

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

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: RULE TITLE:
64B23-6.001 Penalties

PURPOSE AND EFFECT: To update the rule.
SUBJECT AREA TO BE ADDRESSED: Penalties.

SPECIFIC AUTHORITY: 456.079(1), 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.901(6)(a) 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: Joe Baker, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:
69A-60.006 Manufactured and Prototype
 Buildings

PURPOSE AND EFFECT: To adopt procedures for manufacturers of manufactured and prototype buildings which would make them uniform with the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: Firesafety plans reviews inspections of manufactured and prototype buildings.

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 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, February 13, 2007, 1:00 p.m.
PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, 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: Millicent King (850)413-3619 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 IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)413-3171; Fax: (850)414-6119

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-60.006 Manufactured and Prototype Buildings.

(1) No change.

(2) With respect to any plans review and inspection inspections of any manufactured or prototype building buildings, each manufacturer of manufactured or prototype buildings is permitted to provide for any plans review and inspection required by the Florida Fire Prevention Code through a third party agency in accordance with Section 428 of the Florida Building Code, as adopted in Rule 9B-3.047, F.A.C. Any such plans review and in-plant inspection shall be performed only by a firesafety inspector fully certified under Section 633.081(2), F.S., at its option:

~~(a) Contract with any person currently certified as a firesafety inspector under Section 633.081, F.S., from a list to be provided by the Department; or~~

~~(b) Provide for one or more of its employees to become certified under Chapter 69A-39, F.A.C.~~

(3) through (5) No change.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Amended 9-8-02, Formerly 4A-60.006, Repromulgated 11-28-04, Amended_____.

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO.: RULE TITLE:
6B-11.007 Disciplinary Guidelines

PURPOSE AND EFFECT: The rule outlines the range of penalties to be imposed in disciplinary cases.

SUMMARY: The rule establishes a penalty range for violations; updates language; and incorporates the penalty for third or subsequent violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 1012.79(7), 1012.795(6)(b) FS.
 LAW IMPLEMENTED: 1012.795, 1012.796(7),(8) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathleen M. Richards, Executive Director, Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6B-11.007 Disciplinary Guidelines.
 (1) No change.

- (a)1. Obtaining or attempting to obtain a Florida educator's certificate ~~or employment~~ by fraudulent means in violation of Section ~~1012.795 231.28(1)(a)~~, F.S.
- 2. Alteration of a Florida educator's certificate in violation of Section ~~1012.795 231.28(1)(c), (f), (i), F.S., paragraphs subsections~~ 6B-1.006(5)(a), (g), (h), F.A.C.
- (b)1. Being incompetent to teach or to perform duties as an educator due to physical or mental incapacity in violation of Section ~~1012.795 231.28(1)(b)~~, F.S.
- 2. Being incompetent to teach or to perform duties as an educator due to inefficiency in violation of Section ~~1012.795 231.28(1)(b)~~, F.S.
- (c)1. Being guilty of gross immorality or an act involving moral turpitude in violation of Section 1012.795(1)(c), F.S.
- 2. When a student or school activity is involved.
- (d) Having an educator certificate sanctioned by another state in violation of Section 1012.795(1)(d), F.S.
- (e) Committing criminal acts and/or convictions in violation of Section 1012.795(1)(e), F.S.
 - 1. Misdemeanors
 - 2. Felonies
- (f) Engaging in personal conduct which seriously reduces effectiveness as a district school board employee in violation of Section 1012.795(1)(f), F.S.
- (g) Having breached a contract, as provided in Section 1012.33(2), F.S. in violation of Section 1012.795(1)(g), F.S.
- (h) Violating any order of probation terms ordered by the Education Practices Commission in violation of Section 1012.795 231.28(1)(k)(b), F.S., or paragraph 6B-1.006(5)(p)(e), F.A.C.
- (i) Violating the Principles of Professional Conduct in violation of s. 1012.795(i), F.S. by:
 - 1. ~~(d)~~ Misappropriation of money in violation of Section ~~231.28(1)(e), (e), (f), (i), F.S., paragraphs 6B-1.006(4)(c), (5)(a), F.A.C.~~
 - 2. ~~(e)~~ Using position for personal gain in violation of Section ~~231.28(1)(e), (f), (i), F.S., paragraph 6B-1.006(4)(c), F.A.C.~~
 - 3. ~~(f)~~ Altering student/school records in violation of Section ~~231.28(1)(e), (f), (i), F.S., paragraphs 6B-1.006(3)(f), (4)(b), (5)(a), F.A.C.~~
 - (g) Committing criminal acts and/or convictions in violation of Section 231.28(1)(e), (e), (f), F.S.
 - 1. Misdemeanors
 - 2. Felonies
 - 4. ~~(h)~~ Sexual misconduct, no students involved, in violation of Section 231.28(1)(e), (f), (i), F.S., paragraphs 6B-1.006(4)(c), (5)(c), (d), F.A.C.

(2) The following disciplinary guidelines shall apply to violations of the below listed statutory and rule violations and to the described actions which may be basis for determining violations of particular statutory or rule provisions. Each of the following disciplinary guidelines shall be interpreted to include "probation," "Recovery Network Program," "letter of reprimand," "restrict scope of practice," "fine," and "administrative fees and/or costs" with applicable terms thereof as ~~an~~ additional penalty provisions. The terms "suspension" and "revocation" shall mean any length of suspension or revocation, including permanent revocation, permitted by statute, and shall include a comparable period of denial of an application for an educator's certificate.

- Probation – ~~Revocation~~ Suspension
- Revocation
- ~~3 to 6 Year Probation~~
- Suspension – Revocation
- ~~Probation~~ Suspension – Revocation
- Probation – Revocation
- Suspension – Revocation
- Suspension – Revocation
- Reprimand – Suspension
- Suspension – Revocation
- Probation – Revocation
- Probation – Suspension
- ~~4 Year Probation~~ – Revocation ~~3 Year~~ Suspension
- Probation Restrict Scope of Practice – Suspension – Permanent
- Revocation
- Probation – Revocation ~~2 Year~~ Suspension
- ~~Probation~~ 3-Year Suspension – Revocation
- ~~Reprimand~~ – Suspension
- ~~Suspension~~ – Revocation
- Probation – Revocation Suspension

<u>5.(h)</u> Sexual misconduct with any student or any minor in violation of Section 231.28(1)(e), (f), (i), F.S., paragraphs 6B-1.006(3)(a), (e), (g), (h), (4)(c), F.A.C.	Revocation
<u>6.(j)</u> Misuse of corporal punishment/Inappropriate methods of discipline in violation of Section 231.28(1)(b), (e), (f), (i), F.S., paragraphs 6B-1.006(3)(a), (e), F.A.C.	Reprimand – Revocation
<u>7.(k)</u> Alcohol or drug-related offenses in violation of Section 231.28(1)(e), (e), (f), (i), F.S., paragraphs 6B-1.006(3)(a), (e), F.A.C.	Suspension – 2-Year Revocation Probation – 1-Year Revocation
1. Student-involvement	
2. Non-Student involvement	
<u>8.(h)</u> Possession of controlled substances in violation of Section 231.28(1)(e), (e), (f), (i), F.S., paragraph 6B-1.006(3)(a), F.A.C.	1-Year Suspension – 2-Year Revocation <u>Suspension – Revocation</u> <u>Probation – Revocation</u>
<u>1. Student Involvement</u>	
<u>2. No Student Involvement</u>	
<u>9.(m)</u> Sale, trafficking, conspiracy to traffic controlled substances in violation of Section 231.28(1)(e), (e), (f), (i), F.S., paragraph 6B-1.006(3)(a), F.A.C.	7-Year Revocation – Permanent Revocation
<u>10.(n)</u> Harassment or discrimination of students on the basis of race, color, religion, sex, age, origin, political beliefs, handicap, sexual orientation, or family status in violation of Section 231.28(1)(i), F.S., paragraph 6B-1.006(3)(g), F.A.C.	Reprimand – Revocation
<u>11.(o)</u> Harassment or discrimination which interferes with an individual’s performance or work in violation of Section 231.28(1)(i), F.S., paragraph 6B-1.006(5)(d), F.A.C.	Reprimand – Revocation
<u>12. Testing violations for tests involving teacher certification and credentialing in violation of paragraph 6B-1.006(5)(a),(h),(l), F.A.C.</u>	<u>Revocation</u>
<u>13.a. Improperly assisting a student with testing in violation of paragraphs 6B-1.006(3)(a),(5)(a), F.A.C.</u>	<u>Suspension – Revocation</u>
<u>b. When standardized testing is involved.</u>	<u>Revocation</u>
<u>14. Engaging in inappropriate electronic communications/transmissions/downloads in violation of paragraphs 6B-1.006(3)(a), (g),(4)(c), (5)(d), F.A.C.</u>	
<u>a.1. Involving pornography.</u>	<u>Suspension – Revocation;</u>
<u>2. When students are also involved.</u>	<u>Revocation</u>
<u>b.1. Involving gambling.</u>	<u>Probation – Revocation</u>
<u>2. When students or colleagues are also involved.</u>	<u>Revocation</u>
<u>15. Failure to report child abuse in violation of paragraph 6B-1.006(3)(a), F.A.C.</u>	<u>Probation – Suspension</u>
<u>16. Failure to protect or supervise students in violation of paragraph 6B-1.006(3)(a), F.A.C.</u>	<u>Probation – Revocation</u>
<u>17. Engaging in plagiarism or other fraud or dishonesty in professional activities in violation of paragraphs 6B-1.006(5)(a),(g),(i), F.A.C.</u>	<u>Suspension – Revocation</u>
<u>18. Failure to self-report an arrest or disposition within 48 hours in violation of paragraph 6B-1.006(5)(m), F.A.C.</u>	<u>Reprimand – Suspension</u>
<u>19. Failure to report a violation of the Florida School Code or State Board of Education Rules in violation of paragraph 6B-1.006(5)(n), F.A.C.</u>	<u>Reprimand – Revocation</u>
<u>20. Failure for a supervising administrator to enforce the terms of a Final Order in violation of paragraph 6B-1.006(5)(q), F.A.C.</u>	<u>Probation – Revocation</u>
<u>21. Retaliation for reporting/interference with investigation/failure to cooperate with investigation in violation of paragraph 6B-1.006(5)(o), F.A.C.</u>	<u>Suspension – Revocation</u>
<u>22. Other violations of the Principles of Professional Conduct and the Florida Administrative Code.</u>	<u>Probation – Revocation</u>
<u>(j) Other violations of Section 1012.795, F.S.</u>	<u>Probation – Revocation or such penalty as is required by statute</u>
<u>(k)(p)</u> Multiple categories of violations, enumerated above in concurrent or consecutive terms.	<u>EPC will apply penalties</u>

