may grieve and to establish a system of limiting the filing of frivolous grievances.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.001 Inmate Grievances – General Policy.

(1) through (2) No change.

(3) Inmates can file complaints regarding the following matters:

~~(a) The substance, interpretation, and application of rules and procedures of the department that affect them personally;~~

~~(a)(b) The interpretation and application of state and federal laws and regulations that affect them personally;~~

(c) through (e) renumbered (b) through (d) No change.

(4) Inmates cannot file complaints regarding the following matters:

(a) through (c) No change.

(d) Other matters beyond the control of the department;:-

(e) Classification decisions such as custody level, work assignment, housing change, transfer, program participation, or placement in close management or administrative confinement.

(5) Staff in the Bureau of Policy Management and Inmate Grievance Appeals shall have unlimited access to information required to respond to inmate grievances and appeals. All department employees are required to cooperate with staff in the inmate grievance office by providing accurate and timely information.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.001, Amended 10-11-00, 10-28-07, _____.

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) Amendment: Where ~~where~~ used herein, ~~refers to~~ an addition or change to a previously filed grievance.

(2) Bureau of Policy Management and Inmate Grievance Appeals: The bureau authorized by the Secretary to receive, review, investigate, evaluate, and respond to grievance appeals and direct grievances as defined in subsection ~~(10)(8)~~. The Bureau of Policy Management and Inmate Grievance Appeals is located in the Office of the General Counsel Research, Planning and Support Services and is managed by the Chief of Policy Management and Inmate Grievance Appeals.

(3) No change.

(4) Discipline Grievance: A grievance that arises from a complaint about inmate discipline or the disciplinary process in Chapter 33-103, F.A.C. All grievances that arise from complaints about the disciplinary process should be filed at the formal level using Form DC1, 303, Formal Grievance. If the inmate disagrees with the response at the formal level, he or she may file a Disciplinary Grievance to the Office of the Secretary using Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C. All disciplinary matters appealed to the Office of the Secretary will be responded to by the Bureau of Policy Management and Inmate Appeals.

~~(5)(4) Emergency Grievance: A grievance~~ Grievance of those matters which, if disposed of according to the regular time frames, would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm to the inmate.

~~(6)(5) Formal Grievance: A This is a statement of complaint filed at the institutional or facility level with the warden, assistant warden, or deputy warden, through the use of Form DC1-303, the Request for Administrative Remedy or Appeal, Form DC1-303. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Formal grievances are addressed in Rule 33-103.006, F.A.C.~~

~~(6) General Procedure and Practice: Subject matter of a grievance which has a substantial impact on the general inmate population.~~

(7) Frivolous Filer: An inmate who abuses the grievance process by excessive filings or habitual misuse of the process, whose behavior could hinder access by other inmates and impede staff's ability to resolve legitimate issues within the given timeframes.

(8) Frivolous Grievance – Any grievance that is determined to have no basis in fact and/or is being filed to manipulate staff time and attention and thus abuses the grievance process, thereby impeding the ability of both inmates and staff to address legitimate issues. Examples include filing multiple grievances addressing the same issue and grievances that address issues for which there is no legitimate remedy. When determining if a grievance is frivolous, the number of grievances previously filed or being filed by the inmate shall not be the only determining factor.

~~(9)(7)~~ Grievance: A written complaint or petition, either informal or formal, by an inmate concerning an incident, ~~procedure~~, or condition within an institution, facility, or the Department which affects the inmate complainant personally.

~~(10)(8)~~ Grievance Appeal ~~or~~; Direct Grievance Grievances, or Central Office Review: A This is a statement of complaint filed with the Secretary of the Department of Corrections through the use of Form DC1-303, the Request for Administrative Remedy or Appeal, Form DC1-303. Appeals and direct grievances are addressed in Rule 33-103.007, F.A.C.

~~(11)(9)~~ Grievance Coordinator: The Refers to the institutional staff member designated by the warden or the Chief bureau chief of the Bureau of Policy Management and Inmate Grievance Appeals to receive, review, investigate, evaluate, and respond to inmate grievances at an institution or facility.

~~(12)(10)~~ Grievance of Reprisal: A Refers to a grievance submitted by an inmate alleging that staff have taken or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure.

~~(13)(11)~~ HIPAA: The Refers to the Health Insurance Portability and Accountability Act of 1996.

~~(14)(12)~~ Informal Grievance: This is an initial statement of complaint filed on Form DC6-236, an Inmate Request, DC6-236, with the staff member who is responsible in the particular area of the problem. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

~~(15)(13)~~ Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Policy Management and Inmate Grievance Appeals or his or her representative, the Bureau Chief of Classification or his or her representative, and the Library Services Administrator or his or her representative.

~~(16)(14)~~ Recipient: A person or office receiving an inmate grievance for processing.

~~(17)(15)~~ Reviewing Authority: A staff member Staff who ~~are~~ authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary's representative.

(a) No change.

(b) Formal Grievance:

1. No change.

2. Private Correctional Facilities – warden ~~or~~; deputy warden, ~~or, when determined by staff in the Bureau of Inmate Grievance Appeals that further review is required, the warden, deputy warden, or the Executive Director of the Privatization Commission;~~

3. No change.

(c) Grievance Appeals: Chief of Policy Management and Inmate Appeals Bureau chief, inmate grievance administrator, or correctional services administrator designated by the Secretary to serve as his representative.

(d) Direct grievances:

1. A direct grievance which is to be reviewed by the warden: The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, ~~grievances challenging placement in close management and subsequent reviews,~~ grievances of an emergency nature, or grievances of reprisal ~~or grievances of a sensitive nature.~~

2. A direct grievance which is to be reviewed by the Bureau of Policy Management and Inmate Grievance Appeals: the Bureau Chief, or those staff designated by the Secretary to serve as his representative.

~~(18)(16)~~ Response: The information provided to the inmate relative to the decision to approve, deny, or return the grievance and the reasons for the approval, denial, or return.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, 3-25-08,_____.

33-103.003 Inmate Grievances – Training Requirements.

(1) Staff Training. The Bureau of Policy Management and Inmate Grievance Appeals shall develop a standardized plan to be implemented by the Bureau of Staff Development in order to train staff in the use of the inmate grievance procedure. The training shall be designed to familiarize staff with the provisions of Chapter 33-103, F.A.C., and the standardized forms utilized in the grievance procedure.

(a) through (b) No change.

(c) The provision of training shall be documented on Form DC2-901, Training Attendance Report. Form DC2-901 is hereby incorporated by reference ~~in Rule 33-103.019, F.A.C.~~ Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 6-18-07.

(2) Inmate Orientation. Through the use of a standardized lesson plan, inmates will receive training in the use of the inmate grievance procedure by institution or facility staff. Inmates shall sign a statement acknowledging receipt of training on the inmate grievance procedure. A copy of this statement shall be placed in the inmate file. Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, shall be used for this purpose. Form DC1-307 is hereby incorporated by reference ~~in Rule 33-103.019, F.A.C.~~ Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 10-11-00.

- (a) through (b) No change.
- (c) The orientation program shall include the following:
 - 1. No change.

