

September 2, 2011

NOTICE OF RULE DEVELOPMENT

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and effect of the proposed rule is to move the language of Form DC2-354 into Form DC2-356 so that DC2-354 will be repealed; to clarify the authority of the Assistant Secretary of Institutions and of regional employee benefit trust fund teams over EBTF functions and operations; and to specify the manner in which net recycling proceeds are to be used.

SUBJECT AREA TO BE ADDRESSED: Employee benefit trust fund

RULEMAKING AUTHORITY: 945.215, 945.21501 FS

LAW IMPLEMENTED: 945.215, 945.21501 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.601 Employee Benefit Trust Fund.

(1) No change.

(2) The Assistant Secretary of Institutions will provide oversight for the operation of the employee benefit trust fund and for the employee benefit trust fund activities. The primary function of the Assistant Secretary of Institutions will be to standardize the operation of the employee benefit trust fund.

(3) The employee benefit trust fund shall be established in the Bureau of Finance and Accounting. A regional employee benefit trust fund team appointed by the regional director of institutions will be established in each region. Oversight and administration of the fund shall be the responsibility of the employee benefit trust fund team under the direction of the Assistant Secretary of Institutions. This team will review and approve the number and location of

vending machines and canteens, recommend staffing patterns, and perform a monthly review of checks written ~~The primary function of the central office team will be to standardize the operation of the employee benefit trust fund.~~

The team shall be made up of the following staff members:

- (a) ~~Secretary or designee;~~
- (b) ~~Assistant Secretary of Institutions or designee;~~
- (c) ~~Chief of Staff or designee;~~
- (d) ~~Deputy Assistant Secretary of Institutions or designee;~~
- (e) ~~Director of Administration or designee; and~~
- (f) ~~Chief, Bureau of Finance and Accounting or designee.~~

(3) ~~A regional employee benefit trust team appointed by the regional director of institutions will be established in each region. This team will review and approve the number and location of vending machines and canteens, recommend staffing patterns, and perform a monthly review of checks written. The team shall be made up of the following staff members:~~

(a) through (5) No change.

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

(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 ~~central office~~ employee benefit trust fund team.

(8) The regional ~~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.

(9) Institutions requesting to withdraw money from the fund for purchases not under their level of approval shall submit a request to the appropriate authority ~~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 ~~DC2 354, Employee Benefit Trust Fund Expenditure Request~~. Form DC2-356 ~~DC2 354~~ is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Bureau of Policy Development,~~

501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ ~~April 13,~~  
2008.

(10) The appropriate authority ~~central office team~~ 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 DC2-354 is approved, vendor payments may be requested by e-mail using the bottom portion of 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, Bureau of Policy Development, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April 13, 2008.~~

(11) ~~A service charge equal to 7% of canteen revenues will be used to offset administrative costs of the employee benefit trust fund.~~

Rulemaking Specific Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History—New  
4-13-08, \_\_\_\_\_.