(a) through (l) No change.

(m) Attempts by the educator to correct or stop the violation or refusal by the educator licensee to correct or stop the violation;

(n) through (4) No change.

(5) The above guidelines notwithstanding, any individual who committed violations where the Commission imposed a penalty on two prior occasions shall have their certificate permanently revoked as the penalty for a third or subsequent disciplinary case appearing before the Commission. The Commission will not count the following as prior discipline for purposes of this subsection:

(a) Penalties for administrative violations of failing to submit annual reports or failing to pay a probation fee ordered by the Commission; and

(b) First-time penalties against an applicant for certification who has never been disciplined by the Commission.

Specific Authority 1012.79(7), 1012.795(6)(b) FS. Law Implemented 1012.795, 1012.796(7),(8) FS. History–New 2-27-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-1
RULE CHAPTER TITLE: Rules of Procedure – Public Records, Final Orders

RULE NO.: 14-1.013
RULE TITLE: Clerk of Agency Proceedings

PURPOSE AND EFFECT: This rule is replaced by a Statement of Agency Organization and Operation. Repeal of this rule is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. Repeal of this rule will also change the Parts I, II, and III structure of the rule chapter, deleting “PART II CLERK OF AGENCY PROCEEDINGS” and changing “PART III FINAL ORDERS” to PART II.

SUMMARY: The Clerk of Agency Proceedings rule is being repealed as it has been superseded by a Statement of Agency Organization and Operation.

SPECIFIC AUTHORITY: 120.53(1)(a), 334.044(2) FS.

LAW IMPLEMENTED: 28.24, 120.52, 120.53, 120.56, 120.565, 120.57, 120.58, 120.59, 120.60, 120.68 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

PART II CLERK OF AGENCY PROCEDURES

14-1.013 Clerk of Agency Proceedings.

Specific Authority 120.53(1)(a), 334.044(2) FS. Law Implemented 28.24, 120.52, 120.53, 120.56, 120.565, 120.57, 120.58, 120.59, 120.60, 120.68 FS. History–New 7-3-89, Amended 5-2-90, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce R. Conroy, Acting Deputy General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for Stephanie Kopelousos, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

<p>RULE NOS.:</p> <p>63G-2.004</p> <p>63G-2.0045</p> <p>63G-2.005</p> <p>63G-2.006</p> <p>63G-2.011</p>	<p>RULE TITLES:</p> <p>Staffing and Operations</p> <p>Intake and Orientation</p> <p>Security</p> <p>Treatment, Training and Education of Youth</p> <p>Medical Treatment, Health and Comfort</p>
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PURPOSE AND EFFECT: Amending the process by which youths are received at a secure detention facility.

SUMMARY: The intake and orientation process is given its own rule section, and is revised to include a procedure for the receipt and return of detainee property, and admission screening to assist in the prevention of sexual abuse and victimization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 985.404(10)(b) FS.

LAW IMPLEMENTED: 985.404(10)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, February 20, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., Ste. 312, General Counsel's Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

63G-2.004 Staffing and Operations.

(1) through (4) No change.

(5) Admission:

~~(a) The superintendent shall ensure officers are trained in the admission process including the review and completion of required paperwork and the sequence of required actions.~~

~~(b) The admission process shall address the following:~~

~~1. Review of required paperwork from law enforcement and screening staff prior to initiating the admission process.~~

~~2. Completion of the Juvenile Justice Information System (JJIS) Admission Wizard. The Admission Wizard is a computer based form containing all elements required for an admission. The Admission Wizard (DJJ/DCF Form 1, 2-05) is~~

~~incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.~~

~~3. Medical screening of youth at the time of admission requires the completion of the Medical and Mental Health Screening form within the JJIS Admission Wizard.~~

~~4. The admission officer shall clearly communicate to the youth the rules of the center and expectations of behavior.~~

~~5. The youth shall be electronically searched, frisk searched, and strip searched by an officer of the same sex as the youth.~~

~~6. All items in the youth's possession, including clothing, shall be searched, inventoried and documented, to include both the signature of the admission officer and the youth. All items shall be placed in a secure location.~~

~~7. A photograph of the youth shall be taken and maintained in the youth's file.~~

~~8. Inactive files shall be reviewed, if available, to obtain useful information.~~

~~9. The youth shall be allowed to place a telephone call at the facility's expense and the call shall be documented on all applicable forms. The youth shall not be allowed to telephone the victim(s) unless it is a relative who is a victim of domestic violence and the admission officer verifies that the victim is willing to talk with the youth.~~

~~10. If the admission process is completed two hours or more before the serving of the next scheduled meal, the youth shall be offered something to eat.~~

~~11. The youth shall be screened to identify medical, mental health, and substance abuse needs. Any indication requiring services shall be documented, and appropriate referrals and services provided. The detention facility shall use an alert system within JJIS to identify youth with special needs. Staff shall give special attention to observing youth in the alert system to ensure their special needs are met.~~

~~(6) Transfers:~~

~~(a) Youth may be transferred into a detention center from either another detention center or from a residential commitment program.~~

~~(b) The admission process for transfers shall be as follows:~~

~~1. Youth shall be screened to determine if there are any mental health, substance abuse, or physical health issues, and necessary referrals and services provided.~~

~~2. Youth shall be electronically searched, frisk searched, and strip searched.~~

~~3. Any personal property shall be searched, inventoried and securely stored.~~

~~(7) Documentation:~~

~~(a) All activities, incidents, and information relative to safety and security in the facility shall be documented.~~

~~(b) Written documentation includes a range of logbooks, reports, forms, and communications.~~

(c) All documents represent official records and are legal documents. Failure to document required information, falsification of information, or failure to properly retain written documents may result in disciplinary action.

(d) Reports related to facility operations fall into two categories: internal and external reports.

1. Internal reports refer to reports that are utilized regularly by officers and other facility staff in the day-to-day operation of the facility and are reviewed per facility operating procedures. Reports are retained per state retention guidelines. Internal reports include, but are not limited to, the following:

- a. Shift reports
- b. Incident reports
- e. Confinement reports

d. Documentation of physical interventions to control behavior.

2. External reports refer to reports that are forwarded from the facility to sources required by the legislature, the department or other governmental agencies. External reports include, but are not limited to:

a. Reporting of incidents to the Central Communications Center. The Central Communications Center (CCC) is an office-staffed 24 hours per day every day with employees whose responsibilities include receiving information from staff concerning incidents occurring in department facilities and programs that involve staff, youth, providers, visitors or parents/guardians. CCC staff disseminate and track information and document actions taken.

b. National School Lunch meal reports.

e. Reports to the Florida Abuse Hotline, pursuant to Chapter 39, F.S.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History—New 10-10-06, Amended _____.

63G-2.0045 Intake and Orientation.

(1) Admissions:

(a) The superintendent shall ensure officers are trained in the admission process including the review and completion of required paperwork and the sequence of required actions.

(b) The admission process shall address the following:

1. Review of required paperwork from law enforcement and screening staff prior to initiating the admission process.

a. Youth presented at the detention center for admission shall have been medically screened prior to their arrival at detention. No youth presented to be securely detained shall be accepted for detention if they are in need of emergency medical care, require mental health crisis intervention or are under the influence of any intoxicant.

b. If a youth in crisis is mistakenly accepted for admission into secure detention, the on-duty supervisor shall make the necessary arrangements for the youth to see the facility's medical or mental health staff or shall ensure the youth is transported to a hospital emergency room.

2. Inactive files shall be reviewed, if available, to obtain useful information.

3. The youth shall be electronically searched, frisk searched, and strip searched by an officer of the same sex as the youth.