2. Availability of the The written procedure ~~shall be available~~ in any language spoken by a significant proportion of the institution’s population, and appropriate provisions ~~shall be made~~ for those speaking other languages and, as well as for the impaired and disabled;

- 3. No change.
- 4. Provisions ~~shall be made~~ for the impaired and disabled to participate in an orientation program.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.003, Amended 8-1-00, 10-11-00, 2-13-03, 10-9-05, _____.

33-103.004 Inmate Grievances – Staff and Inmate Participation.

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or identifying facts. Written comments must be received in the office of the reviewing authority as defined in Rule 33-103.002 ~~paragraph 33-103.002(15)(b)~~, F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department’s grievance procedure through the submission of written comments to the reviewing authority as defined in Rule 33-103.002 ~~paragraphs 33-103.002(15)(a) through (e)~~, F.A.C. The reviewing authority shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making authority of the reviewing authority as defined in Rule 33-103.002 ~~paragraphs 33-103.002(15)(a) through (e)~~, F.A.C., shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in Rule 33-103.002 ~~paragraphs 33-103.002(15)(b) through (e)~~, F.A.C., has the authority to make necessary changes in this

implementation consistent with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

- (3) through (4) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00, 2-9-05, 3-25-08, _____.

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance. In the case of an emergency grievance, a grievance of reprisal, ~~a grievance of a sensitive nature~~, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, ~~a grievance challenging placement in close management and subsequent reviews~~, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) rather than initiating an informal or formal grievance.

- (a) No change.
- (b) After being logged, informal grievances shall be forwarded to the staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in Rule 33-103.002 ~~paragraph 33-103.002(15)(a)~~, F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member.
- (c) No change.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

- (a) Check the appropriate box indicating to whom he is submitting the informal grievance. If the inmate checks the box designated “other,” he or she shall print the name or title of the person the form is going to in the space underneath the box; and complete the other sections of the heading;

(b) On the line reading "Request₁"; the inmate shall check the box to indicate that Form DC6-236 is being used as an "Informal Grievance₂". Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. The act of asking questions or seeking information, guidance, or assistance is not considered to be a grievance. Answers to inmate requests of this nature shall not be considered as documentation of having met the informal step if they are #is attached to a formal grievance submitted at the next step. Inmate requests improperly submitted as informal grievances shall be treated as inmate requests and the inmate shall be advised that he cannot appeal the response.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. The inmate must limit all grievance narrative to Form DC6-236; no additional pages of narrative will be allowed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236. The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance. Form DC6-236 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 5-6-11.

(3) Upon receipt of the informal grievance, the recipient shall note the date on the form.

(4) The recipient shall respond to the inmate following investigation and evaluation of the complaint within 10 days as required by paragraph 33-103.011(3)(a), F.A.C.

(a) through (c) No change.

(d) The response to the informal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C.

(5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, 1-31-10, _____.

33-103.006 Formal Grievance – Institution or Facility Level.

(1) When an inmate decides to file a formal grievance, he or she shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal₁, and filing within the time limits set forth in Rule 33-103.011, F.A.C. Form DC1-303 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 2-9-05.

(a) In institutions and private correctional facilities, inmates shall direct this form to the warden or assistant warden or deputy warden as defined in paragraph 33-103.002(17)(b) 33-103.002(15)(b), F.A.C.

(b) In road prisons, vocational centers, work camps, community correctional centers, and contract facilities the form shall be sent to the warden or assistant warden of the supervising institution.

(2) Procedural Requirements.

(a) The inmate shall fill out the identifying data at the top of the form, printing his committed name, Department of Corrections number, and institution or facility name and checking the appropriate box.

(b) No change.

(c) The inmate shall state his grievance in Part A only. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC1-303. If the inmate writes his complaint anywhere other than within the boundaries of Part A, that portion of the grievance outside of the designated space will not be considered or on attachments, his grievance shall be returned for non-compliance.

(d) through (f) No change.

(g) The inmate shall attach a copy of the informal grievance and the response to the informal grievance to Form his DC1-303 form, unless the grievance is a direct formal grievance of the following: an emergency grievance; a grievance of reprisal; a grievance of a sensitive nature; a medical grievance; a grievance alleging violation of the Americans with Disabilities Act; a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time; a grievance challenging placement in close management and subsequent reviews; a grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.; or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

(h) The inmate shall submit the grievance or appeal to designated staff by personally placing the grievance or appeal in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator's office, or the assistant warden's office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden's office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The institutional grievance coordinator shall log all formal grievances and provide the inmates with receipts. The appeals will be forwarded to the Bureau of Inmate Grievance Appeals after being processed for mailing in accordance with paragraphs 33-103.006(8)(b) and (c), F.A.C. The Bureau of Inmate Grievance Appeals shall log all appeals and forward receipts to the inmates. Grievances and appeals shall be picked up and forwarded by the institutions daily Monday through Friday.

(i) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of Form DC1-303, the Request for Administrative Remedy or Appeal, Form DC1-303. Amendments are to be filed only regarding issues unknown or unavailable to the inmate at the time of filing the original grievance and must be submitted within a reasonable time frame of knowledge of the new information.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraph 33-103.002(17)(b) 33-103.002(15)(b), F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraph 33-103.002(17)(b) 33-103.002(15)(b), F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. Review complaint and contact staff for additional information if necessary;

2. If an emergency is found to exist, initiate action to alleviate condition giving rise to the emergency;

3. Provide formal response to the inmate within 15 calendar days as required by paragraph 33-103.011(3)(d), F.A.C.; and

4. If an emergency is not found to exist, a response will be provided to the inmate indicating that the complaint is "not an emergency" with instructions to resubmit at the proper level, signed and dated by the responding employee, and returned to the inmate within 72 hours of receipt.

(b) Grievance of Disciplinary Action – If additional mitigating factors not presented during the disciplinary hearing are provided, a review shall be conducted and applicable modifications made, if necessary.

(c) Grievance of Reprisal.

(d) Grievances involving inmate bank issues ~~Grievance of a Sensitive Nature.~~

(e) Medical Grievance.

(f) Grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time.

(g) Grievance involving sentence structure challenging placement in close management or subsequent review.

(h) Grievance alleging violation of the Americans with Disabilities Act.

(i) Grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.

(4) Inmates filing the types of grievances identified in paragraphs (3)(a), (c), and (d) above shall clearly state their reasons for by-passing the informal grievance step and shall state at the beginning of Part A of Form DC1-303, Request for Administrative Remedy or Appeal, the subject of the grievance. Failure to do so and failure to justify filing directly shall result in the formal grievance being returned without action to the inmate with the reasons for the return specified.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraph 33-103.002(17)(b) 33-103.002(15)(b), F.A.C.] shall cause the following to occur:

(a) The grievance and related attachments shall be examined for compliance with Chapter 33-103, F.A.C.;

(b) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraph 33-103.002(17)(b) 33-103.002(15)(b), F.A.C., a response shall be provided to the inmate within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

(a) The original grievance and one copy shall be returned to the inmate, with the request for interview form (informal grievance) attached. The date the grievance is returned to the inmate (the date the grievance leaves the recipient's recipients office) shall be noted on the form. This is the date that will be used to determine whether or not the inmate has met the fifteen day time limitation in filing his or her appeal to the Office of the Secretary.

