

November 15, 2013

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.601

RULE TITLE: Employee Benefit Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate subsection 6 of the rule which relates to how the proceeds of the Department's recycling program are distributed.

SUMMARY: Subsection 6 of the rule is being eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business and is not expected to directly or indirectly increase regulatory costs more than \$200,000 within a year of taking effect. 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: upon review of the proposed changes to these rules, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), FS. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 945.215, 945.21501 FS

LAW IMPLEMENTED: 945.215, 945.21501 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.601 Employee Benefit Trust Fund.

(1) – (5) No change.

~~(6) One half of the net proceeds of the department's recycling program will be used to fund employee benefits for community corrections, regional offices, and central office.~~

~~(6)(7)~~ Disbursements from the fund will be authorized for the purchase of items for resale or operating supplies as approved by the regional employee benefit trust fund team and expenditures that are in accordance with authorized uses of the fund. Local bank accounts shall be established at each institution for the purchase of items for resale or operating supplies approved by the regional employee benefit trust fund team.

~~(7)(8)~~ The central office employee benefit trust fund team will establish an amount to be retained in each local account. Funds in excess of operating needs will be transferred to the central account.

~~(8)(9)~~ Institutions requesting to withdraw money from the fund for purchases not assigned to their level of approval shall submit a request to the central office team describing the need for the funds and cost estimate for the project. The request will be submitted utilizing Form DC2-356, EBTF Expenditure & Check Request. Form DC2-356 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. <http://www.flrules.org/Gateway/reference.asp?No=Ref-02319>. The effective date of this form is 7-13.

~~(9)(10)~~ The appropriate authority shall review each request to ensure that the purpose of the expenditure is in accordance with authorized uses of the fund and to ensure that the institution has sufficient funds earmarked for the amount of the withdrawal. If the request is approved, vendor payments may be requested by e-mail using the bottom portion of Form DC2-356.

Rulemaking Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History—New 4-13-08, Amended 6-7-12, 3-10-13, 7-17-13, 11-6-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Deariso, Bureau Chief of Finance and Accounting

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2013