4. The youth shall be allowed to place a telephone call at the facility's expense and the call shall be documented on all applicable forms. The youth shall not be allowed to telephone the victim(s) unless it is a relative who is a victim of domestic violence and the admission officer verifies that the victim is willing to talk with the youth.

5. If the admission process is completed two hours or more before the serving of the next scheduled meal, the youth shall be offered something to eat.

6. Completion of the Juvenile Justice Information System (JJIS) Admission Wizard. The Admission Wizard is a computer-based form containing all elements required for an admission. The Admission Wizard (DJJ/DCF Form 1, 2-05) is incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.

7. The youth shall be screened to identify medical, mental health, and substance abuse needs. Any indication requiring services shall be documented, and appropriate referrals and services provided. The detention facility shall use an alert system within JJIS to identify youth with special needs. Staff shall give special attention to observing youth in the alert system to ensure their special needs are met.

8. Completion of the Screening for Vulnerability to Victimization and Sexually Aggressive behavior (VSAB 12-26-06) instrument prior to a youth's room assignment. This instrument is incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.

a. The administration of the VSAB instrument is designed to obtain information to ensure a youth's potential for victimization or predatory risk is identified consistent with the goals of the Federal Prison Rape Elimination Act (PREA) of 2003.

b. The VSAB instrument shall be administered to youth in a private and confidential manner.

c. The completion of the VSAB instrument shall include the obtaining of collateral information from the youth's file and the youth's legal guardian.

d. The results of the youth's screening in the VSAB instrument shall be used in making room assignments to ensure vulnerable youth are not assigned a roommate believed to pose a risk.

9. Medical screening of youth at the time of admission requires the completion of the Medical and Mental Health Screening form within the JJIS Admission Wizard.

10. A photograph of the youth shall be taken and maintained in the youth's file.

(2) Property:

(a) The detention superintendent shall ensure a drop safe for the initial storage of youths' valuables shall be under video surveillance.

(b) The detention superintendent shall ensure that all locations for the storage of youth property are secure.

(c) The detention superintendent shall ensure that staff will not receive or have personal use of any youth property or money, unclaimed or otherwise.

(d) The detention superintendent or designee shall notify the Office of the Inspector General's Central Communications Center and file a serious reporting incident when a youth's personal property is alleged to have been stolen from the facility by a DJJ/contracted staff member, intern or volunteer.

(e) In the presence of each detained youth, the booking officer shall inventory all personal property in the youth's possession and record each item surrendered into the Juvenile Justice Information System using the Property Receipt Report (11-20-06). This form is incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.

(f) All money and personal items of value shall be verified and secured in a clear tamper-proof property bag. The description of these items on the Property Receipt Report shall include that the item described is "in the safe."

(g) Information on the clear tamper-proof property bag shall include, at a minimum, the date, the youth's name, the youth's DJJID #, a listing of the items in the bag, the youth's signature, and the signature of the person who placed the items in the property bag and sealed it.

(h) In the event a youth refuses to sign the Property Receipt Report, the booking officer shall notify a supervisor and that supervisor shall document the youth's refusal on the form.

(i) After the youth has signed the Property Receipt Report and the clear tamper-proof property bag, the bag shall be placed in the drop safe. This action shall be recorded in the drop safe bound logbook to include the date, time, youth's name, youth's DJJID #, printed name of the officer who secured the property and the officer's initials.

(k) The booking officer shall have the youth sign a Letter of Acknowledgement in which the youth acknowledges and understands that unclaimed personal property is deemed abandoned and subject to disposal. Unclaimed personal property is property in the possession of the facility for more than 30 days after the legal guardian has been notified to either retrieve, or make arrangements to retrieve, the property. This notification is sent to the legal guardian if property is not taken

by the youth at the time of their release or retrieved by the legal guardian within 7 calendar days of youth being committed to high or maximum risk.

(l) Other personal property, including the youth's clothing, shall be placed in an assigned locker/bag as documented on the Property Receipt Form. This form is then placed in the youth's active file.

(m) Upon the youth's release from detention and retrieval of personal property, the releasing officer, the youth, and the youth's legal guardian shall review and sign the Property Receipt Report and account for all of the youth's personal property.

(n) A copy of the signed Property Receipt Report which acknowledges the return of youth's personal property shall be placed in the youth's file.

(o) A photograph of the youth shall be taken and maintained in the youth's file.

(3) Orientation:

(a) The admission officer shall orient all youth by clearly communicating to the youth the rules of the center and expectations of behavior.

(b) Youth shall be advised of facility rules and regulations, expectations for behavior and related consequences, and youth rights during an orientation process completed by an officer.

(c) Orientation shall occur within 24 hours of a youth being admitted into the facility and documented accordingly.

(4) Classification:

(a) Youth admitted to the detention center shall be classified to provide the highest level of safety and security.

(b) The detention superintendent shall ensure the classification process is implemented by juvenile detention officers.

(c) Youth shall be reclassified if changes in behavior or status are observed.

(d) Officers shall ensure classification factors include, but are not limited to, a youth's sex, age, physical characteristics, developmental disabilities, physical handicaps, mental illness, criminal history, level of aggressiveness and/or a history of sexual offenses.

(e) Youth classified as suicide risks shall be placed on constant sight and sound supervision.

(5) Living Area/Room Assignments:

(a) Youth shall be assigned to a room based on their classification.

(b) Youth with a history of committing sexual offenses or of being a victim of a sexual offense shall not be placed in a room with any other youth.

(c) Youth with a history of violent behavior shall be assigned to rooms where it is least likely that they will be able to jeopardize safety or security.

(6) Transfers:

(a) Youth may be transferred into a detention center from either another detention center or from a residential commitment program.

(b) The admission process for transfers shall be as follows:

1. Youth shall be screened to determine if there are any mental health, substance abuse, or physical health issues, and necessary referrals and services provided.

2. Youth shall be electronically searched, frisk searched, and strip searched.

3. Any personal property shall be searched, inventoried and securely stored.

(7) Documentation:

(a) All activities, incidents, and information relative to safety and security in the facility shall be documented.

(b) Written documentation includes a range of logbooks, reports, forms, and communications.

(c) All documents represent official records and are legal documents. Failure to document required information, falsification of information, or failure to properly retain written documents may result in disciplinary action.

(d) Reports related to facility operations fall into two categories: internal and external reports.

1. Internal reports refer to reports that are utilized regularly by officers and other facility staff in the day-to-day operation of the facility and are reviewed per facility operating procedures. Reports are retained per state retention guidelines. Internal reports include, but are not limited to, the following:

a. Shift reports;

b. Incident reports;

c. Confinement reports;

d. Documentation of physical interventions to control behavior.

2. External reports refer to reports that are forwarded from the facility to sources required by the legislature, the department or other governmental agencies. External reports include, but are not limited to:

a. Reporting of incidents to the Central Communications Center. The Central Communications Center (CCC) is an office staffed 24 hours per day every day with employees whose responsibilities include receiving information from staff concerning incidents occurring in department facilities and programs that involve staff, youth, providers, visitors or parents/guardians. CCC staff disseminate and track information and document actions taken.

b. National School Lunch meal reports.

c. Reports to the Florida Abuse Hotline, pursuant to Chapter 39, F.S.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History—New _____.

63G-2.005 Security.

(1) through (5) No change.

(6) Supervision of Youth:

(a) The primary function of the juvenile detention officers is to provide supervision, control, and custody of youth.

(b) Officers shall know the exact number and location of all youth assigned to them at all times.

(c) Census counts of youth shall be taken and documented, at a minimum:

1. At the beginning and end of each shift.

2. Prior to and following routine movement.

3. Following any evacuation of the facility due to emergency or fire drill.

4. Randomly, at least once, on each shift.

(d) When youth are noncompliant or present a danger to self or others, staff shall intervene using approved PAR techniques and if necessary, the application of mechanical restraints.

(e) Officers are responsible for the care of youth at all times. At no time shall another youth be allowed to exercise control over or provide discipline or care of any type to another youth.

(f) Superintendents or designated supervisors shall tour the youth living areas more than once each shift.

~~(7) Classification of Youth:~~

~~(a) Youth admitted to the detention center shall be classified to provide the highest level of safety and security.~~

~~(b) The detention superintendent shall ensure the classification process is implemented by juvenile detention officers.~~

~~(c) Youth shall be reclassified if changes in behavior or status are observed.~~

~~(d) Officers shall ensure classification factors include, but are not limited to, a youth's sex, age, physical characteristics, developmental disabilities, physical handicaps, mental illness, criminal history, level of aggressiveness and/or a history of sexual offenses.~~

~~(e) Youth classified as suicide risks shall be placed on constant sight and sound supervision.~~

~~(8) Living Area/Room Assignments:~~

~~(a) Youth shall be assigned to a room based on their classification.~~

~~(b) Youth with a history of committing sexual offenses or of being a victim of a sexual offense shall not be placed in a room with any other youth.~~

~~(c) Youth with a history of violent behavior shall be assigned to rooms where it is least likely that they will be able to jeopardize safety or security.~~

~~(g)(d) Rooms shall be searched and findings shall be documented prior to the initial placement of a youth in a room.~~

~~(h)(e) When a youth is confined to a room, whether for sleeping, disciplinary or other reasons, officers shall conduct, at a minimum, 10-minute checks to ensure safety and security. Ten-minute checks shall be documented to include the time of~~

the check and the initials of the officer completing the check. If an officer, in the course of completing checks, is unable to see any part of a youth's body, the officer shall, with the assistance of another officer, open the door to verify the youth's presence.