(b) The second copy shall be forwarded to the correctional sentence specialist for placement in the inmate's file.

(c) The reviewing authority as defined in paragraph 33-103.002(17)(b) 33-103.002(15)(b), F.A.C., shall retain a complete copy of the grievance on file.

(d) No change.

(7) The response to the formal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative

review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments as required by paragraphs 33-103.007(3)(a) and (b), F.A.C., and forwarding your complaint to the Bureau of Policy Management and Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

(8) Mailing Procedures. The warden or person designated in Rule 33-103.002 paragraph 33-103.002(15)(b), F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances ~~that which~~ require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Policy Management and Inmate Grievance Appeals in the central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

(a) through (b) No change.

(c) A requirement that the staff person designated to accept the grievance to be mailed shall:

1. Complete the receipt portion of Form the DC1-303 form for appeals being forwarded to central office by entering a log/tracking number and; date of receipt; and sign as the recipient.

2. through 3. No change.

(d) through (e) No change.

(f) Upon receipt of a mailed grievance by the reviewing authority as defined in paragraph 33-103.002(15)(b) 33-103.002(15)(d), F.A.C., the following shall occur:

1. No change.

a. In the case of a formal grievance being filed, by comparing the receipt date on Form the DC1-303 form to the response date of the informal grievance.

b. In the case of a grievance being filed directly at the institutional level, by comparing the receipt date on Form the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. through 3. No change.

(9) If an inmate is in a special housing unit and wants to file a grievance, he shall submit the grievance to designated staff by placing the grievance in a locked box. The designated staff person shall deliver the box to the institutional grievance coordinator who will unlock the box, remove the grievances, log the grievances, and provide the inmates with receipts.

(10) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07, 3-25-08, _____.

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

(1) In the event that an inmate feels that the grievance has not been satisfactorily resolved during the formal grievance procedure, an appeal may be submitted according to the time limits set forth in Rule 33-103.011, F.A.C., using Form DC1-303, the Request for Administrative Remedy or Appeal; Form DC1-303, to the Office of the Secretary without interference from staff. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C.

(2) Procedural Requirements.

(a) The inmate shall fill out the identifying data at the top of the form by printing his committed name, Department of Corrections number, and institution or facility name and shall check the appropriate box;

(b) The inmate shall state his grievance in Part A. ~~If additional space is needed, the inmate shall use attachments rather than multiple copies of Form DC1-303.~~ If the inmate writes his complaint anywhere other than within the boundaries of ~~the Part A Box or on attachments~~, the his grievance shall be returned for non-compliance;

(c) through (f) No change.

(3) The Office of the Secretary has designated the Bureau of Policy Management and Inmate Grievance Appeals to receive, review, investigate, evaluate and respond to appeals and direct grievances filed with the Office of the Secretary. Appeals and direct grievances to the Office of the Secretary shall be turned over that same date to the Bureau of Policy Management and Inmate Grievance Appeals which shall ensure that the grievance is date-stamped in on the date of receipt. Upon receipt of the appeal or direct grievance by the Bureau of Policy Management and Inmate Grievance Appeals, the following shall occur:

The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

(a) through (b) No change.

(4) Upon receipt of the grievance appeal or direct grievance, the Chief of Policy Management and Inmate Grievance Appeals shall cause the following to occur:

(a) through (d) No change.

(e) Following appropriate investigation and evaluation by staff of the Bureau of Policy Management and Inmate Grievance Appeals, a response shall be provided to the inmate. The degree of investigation is determined by the complexity of the issue and the content of the grievance.

(f) The response shall state whether the appeal or direct grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial, or return. The criteria considered in approving, denying, or returning an appeal or direct grievance will vary with the facts of the grievance.

(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

(a) Attach a copy of his formal grievance and response;

(b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary action (excluding corrective consultations), medical issues, admissible reading material, ~~placement in close management and subsequent reviews~~, violation of the Americans with Disabilities Act, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., ~~Incentive Gain Time~~;

(c) Attach any other documentation that the inmate has that is pertinent to the review and that the inmate wants reviewed. Attachments as required by the rule that do not meet the requirements of this rule may result in the grievance being returned to the inmate;

(d) No change.

(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of Form DC1-303, ~~the Request for Administrative Remedy or Appeal, Form DC1-303~~.

(6) Direct Grievances.

(a) Emergency grievances ~~and~~ grievances of reprisals, ~~or grievances of a sensitive nature~~ may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using Form DC1-303, ~~the Request for Administrative Remedy or Appeal, Form DC1-303~~. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency, or is a grievance of a reprisal, ~~or a grievance of a sensitive nature~~. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. The inmate must clearly state the reason for not initially bringing the complaint to the attention of institutional staff and by-passing the informal and formal grievance steps of the institution or facility, except in the case of a HIPAA violation grievance, which must be filed directly with the Office of the Secretary.

3. The inmate may forward grievances of these four types to the Office of the Secretary in a sealed envelope by following the procedure set out in paragraph 33-103.006(8)(d), F.A.C. When a direct grievance alleging violation of HIPAA is received at the Office of the Secretary, the Bureau of Policy Management and Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review

the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Policy Management and Inmate Grievance Appeals to ensure appropriate filing and routing.

(b) Emergency Grievances. An emergency grievance may be filed directly with the Secretary. Upon receipt, staff of the Bureau of Policy Management and Inmate Grievance Appeals shall take the following actions as soon as possible, but no later than two calendar days following receipt:

1. through 2. No change.

3. Provide a formal response to the inmate within 15 calendar days; and

4. If an emergency is not found to exist, the grievance will be stamped “not an emergency,” signed and dated by the responding employee, and returned to the inmate within three working days of receipt as his reasons for by-passing the previous level of review will not be valid.

(c) Grievances filed directly with the Office of the Secretary that are grievances of reprisal, ~~grievances of a sensitive nature~~, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

(d) Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, ~~or a grievance of a sensitive nature~~, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these four types of grievances.

(7) No change.

(8) Copies.

(a) The original copy of the grievance shall be returned to the inmate. The response shall be stamped “MAILED/FILED WITH AGENCY CLERK” along with the date mailed; the response shall be mailed on the same date that it is stamped. The response is deemed filed with the agency clerk on the date that it is stamped and mailed. The time period for appeal begins to run on the date that the response is stamped and mailed. If the inmate is transferred, it is his or her responsibility to notify the Bureau of Policy Management and Inmate Grievance Appeals.

(b) One copy of the grievance shall be sent to the warden of the institution or facility the inmate is assigned to for review and forwarding for inclusion in the inmate file.

(c) The second copy shall be forwarded to the Bureau of Classification and Central Records for inclusion in the inmate’s central office file.

(d) Attachments are considered a part of the grievance and shall not be returned to the inmate, except in those cases where the inmate submits sufficient copies of attachments at the time the grievance appeal is filed.

~~Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06, 3-25-08,_____.~~

33-103.008 Grievances of Medical Nature.

(1)(a) If a formal grievance of a medical nature is filed at the institutional level, it shall be forwarded to the institution's chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the warden or assistant warden or deputy warden to ensure appropriate filing and routing. If the chief health officer is not the responding employee, the chief health officer shall review and initial the response prior to returning the grievance. ~~In the absence of the chief health officer, the review and initialing of the grievance will be made by the Director of Regional Health Care or the acting chief health officer who is designated in writing by the Director of Regional Health Care.~~

~~(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(b), F.A.C., it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.~~

~~(b)(e)~~ Other procedures applicable to the processing of a formal grievance of a medical nature are as stated in Rule 33-103.006, F.A.C.

(2) If a grievance appeal of a medical nature is received by the Office of the Secretary, the Bureau of Policy Management and Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Policy Management and Inmate Grievance Appeals to ensure appropriate filing and routing. Other procedures applicable to the processing of a grievance appeal of a medical nature are as stated in Rule 33-103.007, F.A.C.

~~Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, 2-9-05, 3-25-08,_____.~~

33-103.011 Time Frames for Inmate Grievances.

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

(1) Filing of Grievances.

(a) Informal Grievances – Must be received within 20 days ~~a reasonable time~~ of when the incident or action being grieved occurred. ~~Reasonableness shall be determined on a case-by-case basis. Availability of witnesses and relevant documentary evidence are factors, among others, which should be looked at in determining reasonableness.~~

(b) through (d) No change.

(2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(17)(b) ~~33-103.002(15)(b)~~ and (c), F.A.C., or the Secretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.

(3) Responding to Grievances.

(a) No change.

(b) Formal Grievances – The reviewing authority as defined in paragraph 33-103.002(17)(b) ~~33-103.002(15)(b)~~, F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.

(c) through (d) No change.

(4) The time limit for responding to grievances and appeals may be extended for a reasonable period agreeable to both parties if the extension is agreed to in writing by the inmate. Unless the grievant has agreed in writing to an extension, expiration of a time limit at any step in the process shall entitle the complainant to proceed to the next step of the grievance process. If this occurs, the complainant must clearly indicate this fact when filing at the next step. If the inmate does not agree to an extension of time at the central office level of review, he shall be entitled to proceed with judicial remedies as he would have exhausted his administrative remedies. The Bureau of Policy Management and Inmate Grievance Appeals will nevertheless ensure that the grievance is investigated and responded to even though an extension has not been agreed to by the inmate.

(5) If the 15th day referenced in paragraphs 33-103.011(1)(b), (c) and (d), F.A.C., falls on a weekend or holiday, the due date shall be the next regular work day.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended 2-9-05, 3-25-08, _____.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

(1) The informal grievance, formal grievance, direct grievance filed direct, or grievance appeal, hereafter referred to as “grievance,” ~~in this section of the rule~~ may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.

(a) The grievance addresses more than one issue or complaint.;

(b) The grievance is so broad, general or vague in nature that it cannot be clearly investigated, evaluated, and responded to.;

(c) The grievance is not written legibly and cannot be clearly understood.;

(d) The formal grievance was not received within 15 calendar days of the date of the response to the informal grievance.;

(e) The formal grievance was not received within 15 calendar days of the date on which the incident or action being complained about occurred, if an informal grievance was not filed pursuant to subsection 33-103.006(3), F.A.C.;

(f) through (l) No change.

(m) The inmate has been designated a frivolous filer as defined in Rule 33-103.002, F.A.C., and is filing more than the allowable number of grievance during the restriction period. This will not apply to emergency grievances. The inmate has used multiple copies of grievance forms rather than attachments as continuation sheets.

(n) through (o) No change.

(p) The inmate is raising allegations and charges in a grievance appeal that have not been raised below at the previous level. (Since this is an appellate review process and not a fact-finding process, it is not appropriate to raise new allegations, charges, and facts that the previous decision maker has not had an opportunity to investigate and respond to.)

(q) No change.

(r) The inmate has filed a supplement to a grievance or appeal ~~that which~~ has already been accepted. An exception will be made when the supplement contains relevant and determinative information ~~that which~~ was not accessible to or known by the inmate at the time the original grievance or appeal was filed.

(s) Complaints are raised by an inmate regarding incidents, ~~procedures, policies or rules~~ that do not affect the inmate personally.

(t) The inmate ~~had~~ filed a grievance at the institutional level that should have been filed directly with the Office of the Secretary.

(2) An inmate who has a grievance returned to him for reasons stated in subsection (1) above [excluding paragraph (1)(d), (e), (h), (i), (n), (o), (q), (r) or (s)] may refile utilizing the proper procedure or correct the stated deficiency and refile if upon receipt of this notification the filing is within time frames allowable if the return is for a reason other than filing frivolous grievances. When a grievance is returned to an inmate for being improperly filed, the inmate shall be told why the grievance was returned and told that in order ~~for him~~ to receive administrative review of his complaint he must correct the defects and re-submit the grievance within the time frames set forth in Rule 33-103.011, F.A.C., unless instructed otherwise in the grievance response. Instructions to resubmit are not necessary if a grievance is returned for reasons stated in paragraph (1)(d), (e), (h), (i), (n), (o), (q), (r), (m) or (s).

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS., ~~45 C.F.R. Part 160, 164~~. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended 6-29-03, 2-9-05, _____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) Inmates shall be allowed to seek assistance from other inmates or staff members in completing the grievance forms as long as the assistance requested does not interfere with the security and order of the institution.

(2) Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any living unit or confinement unit. Form Dc6-236 is incorporated by reference in Rule 33-103.005, F.A.C. Form DC1-303 is incorporated by reference in Rule 33-103.006, F.A.C.

(3) The warden, assistant warden, or deputy warden (deputy warden applicable to private facilities only) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, ~~grievances challenging placement in close management and subsequent reviews~~, grievances of an emergency nature, or grievances of reprisal ~~or grievances of a sensitive nature~~ that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the

grievance shall be made by the warden; the assistant warden or deputy warden shall only be authorized to sign as acting warden in the warden's absence, and must indicate "Acting Warden" beside his or her signature.

(4) No change.

(5) The response to an informal grievance and a formal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining Form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments as required, and forwarding your complaint to the warden, assistant warden, deputy warden or the Bureau of Policy Management and Inmate Grievance Appeals.

(6) At no time will an inmate who is alleging that he was physically abused as described in Section 944.35(3), F.S., or alleging reprisal by staff, as defined in Rule 33-103.002 subsection 33-103.002(10), F.A.C., be directed to submit his or her grievance to the staff person who is the subject of the complaint, nor will the grievance be referred to a staff person who is the subject of the complaint.

(7) Writing paper and writing utensils shall be provided to those inmates who have insufficient funds in their accounts at the time the materials are requested if such are needed to prepare the grievance or grievance appeal. These supplies shall be available from the institution library, classification department, classification staff, and the housing officer of any living unit or confinement unit.

(8) Copying services for documents to be included as attachments to a grievance or grievance appeal shall be handled according to Rule 33-501.302, F.A.C., except that copying services shall not be provided to make copies of Form DC6-236 or Form DC1-303, ~~attachments that are a continuation of the request portion of Form DC6-236, or attachments that are a continuation of Part A of Form DC1-303.~~

(9) No change.

(10) If an inmate is identified as abusing the grievance process by filing frivolous grievances as defined in Rule 33-103.002, F.A.C., the warden or designee shall counsel the inmate regarding the consequences of abusing the grievance system. If system abuse continues the warden or his/her designee shall give the inmate a written warning to cease the activity. If the inmate continues filing frivolous grievances, the warden or designee shall scan and attach all related grievance documents to include the written warning and forward to the Bureau of Policy Management and Inmate Grievance Appeals electronically. In coordination with institutional staff, the Bureau of Policy Management and Inmate Grievance Appeals will determine if the inmate meets the definition of a frivolous filer pursuant to Rule 33-103.002, F.A.C. If it is determined that the inmate has filed frivolous grievances after being counseled and receiving a written warning:

(a) The institution will be notified through electronic mail of the decision to limit the inmate's ability to file non-emergency grievances. A copy of this notice will be provided to the inmate.

(b) The inmate will be limited to 5 non-emergency grievances per week (7 calendar days) for a period of 90 days. Institutional staff will track and monitor the inmate's grievance activity during the period of restriction. The period of restriction will begin on the day the inmate has been notified in writing.

(c) If after 90 days the inmate has had no incidents of filing frivolous grievances the restriction shall be lifted.

(d) If the inmate continues to file frivolous grievances during the 90 day restriction period, institutional staff may request to the Bureau of Policy Management and Inmate Grievance Appeals through electronic mail an extension of the restriction time period. The period of restriction may be extended for 30 days. If the Bureau determines that the inmate has continued to file frivolous grievances during the restricted period, the period of restriction shall be extended for 30 days. The 30 day extension shall be added to the end of the original 90 day restriction period and the institution shall be notified electronically of the decision. A copy of the notice shall be provided to the inmate. Restriction extensions of 30 days each may be granted for as long as the inmate continues to abuse the grievance process.

(e) An inmate will not be identified as a frivolous grievance filer based solely on the number of grievances filed.

(f) An inmate's ability to file grievances on issues outlined in Rule 33-103.007, F.A.C., will not be limited by the designation as a frivolous filer.

~~(11)(10)~~ A copy of these rules shall be available for access by inmates at a minimum in the inmate library and from the housing officer of any confinement unit.

~~(12)(11)~~ Provisions shall be made to ensure that grievances submitted by confinement inmates are collected on a daily basis, and that those grievances which require mailing are processed in accordance with Rule 33-103.006 subsection 33-103.006(8), F.A.C.

~~(13)(12)~~ Staff shall respond to inquiries made by the Bureau of Inmate Grievance Appeals by the close of business on the seventh day after the request.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, 2-9-05, 9-4-05, 10-28-07, _____.

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances ~~that which~~ are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of ~~Form form~~ DC1-306, Grievance Approval Action Form. Form DC1-306 is hereby incorporated by reference ~~in~~ Rule 33-103.019, F.A.C. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 08-01-00.

(b) The approving employee shall then send ~~Form form~~ DC1-306 and a copy of the approved formal grievance to the grievance coordinator in the event they are not one and the same.

(c) The grievance coordinator shall complete Sections II, III, and IV of ~~Form form~~ DC1-306. The grievance coordinator shall then provide the ~~form DC1-306~~ and a copy of the approved grievance to the staff member(s) assigned responsibility for implementing the approved action. The grievance coordinator shall monitor this process.

(d) The assigned staff member(s) shall complete Section V of ~~Form form~~ DC1-306, stating what steps were taken to implement the approved action. This shall not be done until after the steps have been taken. The assigned staff member(s) shall have 30 calendar days from the date the grievance was approved within which to implement the approved action. In the event that actual implementation cannot be completed within the 30 day period due to circumstances beyond the control of department staff, the assigned staff member(s) shall indicate this and the reasons therefor in Section V within the 30 day period. The form shall be held by the assigned staff member until the corrective action has been taken.

(e) No change.

(f) The grievance coordinator shall complete Section VII of ~~Form form~~ DC1-306, place a copy of the form in the grievance record log, and attach a copy of the ~~form DC1-306~~ to the copy of the approved grievance in the inmate's file. A copy of the form shall not be sent to central office.

(2) Appeals and direct grievances to the Office of the Secretary. All grievances that ~~which~~ are approved by the ~~Office of the Secretary/Bureau of Policy Management and Inmate Grievance Appeals~~ shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of ~~Form form~~ DC1-306.

(b) The approving employee shall then mail ~~Form form~~ DC1-306, along with a copy of the approved grievance or appeal, to the appropriate warden's office.

(c) The warden shall forward ~~Form~~ the DC1-306 to the institutional grievance coordinator who shall complete Sections II, III, and IV of the ~~form~~ DC1-306. The grievance coordinator shall then provide the ~~form DC1-306~~ and a copy of the approved grievance to the staff member(s) assigned responsibility for implementing the approved action. The grievance coordinator shall monitor this process.

(d) The assigned staff member(s) shall complete Section V of ~~Form form~~ DC1-306 stating what action was taken to carry out the approval. This shall not be done until after the action has actually been taken. The assigned staff member(s) shall have 35 calendar days from the date the grievance or appeal was approved within which to implement the approved action. In the event that actual implementation cannot be completed within the 35 day period due to circumstances beyond the control of department staff, the assigned staff member(s) shall indicate this and the reasons therefor in Section V. The form shall be held by the assigned staff member until the corrective action has been taken.

(e) No change.

(f) The grievance coordinator shall place a copy of the completed form in the inmate's institutional file, retain a copy for his record, and forward the original and canary copy of the ~~form DC1-306~~ to the Chief of Policy Management and Inmate Grievance Appeals within 45 calendar days from the grievance approval date. The Chief shall ensure that the inmate grievance log in the Bureau of Policy Management and Inmate Grievance Appeals is updated and that a copy of ~~Form form~~ DC1-306 is sent to the central office inmate file.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06, 3-25-08,_____.

33-103.018 Evaluation of the Grievance Procedure.

The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Office of Internal Audit. This evaluation shall include information obtained from a survey of staff and inmates, review of employees' and inmates' comments on the effectiveness and credibility of the procedure ~~pursuant to subsection 33-103.004(2), F.A.C.~~, on-site visits to institutions and facilities by staff of the ~~Bureau Office~~ of Internal Audit, and from monthly reports prepared by the Bureau of Policy Management and Inmate Grievance Appeals.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended 2-9-05,_____.

33-103.019 Inmate Grievances – Forms.

~~The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 2-9-05.~~

~~(2) Form DC6-236, Inmate Request, effective 10-19-09.~~

~~(3) Form DC1-306, Grievance Approval Action Form, effective 8-1-00.~~

~~(4) Form DC2-901, Training Attendance Report, effective 6-18-07.~~

~~(5) Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, effective 10-11-00.~~

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, 6-18-07, 8-27-07, 10-19-09, Repealed.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.307 RULE TITLE: Disciplinary Hearings

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify the disposition of evidence during disciplinary hearings.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.307 Disciplinary Hearings.

(1) through (2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (g) No change.

(h) If the team or hearing officer utilizes confidential informant information during the hearing, the team or hearing officer shall determine whether the informant has direct or indirect knowledge of the events in question. The team or hearing officer shall consider the informant's reliability by analyzing the informant's past record for providing accurate or inaccurate information. The disciplinary team or hearing officer shall not accept assurance alone from an officer as to the authenticity of the informant's information. Hearsay and second-hand knowledge not corroborated by other evidence shall not be used to support a finding of guilt. Unless supported by other evidence, information provided by a single informant shall not be used to support a finding of guilt unless the information is especially compelling. The team or hearing officer shall document the information used to determine guilt, ~~and the reliability of the information, and disposition of any~~

evidence the inmate requested in the basis of decision section of the Disciplinary Hearing Worksheet, Form DC6-112E. If disclosure of the information would endanger the informant or adversely affect institutional security and order, the team or hearing officer shall document the information and the reasons for not revealing it to the inmate in the comment section of the witness disposition form.

(i) through (5) No change.

~~Rulemaking Specific~~ Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History--New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, 3-22-05, 10-12-05, 7-17-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725 RULE TITLE: Permissible Items for Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove sunglasses, tobacco, and tobacco-related products from the list of permissible items and to add a photo identification card and a notarized authorization to the list.

SUBJECT AREA TO BE ADDRESSED: Permissible items for visitors.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.725 Permissible Items for Visitors.

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

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

~~(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.~~

(c) through (d) renumbered (a) through (b) No change.

(c) One (1) photographic identification card.

~~(d)(e)~~ Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723 subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. through 3. No change.

(f) through (g) renumbered (e) through (f) No change.

(g) If the visitor is an authorized adult as defined in Rule 33-601.713, F.A.C., one (1) copy of a notarized authorization to supervise a minor.

(h) through (2) No change.

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, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reference updated versions of forms that are being amended by the District. This rulemaking is part of a larger rulemaking effort being undertaken by the District to reduce the required number of copies of permit application forms and supporting materials submitted when applying for a permit or other authorization from the District, and the number of copies of compliance-related documents that must be submitted by permittees. The effect of the overall rulemaking will be to reduce costs associated with the submittal of applications and the reporting on compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Permitting procedures.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, 373.118, 373.149, 373.171, 373.337, 373.4135, 373.4136, 373.414 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.079(4)(a)1., 373.083, 373.083(5), 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.2295, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.419, 373.421, 373.426, 373.705, 373.707, 668.50 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference an updated version of the District's Water Use Information Manual Part B, Basis of Review (WUP BOR), which is being revised consistent with a District initiative to reduce the number of copies of application forms, supporting materials and compliance reports that are required to be submitted to the District. Amendments will require submittal of only 1 original instead of an original and 2 copies of forms, reports and other material for water use permitting matters. The overall effect of the rulemaking will be to reduce costs to the public that are associated with the submittal of applications and the reporting of compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Water use permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715, 403.0877 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-3.101 Content of Application

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reduce the number of copies of site plans, and the requirements for such site plans, that are submitted for public supply well construction permit applications. This amendment is part of a District rulemaking initiative to reduce the number of copies of application forms, supporting documentation and compliance-related reports and documents that are required to be submitted. The overall effect of the rulemaking will be to reduce costs to the public that are associated with the submittal of permit applications and the reporting of permit compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Well construction permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.109, 373.308, 373.309, 373.313, 373.316 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.042	Formal Determination of Wetlands and Other Surface Waters
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.101	Content of Application
40D-4.331	Modification of Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reduce the number of copies of application forms and supporting documents that must be submitted for individual environmental resource permit (ERP) applications and petitions for formal determination of wetlands and other surface waters, and the number of copies of compliance documents required to be submitted after a permit is issued. ERP-related submittal requirements are reduced from 5 copies to 1 original and 2 copies. These amendments are part of an overall District initiative to reduce the number of copies of permit application forms, supporting documentation and

compliance-related reports and documents that are required to be submitted. The overall effect of the rulemaking will be to reduce costs to the public that are associated with application submittals and compliance activity reporting to the District.

SUBJECT AREA TO BE ADDRESSED: Environmental resource permitting.

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.149, 373.171, 373.414, 373.421(2), 373.149 FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.421(2), 373.429, 373.441 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-40.044	General Permit for Site Conditions Assessment
40D-40.302	Conditions for Issuance of General Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to reduce the number of site conditions assessment permit application copies that are required to be submitted from 5 copies to 1 original and 2 copies. The application form is also revised accordingly. These amendments are part of a larger District rulemaking initiative to reduce the number of copies of permit application forms,

supporting materials and compliance-related reports and documents that are required to be submitted. The overall purpose and effect of this initiative is to reduce costs to the public that are associated with the submittal of permit applications and the reporting of permit compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Environmental resource permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079(4)(a), 373.083(5), 373.413, 373.414, 373.416, 373.419 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211, ext. 4660 (OGC#2010053)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-400.500	General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt a revised Application Procedure for a Noticed General Permit for a Minor Silvicultural Surface Water Management System and Notice of Intent to Construct a

Minor Silvicultural Surface Water Management System Form, which form is amended to reduce the number of copies required for submittal from 5 to 1 original and 2 copies. This amendment is part of a District initiative to reduce the number of copies of permit application forms, supporting materials and compliance-related reports and documents that are required to be submitted. The overall purpose and effect of this initiative is to reduce costs to the public associated with the submittal of permit applications and the reporting of permit compliance activities to the District.

SUBJECT AREA TO BE ADDRESSED: Environmental resource permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

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: Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad St., Brooksville, FL 34606-6899, (352)796-7211, ext. 4660 (OGC#2010053)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.320
RULE TITLE: Therapy Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.320, F.A.C., is to incorporate by reference the Florida Medicaid Therapy Services Coverage and Limitations Handbook, October 2011. The rule will update the Medicaid Therapy Services Coverage and Limitations Handbook by

clarifying policy and requiring prior authorization for therapy treatment visits, effective November 2011. The prior authorization requirement will satisfy a legislative mandate requiring utilization management for therapy services reimbursed by Medicaid set forth in Section 409.912(42), F.S. The Therapy Services Coverage and Limitations Handbook contains policy for therapy services reimbursed under the Medicaid program.

SUBJECT AREA TO BE ADDRESSED: Therapy Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.320, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Tuesday, October 18, 2011, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, 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: Judy Taylor-Fischer at the Bureau of Medicaid Services, (850)412-4217. 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: Judy Taylor-Fischer, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4217, e-mail: judy.taylor-fischer@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.320 Therapy Services.

(1) This rule applies to all therapy services providers enrolled in the Medicaid program.

(2) All therapy providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Therapy Services Coverage and Limitations Handbook, October 2011 ~~2003, updated July 2008~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C.~~ The Both handbooks is are available from

the Medicaid fiscal agent's Web site Portal at www.mymedicaid-florida.com. Select ~~Click on~~ Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 and selecting Option 4.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History—New 5-24-92, Amended 4-12-93, Formerly 10C-7.068, Amended 5-4-94, 12-26-95, 3-9-99, 12-2-03, 12-3-08, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-18.011 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to renumber the rule accordingly.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(6), (7), 471.013(1)(a)1., 2., 471.023(1), 471.033(1)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-23.003 RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to modify language to update the Federal Information Processing Standard Publication and to provide the website address where the standards can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

RULEMAKING AUTHORITY: 471.025(1), 668.006 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-29.001 RULE TITLE: Certification Definition, Procedures, Prohibitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to clarify the certification procedure.

SUBJECT AREA TO BE ADDRESSED: Certification definition, procedures, prohibitions.

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.025(3), 471.003(1)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

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DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.012 RULE TITLE: Acupoint Injection Therapies

PURPOSE AND EFFECT: The purpose of this rule development is to develop a negative formulary regarding injectable materials for acupuncturists in injection therapy adjunctive modalities.

SUBJECT AREA TO BE ADDRESSED: Acupoint Injection Therapies.

RULEMAKING AUTHORITY: 457.102(1), 457.104 FS.

LAW IMPLEMENTED: 457.102 FS.

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

DATE AND TIME: December 9, 2011, following the conclusion of the general business meeting.

PLACE: Holiday Inn & Suite, 2725 Graves Road, Tallahassee, FL 32303

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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. 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: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-13.005 **RULE TITLE:** Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the violations and penalties to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.006 **RULE TITLE:** Rule Governing Licensure and Inspection of Electrology Facilities

PURPOSE AND EFFECT: The amendments made to section (2)(b) of the rule incorporates the revised electrology licensure application that includes the questions referenced in Section 456.0635, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Electrology Facility Licensure.

RULEMAKING AUTHORITY: 478.43(1), (4) FS.

LAW IMPLEMENTED: 456.037(2), (3), (5), 478.49, 478.51 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.019 **RULE TITLE:** Address of Record

PURPOSE AND EFFECT: The Board is revising the rule to set standards for electronic notification of change of address.

SUBJECT AREA TO BE ADDRESSED: Address of Record.

RULEMAKING AUTHORITY: 456.035, 463.005(1) FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.002 RULE TITLE: Reexamination

PURPOSE AND EFFECT: The Board proposes this rule amendment to take into account the varying scheduling of the annual clinical exam so re-exam applicants are not barred because the first exam taken was scheduled several weeks earlier than the retake exam.

SUBJECT AREA TO BE ADDRESSED: Reexamination.

RULEMAKING AUTHORITY: 456.017(2), 463.005 FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.006 RULE TITLE: Security and Monitoring Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board proposes this rule amendment to establish security and monitoring procedures for licensure exam.

SUBJECT AREA TO BE ADDRESSED: Security and Monitoring Procedures for Licensure Examinations.

RULEMAKING AUTHORITY: 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.005 RULE TITLE: Designation of Administrative Violations; Major; Minor

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement Chapter 2011-112, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Designation of Administrative Violations; Major; Minor.

RULEMAKING AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.103 RULE TITLE: Continuing Education Credits; Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify course approval requirements and to provide for additional credits for pharmacy technicians.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits; Renewal.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1003 RULE TITLE: Active License Renewal Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce the fees paid by pharmacists.

SUBJECT AREA TO BE ADDRESSED: Active License Renewal Fees.

RULEMAKING AUTHORITY: 456.036, 465.008, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.008, 465.0125, 465.0126, 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.206 RULE TITLE: Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)

PURPOSE AND EFFECT: The Board proposes the rule promulgation to create a new rule for endorsement candidates that are foreign trained.

SUBJECT AREA TO BE ADDRESSED: Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates).

RULEMAKING AUTHORITY: 465.005, 465.0075 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.100 RULE TITLE: Pharmacy Permits – Applications and Permitting

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide a single rule for permitting of pharmacies by combining the permitting rules into one rule and to incorporate new applications.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Permits – Applications and Permitting.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.013, 456.025(3), 465.018, 465.019, 465.0193, 465.0196, 465.0197, 465.022 FS.

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

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.1081 RULE TITLE: Regulation of Daily Operating Hours

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a way for a pharmacy to be open less than 40 hours a week.

SUBJECT AREA TO BE ADDRESSED: Regulation of Daily Operating Hours.

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.303 RULE TITLE: Destruction of Controlled Substances All Permittees (excluding Nursing Homes)

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide an easier method for destruction of controlled substances.

SUBJECT AREA TO BE ADDRESSED: Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the guidelines, minor violations and citations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

RULEMAKING AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.003 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and citations.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fritz

Hayes, B. Pharm, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.001 RULE TITLE: Licensure by Certification of Credentials

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the licensure by certification of credentials for speech-language pathologists or audiologists.

SUBJECT AREA TO BE ADDRESSED: Licensure by Certification of Credentials.

RULEMAKING AUTHORITY: 456.013(7), 468.1135(4) FS.
LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003 RULE TITLE: Provisional Licensure; Requirements

PURPOSE AND EFFECT: The Board proposes to development of rule amendment to address the requirements for provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

RULEMAKING AUTHORITY: 468.1135(4) FS.
LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.001 RULE TITLE: Certification of Assistants

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the certification of speech-language pathologist or audiologist assistants.

SUBJECT AREA TO BE ADDRESSED: Certification of Assistants.

RULEMAKING AUTHORITY: 468.1125(9), 468.1135(4) FS.
LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-2.001 RULE TITLE: License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the revised on-line application.

SUBJECT AREA TO BE ADDRESSED: The rule amendment will notify of new revised application on website. <http://www.doh.state.fl.us/mqa/respiratory/index.html>.

RULEMAKING AUTHORITY: 468.353(1), 468.358(3) FS.
LAW IMPLEMENTED: 456.013(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.001 RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes to revise the rule to reflect mandatory completion of credit hours in Florida laws and rules, and to better clarify the language which makes credits taken to renew other currently held licenses and the CRT license applicable to the renewal of the CRT or RRT license.

SUBJECT AREA TO BE ADDRESSED: Continuing education course requirements and application of renewal credits from other currently held licenses.

RULEMAKING AUTHORITY: 456.013(9), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.001 RULE TITLE: Licensure Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language for the requirements for licensure and to update form DOH-AT-001, "Board of Athletic Training State of Florida Examination Application for Licensure, revised 6/11", pursuant to statutory change.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements.

RULEMAKING AUTHORITY: 456.013(7), (9), 468.705 FS.

LAW IMPLEMENTED: 456.013(7), 468.707 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.003 RULE TITLE: Requirements for Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for continuing education courses, pursuant to statutory change.

SUBJECT AREA TO BE ADDRESSED: Requirements for continuing education.

RULEMAKING AUTHORITY: 456.013, 456.034(5), 468.705, 468.711(2), (3) FS.

LAW IMPLEMENTED: 456.013(7), 456.034, 468.711(2) FS.

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

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DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.005 RULE TITLE: Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language for reactivation of an inactive license, pursuant to statutory change.

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

RULEMAKING AUTHORITY: 456.036, 468.705 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-221.100
 RULE TITLE: Terms and Conditions of Contract; Surrender Form

PURPOSE AND EFFECT: The proposed rule amendment expands the list of events that constitute a breach of a principal’s obligations to a surety company, allowing a surety company to rightfully act to apprehend, arrest, and surrender principal, in addition to denying a principal the right to any refund of premium. New paragraph 69B-221(1)(f), F.A.C., is added to the aforementioned list, describing an event where the indemnitor fails to make premium payment(s) as obligated under an agreement pursuant to subsection 69B-221.105(5), F.A.C. Subsection (2) of the proposed rule adds a link to the Department’s website where licensees may obtain copies of form DFS-H2-1542 (Statement of Surrender Form). The language in the existing rule that directs licensees to obtain the form from the Department’s Bail Bond Section is deleted.

SUBJECT AREA TO BE ADDRESSED: Terms and conditions that constitute breach of contract between of principal and a surety for a bail bond.

RULEMAKING AUTHORITY: 648.26 FS.

LAW IMPLEMENTED: 648.4425 FS.

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

DATE AND TIME: Tuesday, October 18, 2011, 10:30 a.m.

PLACE: 116 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: Richard Brinkley, (850)413-5654 or

Richard.Brinkley@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: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-221.105
 RULE TITLE: Premium Charge Only Permitted

PURPOSE AND EFFECT: To amend the rule to allow for a minimum partial payment of at least 10% of the total premium due per the applicable rate filing of a bail bond premium at the time the bond is executed. The proposed rule requires a “written agreement” that includes all terms, conditions and other information, as specified. The proposed rule requires a bond to be fully collateralized at the time of execution and further provides that the time period for collection of the full payment of the bond premium must not exceed 180 days. Where full premium is not collected within the 180 day period, or a violation of any other terms and conditions contained in the written agreement occurs: 1) the defendant may be surrendered to custody and; 2) the bail bond agent or surety company shall be entitled to retain any portion of the premium actually paid on the bond. The proposed rule also requires form DFS-H2-1542 (Statement of Surrender Form) to be completed upon the surrender of a defendant. The proposed rule has been renumbered accordingly.

SUBJECT AREA TO BE ADDRESSED: Partial Payment of Bail Bond Premium.

RULEMAKING AUTHORITY: 624.308, 648.26(1)(a) FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 648.26(1)(a), 648.33, 648.36, 648.44(1)(o), 648.44(6)(c) FS.

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

DATE AND TIME: Tuesday, October 18, 2011, 10:30 a.m.

PLACE: 116 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: Richard Brinkley, (850)413-5654 or Richard.Brinkley@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: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5654

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-5.201
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The original intent of the rule was to avoid the complexities of an affiliated self-insurer structure where a parent company exists to hold the self-insurance authorization was addressed by the clause “which do not have a parent company to hold the self-insurance authorization.” A parent company able to, but not wanting to hold the self-insurance authorization, and wanting to execute a parental guaranty under Rule 69L-5.215, F.A.C., would be precluded from doing so under the existing language of subsection 69L-5.201(2), F.A.C. The added language will allow an affiliated self-insurer structure and utilization of the financial strength of a parent company for purposes of providing a parental guaranty for affiliated self-insurers under Rule 69L-5.215, F.A.C., where the parent company could but elects to not hold the self-insurance authorization.

SUBJECT AREA TO BE ADDRESSED: Affiliated Self-Insurers and Parental Guaranty.

RULEMAKING AUTHORITY: 440.38(1), (2), (3), 440.385(6), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6) FS.

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

DATE AND TIME: Wednesday, October 19, 2011, 9:30 a.m.
 PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, 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: Pam Macon, (850)413-1708 or

Pamela.Macon@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: Pam Macon, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)413-1708 or Pamela.Macon@myfloridacfo.com

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

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

Enterprise IT Services

RULE NOS.: 71B-2.001
 RULE TITLES: Financial Reporting
 71B-2.002 Cost recovery
 71B-2.003 Standards
 71B-2.004 Service Level Agreements

PURPOSE AND EFFECT: The purpose of these rules is to develop and establish rules relating to the operation of the state data center system. The rules will: ensure that financial information is captured and reported consistently and accurately; identify standards for hardware and other operational software for the primary data centers; require annual full cost recovery on an equitable rational basis to ensure that no service or customer is subsidizing another service or customer; require a consistent process for imposing any special assessments; specify the criteria and form of rebates to be given to state data center customers; establish requirements for service-level agreements.

SUBJECT AREA TO BE ADDRESSED: Operation of the State Data Center System.

RULEMAKING AUTHORITY: 282.201(6) FS.

LAW IMPLEMENTED: 282.201(2)(e) FS.

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

DATE AND TIME: Friday, November 4, 2011, 9:00 a.m.
 PLACE: FSU Turnbull Conference Center, 555 W. Pensacola St., 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 2 days before the workshop/meeting by contacting: Heather Pence, Operations and Communications Manager, Agency for Enterprise Information Technology, e-mail: Heather.Pence@aeit.myflorida.com, phone

(850)922-7502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renee Harkins, Agency for Enterprise Information Technology. The preliminary draft will be available at the following website October 28: <https://aeit.myflorida.com/rulemaking>. E-mail: Renee.Harkins@aeit.myflorida.com, phone (850)922-7502

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

Section II Proposed Rules

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12-3.0015	Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded

PURPOSE AND EFFECT: Prior to posting forms and other documents on the Department’s website, taxpayers were able to obtain forms and tax information using the Department’s Fax on Demand System. With forms and tax information readily available on the website, the Fax on Demand System has been discontinued.

Effective January 1, 2012, section 22, Chapter 2011-76, L.O.F., repeals the emergency excise tax.

The purpose of the proposed amendments to Rule 12-3.0015, F.A.C. (Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded), is to remove provisions regarding the obsolete Fax on Demand System and provisions regarding the emergency excise tax that will be repealed effective January 1, 2012.

SUMMARY: The proposed amendments to Rule 12-3.0015, F.A.C. (Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded), remove provisions regarding the obsolete Fax on Demand System and provisions referring to Chapter 221, F.S., which imposes the Florida emergency excise tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 231.235, 213.255 FS.

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

DATE AND TIME: October 26, 2011, 10:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1220, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tammy Miller at (850)617-8346. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)717-7610

THE FULL TEXT OF THE PROPOSED RULE IS:

12-3.0015 Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded.

(1) The provisions of Section 213.235, F.S., and this rule apply to all taxes listed in Section 213.05, F.S., except those taxes imposed by ~~Chapter Chapters 220 and 221~~, F.S. The interest rate provisions of Rule 12C-1.343, F.A.C., ~~shall continue to~~ apply to the taxes imposed by ~~Chapter Chapters 220 and 221~~, F.S.

(2) through (3) No change.

(4)(a) The interest rate determined pursuant to Section 213.235, F.S., is subject to change on January 1st and July 1st of each year.

(b) The applicable interest rate for any 6-month period can be obtained by any of the following methods: