

06-23-2016

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 amendment is to change the way the Employee Benefit Trust Fund is governed and administered.

SUMMARY: The proposed rule eliminates the regional employee benefit trust fund team, transferring its duties to the Central Office Employee Benefit Trust Fund Team.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Department 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 Department. The Department has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC is required, the information expressly relied upon and described herein: upon review of the proposed changes to the rule, 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

LAWS 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: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.601 Employee Benefit Trust Fund

(1) The purpose of the ~~T~~rust ~~F~~und shall be to:

(a) through (b) No change

(2) The ~~E~~mployee ~~B~~enefit ~~T~~rust ~~F~~und shall be established in the Bureau of Finance and Accounting. Oversight and administration of the ~~F~~und shall be the responsibility of the Central Office ~~E~~mployee ~~B~~enefit ~~T~~rust ~~F~~und ~~T~~eam (Central Office Team). The primary function of the Central Office Team will be to standardize the operation of the ~~E~~mployee ~~B~~enefit ~~T~~rust ~~F~~und. The Central Office Team's responsibilities shall include authorizing disbursements from the Fund, reviewing and approving the number and location of vending machines and canteens, recommending staffing patterns, and performing a monthly review of checks written. The Central Office Team shall be comprised of four ~~five~~ members appointed by the Secretary ~~to include at least one field representative.~~

~~(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) Regional director or designee, chair;~~
- ~~(b) Regional business manager or designee;~~
- ~~(c) A representative from the regional office of institutions;~~
- ~~(d) An institutional warden; and~~
- ~~(e) An employee from a major institution.~~

~~(3)(4) An Institutional ~~E~~mployee ~~B~~enefit ~~T~~rust ~~F~~und ~~T~~eam (Institutional Team) appointed by the warden will be established at each institution. Each This Institutional Team will make recommendations to the Central Office Team for employee benefit projects, ~~make recommendations and~~ for the number and location of vending machines and canteens. Each Institutional Team shall also, as to its institution, review canteen operations, establish inventory levels, and develop a methodology to establish pricing. Each Institutional ~~The~~ Team shall be made up of the following staff members:~~

- (a) through (e) No change

~~(4)(5) Local institutions are authorized to submit money to the ~~T~~rust ~~F~~und from the following sources:~~

- (a) through (b) No change

~~(5)(6) Disbursements from the ~~F~~und will be authorized for the purchase of items for resale or operating supplies as approved by the regional employee Central Office ~~benefit trust fund~~ Team and expenditures that are in~~

accordance with authorized uses of the Ffund. 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~~. Local bank accounts are to be approved by the Central Office Team.

~~(6)(7)~~ The Central Office ~~employee benefit trust fund T~~eam will establish an amount to be retained in each local account. Funds in excess of operating needs will be transferred to the central account. The central account shall be designated and maintained by the Central Office Team.

~~(7)(8)~~ 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.~~

~~(8)(9)~~ The Central Office Team ~~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, 1-5-14, _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 22, 2016