~~(7)(9)~~ Searches:

(a) The Detention Superintendent shall ensure the primary function of any search is to locate contraband and to identify any item or situation that may be hazardous or otherwise compromise safety or security.

(b) The result(s) of any search shall be documented in the designated logs and on the shift report.

(c) Any item or situation which may compromise safety or security, shall be reported immediately to the on-duty supervisor.

(d) Law enforcement shall be contacted if any found item would be considered illegal as defined in Florida Statute, or if there is evidence of any type of unlawful activity.

(e) Youth shall have in their possession only those items they are authorized to have; any other item shall be considered contraband.

(f) Officers are to be trained in when, why and how to conduct a number of different searches, including, at a minimum:

1. Frisk searches shall be conducted during admissions, following activities outside the living area, prior to and after transportation, and randomly.

2. Electronic searches shall be conducted during admissions, following any transport, and randomly.

3. Strip searches shall be conducted during admissions, or if there is a reasonable suspicion a youth is harboring contraband. All strip searches shall be conducted by officers of the same sex as the youth.

4. Room searches shall be conducted during the first two shifts (morning and afternoon) and if there is a reasonable suspicion that a youth is harboring contraband in a room.

5. Recreation field searches shall be conducted at the beginning of each shift and prior to any outdoor activity.

6. Perimeter, outside the fence line, and parking lot(s) searches shall be conducted once during each shift.

7. Vehicle searches shall be conducted prior to and after the transportation of any youth.

(g) Officers and other facility staff shall not be allowed to introduce personal items into the secure area without authorization of the superintendent or designee.

~~(8)(10)~~ Firearm and Weapon Control:

(a) The detention superintendent shall ensure the following:

1. Firearms and weapons as defined in Chapter 790, F.S., shall not be in the possession of any department employee while on state property or during the performance of their job unless authorized by the department.

2. Firearms and weapons may only be brought into the secure area of any detention facility by law enforcement when emergency conditions exist.

(b) The possession of any firearm or weapon by a youth is a criminal act. Such items shall be seized if there is no immediate danger posed and law enforcement must be contacted.

~~(9)(11)~~ Emergencies:

(a) Officers and other facility staff shall be trained and prepared to address emergency situations. All facility staff shall call 911, if they believe any youth or staff requires emergency care. If 911 services are requested, Master Control shall be notified of the request as soon as possible to assist arriving emergency personnel in getting to the proper location.

(b) Regardless of the type of emergency, the supervision of youth and safety and security may be adversely affected and will demand immediate officer response.

(c) Emergency situations are categorized into three broad categories: youth oriented; weather/nature; and man-made situations.

1. Youth oriented emergencies include: escapes, riots, hostages, threat to life caused by the possession of a firearm or weapon, general disturbances and medical crisis. In the event of a medical emergency, all staff are trained in CPR/First Aid and are required to immediately provide assistance to the youth.

2. Weather/nature emergencies include: hurricanes, tornadoes, fire, flooding, power outages or other severe weather conditions.

3. Man-made situations include: fire, bomb threats, chemical spills and the intrusion of any outside force.

~~(10)(12)~~ Non-facility Staff in Secure Areas:

(a) Access to secure areas must frequently be provided to a number of different entities including, but not limited to: probation officers, law enforcement, officials of the court, school board personnel, contracted medical and/or mental health personnel, representatives from the Department of Children and Family Services, the Agency for Persons with Disabilities, and service vendors.

(b) The superintendent shall ensure the following:

1. Visiting personnel conducting official business shall display proper identification.

2. The superintendent shall designate what areas persons not employed at the facility may enter.

(c) The supervision of youth remains the responsibility of officers even when youth are with non-facility staff.

(d) When youth are with non-facility staff, sight supervision should be maintained by an officer whenever possible. At a minimum, youth with non-facility staff shall be monitored by the facility's surveillance equipment.

(e) Service vendors will be accompanied by designated facility staff at all times when in the secure area of a detention center. The superintendent may authorize exceptions to this guideline. All tools or other service items introduced into the secure area shall be accounted for following all service calls.

(f) All contracted employees shall enter and exit the facility through the main entrance and shall sign in and out of the facility.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History--New 10-10-06, Amended.

63G-2.006 Treatment, Training and Education of Youth.

~~(1) Orientation:~~

~~(a) Youth shall be advised of facility rules and regulations, expectations for behavior and related consequences, and youth rights during an orientation process completed by an officer.~~

~~(b) Orientation shall occur within 24 hours of a youth being admitted into the facility and documented accordingly.~~

~~(1)(2) Officer and Youth Interaction:~~

(a) The interaction between officers and youth is a critical component of the youth's time in detention and significantly impacts the youth. The quality of the program is contingent largely upon officers setting reasonable expectations and youth understanding how to appropriately interact with the officers.

(b) Officers must be clear and concise and use appropriate language in order to communicate effectively.

~~(2)(3) Officer Professionalism:~~

(a) Officers shall maintain professional relationships with all youth and should avoid the appearance of personal relationships.

(b) Officers are role models and shall act accordingly.

(c) Officers shall not engage in personal relationships nor discuss any personal information relating to themselves or other officers with any youth.

(d) If a youth is a relative or family friend of an officer, it is the responsibility of the officer to report this through the designated chain of command.

(e) Officers shall not enter the sleeping quarters of the opposite sex unless accompanied by an officer of the same sex as the youth. However, any officer that discovers a youth attempting to commit suicide must immediately survey the scene to assess the level of emergency, and call for assistance. If the youth is demonstrating any sign of medical distress or is unresponsive, the officer must take immediate action and begin life-saving measures. Single officer cell entry is permitted to save lives. Life-threatening behaviors require an immediate response. Officers must use extreme caution when intervening without assistance.

(f) Officers shall not engage in "horseplay," either verbal or physical, with any youth.

(g) Officers shall not have written correspondence or verbal communication, including telephone calls, with any youth unless the communication is part of the identified duties.

(h) Officers shall not have any physical contact with any youth that could be viewed as potentially inappropriate except in the necessary application of verbal and physical intervention in accordance with PAR.

~~(j)(4) Physical abuse of youth is prohibited by law and any suspicion or knowledge of such must be reported to the central abuse hotline, pursuant to Chapter 39, F.S., and the Central Communications Center.~~

~~(k)(4) Officers shall not verbally abuse, demean or otherwise humiliate any youth, and shall not use profanity in the performance of their duties.~~

~~(1)(4) Officers shall maintain the confidentiality afforded to all youth and shall not release any information to the general public or the news media about any youth.~~

~~(3)(4) Daily Activities:~~

(a) Youth shall be provided the opportunity to participate in activities that will benefit youth and the facility by involving youth in constructive activities.

(b) Youth are expected to participate in all activities unless exempted due to medical or disciplinary reasons.

(c) Juvenile detention officers shall supervise all activities and shall maintain safety and security.

(d) Documentation of all activities shall be made in all applicable logs.

~~(4)(5) Activity Schedule:~~

(a) The superintendent or designee shall develop a daily schedule clearly outlining the days and times for every youth activity.

(b) Daily activity schedules shall be posted in all living areas.

(c) Juvenile detention officers shall adhere to the daily activity schedules. The on-duty supervisor must approve any significant changes in the activity schedule (e.g. cancellations, extended delays, etc.), and shall document the rationale for the changes on the shift report.

~~(5)(6) Education:~~

(a) The department will provide a safe, secure and humane environment for all youth receiving educational services within a detention center.

(b) The behavior management system described in Rule 63G-2.012, F.A.C., shall be shared with the educational program and implemented within the classroom. The behavioral norms and expectations will be posted in the classroom and shall clearly specify what are appropriate and inappropriate behaviors.

(c) Juvenile detention officers are responsible for maintaining security in the classroom, and are required to:

1. Know the exact number and location of all youth whom they are assigned to supervise at all times.

2. Perform census counts of all youth upon arrival to and departure from the classroom.

3. Maintain active control of youth by staying alert and immediately addressing any threat to safety and security.

(d) The delivery of educational instruction shall comply with the requirements of Rules 6A-6.0528 (01-01-1995), and 6A-6.05281, F.A.C. (04-16-2000).

~~(6)(7)~~ Recreation and Leisure Activities:

(a) Physical training is designed to promote healthy physical growth and development by providing structured large muscle exercise daily.

(b) Youth shall be afforded at least one hour daily of large muscle exercise outdoors. Outdoor exercises may be canceled, postponed or moved indoors at the discretion of the on-duty supervisor for reasons related to weather, safety or security.

(c) Activities such as free weights, softball, baseball, tackle football and horseshoes are prohibited activities due to safety and security concerns.

(d) Officers shall not participate in any physical activity with youth, but may direct or otherwise instruct youth in an activity.

(e) Exercises shall be consistent with the youths' physical capabilities.

(f) Exercises shall not be used for punitive reasons nor to demean, embarrass or humiliate a youth.

~~(7)(8)~~ Indoor Activities:

(a) Indoor activities shall promote educational, problem solving and/or life skills.

(b) Permissible and prohibited activities shall be determined by the superintendent or designee, with safety and security being considered.

(c) All movies shall be rated G or PG and be previously approved by the superintendent or designee.

(d) Indoor activities shall be canceled or postponed at the discretion of the on-duty supervisor for reasons related to safety or security. Such actions shall be documented.

(e) The on-duty supervisor shall ensure that television/videos are used either for educational purposes or as part of the facility's behavior management system. Television programs and videos shall be content appropriate and should not promote violence, criminal activity, or sexual/abusive situations.

~~(8)(9)~~ Visitation:

(a) The superintendent shall develop a visitation plan consistent with the following:

1. One day of the week, at a minimum, with specified times, will be designated for visitation.

2. Guidelines for canceling any visits that may adversely affect safety or security of officers or youth shall be established.

3. The rules and visiting hours shall be conspicuously posted to ensure visibility to both visitors and youth.

4. All visitors must present a picture ID prior to being authorized to enter the facility. Acceptable forms of picture identification are a valid State Driver's License, State Identification Card and a national Passport.

5. Visitors shall not bring personal items (e.g., keys, purses, packages, etc.) into the secure area. Posted visitation rules shall include this information, along with a warning that the introduction of any unauthorized items into a detention center is a third-degree felony consistent with Section 985.4046, F.S., which prohibits the introduction of unauthorized items into a detention center. Visitors will be electronically screened by passing through a walk-through metal detector.

6. Visitors shall sign in on the Visitor's Log of the youth being visited.

7. Visitors shall be denied entrance if they:

a. Are disruptive or uncooperative.

b. Refuse to be electronically searched.

c. Refuse to comply with officer instructions.

d. Are under the influence or appear to be under the influence of any intoxicating substance.

e. Fail to present proper photo identification, such as a Driver's License.

f. Attempt to introduce contraband into the secure area.

g. Are dressed in a manner that any reasonable person would consider inappropriate for visiting a youth in a detention facility. Appropriate attire covers the torso and includes shoes. Inappropriate attire includes, but is not limited to attire that is provocative, sexually suggestive, or otherwise offensive to the point it would likely disrupt day-to-day activities.

8. Legal counsel, guardians ad litem, probation officers, law enforcement officers, clergy and other professionals may visit youth as necessary, but are subject to the same requirements regarding signing in and contraband. Parents and legal guardians are approved visitors. Others may only visit if so ordered by the court or specifically approved by the superintendent or designee. The criteria for allowing others to visit is based on that which is consistent with treatment and progress in the program. Both the on-site mental health professional and the youth's probation officer shall assist the superintendent or designee in making this determination.

(b) Visitation may be terminated if the behavior of the visitor or youth is disruptive to the point of jeopardizing the safety of any youth or staff. Officers will follow subsequent reporting procedures if a visit is terminated.

(c) Visitation rooms or areas and any other common area will be searched both prior to and following visitation to ensure the absence of any hazardous or dangerous items or items that would be considered contraband.

(d) If a visitor has a question regarding a youth's case or charges, they shall be referred to the Juvenile Probation Officer.

(e) Youth shall be frisk searched following visitation, and if contraband is suspected, but not found during the frisk search, a strip search shall be initiated.

~~(9)(10)~~ Telephone Usage:

(a) The superintendent or designee shall develop procedures governing telephone usage.

(b) The following subparagraphs outline the minimal procedural requirements.

1. Youth shall have access to use a telephone for 15 minutes a week.

2. This time may not be restricted as a consequence for non-compliant behavior; however, use of the phone may be postponed or rescheduled due to any safety or security concerns.

3. This time may be extended as outlined in the facility's behavior management system.

4. All telephone calls and attempted calls shall be documented on the youth's Telephone Log. These logs shall be placed in the youth's file upon release from detention.

5. Youth may not contact victims (with the exception of the victims of domestic violence as outlined in Rule 63G-2.004, F.A.C.) or co-defendants.

6. Telephone conversations shall be terminated if they are disruptive, or otherwise impact safety or security.

7. Youth shall have reasonable access to a telephone to contact their legal counsel, child welfare officer, and/or their juvenile probation officer. These telephone calls are not counted as part of the allocated 15 minutes of calls as referenced herein.

8. Youth who are unable to make contact with their parents or legal guardians because they will not accept collect calls, shall be allowed one free call to them per week. This call will be included in their 15 minute per week allotment.

~~(10)(11)~~ Mail:

(a) Youth shall be provided the opportunity to both receive and send mail.

(b) The superintendent or designee shall develop procedures governing mail consistent with the following:

1. All incoming and outgoing mail will be screened for content that could jeopardize safety or security. Mail shall be processed within 48 hours, excluding weekends and holidays.

2. Postage and writing materials will be provided by the facility for personal correspondence for youth to post a minimum of two letters weekly.

3. Youth shall not be denied the opportunity to write their attorneys; however, this time may be postponed or rescheduled due to any safety or security concerns.

4. Youth shall not write to other youth in any juvenile detention center or residential commitment program. Except for an incarcerated relative, youth shall not write to anyone incarcerated in an adult correctional facility.

5. Due to the possibility of biological or chemical contamination, and in the interest of youth and staff safety, incoming packages and letters are not to be opened in the presence of the youth. They are to be opened at a location that offers the highest level of safety for staff and youth, using appropriate safety precautions. The only exception to the above is mail clearly marked from the youth's attorney. This mail is to be opened in the presence of the youth. Acceptable enclosures include the letter itself and photos or drawings that do not promote or encourage sexual activity, violence, gangs, drug use or any other substance abuse. Polaroid photos are prohibited due to the ability to conceal substances between the two layers of the photo. Other unacceptable enclosures are money, drugs, weapons, and any item that could be utilized as a weapon. Items that could be utilized as a weapon are those that may be used as either a sharpened or blunted item to inflict injury upon self or others.

6. Postage stamps shall be removed from all envelopes prior to the delivery of mail to youth.

7. Mail received after a youth's release shall be returned to the sender.

~~(11)(12)~~ Grievances:

(a) Youth may file a grievance should they feel their rights have been violated or they have been treated unfairly.

1. Officers shall attempt to resolve any dispute or issue that could lead to the filing of a grievance prior to the actual filing of a grievance. Officers utilizing effective communication skills may resolve many disputes and issues that a youth may have prior to the initiation of the grievance process.

2. If youth have been afforded the same protections and rights as the general population, they may not file a grievance.

3. Any denial of a youth's request to grieve shall be documented.

4. The superintendent or designee shall review the supervisor's logbook to determine any patterns of abuse or misuse related to youths' opportunities to grieve.

(b) Grievances do not replace the responsibility of reporting abuse. If the grievance is an allegation of abuse, it must be reported to the Florida Abuse Hotline, pursuant to Chapter 39, F.S., and the Central Communications Center, and shall be handled pursuant to such guidelines and no longer as a grievance.

(c) The grievance process is as follows:

1. The supervising officer(s) will issue both a Grievance Form and a pencil to any youth who wishes to file a grievance. The Grievance Form (6-06) is incorporated by reference, and is available from the Assistant Secretary for Detention, 2737 Centerview Drive, Ste. 309, Tallahassee, Florida 32399-3100.

2. Paper and pencil shall not be issued to any youth who is visibly angry or out of control.

3. The completed Grievance Form shall be forwarded within two hours to the on-duty supervisor.

4. The on-duty supervisor shall document his/her findings on the Grievance Form and will advise the youth of what actions, if any, may be taken.

5. Any action that may involve disciplinary proceedings against an officer shall not be reported to the youth.

6. If possible, the youth should be informed of the on-duty supervisor's findings by the end of the shift. Should there be circumstances that would not allow that, the youth will be informed within 24 hours.

7. The youth may agree or disagree with the supervisor's findings/actions, and will sign in the designated area on the form so indicating.

8. The supervisor shall forward the Grievance Form to the superintendent or designee upon completion.

9. The superintendent or designee shall review all completed Grievance Forms within 72 hours of receipt excluding weekends and holidays, and shall take whatever corrective actions deemed necessary. The superintendent's decision is final.

10. A separate file shall be maintained of all grievances. Grievances shall be maintained chronologically by month for one year.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)2. FS. History--New 10-10-06, Amended.

63G-2.011 Medical Treatment, Health and Comfort.

(1) No change.

(2) Mental Health and Substance Abuse:

(a) Each juvenile detention center shall enter into a contract or written agreement with a mental health provider(s) to provide mental health, substance abuse, and psychiatric services and to act as the designated mental health authority. The provider shall provide on-site mental health and substance abuse assessments, evaluations, counseling, therapy, crisis intervention and suicide prevention services and have a 24-hour on-call response capability. This provider shall assign a single licensed mental health professional as the designated mental health authority. The provider shall provide mental health and substance abuse services to be delivered by individuals who are licensed mental health professionals, or mental health clinical staff working under the direct supervision of a licensed mental health professional.

(b) Mental Health and Substance Abuse Screening: The screening process begins at intake and continues when the youth is admitted to detention. Screenings are performed using standardized instruments. The Positive Achievement Change Tool (PACT) consists of Pre-Screen and Full-Assessment components. The PACT Pre-Screen instrument is a general screening tool used to detect indicators of substance abuse and mental health issues, including suicide risk. This information is provided to the detention center in the Mental Health and Substance Abuse Screening Report and Referral. The Suicide Risk Screening Instrument (SRSI), also administered during

intake, is a validated tool used to determine if a youth is at risk for suicide at the time of admission. If any indicators for suicide risk appear on either instrument, the youth must be immediately placed on precautionary observation and referred to a mental health clinical staff person who will confer with the designated mental health authority to determine whether the further Assessment of Suicide Risk is conducted immediately or within 24 hours. The following forms are incorporated and are available from the Assistant Secretary for Detention, 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100:

1. Positive Achievement Change Tool (PACT) (8-27-06 03-09-06);

2. Mental Health and Substance Abuse Screening Report and Referral (DJJ/PACT Form 1, 11-05);

3. Suicide Risk Screening Instrument (DJJ/PP Form 12, 6-06); and

4. Assessment of Suicide Risk (8-06).

(c) The juvenile detention center shall have access to crisis intervention and emergency mental health or substance abuse care. This shall include 24-hour response capability with access to acute care settings and mental health and substance abuse emergency management services.

(d) For those youth on medications, there shall be psychopharmacological therapy and follow-up services, as necessary.

(e) The detention center shall use an alert system to identify youth with special needs. Staff shall give special attention to observing youth in the alert system and as follow-up to logbook entries.

(3) No change.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)7. FS. History--New 10-10-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Strange-Seale, DJJ Detention Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Pifer, DJJ Assistant Secretary For Detention Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2006

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NOS.:

- 63H-2.001
- 63H-2.002
- 63H-2.003
- 63H-2.004
- 63H-2.005

RULE TITLES:

- Purpose and Scope
- Definitions
- Contracted Residential Staff
- Contracted Non-Residential Staff
- State Residential Staff

63H-2.006 State Non-Residential Staff
 63H-2.007 Detention Staff
 63H-2.008 Instructor Qualifications

PURPOSE AND EFFECT: The rule establishes a statewide framework for the certification, pre-service and in-service training of direct care staff.

SUMMARY: The rule details the pre-service and in-service training requirements for contracted and state direct care employees in residential, non-residential and detention programs. The rule also describes the required qualifications for instructors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 20.316(1), 985.601(8) FS.

LAW IMPLEMENTED: 985.02(3)(c), 985.601(8) FS.

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

DATE AND TIME: Monday, February 19, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63H-2.001 Purpose and Scope.

(1) This rule establishes a statewide framework for the department to implement procedures governing the certification, pre-service, and in-service training of direct care staff. The provisions of this rule are applicable to all direct care staff, as defined in this rule, within all state and contracted department programs, facilities, and probation units.

(2) The need exists to establish training requirements in order to: (1) ensure that all direct care staff are performing at a minimum standardized level of competency; (2) maintain a safe and secure environment for staff and youth; (3) enhance treatment program effectiveness; and (4) provide greater protection to the public through an improved level of services to youth.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New _____.

63H-2.002 Definitions.

(1) Administrator – One whose primary responsibility is overseeing the daily operations of a facility, program or probation circuit.

(2) Certification – A process indicating that an individual has fulfilled a minimum standard level of competency in a profession and authorizes the individual to practice in the profession.

(3) Certified Staff – Direct care staff in facilities/units who have completed the certification requirements set forth in Rules 63H-2.005, 2.006 and 2.007.

(4) Daily Observation Report (DOR) – The document used to formally evaluate and provide feedback on the newly hired staff's performance and knowledge to ensure the staff has achieved or exceeded satisfactory performance.

(5) Department – Florida Department of Juvenile Justice.

(6) Detention Staff – State or contracted direct care staff assigned to work at a detention facility.

(7) Direct Care Staff – Having direct contact with youth for the purpose of providing care, supervision, custody, or control in a detention facility, probation unit, day treatment program or commitment program within any restrictiveness level, operated by the department or by a provider under contract with the department.

(8) Field Training Officer (FTO) – Refers to an employee who has successfully completed the Field Training Officer course.

(9) In-Service Training – The on-going training that employees are required to receive in all but the first year of their employment. Such training must be documented and relevant to the employee's job responsibilities as set out in this rule.

(10) ITW – The 80-hour Instructor Techniques Workshop.

(11) Non-Residential Staff – State or contracted direct care staff assigned to work in a non-residential environment, including probation and day treatment programs.

(12) On the job training – Training on specific skills based on pre-service/Phase I topics that is conducted by an FTO and/or administrative staff.

(13) Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with the PAR Rule (Chapter 63H-1, F.A.C.), the PAR Escalation Matrix, and PAR training curricula.

(14) PAR Certification – The status attained upon successful completion of PAR training pursuant to Chapter 63H-1, F.A.C.

(15) Phase I Training – The initial portion of the certification training process, applicable to state direct care staff, that is conducted at the workplace.

(16) Phase II Training – A part of the certification training process, applicable to state direct care staff, that is conducted at an academy.

(17) Pre-Service Training – The initial training for newly hired contracted direct care staff that is conducted after hire but before they become direct care staff.

(18) PAR Trained – The completion of one attempt at the written examination (whether pass or fail) and passing the performance evaluation.

(19) Residential Staff – State or contracted direct care staff assigned to work at a residential facility.

(20) Returning Staff – These are trained/certified staff who have separated from employment and are re-hired into the same position type.

(21) Staff Development and Training – The branch of the department responsible for the creation, implementation, and maintenance of training and evaluation materials.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History–New _____.

63H-2.003 Contracted Residential Staff.

(1) Pre-service training requirements are as follows:

(a) Staff must complete all training within 180 days of being hired.

(b) Staff must complete a minimum of 120 hours of pre-service training (computer based and/or instructor led) to include the following:

1. PAR;
2. CPR/First Aid;
3. Professionalism and ethics;
4. Suicide prevention;
5. Emergency procedures;
6. Mission/Program philosophy/ Program culture;
7. Adolescent behavior;
8. Confidentiality/ HIPPA;
9. Infection control/Blood borne pathogens;
10. Gangs;
11. Safety, security, and supervision;
12. Cultural competency;
13. Behavior management;
14. DJJ: The organization;
15. Mental health and substance abuse services;
16. Sexual harassment;
17. Communication skills;

(c) All contracted residential facilities/programs will submit, in writing a list of pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any instructor-led training based on the above topics.

(d) Staff must complete all of the on the job training associated with the above topics.

(2) Contracted residential employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

- (a) PAR trained;
- (b) CPR/First Aid certified;

(c) Professionalism and ethics training;

(d) Suicide prevention training;

(e) Emergency procedure training.

(3) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member;

(b) Serious chronic condition, illness or injury;

(c) Immediate family crisis;

(d) Court appearance;

(e) Military duty;

(f) Family medical leave;

(g) Other emergency circumstances.

(4) Testing requirements for pre-service training are as follows:

(a) A passing score of at least 70 percent on all applicable computer based courses.

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

(5) During each year, beginning on the first anniversary of hire, contracted residential staff must complete 24 hours of annual in-service training.

(6) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.).

(b) CPR.

(c) First aid, unless the specific certification is good for more than one year, in which case training is only necessary as required by certification.

(d) Professionalism and ethics.

(7) All contracted residential facilities/programs will submit to Staff Development and Training a written list of in-service training that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(8) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(9) Returning staff who return less than one year from separation shall complete the following:

(a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.)

(b) CPR/First Aid certification (if not current).

(c) Overview of facility/program operating procedures.

(10) Returning staff who return more than one year from separation shall complete all requirements set forth in subsection 63H-2.003(1), F.A.C., as they are no longer considered trained.

(11) Contracted Staff who cross over from non-residential to residential shall complete all training requirements set forth in subsection 63H-2.003(1), F.A.C.

(12) Procedures for documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and/or programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New _____.

63H-2.004 Contracted Non-Residential Staff.

(1) Pre-service training requirements are as follows:

(a) Staff must complete all training within 180 days of being hired.

(b) Staff must complete a minimum of 120 hours of pre-service training (web-based and/or instructor led) to include the following:

1. PAR;
2. CPR/First aid;
3. Suicide prevention;
4. Emergency procedures;
5. Understanding youth;
6. Legal;
7. Interpersonal/Communication skills;
8. Professionalism and ethics;
9. Supervision;
10. Changing offender behavior;
11. Mental health and substance abuse;
12. Risk and needs assessment;
13. Sexual harassment.

(c) All contracted non-residential programs will submit, in writing a list of pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any instructor-led training based on the above topics.

(d) Staff must complete all on the job training associated with the above topics.

(2) Contracted non-residential employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills must be completed first:

(a) PAR trained;

(b) CPR/First aid certified;

(c) Professionalism and ethics training;

(d) Suicide prevention training;

(e) Emergency procedures training.

(3) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member;

(b) Serious chronic condition, illness or injury;

(c) Immediate family crisis;

(d) Court appearance;

(e) Military duty;

(f) Family medical leave;

(g) Other emergency circumstances.

(4) Testing requirements for pre-service training are as follows:

(a) A passing score of at least 70 percent on all applicable computer based courses;

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.;

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

(5) During each year, beginning on the first anniversary of hire, contracted non-residential staff must complete 24 hours of annual in-service training.

(6) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;

(d) Professionalism and ethics.

(7) All contracted non-residential programs will submit to Staff Development and Training a written list that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(8) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(9) Returning staff who return less than one year from separation shall complete the following:

(a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.).

(b) CPR/First Aid/AED certification (if not current).

(c) Overview of facility/program operating procedures.

(10) Returning staff who return more than one year from separation shall complete all requirements set forth in subsection 63H-2.004(1), F.A.C., as they are no longer considered trained.

(11) Contracted Staff who cross over from residential to non-residential shall complete all training requirements set forth in subsection 63H-2.004(1), F.A.C.

(12) Documentation procedures are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and/or programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New _____.

63H-2.005 State Residential Staff.

(1) All staff shall be certified within 180 days of being hired.

(2) The training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 120 hours of certification training (web-based and instructor led) in the following areas:

1. Orientation training;

2. Information security awareness;

3. DJJ residential facility operations (to include training on the unit log, admissions, releases, and transfers);

4. PAR;

5. CPR/First Aid;

6. Mental health and substance abuse services;

7. Safety, security, and supervision;

8. Legal;

9. DJJ: The organization;

10. Gang awareness;

11. Interpersonal/Communication skills;

12. Case management in residential facilities.

(b) Staff must complete all on the job training associated with the above topics.

(c) Phase Two is academy training, which shall consist of 120 hours of certification training in the following areas:

1. Restorative justice;

2. Professionalism and ethics;

3. Adolescent behavior;

4. Health care;

5. Effective written communication;

6. Mental health;

7. Suicide recognition, prevention, and intervention;

8. Human diversity;

9. Interpersonal/Communication skills.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines. The Daily Observation Report (ADSD-21, revised 12/15/06) is incorporated by reference, and is available through Staff Development and Training, 2737 Centerview Dr., Tallahassee, FL 32399.

(3) State Residential staff are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

(a) PAR trained;

(b) CPR/First aid/AED training;

(c) Mental health and substance abuse;

(d) Suicide recognition, prevention, and intervention;

(e) Safety, security, and supervision;

(f) DJJ residential facility operations.

(4) Once the trainee has completed these essential skills, the trainee may be in the presence of youth while the remaining training requirements are completed. However, until the trainee completes the remaining training requirements, he or she shall, at all times, be under the direct supervision of a fully certified Juvenile Justice Residential Officer (JJRO).

(5) Testing requirements for certification training are as follows:

(a) A passing score of at least 70 percent on all applicable computer-based courses;

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.;

(c) Successful completion of all written and practical requirements for CPR/First Aid/AED training;

(d) Staff must receive a minimum score of 75 percent on the certification examination;

(e) Staff may be given up to three attempts to pass the certification examination within the 180-day timeframe.

(6) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member;

(b) Serious chronic condition, illness or injury;

(c) Immediate family crisis;

(d) Court appearance;

(e) Military duty;

(f) Family medical leave;

(g) Other emergency circumstances.

(7) During each year, beginning on the first anniversary of hire, state residential staff must complete 24 hours of annual in-service training.

(8) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR/AED;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;

(d) Suicide prevention;

(e) Professionalism and ethics.

(9) Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(10) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(11) Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.005(1), F.A.C., as they are no longer considered trained.

(12) Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the Department:

(a) All PAR training pursuant to Chapter 63H-1, F.A.C.;

(b) CPR/First aid/AED certification;

(c) Overview of facility operating procedures.

(d) In-service training to include:

1. Professionalism and ethics;

2. Suicide prevention;

3. Adolescent behavior;

4. DJJ residential facility operations;

5. Safety, security, and supervision.

(13) Staff who crossover from contracted residential facilities, contracted non-residential programs, or state operated non-residential programs must complete all certification requirements outlined in this section.

(14) Staff who crossover from detention facilities must complete all certification requirements outlined in this section that are non-duplicative of their detention certification, including the Juvenile Justice Detention Officer (JJDO) to Juvenile Justice Residential Officer (JJRO) examination.

(15) Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New _____.

63H-2.006 State Non-Residential Staff.

(1) All staff shall be certified within 180 days of hiring.

(2) The certification training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 96 hours of training in the following areas:

1. Orientation training;

2. Juvenile Justice Information System;

3. Information security awareness;

4. Mental health and substance services;

5. Professionalism and ethics;

6. Restorative justice;

7. Human diversity;.

8. Personal safety;.

9. Adolescent behavior;

10. Legal;

11. Interpersonal/Communication skills;

12. Screening and intake;

13. Supervision;

14. Transfer, commitment and termination of supervision.

(b) Staff must complete all on the job training associated with the above topics.

(c) Phase two shall consist of 224 hours of training at the academy in the following areas:

1. PAR;

2. CPR/First aid;

3. DJJ overview;

4. Legal;

5. Adolescent behavior;.

6. Restorative justice;

7. Interpersonal/Communication skills;

8. Human diversity;

9. Screening and intake;

10. Legal;

11. Supervision;

12. Transfer, commitment and termination of supervision;

13. Personal safety;

14. Professionalism and ethics.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines.

(3) State non-residential staff are not required to be PAR certified and CPR/First Aid certified prior to contact with youth. However, the following requirements shall apply:

(a) The staff shall be assigned to a fully certified officer who has successfully completed all certification requirements outlined in this section.

(b) The staff shall not supervise a caseload or have direct contact with youth where department certified staff are not present until they complete all certification requirements in this section.

(4) Testing requirements for certification training are as follows:

(a) A passing score of at least 70 percent on all applicable computer-based courses.

(b) PAR testing and evaluation requirements as outlined in 63H-1.

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

(d) Staff must receive a minimum score of 75 percent on the certification examination.

(e) Staff may be given up to three attempts to pass the certification examination within the 180-day timeframe.

(5) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member.

(b) Serious chronic condition, illness or injury.

(c) Immediate family crisis.

(d) Court appearance.

(e) Military duty.

(f) Family medical leave.

(g) Other emergency circumstances.

(6) During each year, beginning on the first anniversary of hire, state non-residential staff must complete 24 hours of annual in-service training.

(7) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;

(d) Suicide prevention;

(e) Professionalism and ethics.

(8) Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(9) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(10) Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.006(1), F.A.C., as they are no longer considered trained.

(11) Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the department:

(a) All PAR training pursuant to Chapter 63H-1, F.A.C.;

(b) CPR/First aid certification;

(c) Overview of program operating procedures;

(d) In-service training to include:

1. Professionalism and ethics;

2. Suicide prevention;

3. Adolescent behavior;

4. Risk and needs assessment;

5. Supervision.

(12) Staff who crossover from contracted residential or detention facilities, contracted non-residential programs, state operated residential facilities, or state operated detention facilities must complete all certification requirements outlined in this section.

(13) Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New _____.

63H-2.007 Detention Staff.

(1) All staff shall be certified within 180 days of being hired.

(2) The training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 120 hours of certification training (computer-based and instructor led) in the following areas:

1. Orientation training;

2. Information security awareness;

3. DJJ detention facility operations (to include training on the unit log, transportation, admissions, and releases);

4. PAR;
 5. CPR/First aid;
 6. Mental health and substance abuse services;
 7. Safety, security, and supervision;
 8. Legal;
 9. DJJ: The organization;
 10. Gang awareness;
 11. Interpersonal/Communication skills;
 12. Detainee behavior and consequences.
- (b) Staff must complete all on the job training associated with the above topics.
- (c) Phase Two is academy training, which shall consist of 120 hours of certification training to include:
1. Restorative justice;
 2. Professionalism and ethics;
 3. Adolescent behavior;
 4. Health care;
 5. Effective written communication;
 6. Mental health;
 7. Suicide recognition, prevention, and intervention;
 8. Human diversity;
 9. Interpersonal/communication skills.
- (d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines.
- (3) Detention staff are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:
- (a) PAR trained;
 - (b) CPR/First aid/ AED certified;
 - (c) Mental health and substance abuse;
 - (d) Suicide recognition, prevention, and intervention;
 - (e) Safety, security, and supervision;
 - (f) DJJ detention facility operations.
- (4) Once the trainee has completed these essential skills, the trainee may be in the presence of youth while the remaining training requirements are completed. However, until the trainee completes the remaining training requirements, he or she shall, at all times, be assigned to a fully certified Juvenile Justice Detention Officer (JJDO).
- (5) Testing requirements for certification training are as follows:
- (a) A passing score of at least 70 percent on all applicable computer-based courses.
 - (b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.
 - (c) Successful completion of all written and practical requirements for CPR/First Aid/AED training.

(d) Staff must receive a minimum score of 75 percent on the certification examination.

(e) Staff may be given up to three attempts to pass the certification examination within the 180-day timeframe.

(6) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member.

(b) Serious chronic condition, illness or injury.

(c) Immediate family crisis.

(d) Court appearance.

(e) Military duty.

(f) Family medical leave.

(g) Other emergency circumstances.

(7) During each year, beginning on the first anniversary of hire, detention staff must complete 24 hours of annual in-service training.

(8) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR/AED;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification.

(d) Suicide prevention.

(e) Professionalism and ethics.

(9) Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(10) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(11) Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.005(1), F.A.C., as they are no longer considered trained.

(12) Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the department:

(a) All PAR training pursuant to Chapter 63H-1, F.A.C.;

(b) CPR/First Aid/AED certification;

(c) Overview of facility operating procedures.

(d) In-service training to include:

1. Professionalism and ethics;

2. Suicide prevention;

- 3. Adolescent behavior;
- 4. DJJ detention facility operations;
- 5. Safety, security, and supervision.

(13) Staff who crossover from contracted residential, contracted non-residential, and state operated non-residential must complete all certification requirements outlined in this section.

(14) Staff who crossover from state operated residential must complete all certification requirements outlined in this section that are non-duplicative of their JJRO certification, including the JJRO to JJDO examination.

(15) Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8), (9)(b) FS. History--New _____.

63H-2.008 Instructor Qualifications.

(1) Only certified PAR instructors (see Chapter 63H-1.014, F.A.C. for PAR instructor requirements) shall conduct PAR training.

(2) Only certified CPR/First aid/AED instructors shall conduct CPR/First aid/AED training.

(3) All instructors must have successfully completed the 80-hour Instructor Techniques Workshop course, however, the following exceptions apply:

(a) FTO's and administrative staff who provide administrative, orientation, and/or Phase One training, with the exception of PAR, are not required to be ITW certified.

(b) Any instructor who is not ITW certified, must submit for approval a completed Instructor Exemption form to the Assistant Secretary of Staff Development and Training through their respective facility/program administrator. The Instructor Exemption form (ADSD-20, effective 12/15/2006) is incorporated by reference, and is available through Staff Development and Training, 2737 Centerview Dr., Tallahassee, FL 32399.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael McCaffrey, DJJ Bureau of Staff Development
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eber Brown, DJJ Assistant Secretary of Staff Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-1.003 RULE TITLE: Examination Administration

PURPOSE AND EFFECT: The Department of Health proposes to update the rule.

SUMMARY: The rule incorporates the updated 2007 text of the manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.004(5), 456.017(1)(d) FS.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Hamilton, Division of MQA/Bureau of Operations/Testing Services, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, Florida 32399-3290

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.003 Examination Administration.

Unless the national examination requires a different set of administration procedures, the following procedures shall be followed for any examination administered by the department or its contract provider.

(1) All examinations will be administered in accordance with the department's "General Administration Manual for Examinations," 2007, 1996 incorporated herein by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290.

(2) through (6) No change.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 9-7-98, Amended 7-20-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.001 RULE TITLE: General Information

PURPOSE AND EFFECT: The Board proposes a rule amendment to update the existing language to the rule.

SUMMARY: The proposed rule amendment in paragraph 4 to reflect the statutory changes to part II of Chapter 468, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.001 General Information.

(1) An Administrator-in-Training is a supervised internship during which the Administrator-in-Training (the AIT) works under the ~~guidance and~~ supervision of a preceptor, a licensed administrator meeting the qualifications set in Rule 64B10-16.002, F.A.C.

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F.S., ~~which are in effect~~ at the time of application, and pay the application fee specified in Rule 64B10-12.013, F.A.C. The form title and number is, Administrator in Training Application, DH-MQA-NHA003 (Revised 10/05).

(3) No change.

(4) The training must be under the full-time supervision of the preceptor. A preceptor shall supervise only one AIT or intern at any given time; however, if the facility has a minimum of 120 beds and an assistant administrator duly licensed under Chapter 468, Part II, F.S., the preceptor may then supervise a maximum of two AITs or interns, or a combination thereof.

(5) through (13) No change.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History--New 9-24-81, Formerly 21Z-16.01, Amended 12-18-88, 1-22-90, 11-11-92, Formerly 21Z-16.001, Amended 8-29-93, Formerly 61G12-16.001, Amended 6-2-96, Formerly 59T-16.001, Amended 10-12-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.002 RULE TITLE: Preceptor

PURPOSE AND EFFECT: The Board proposes a rule amendment to reduce the preceptor's time to attend the six-hour training seminar.

SUMMARY: The proposed rule amendment would require preceptors to attend the required six-hour training seminar immediately preceding the application instead of three years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(4) FS.

LAW IMPLEMENTED: 468.1695 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.002 Preceptor.

(1) The Board will approve persons to act as preceptors in AIT programs based on the completion of application and an oral interview. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state. The form title and number is, Preceptor Certification, DH-MQA-NHA014

~~(Revised 10/05). However, the Board shall disapprove a preceptor for a training program who has failed to remain in compliance with these requirements.~~

~~(2) Each person desiring to be a preceptor must submit an completed application with the appropriate fees, showing:~~

~~(a) His name and address.~~

~~(b) That he is an actively licensed nursing home administrator in Florida;~~

~~(c) That he has been a licensed and practicing nursing home administrator in any jurisdiction for the last three years, and that no disciplinary action has been taken against him;~~

~~(d) The states and dates of issuance of all his professional license, including those as a nursing home administrator.~~

~~(e) The Nursing home facility at which the applicant has been in direct management control, and that the facilities have had a continuous operating history free from significant deficiencies.~~

~~(3) The preceptor applicant must show that his education, experience, and knowledge qualify him to supervise the training of an AIT. The preceptor applicant must attend a six-hour preceptor training seminar approved by the Board as set forth in Rule 64B10-16.0025, F.A.C., within one the three years immediately preceding the application.~~

~~(4) Each application for approval of an administrator in training program shall include an application for approval of each nursing home facility at which the training will take place.~~

~~(5)(4) Preceptor shall not supervise the training of a member of his immediate family.~~

~~(6)(5) A preceptor must be in direct management control of the facility or facilities at which the training is to take place.~~

~~(7)(6) A member of the Board may conduct the oral interview and report to the Board.~~

~~(7) A person desiring to be a preceptor must apply and qualify under the terms of this rule, notwithstanding an approval under previous rules.~~

Specific Authority 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695 FS. History—New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 10-20-96, Formerly 59T-16.002, Amended 10-12-97,_____.

(ff) Failure to notify a patient through written or oral notice of the type of license the practitioner holds.

(Section 456.072(1)(t), F.S.)

(4) through (6) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-5.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language to the disciplinary guidelines regarding a licensee’s failure to comply with Section 456.072(1)(t), F.S.

SUMMARY: The amendment to the rule clarifies the discipline that can be taken against a licensee when he or she fails to comply with Section 456.072(1)(t), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.001 Disciplinary Guidelines.
(1) through (3)(ee) No change.

First Offense:

Read laws and rules and submit an affidavit attesting that the licensee has read the laws and rules.

Second Offense:

A fine from \$100.00 to \$500.00.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History--New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, 12-5-04, 5-15-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-17.0832	Firm Capacity and Energy Contracts
25-17.200	Application and Scope
25-17.210	Definitions
25-17.220	Qualifying Criteria
25-17.230	The Utility's Obligation to Purchase and Sell
25-17.240	Negotiated Contracts
25-17.250	Standard Offer Contracts
25-17.260	Subscription Limits
25-17.270	Changes in Environmental and Governmental Regulations
25-17.280	Tradable Renewable Energy Credits (TREC's)
25-17.290	Imputed Debt Equivalent Adjustments
25-17.300	Reporting
25-17.310	Dispute Resolution

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 41, October 13, 2006 issue of the Florida Administrative Weekly.

Docket No. 060555-EI

Strike the rule text as published and replace with the following:

PART III UTILITIES' OBLIGATIONS WITH REGARD TO COGENERATORS AND SMALL POWER PRODUCERS

25-17.0832 Firm Capacity and Energy Contracts.

(1) through (3) No change.

(4) Standard Offer Contracts.

(a) Upon petition by a utility or pursuant to a Commission action, each public utility shall submit for Commission approval a tariff or tariffs and a standard offer contract or contracts for the purchase of firm capacity and energy from small qualifying facilities. In lieu of a separately negotiated contract, standard offer contracts are available to ~~the following types of qualifying facilities:~~

~~1. A small power producer or other qualifying facility using renewable or non-fossil fuel where the primary energy source in British Thermal Units (BTUs) is at least 75 percent biomass, waste, solar or other renewable resource;~~

~~2. A qualifying facilityies, as defined by subsection 25-17.080(3), F.A.C., with a design capacity of 100 kW or less; or~~

~~3. A municipal solid waste facility as defined by Rule 25-17.091, F.A.C.~~

(b) through (8)(c) No change.

Specific Authority 350.127, 366.05(1) FS. Law Implemented 366.051, 366.81 FS. History--New 10-25-90, Amended 1-7-97, 5-18-03,_____.

PART IV UTILITIES' OBLIGATIONS WITH REGARD TO RENEWABLE GENERATING FACILITIES

25-17.200 Application and Scope.

The purpose of these rules is to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers. Unless otherwise stated, these rules apply to all investor-owned utilities.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History--New _____.

25-17.210 Definitions.

For purposes of these rules:

(1) "Renewable Generating Facility" means an electrical generating unit or group of units at a single site, interconnected for synchronous operation and delivery of electricity to an electric utility, where the primary energy in British Thermal Units (BTUs) used for the production of electricity is from one or more of the following sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy,