

(1) Possess 55 hours of education (based on the formula: one doctoral hour equals 10 education hours and one continuing education hour equals one education hour) in any combination of the following core areas:

(a) Theory and research regarding the etiology of sexual deviance;

(b) Theory and research regarding evaluation, risk assessment and treatment of sex offenders;

(c) Theory and research regarding evaluation, risk assessment and treatment of specialized populations of sex offenders (i.e., the female and developmentally delayed);

(d) Theory and research regarding physiological measures of sexual arousal;

(e) Safety planning/Family safety planning; and

(f) Legal and ethical issues in the evaluation and treatment of sex offenders.

(2) Possess 2,000 hours of supervised experience in the evaluation and treatment of sex offenders.

(3) Those licensees who are able to demonstrate 2,000 hours of practice and treatment of sex offenders during the five years immediately prior to January 1, 2006, shall be deemed to meet all the requirements of this rule.

Specific Authority 947.005(9), 948.001(6), 490.004(4) FS. Law Implemented 947.005(9), 948.001(6) FS. History--New \_\_\_\_\_.

The Board will be holding a public hearing on this rule on July 28, 2006, in Orlando, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER NO.: 67-38  
 RULE CHAPTER TITLE: Predevelopment Loan Program  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above Notice of Proposed Development regarding the above rule, as noticed in Vol. 32, No. 25, June 23, 2006, Florida Administrative Weekly, has been withdrawn.

**Section IV  
 Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19ER06-04 (19-8.013)  
 RULE TITLE: Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: On May 31, 2006, Emergency Rule 19ER06-2, (19-8.013) Revenue Bonds Issued Pursuant to Section 215.555(6), F.S. was approved for filing by the Governor and Cabinet and was filed and became effective. Subsequently, it was determined that an additional change was needed to provide that reimbursement premiums received in the Contract Years 2007-2008 and thereafter are available to secure the bonds issued on behalf of the Florida Hurricane Catastrophe Fund ("FHCF") by the Florida Hurricane Catastrophe Finance Corporation ("Corporation"). This emergency Rule 19ER06-4, includes all the changes made by emergency Rule 19ER06-2. The primary difference is that in this emergency rule, the following sentence in paragraph (4)(c)2. is amended:

Amounts collected in Contract Year 2006-2007 as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), F.S., may be used to pay for losses attributable to prior Contract Years.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:**

Amending the sentence immediately above places the FHCF back into the position it has been since the time the rapid cash build-up was authorized in 2002, through May 10, 2006, when Rule 19-8.013, F.A.C., was amended to allow the rapid cash build-up portion of the reimbursement premiums to be used to pay past losses. The FHCF has never used a rapid cash build-up and has provided in all Reimbursement Contracts and in Rule 19-8.013, F.A.C. that reimbursement premiums (of which any rapid cash build-up would be a part) would not be used to pay losses from years prior to the year in which the premium is attributable. The tremendous losses during the 2004 and 2005 hurricane season prompted the FHCF to amend Rule 19-8.013, F.A.C. to allow for the use of the rapid cash build-up factor to be used to pay losses from years prior to the year in which the rapid cash build-up was attributable.

The FHCF is currently involved in issuing bonds to raise funds to pay past losses and emergency rule 19ER06-2 was filed to assist in this process. It was learned subsequent to the filing of this emergency rule that, due to federal tax reasons related to the bonding and to secure the bonds, an additional emergency rule was needed to amend the sentence, quoted above, that allowed the use of that portion of the reimbursement premiums attributable to the rapid cash build-up to be used to pay past losses.

All of the changes, except the amended sentence immediately above, were addressed during a regularly scheduled meeting of the FHCF Advisory Council on May 11, 2006. The meeting, which was open to the public, was noticed on the FHCF

website, and a notice was mailed to every person or entity on the FHCF's mailing list. In addition, emergency rule 19ER06-2 and this emergency Rule 19ER06-4, were both placed on the FHCF's website.

**SUMMARY OF THE RULE:** Rule 19ER06-4, is titled "19-8.013, Revenue Bonds Issued Pursuant to Section 215.555(6), F.S." The changes made added clarifications regarding the use of reimbursement premiums and rapid cash build-up to pay losses, clarifications to the grounds for adjusting the emergency assessment percentage, and clarifications were added addressing the emergency assessment payment calculations.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

**THE FULL TEXT OF THE EMERGENCY RULES IS:**

19ER06-4 (19-8.013) Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

(1) Purpose. This rule establishes the Board's policy regarding the issuance of revenue bonds pursuant to Section 215.555(6), F.S. The rule provides definitions; interprets certain terms in Section 215.555, F.S.; establishes factors for determining when to issue revenue bonds, the amount of any such revenue bonds, and the source for repayment of any such revenue bonds; and establishes procedures for levying Emergency Assessments pursuant to Section 215.555(6)(b), F.S.

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Assessable Insurer means Authorized Insurers writing property and casualty business in this state and any entity created pursuant to Section 627.351, F.S. Surplus lines insurers are not Assessable Insurers. Reinsurers are not Assessable Insurers.

(b) Assessable Insured means each insured procuring property and casualty coverage from surplus lines insurers regulated under Part VIII of Chapter 626.

(c) Assessable Lines are those lines of property and casualty business subject to assessment under Section 215.555(6)(b)(1), F.S., and as more fully described in subsection (5), below.

(d) Authorized Insurer means an insurer as defined in Sections 215.555(2)(c) and 624.09(1), F.S. For purposes of this rule, Authorized Insurer includes any joint underwriting association or similar entity created pursuant to Section 627.351, F.S.

(e) Balance of the Fund and Fund Balance have the same meaning given to Balance of the Fund as of December 31 in Article V of the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(f) Board means the State Board of Administration of Florida.

(g) Contract Year means the time period that begins June 1 of each calendar year and ends May 31 of the following calendar year.

(h) Corporation means the Florida Hurricane Catastrophe Fund Finance Corporation created by Section 215.555(6)(d), F.S.

(i) Covered Event means a hurricane as defined in Section 215.555(2)(b), F.S., and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(j) Covered Policies means an insurance policy covering residential property, as defined in Section 215.555(2)(c), F.S., and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(k) Department means the Florida Department of Financial Services, which was created pursuant to Section 20.121, F.S., and which is charged with regulating the Florida insurance market and administering the Florida Insurance Code.

(l) Emergency Assessment means the assessment levied by the Office of Insurance Regulation at the direction of the Board on direct written premiums for all Assessable Lines pursuant to and subject to the exceptions in Section 215.555(6)(b), F.S., and as more fully described in subsection (5) of this rule.

(m) Fund means the Florida Hurricane Catastrophe Fund.

(n) Office of Insurance Regulation means that office within the Department which was created in Section 20.121(3), F.S.

(o) Participating Insurer means an insurer which writes Covered Policies in this state and which has entered into a Reimbursement Contract with the Board, pursuant to Section 215.555(4)(a), F.S.

(p) Reimbursement Contract means the annual contract required pursuant to Section 215.555 (4)(a), F.S., which provides coverage to Participating Insurers for losses to covered property during a Covered Event.

(q) Reimbursement Premium means the premium determined by multiplying each \$1,000 of insured value reported by the Participating Insurer in accordance with Section 215.555(5), F.S., by the rate as derived from the premium formula as described in Rule 19-8.028, F.A.C.

(3) Limitations on the Fund's Liability. The Fund's liability under the Reimbursement Contracts for Covered Events in a Contract is limited to the lesser of (a) the amount determined pursuant to Section 215.555 (4)(c)1., F.S., or (b) the Balance of the Fund for the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the Fund plus the amount the Board has raised through the issuance of revenue bonds for losses from Covered Events in

the Contract Year and the additional amount the Board determines it is able to raise through the issuance of revenue bonds for losses from Covered Events in the Contract Year.

(4) Determinations Regarding Bond Issuance.

(a) General Factors for Use in Determining Whether to Issue Bonds. Based on the requirements of Section 215.555, F.S., on all rules adopted pursuant thereto, and on the foregoing interpretations, the Board determines that the Legislature intended the Fund to be a sustainable, permanent, and continuing trust fund established within the meaning of Article III, s. 19 of the Florida Constitution which is available to pay reimbursable losses for Covered Events in more than one year. The Board further determines that the Legislature deliberately and purposefully limited the Fund's liability as to Covered Events in any one Contract Year in order to provide for an on-going Fund. The Board determines that in its fiduciary capacity regarding the Fund, it is prudent to adopt the interpretations set out in this rule and to conform all its other policies, rules, and methods of operation to those fiduciary responsibilities and interpretations.

(b) Quality of Bonds to be Issued. The Board finds that in order to fulfill its fiduciary responsibilities to maintain and enhance the on-going viability and credibility of the Fund and to operate in the most cost-efficient manner, all revenue bonds issued to pay reimbursable losses shall be investment grade bonds, except to the extent that revenue bonds other than investment grade are needed to pay a small amount of legitimate but unexpected reimbursable losses. Upon the occurrence of such an exception, any revenue bonds issued will be issued only after a determination by the Board that the issuance of such bonds is fiscally responsible, in light of the Board's fiduciary responsibilities.

(c) Emergency Assessments.

1. If the Board determines that the amount of revenue produced under Section 215.555(5), F.S., is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds and that portion of debt service coverage not met by Reimbursement Premiums, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on direct written premiums for all Assessable Lines. In making this determination, the Board may consider the projected Balance of the Fund; anticipated additional Fund revenues; the meteorological severity and geographical area impacted by each Covered Event; estimates of losses from the insurance industry, from individual insurers, from federal, state, and local emergency response entities, from loss reports submitted to the Board by Participating Insurers, from reviews of loss reports by the Fund's Administrator, from information provided by modeling companies, from claims development patterns derived from known historical events, from an analysis of

market shares of Participating Insurers in the impacted area, and any other credible sources of loss information; and any other information determined by the Board to be relevant.

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following two sentences, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on revenue bonds. ~~Amounts collected as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), Florida Statutes may be used to pay for losses attributable to prior Contract years.~~ Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, earnings thereon or amounts collected as part of the premium that are attributable to the rapid cash buildup factor, may be used for payments relating to revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service, then the amount of the Reimbursement Premiums, earnings thereon, or amounts collected as part of the premium that are attributable to the rapid cash buildup factor so used shall be returned, without interest, to the Fund when Emergency Assessments remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

(d) Specific Procedures Regarding Issuance of Bonds on a Pre-Event Basis. In making a determination to authorize the issuance of revenue bonds on a Pre-event basis ("in the absence of a hurricane"), pursuant to Section 215.555(6)(a), F.S., the Board shall consider the following factors: the projected Fund Balance; reserves for mitigation appropriations; estimated amounts needed for administration of the Fund; projected amounts of future Reimbursement Premiums; projected amounts of earnings on collected Reimbursement Premiums; the projected frequency and magnitude of future Covered Events; current and projected interest rates on revenue bonds; current and projected market conditions for the sale of revenue bonds; projected credit ratings for the Fund and for revenue bonds issued on behalf of the Fund; current and projected availability of bond insurance or other credit enhancement for revenue bonds; the costs of issuance of revenue bonds; the debt service requirements of the revenue bonds; the estimated value, both monetary and non-monetary, of the issuance of Pre-event bonds on the costs of Post-event bonds in terms of benchmark pricing, secondary market trading, investor education, being a first-time issuer Post-event, confidence of insurers and reinsurers in the Fund's ability to issue revenue bonds Post-event, market education, and document preparation; and any other factors relevant to the determination at the time such determination is made.

(e) Specific Procedures for Issuance of Revenue Bonds on a Post-Covered Event Basis. Upon the occurrence of a Covered Event for which the Board determines that moneys in the Fund are or will be insufficient to pay reimbursement at the levels promised in the Reimbursement Contracts:

1. The Board will determine the projected reimbursable losses of Participating Insurers, whether or not the Fund has or will have sufficient funds to reimburse Participating Insurers for their reimbursable losses and the estimated shortfall which shall be covered by the issuance of revenue bonds or through incurrence of other indebtedness.

2. Based on the amount of the shortfall determined in accordance with subparagraph 1., above, the Board will determine the needed percentage of direct premium written for Assessable Lines. The Emergency Assessment percentage will be determined as follows:

a. The Board will review available information, from the Office of Insurance Regulation, the Florida Surplus Lines Service Office and the National Association of Insurance Commissioners, regarding direct premiums written for Assessable Lines in Florida, reportable pursuant to Section 624.424, F.S. or pursuant to Part VIII of Chapter 626, F.S.

b. The Board will review and assess existing market conditions regarding the issuance and sale of bonds or the incurrence of other indebtedness to determine the amount of revenues which will be required to pay debt service on any bonds issued or other indebtedness incurred.

c. Based on the specific information described above and on any other information determined by the Board to be relevant, the Board will determine the Emergency Assessment percentage necessary to fund the obligations, costs, and expenses of the Fund and the Corporation including repayment of revenue bonds and that portion of the debt service coverage not met by Reimbursement Premiums, and shall adopt a resolution directing the Office of Insurance Regulation to levy the Emergency Assessment on all Assessable Lines.

3. The emergency assessment is subject to interest on delinquent remittances at the average rate earned by the SBA for the FHCF for the first five months of the Contract Year for which such information is available plus 5%. The emergency assessment is also subject to annual adjustments by the Board ~~to reflect changes in premiums subject to assessments~~ in order to meet debt obligations.

(5) Procedures regarding Levying Emergency Assessments Pursuant to Section 215.555(6)(b)., F.S.

(a) If the Board directs the Office of Insurance Regulation to levy Emergency Assessments, then the Office of Insurance Regulation shall issue Orders to the Florida Surplus Lines Service Office and to each Assessable Insurer levying an Emergency Assessment for the Assessable Lines set out in paragraph (d), below.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit to the entity identified in the Order, an amount equal to the required percentage of its direct written premium for the preceding calendar quarter ~~calendar year to which the assessment applies~~ from all Assessable Lines. Medical malpractice is an Assessable Line of business but only as to covered events occurring on or after June 1, 2007. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency Assessment. The required percentage will be determined in accordance with Section 215.555(6)(b), F.S., and the procedures set out in subsection (4) of this rule.

(c) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insured shall remit and each surplus lines agent shall collect an amount equal to the required percentage of its direct written premium from all Assessable Lines. Surplus lines agents shall collect the Emergency Assessment at the same time as the surplus lines agent collects the surplus lines tax required by 626.932, F.S. and remit to the Florida Surplus Lines Service Office at the same time as the agent remits the surplus lines tax to that Office. The Emergency Assessment on each insured procuring coverage and filing under Section 626.938, F.S., shall be an amount equal to the required percentage of its direct written premium from all Assessable Lines and shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to that Office. The Florida Surplus Lines Service Office shall remit the Emergency Assessments received as directed by the Office of Insurance Regulation.

(d) Lines of Business Subject to Assessment.

1. The lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(b)(1)., F.S. For ease of reference, the lines of business are written and listed as they appear on Statutory Page 14 Exhibit of Premiums and Losses in the property and casualty annual statement of the National Association of Insurance Commissioners required to be filed by authorized insurers pursuant to Section 624.424, F.S.

2. Assessable Lines. Note that the numbers below preceding the names of the lines of business do not correspond to the line numbers of the property and casualty annual statement referenced in subparagraph 1., immediately above.

- a. Fire.
- b. Allied Lines.
- c. Multiple Peril Crop.
- d. Farmowners Multiple Peril.
- e. Homeowners Multiple Peril.
- f. Commercial Multiple Peril (non-liability).
- g. Commercial Multiple Peril (liability).
- h. Mortgage Guaranty.

- i. Ocean Marine.
- j. Inland Marine.
- k. Financial Guaranty.
- l. Medical Malpractice (Medical Malpractice insurance premiums are not subject to Emergency Assessments attributable to covered events occurring prior to the Contract Year that begins on June 1, 2007).
- m. Earthquake.
- n. Other Liability.
- o. Products Liability.
- p. Private Passenger Auto No-Fault.
- q. Other Private Passenger Auto Liability.
- r. Commercial Auto No-Fault.
- s. Other Commercial Auto Liability.
- t. Private Passenger Auto Physical Damage.
- u. Commercial Auto Physical Damage.
- v. Aircraft (all perils).
- w. Fidelity.
- x. Surety.
- y. Burglary and Theft.
- z. Boiler and Machinery.
- aa. Credit.
- bb. Aggregate Write Ins.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, 6-01-03, 5-19-04, 5-29-05, 5-10-06, 5-31-06, 6-15-06.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: June 15, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-31  
RULE TITLE: Instant Game Number 653, ACES & 8's

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 653, "ACES & 8's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-31 Instant Game Number 653, ACES & 8's.

(1) Name of Game. Instant Game Number 653, "ACES & 8's."

(2) Price. ACES & 8's lottery tickets sell for \$1.00 per ticket.

(3) ACES & 8's lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning ACES & 8's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The "PRIZE" symbols and prize symbol captions are as follows:

|         |         |          |         |         |          |
|---------|---------|----------|---------|---------|----------|
| TICKET  | \$1.00  | \$2.00   | \$3.00  | \$5.00  |          |
| TICKET  | ONE     | TWO      | THREE   | FIVE    |          |
| \$10.00 | \$20.00 | \$25.00  | \$50.00 | \$100   | \$5,000  |
| TEN     | TWENTY  | TWY FIVE | FIFTY   | ONE HUN | FIVE THO |

(6) The legends are as follows:

|       |        |
|-------|--------|
|       | HAND 1 |
|       | HAND 2 |
|       | HAND 3 |
| PRIZE | HAND 4 |

(7) Determination of Prizewinners. There are four hands

on a ticket. A ticket having two "8 EGT" symbols in the same hand shall entitle the claimant to the corresponding prize

shown. A ticket having two "A ACE" symbols in the same hand shall entitle the claimant to double the corresponding prize shown. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$5,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$1.00 instant ticket, except as follows. A person who submits by mail a ACES & 8's lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 653 are as follows:

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-32  
 RULE TITLE: Instant Game Number 652, BLACKJACK

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 652, "BLACKJACK," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-32 Instant Game Number 652, BLACKJACK.

(1) Name of Game. Instant Game Number 652, "BLACKJACK."

(2) Price. BLACKJACK lottery tickets sell for \$2.00 per ticket.

(3) BLACKJACK lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BLACKJACK lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR HANDS" play symbols and play symbol captions are as follows:



(5) The "DEALER'S HAND" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

|                |               |               |                |                |                 |
|----------------|---------------|---------------|----------------|----------------|-----------------|
| <b>TICKET</b>  | <b>\$1.00</b> | <b>\$2.00</b> | <b>\$5.00</b>  | <b>\$10.00</b> | <b>\$25.00</b>  |
| TICKET         | ONE           | TWO           | FIVE           | TEN            | THY FIVE        |
| <b>\$50.00</b> | <b>\$100</b>  | <b>\$500</b>  | <b>\$1,000</b> | <b>\$5,000</b> | <b>\$10,000</b> |
| FIFTY          | ONE HUN       | FIVE HUN      | ONE THO        | FIVE THO       | TEN THO         |

NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS

| GAME PLAY                   | WIN        | ODDS OF 1 IN | PER POOL  |
|-----------------------------|------------|--------------|-----------|
| TICKET                      | \$1 TICKET | 10.00        | 1,008,000 |
| \$1                         | \$1        | 15.00        | 672,000   |
| \$2                         | \$2        | 25.00        | 403,200   |
| \$2 (TWO ACE CARDS)         | \$4        | 75.00        | 134,400   |
| \$1 + \$2 (TWO ACE CARDS)   | \$5        | 75.00        | 134,400   |
| \$5                         | \$5        | 150.00       | 67,200    |
| \$5 (TWO ACE CARDS)         | \$10       | 300.00       | 33,600    |
| \$10                        | \$10       | 300.00       | 33,600    |
| \$2 + \$3 + (\$10 x 2)      | \$25       | 1,800.00     | 5,600     |
| \$5 + \$10 (TWO ACE CARDS)  | \$25       | 450.00       | 22,400    |
| \$25                        | \$25       | 1,800.00     | 5,600     |
| \$10 + \$20 (TWO ACE CARDS) | \$50       | 1,440.00     | 7,000     |
| \$25 (TWO ACE CARDS)        | \$50       | 3,600.00     | 2,800     |
| \$50                        | \$50       | 6,923.08     | 1,456     |
| \$25 x 4                    | \$100      | 90,000.00    | 112       |
| \$50 (TWO ACE CARDS)        | \$100      | 11,250.00    | 896       |
| \$100                       | \$100      | 90,000.00    | 112       |
| \$100 (TWO ACE CARDS)       | \$200      | 90,000.00    | 112       |
| \$5,000                     | \$5,000    | 1,680,000.00 | 6         |

(9) The estimated overall odds of winning some prize in Instant Game Number 653 are 1 in 3.98. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 653, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a ACES & 8's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for ACES & 8's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

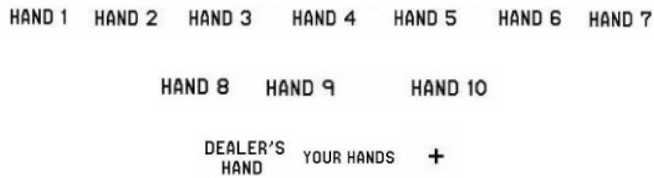
A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History--New 6-14-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 14, 2006

(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) There are ten hands on a ticket. Players may win in one or more hands per ticket. The value assigned to Aces is 11, and the value assigned to Jacks, Queens and Kings is 10. A ticket having two cards in the "YOUR HANDS" play area of one hand, the total of which is greater than the total of the cards in the "DEALER'S HAND" play area shall entitle the claimant to the corresponding prize shown for that hand. A ticket having two cards that total twenty-one in the "YOUR HANDS" play area of one hand shall be entitled to double the prize shown for that hand.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$5,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a BLACKJACK lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 652 are as follows:

| GAME PLAY             | WIN      | NUMBER OF WINNERS IN 42 POOLS OF |                          |
|-----------------------|----------|----------------------------------|--------------------------|
|                       |          | ODDS OF 1 IN                     | 180,000 TICKETS PER POOL |
| TICKET                | \$2      | 10.00                            | 756,000                  |
| \$2                   | \$2      | 30.00                            | 252,000                  |
| \$2 (BLACKJACK)       | \$4      | 30.00                            | 252,000                  |
| \$1 + \$2 (BLACKJACK) | \$5      | 37.50                            | 201,600                  |
| \$5                   | \$5      | 37.50                            | 201,600                  |
| \$5 (BLACKJACK)       | \$10     | 50.00                            | 151,200                  |
| \$2 x 5               | \$10     | 300.00                           | 25,200                   |
| \$10                  | \$10     | 300.00                           | 25,200                   |
| \$25                  | \$25     | 150.00                           | 50,400                   |
| \$5 x 10              | \$50     | 3,600.00                         | 2,100                    |
| \$25 (BLACKJACK)      | \$50     | 360.00                           | 21,000                   |
| \$50                  | \$50     | 3,600.00                         | 2,100                    |
| \$10 x 10             | \$100    | 2,337.66                         | 3,234                    |
| \$50 (BLACKJACK)      | \$100    | 1,800.00                         | 4,200                    |
| \$100                 | \$100    | 7,200.00                         | 1,050                    |
| \$500 (BLACKJACK)     | \$1,000  | 315,000.00                       | 24                       |
| \$1,000               | \$1,000  | 945,000.00                       | 8                        |
| \$5,000 (BLACKJACK)   | \$10,000 | 3,780,000.00                     | 2                        |
| \$10,000              | \$10,000 | 3,780,000.00                     | 2                        |

(10) The estimated overall odds of winning some prize in Instant Game Number 652 are 1 in 3.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 652, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BLACKJACK lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for BLACKJACK lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-14-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 14, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-33  
 RULE TITLE: Perquisites

SUMMARY OF THE RULE: The Department deems it necessary to establish the approval of the payment of perquisites.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-33 Perquisites.

(1) Perquisites are defined as those things or the use thereof, or services of a kind which confer on the officers or employees receiving them some benefit that is in the nature of additional compensation, or that reduce to some extent the normal personal expenses of the officer or employee receiving them, and shall include, but not be limited to, such things as quarters, subsistence, utilities, uniforms, laundry services, medical services, provision of promotional items to employees, use of state-owned vehicles for other than state purposes, moving expenses, and similar things.

(2) The provision of perquisites shall be made only upon approval of the Secretary.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d), 216.262(1)(f) FS. History—New 6-14-06, Supersedes 53-13.009.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 14, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

|            |                             |
|------------|-----------------------------|
| RULE NOS.: | RULE TITLES:                |
| 63EER06-17 | Purpose and Scope           |
| 63EER06-18 | Definitions                 |
| 63EER06-19 | Admission Criteria          |
| 63EER06-20 | Admission Procedures        |
| 63EER06-21 | Program Orientation         |
| 63EER06-22 | Program Components          |
| 63EER06-23 | Behavior Management         |
| 63EER06-24 | Operational Inspections     |
| 63EER06-25 | Program Administration      |
| 63EER06-26 | Staff Training Requirements |
| 63EER06-27 | Youth Release or Transfer   |

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2006 Legislature passed House Bill 5019, which became law on May 31, 2006, as chapter 2006-62, Laws of Florida. The law establishes Sheriff’s Training and Respect (STAR) programs beginning on the July 1, 2006 effective date. The law requires the programs to be in compliance the Department rules upon their July 1, 2006 opening. Required rules must be in place by the July 1, 2006 effective date, and the Department is specifically authorized to adopt emergency rules for this purpose.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is approximately one month between the passage of the law and its July 1 effective date, which marks the opening of the programs, and at which time the Department must have its emergency rules in place. The Department was in contact with its law enforcement partners throughout the drafting process. A draft rule was prepared, which was posted on the Department’s website on June 9, 2006. The same day, a public hearing on the draft rule was noticed in the Florida Administrative Weekly, to be held at the Department’s Tallahassee Headquarters on June 16, 2006. The hearing was held, and revisions to the draft rule were incorporated. The final draft will be posted on the Department’s website prior to its publication on June 30, 2006.

SUMMARY OF THE RULE: These eleven rule sections establish pre-admission, operational, programmatic, training, evaluation and release requirements governing Sheriff’s Training and Respect (STAR) programs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, phone number (850)921-4116

THE FULL TEXT OF THE EMERGENCY RULE IS:

63EER06-17 Purpose and Scope.

The rule establishes pre-admission, operational, training, evaluation and release requirements governing Sheriff’s Training and Respect (STAR) programs.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History—New 7-1-06.

63EER06-18 Definitions.

(1) Alternative Training – authorized physical activities, which are imposed by STAR program staff following a youth’s misconduct. Alternative training is intended to correct a youth’s behavior by imposing minor sanctions.

(2) Critical life safety –a condition or conditions in facility buildings and grounds or the operation of the program that may adversely affect the health or safety of youth and staff.

(3) Direct Care – means direct contact with youth for the purpose of providing care, supervision, custody, or control of youth in the STAR program.

(4) Extenuating circumstances – a situation or circumstance beyond the control of the program, including but not limited to hurricanes/Acts of God, facility damage or structural problems, and situations involving a youth prior to his or her admission into the program.

(5) Minimum Thresholds - defined as at least a 60 percent performance overall rating in the department’s Quality Assurance evaluation system.

(6) Obstacle Course – a strenuous exercise program, which requires youth to overcome a series of barriers and is designed to promote the development of self-confidence and physical endurance.

(7) Physical Training – a series of organized group calisthenics and exercise designed to develop the physical fitness of a youth to an optimum level.

(8) Post-residential Services Counselor – the person supervising the youth’s post-commitment probation or conditional release after residential placement.

(9) Program Director – a STAR program staff member who is responsible for all aspects of the STAR program, including, but not limited to, program content, staff supervision, youth treatment and facility security.



(10) Protective Action Response policy – the departmental policy governing staff’s use of verbal and physical intervention techniques, mechanical restraints, prohibition of aerosol and chemical agents, and Tasers.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History–New 7-1-06.

63EER06-19 Admission Criteria.

(1) A youth is eligible for the STAR program if:

(a) He or she is at least 14 years of age but less than 18 years of age at the time of adjudication; and

(b) Has been committed to the Department for any offense that, if committed by an adult, would be a felony other than a capital felony, a life felony, or a violent felony of the first degree.

(2) All youth referred to the STAR program shall be screened by the Department to determine if they have the physical, psychological and substance abuse profile conducive to successfully completing the rigorous physical aspects and intensive behavioral management inherent in a STAR program. The screening shall include:

(a) A comprehensive physical assessment prior to admission conducted by a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., or an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464. The assessment shall include a resting electrocardiogram (EKG) to screen for baseline arrhythmias. These assessments shall assist in determining the youth’s fitness for the physical demands of the program and to preliminarily screen out those youth whose health problems would prohibit them from engaging in intensive physical exercise as determined by the program’s physical exercise curricula. Any youth with abnormal EKGs shall be automatically excluded;

(b) The comprehensive physical assessment and all required tests must be performed no earlier than 45 days prior to admission into the STAR program;

(c) A preadmission Comprehensive Evaluation with the psychological component conducted by a licensed mental health professional or a Master’s level mental health clinical staff person working under the direct supervision of a licensed mental health professional. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458 or 459, F.S., a psychologist licensed pursuant to Chapter 490, a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, or a psychiatric nurse as defined in section 394.455(23), F.S. This evaluation must be completed prior to admission to screen out those youth whose mental status requires psychotropic medication interventions, who have a developmental disability as defined by an IQ less than 80 or classification as “Educible Mentally Handicapped” or

Trainable Mentally Handicapped, a need for intensive mental health treatment, or reveals suicidal risk histories, serious substance abuse histories or indicates high-risk suicidal tendencies or history of self-injurious behavior.

(3) Within 24 hours of admission, a preadmission substance abuse screening test must be conducted or ordered by the department, with results of testing reviewed prior to admission to the STAR program.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7)(a) FS. History–New 7-1-06.

63EER06-20 Admission Procedures.

(1) Youth will be placed in a STAR program within the judicial circuit they were adjudicated in or if there is no STAR program in that circuit, they may be placed in the closest judicial circuit that has a STAR program.

(2) Program directors of STAR programs shall coordinate with the department’s regional commitment management staff the admissions and release of youth to and from the STAR program.

(3) Prior to a youth being transported to the receiving STAR program, the sending region shall ensure the commitment package is in order and contains all required documents, to include but not be limited to:

(a) Department generated facesheet, including youth demographics;

(b) Current commitment order;

(c) Pre-disposition report;

(d) Summary of commitment conference; and

(e) The youth’s individual healthcare record, if it exists from a prior commitment program or detention placement. The following documents shall be included in the individual healthcare record, or in the commitment packet if the individual healthcare record has not been created:

1. Current document indicating parental consent for evaluation and treatment, a signed copy of the department’s Authority for Evaluation and Treatment;

2. Comprehensive physical assessment and EKG report;

3. Hard copy immunization records; and

4. Tuberculosis skin test results, unless contraindicated.

(4) The STAR program shall conduct a physical examination and substance abuse screening test during admission.

(5) STAR program directors shall ensure that program staff make diligent efforts to notify the parents or guardians within 24 hours of a youth’s admission into the program. Attempts to contact the family shall be documented. If contact is not made within 48 hours, the program staff shall request the youth’s Juvenile Probation Officer to make the contact. In

addition, a letter signed by the program director shall be sent to the parents or guardians within 48 hours of the youth's arrival at the program. The letter shall include:

(a) A description of the individual program and its special characteristics including program rules, visiting procedures and telephone procedures; and

(b) A request that the parents or guardians provide medical/dental history for the youth.

(6) Committing judges shall be sent a letter within five days of a youth's arrival indicating the youth's admission.

(7) The probation officer and Post-residential Services Counselor shall be notified in writing within five days of a youth's arrival.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7) FS. History--New 7-1-06.

63EER06-21 Program Orientation.

(1) The STAR program shall conduct orientation for youth admitted to the program.

(2) The program orientation shall include, but not be limited to the following:

(a) A program daily schedule;

(b) A written, easily understandable statement, and a verbal description of their rights and grievance procedures, including how to report abuse;

(c) An introduction to the STAR program concept;

(d) Explanation of program rules, disciplinary procedures and consequences, which result from the violation of program rules;

(e) A review of dress code, hygiene and grooming requirements; and

(f) Explanation of sick call procedures and access to health care services, including health care in emergency situations.

(3) Program orientation and receipt of rules shall be documented with signatures of both the youth and staff.

(4) The signed copy of the orientation and rules receipt shall be placed in the youth's file and a copy given to the youth to be kept in his possession.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3) FS. History--New 7-1-06.

63EER06-22 Program Components.

(1) The STAR program shall contain the following program components or services:

(a) Participation in physical training exercises, which are designed to develop optimum physical conditioning of the youth. The physical conditioning may include the use of an obstacle course;

(b) Educational and vocational services, designed to meet youth abilities, specialized needs and interests;

(c) Community service or work assignments of a productive nature;

(d) Personal development counseling, which shall include training in good decision-making, development of social adjustment skills, and life and job skills education. Counseling services shall also be provided to replace criminal thinking, beliefs and values with moral thinking, beliefs and values;

(e) Mental Health and Substance abuse counseling and services shall be provided, including alcohol and other drug abuse awareness, education, treatment or referral to treatment for youth in need of such services;

(f) Health care services, sick call and acute and chronic medical treatment provided by a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., or a physician, an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, or a licensed Registered Nurse; and

(g) Conditional release assessments and services for each youth, providing for the youth's transition back to his or her home community.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (4) FS. History--New 7-1-06.

63EER06-23 Behavior Management.

(1) The program's behavior management system shall be clear, emphasizing youth rights, encouraging pro-social behaviors and consequences for violations. The behavior management system shall provide a system of privileges and consequences to encourage youth to fulfill programmatic expectations.

(2) The behavior management system shall clearly state the consequences for violation of program rules. The youth shall have the opportunity to present an explanation of the questionable behavior for which behavioral consequences are being considered. Consequences shall have a direct correlation to the inappropriate behavior exhibited. It shall be clear to the youth that the corrective action taken is a logical consequence of his or her behavior. Behavior management consequences are limited to the following:

(a) Privilege suspension:

1. Privilege suspension includes denial of the use of the telephone, home visits, recreation or other special activities outside the program and in accordance with the program's written procedures. Withholding of telephone and visitation privileges shall not include depriving a youth's access to his attorney, law enforcement, a representative of the clergy, the department's Central Communications Center, Department of Children and Families' Abuse Registry or the Inspector General's Office.

2. Prior to any youth having a privilege suspended, the youth shall have the reason(s) for the suspension explained to him or her.

3. Privilege suspension shall not include the withholding of regular meals, clothing, sleep, health care services, school, exercise, correspondence privileges, or legal assistance.

4. All instances of privilege suspension shall be documented in the program logbook, dated and signed by the staff implementing the discipline procedure, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

(b) Alternative training. Alternative training measures shall be applied on a consistent basis as a behavior management tool, and shall be proportionate to the importance of the rule violation. The youth's rights shall be protected at all times during alternative training. Alternative training measures shall be documented and reviewed by the program director or designee. Any staff member of the STAR program has the authority to implement the following alternative training measures to youth:

1. Extra duty assignments;

2. Extra physical exercise; and

3. Verbal counseling directed at changing the youth's inappropriate behavior.

(c) Program restriction.

1. Program restriction is the loss of the earned privilege of leaving the program grounds for the purpose of participating in community activities except as it would restrict exercise of client rights such as school, church, health and exercise needs.

2. Prior to any youth being placed on program restriction the youth shall have the reason(s) for the restriction explained to him. The youth shall also be given an opportunity to explain his or her behavior.

3. Program restriction shall not exceed 30 days.

4. All instances of program restriction shall be documented in the program logbook, dated and signed by the staff implementing the restriction, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

(d) Room restriction.

1. Room restriction is the restriction of a youth to his room or other area designated by the program director to protect the safety of the youth. Room restriction shall be used only when a youth is dangerous to self or others or there is substantial evidence to indicate the youth is about to escape. The use of room restriction shall serve only a "cooling off" purpose and shall not exceed four hours.

2. Prior to a youth being placed on room restriction, the youth shall have the reason(s) for the restriction explained to him. The youth shall also be given an opportunity to explain his or her behavior.

3. Meals, clothing, sleep, health care, religious needs, or staff assistance shall not be denied to a youth on room restriction.

4. The staff member placing the youth on room restriction shall document the justification for room restriction.

5. When a youth is placed on room restriction, the staff member shall talk with the youth at least every 30 minutes in order to evaluate the need for continued restriction.

6. Youth on room restriction shall be visually observed (in person) by a staff member at least every 10 minutes.

7. Youth who have been assessed to be at risk of suicide shall be provided with continual sight and sound supervision and shall be referred for a mental health evaluation immediately.

8. Staff observations and contacts with the youth shall be documented, dated, and signed by the staff imposing the restriction.

(3) The use of harmful psychological intimidation techniques is prohibited in the STAR program.

(a) For the purpose of this section, the term "harmful psychological intimidation techniques" includes the following actions when intentionally used as a therapeutic or training technique or as a means to encourage compliance with program requirements:

1. The threat of physical force or violence;

2. An intentional effort to humiliate or embarrass a youth;

3. An intentional effort to diminish a youth's self-confidence or otherwise psychologically break a youth's will; or

4. Any action that would be considered child abuse or neglect under Chapter 39 or 827, F.S.

(b) The term "harmful psychological intimidation techniques" does not include the following actions:

1. Direct and forceful communication to a youth of program requirements or legitimate performance expectations prior to or during participation in program activities, including positive, active encouragement of youth engaged in physical training exercises.

2. Communication necessary to inform a youth of noncompliance with program requirements or appropriate actions to remediate such noncompliance.

3. Communication necessary to inform a youth of poor performance or appropriate actions to remediate such poor performance.

4. Communications or other actions necessary to maintain order or safety in the program.

5. Any lawful and reasonable communications that are permissible for parents, other juvenile justice programs, school officials, or other adults who have custody of or supervisory responsibilities for youth.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (7) FS. History—New 7-1-06.

63EER06-24 Operational Inspections.

(1) All STAR programs, whether operated by the department, county or municipal government, shall be inspected quarterly during the first year of operations by the department to determine operational compliance. Thereafter, if the program met the minimum thresholds, defined as at least a 60 percent overall program performance rating in the department's Quality Assurance evaluation system, during the most recent evaluation, the program shall be evaluated at least once annually.

(2) If a STAR program fails to meet the minimum thresholds, the department shall cancel the contract for the program:

(a) Immediately if the program has a deficiency in a critical life safety aspect of its operations or has failed to train its staff as required.

(b) Within three months if the program fails to achieve compliance with the minimum thresholds, unless there are documented extenuating circumstances.

(3) Upon cancellation of a STAR program contract under the provisions of this section, the program's operations shall immediately cease and the department shall immediately discontinue any state payments to the program.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(8) FS. History--New 7-1-06.

63EER06-25 Program Administration.

(1) The program's administration shall include, but are not limited to:

(a) Rule and contract compliance:

1. The inspection/evaluation shall include operational compliance with admission criteria and screening, behavior management sanctions and privileges.

2. A contractual STAR program will comply with the terms and conditions as identified in the contract.

(b) Safety and security:

1. The STAR program shall ensure the safety and security of staff and youth, conduct security inspections and checks, and provide preventive maintenance and control of safety and security equipment.

2. The program shall develop escape prevention and escape response plans.

3. Youth at the program shall be interviewed regarding their safety and security at the program. The interviews shall include: availability of services, abuse allegations, grievances, access to treatment services, and overall treatment.

4. Departmental staff shall meet with STAR program directors to review Protective Action Response reports for trends and conditions that would indicate staff are engaging in excessive or inappropriate use of force.

(c) Treatment:

1. The STAR program shall provide youth treatment and activities, youth work assignments, physical training, delivery of specialized treatment services, and youth case management.

2. The program shall provide for visitation and family involvement, correspondence and telephone communications for the youth in the program.

3. The program shall include academic and vocational activities, life and job skills, and appropriate decision making training for the youth.

(d) Behavior management:

1. The program shall implement a behavior management system, which includes consequences, sanctions and privileges for youth.

2. The behavior management system shall not deny a youth meals, clothing, sleep, education, exercise or physical and mental health services.

(e) Medical:

1. The program shall implement access to and the delivery of medical, substance abuse and mental health services and assessments.

2. The program shall have a written suicide prevention and suicide response plan.

3. The program shall have a designated health authority, defined as the physician (M.D. or D.O. licensed pursuant to Chapter 458 or 459, F.S.) who comes on site weekly.

4. The program shall provide for medication storage, medical documentation, medication monitoring and distribution; sick call and medical appointments; "medical and mental health alerts"; management of health and mental health records and information; and control of infectious and communicable diseases.

5. Anytime the health care staff determines that the health or physical safety of a youth has been compromised or is potentially compromised, they shall remove the youth from all physical activities without prior approval from program staff. Health care staff shall intervene anytime a youth indicates that he or she is in pain and unable to perform as instructed. If the health care staff cannot determine the cause of the pain or discomfort the youth should be immediately transported to the emergency room.

6. Health care services must be provided daily from 7:00 a.m. to 9:00 p.m. by a Registered Nurse licensed under Chapter 464, F.S., and 24-7 on-call access to a medical professional (Physician or ARNP) must be available at all other times.

7. All STAR program staff shall be CPR and First Aid certified.

8. All STAR programs shall have Automated External Defibrillators (AEDs) on site within 12 months of opening and at least one staff person on every shift shall be AED certified.

(f) Administration.

1. The program shall have a written mission statement.

2. The program shall require the prominent display of the telephone number of the statewide abuse registry and the department's Central Communication Center and for immediate access by youth in the program, upon request, to a telephone for the purpose of contacting the statewide abuse registry, the public defender's office, his or her attorney, or a law enforcement agency.

(2) All usage of PAR must be documented in accordance with the PAR Emergency Rule 63HER06-7.

(3) All alleged violations of PAR shall be reviewed by the department's Inspector General.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3)-(5), (7), (9) FS. History--New 7-1-06.

63EER06-26 Staff Training Requirements.

(1) All STAR program staff must complete, at a minimum, the following training requirements within 90 calendar days of that staff person's hiring date:

(a) Administrative staff must successfully compete 120 contact hours of Department approved training.

(b) Direct care staff who are Criminal Justice Standards and Training Commission (CJSTC) certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., will adhere to the requirements set forth in Emergency Rule 63HER06-16.

(c) Direct care staff who are not certified correctional, correctional probation or law enforcement officers under Chapter 943 are to be certified in Protective Action Response and to successfully complete 200 contact hours of department approved training, which must include, but not be limited to:

1. State and federal laws relating to child abuse;

2. Adolescent Behavior;

3. Behavior Management;

4. Mental Health issues;

5. Suicide Prevention;

6. Health Care;

7. Communication Skills-Interpersonal and Verbal De-escalation skills;

8. Human Diversity;

9. Cardiopulmonary resuscitation (CPR)/First Aid certification;

10. Safety;

11. Security; and

12. Emergency Procedures.

(2) All Department approved training courses must be taught by one or more persons who are certified as, or who have completed the necessary education and training to be, an instructor for the course being taught. A training course in counseling techniques must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology or a related field.

(3) Prior to successful completion of these training requirements, a STAR program direct care staff must be directly supervised by a person who has successfully completed the training requirements in this section.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(6), (9) FS. History--New 7-1-06.

63EER06-27 Youth Release or Transfer.

(1) The program shall have requirements for notifying the department and for the removal of a youth from the program if the youth becomes unmanageable or ineligible for the program due to changes in his or her physical, psychological or substance abuse profile. Preliminary notification to the department shall occur immediately if a youth has a change in status (physical or mental health) that warrants a:

(a) Referral to a medical specialist;

(b) Referral offsite for any imaging other than an x-ray;

(c) Surgical procedures; or

(d) Involuntary Commitment (Baker Act).

(2) Prior to the release or transfer of a youth from the STAR program, the youth:

(a) Must have a physical examination performed by a licensed physician or a licensed and certified Advanced Registered Nurse Practitioner. Any evidence of abuse as defined in Section 39.01(2), F.S., must be documented and immediately reported by the examiner to the statewide abuse registry and the department.

(b) Must sign an exit statement upon transfer from the residential component to the aftercare component indicating whether his or her rights were observed and whether he or she was subjected to any abuse or harmful psychological intimidation techniques. Any allegation by the youth that:

1. He or she was subjected to abuse while in the STAR program must be investigated by the department and the Department of Children and Family Services under Section 39.302, F.S.

2. His or her rights were not observed or that he or she was subjected to harmful psychological intimidation techniques or to violations of the department's Protective Action Response rule must be investigated by the department's Inspector General.

(c) The STAR program shall deliver a copy of each youth's exit statement at the time it is executed to:

1. The department either by facsimile or electronic mail.

2. The statewide abuse registry if it contains any allegation of abuse as defined in Section 39.01(2), F.S.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(7), (10) FS. History--New 7-1-06.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: July 1, 2006

**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Training**

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| <p>RULE NOS.:</p> <p>63HER06-1</p> <p>63HER06-2</p> <p>63HER06-3</p> <p>63HER06-4</p> <p>63HER06-5</p> <p>63HER06-6</p> <p>63HER06-7</p> <p>63HER06-8</p> <p>63HER06-9</p> <p>63HER06-10</p> <p>63HER06-11</p> <p>63HER06-12</p> <p>63HER06-13</p> <p>63HER06-14</p> <p>63HER06-15</p> <p>63HER06-16</p> | <p>RULE TITLES:</p> <p>Purpose and Scope</p> <p>Definitions</p> <p>Authorized Levels of Response</p> <p>Authorized Techniques</p> <p>Authorized Mechanical Restraints</p> <p>Supervision of Youth in Mechanical Restraints</p> <p>Documentation and Retention of Records</p> <p>Medical Requirements for Training Certification</p> <p>Cross-Over Training</p> <p>Rehired Employee Training</p> <p>Annual Training Requirement</p> <p>Testing Requirements</p> <p>Training Instructor Qualifications</p> <p>Training Instructor Certification Renewal</p> <p>Law Enforcement Operations and Partnerships</p> |
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2006 Legislature passed House Bill 5019, which became law on May 31, 2006, as chapter 2006-62, Laws of Florida. The law establishes Sheriff’s Training and Respect (STAR) programs beginning on the July 1, 2006 effective date. The law requires the programs to follow the Department of Juvenile Justice’s Protective Action Response (PAR) policy established by Department rule. Required rules must be in place by the July 1, 2006 effective date, and the Department is specifically authorized to adopt emergency rules for this purpose.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is approximately one month between the passage of the law and its July 1 effective date, which marks the opening of the programs, and at which time the Department must have its emergency rules in place. The Department was in contact with its law enforcement partners throughout the drafting process. A draft rule was prepared, which was posted on the Department’s website on June 9, 2006. The same day, a public hearing on the draft rule was noticed in the Florida Administrative Weekly, to be held at the Department’s Tallahassee Headquarters on June 16, 2006. The hearing was held, and revisions to the draft rule were incorporated. The final draft will be posted on the Department’s website prior to its publication on June 30, 2006.

SUMMARY OF THE RULE: These sixteen rule sections establish Protective Action Response (PAR) as the only authorized verbal and physical intervention program to be trained and utilized by direct care staff in state operated or contracted facilities and programs, including those such as STAR programs which are operated by law enforcement under contract with the Department. The rule defines PAR interventions including the use of mechanical restraints, and establishes PAR training and curriculum.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, phone number (850)921-4116

THE FULL TEXT OF THE EMERGENCY RULE IS:

63HER06-1 Purpose and Scope.

This rule establishes a statewide framework to implement procedures governing the use of verbal and physical intervention techniques and mechanical restraints. Protective Action Response, as authorized by the Department, shall be the only verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted (including law enforcement operated) facilities and programs. EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New 7-1-06.

63HER06-2 Definitions.

(1) Active Resistance – Youth makes physically evasive movements to defeat an employee’s attempts to control; for example, bracing, tensing, and attempting to push or pull away from an employee.

(2) Actively Engaged – An employee is participating in the practical performance or application of any one of the approved physical intervention techniques or mechanical restraints.

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

(4) Aggravated Resistance – Youth makes overt, hostile, attacking movements with or without a weapon with the apparent intent and apparent ability to cause death or great bodily harm to the employee, self, or others; for example, striking with a stick, banging head against the wall, or swinging a razor blade.

(5) CJSTC – Criminal Justice Standards and Training Commission.

(6) Combative Resistance – Youth makes overt, hostile, attacking movements that may cause injury; for example, slapping, pushing, or charging.

(7) Control Techniques – Techniques used to control and/or move a youth from point A to point B with minimum effort by the employee in order to gain and retain control over the youth.

(8) Countermoves – Techniques that impede a youth’s movement toward an employee or others; for example, blocking, distracting, evading, redirecting, or avoiding.

(9) Designated Health Authority – This individual is responsible for the provision of necessary and appropriate health care to youth in the physical custody of a secure detention center or residential/correctional facility. An individual designated health authority must be a physician (MD) or osteopathic physician (DO) who holds an active license (pursuant to Chapter 458 or Chapter 459, Florida Statutes, respectively) and who meets all requirements to practice independently in the State of Florida.

(10) Dialogue – A two-way, controlled, non-emotional communication between the employee and the youth aimed at problem identification and/or resolution.

(11) Direct Care – State or contracted employees who have direct contact with youth and whose duties include providing the immediate care, supervision, custody, case management, or control of youth.

(12) Facility – A contracted or state-operated staff-secure or physically secure environment that provides custody, care, and confinement of youth alleged or found to have committed a violation of law. This includes, but is not exclusively limited to, secure detention, consequence units, law enforcement operated facilities, and residential commitment programs.

(13) Facility Employee – Any employee who exercises direct care in a state-operated or contracted residential or detention facility.

(14) Hard Mechanical Restraints – Restraint devices constructed from inflexible material; for example, metal handcuffs, leg cuffs, and waist chains.

(15) Individual Health Care Record – The compilation of all records related to a youth’s medical, dental and mental health.

(16) Master PAR Instructor – An advanced qualified instructor who assists Protective Action Response (PAR) trainers in maintaining quality delivery of PAR training and evaluation for PAR certification.

(17) Mechanical Restraints – This includes hard and soft mechanical restraints as defined in this rule.

(18) Mechanical Restraints Supervision Log – The form used to document an employee’s use of mechanical restraints as a result of a Level 3 response.

(19) Medical Release – A form signed and dated by a licensed physician that authorizes an employee to perform the physical intervention techniques that were checked on the Medical Status form.

(20) Medical Status – A form signed and dated by a licensed physician that identifies the physical intervention techniques listed on the applicable PAR Training Plan an employee cannot perform and why.

(21) PAR Medical Review – The review deemed necessary as a result of the Post PAR Interview.

(22) Passive Resistance – The youth physically refuses to comply or respond. The youth does not attempt to physically defeat the actions of the employee but forces an employee to use physical maneuvers to establish control.

(23) Post PAR Interview – The interview conducted by the designated health authority or designee following a Level 2 or Level 3 response.

(24) Program – A contracted or state-operated non-residential environment providing supervision of youth who have been identified to receive services within the community. This includes, but is not exclusively limited to, non-secure detention, home detention, juvenile assessment centers, Intensive Delinquency Diversion Services (IDDS) programs, conditional release programs, screening and intake units, and day treatment programs.

(25) Program Employee – Any employee who exercises direct care for a state-operated non-residential or contracted program.

(26) Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with this rule, the Protective Action Response Escalation Matrix, and PAR training curricula.

(27) Protective Action Response Certification – This applies to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR certified are authorized to use PAR.

(28) Protective Action Response Escalation Matrix – This document provides guidance as to the authorized level of response based upon the youth’s level of resistance.

(29) Protective Action Response Incident Report – The form used to document the occurrence of an event where an employee has used one of the enumerated physical intervention techniques.

(30) Protective Action Response Performance Evaluation – This document is used to measure an employee’s or PAR Instructor’s ability to perform verbal and physical intervention techniques and apply mechanical restraints.

(31) Protective Action Response Training Plan – This identifies the specific techniques that program and facility employees shall be trained to use. The identified techniques are the only techniques employees are authorized to use.

(32) Soft Mechanical Restraints – Restraint devices that are made with flexible materials; for example, Velcro, nylon flex cuffs (also known as zip cuffs), and leather.

(33) Takedowns – Techniques that redirect a youth to the ground in a controlled manner in order to limit the youth's physical resistance and to facilitate the application of a restraint device, if needed.

(34) Touch – Employee uses a familiar touch when directing, or a custodial touch prior to escalating to a higher level of force.

(35) Verbal Directions – Employee tells or commands a youth to engage in, or refrain from, a specific action or non-action.

(36) Verbal Resistance – Youth verbally refuses to comply with an employee's verbal attempts to control the situation. Youth may threaten employee with further resistance.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New 7-1-06.

#### 63HER06-3 Authorized Levels of Response.

(1) LEVEL 1 RESPONSE – This level of employee response consists of verbal intervention techniques and shall be utilized in response to all levels of resistance by the youth. Verbal intervention techniques shall be the initial response by an employee to resistance by a youth except where physical intervention techniques are necessary to prevent: physical harm to the youth, employee or another person; property damage; or the youth escaping or absconding from lawful supervision.

(2) LEVEL 2 RESPONSE – In this level of response, verbal attempts to diffuse a youth or situation have been exhausted, and the youth has initiated passive, active, combative, or aggravated resistance. Physical intervention techniques may encompass the use of touch, countermoves, control techniques, or takedowns as described in Rule 63HER06-4.

(3) LEVEL 3 RESPONSE – This level of response involves the use of mechanical restraints. The use of mechanical restraints is authorized in situations where a youth has initiated active, combative, or aggravated resistance, and in situations where a youth poses a physical threat to self, employees, or others. See Rules 63HER06-5, -6 and -7 for an explanation of duties and responsibilities when using mechanical restraints. See Rule 63HER06-4 for a description of authorized mechanical restraint techniques for facility employees.

(4) All responses shall be commensurate with the youth's level of resistance according to the PAR Escalation Matrix and this rule. The PAR Escalation Matrix (revised 6/01/06) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>).

(a) Additionally, responses shall only be used when reasonably necessary to control youth and only after all reasonable alternatives have been exhausted, including verbal

persuasion, warnings, and verbal intervention techniques; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior.

(b) Prior authorization for the use of physical intervention techniques and mechanical restraints shall be obtained from the supervisor or acting supervisor unless doing so could result in physical harm to the youth, employee or another person, property damage, or the youth escaping or absconding from lawful supervision.

(c) PAR certified employees shall immediately report the following intervention actions to their immediate supervisor or acting supervisor and these incidents shall be documented per Rule 63HER06-7:

1. Level 2 responses including counter moves, control techniques, and takedowns.

2. Level 3 applications of soft or hard mechanical restraints.

(d) In the event a youth is armed with a weapon and there is imminent danger of bodily harm or death, facility and program employees shall immediately request emergency assistance from local law enforcement, and if possible, isolate or contain the youth.

(e) If a youth is in the process of inflicting grave bodily harm, or possible death, upon others or self, facility and program employees shall immediately contact law enforcement. Employees are authorized to use reasonable and necessary means to stabilize the situation even if they fall beyond the scope of PAR.

(5) This rule prohibits the use of:

(a) A Taser on a youth, and

(b) Aerosol or chemical agents, including but not limited to oleoresin capsicum spray and ammonia capsules, unless required for medical treatment of the youth by a licensed medical professional.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New 7-1-06.

#### 63HER06-4 Authorized Techniques.

(1) Protective Action Response, as authorized by the Department, shall be the only verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted (including law enforcement operated) facilities and programs.

(2) Existing contracted facilities shall submit a new PAR Training Plan to the Assistant Secretary of Staff Development and Training or designee through the department's Regional Director or designee within 60 calendar days of the effective date of this rule, and after this training plan is submitted, within 30 calendar days of any changes to the training plan. Newly contracted facilities, except contracted Detention facilities, shall submit their PAR Training Plan as described above no



less than 30 calendar days prior to becoming operational. The PAR Training Plan for contracted facility employees shall specify the following:

- (a) All Stance and Body Movement techniques.
- (b) All Countermoves.
- (c) At a minimum, one (1) Touch technique.
- (d) At a minimum, three (3) Control techniques.
- (e) At a minimum, three (3) Takedown techniques.
- (f) At a minimum, the following Mechanical Restraints: standing front handcuffing and uncuffing, one (1) rear handcuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall).

(g) Searches.

(h) The *Wrap Around* Control technique, and the *Wrap Around to a Takedown* technique will not be used on pregnant youth.

(3) Contracted Detention facilities shall comply with the PAR Training Plan for State-Operated/Contracted Detention Facility Employees.

(4) The PAR Training Plan for State-Operated, Law Enforcement Operated, and Contracted Detention employees shall specify the following:

- (a) All Stance and Body Movement techniques.
- (b) All Countermoves.
- (c) Searches.
- (d) The Straight Arm Escort – Extended and Close Positions.

(e) All Control techniques, Supportive Hold Control.

(f) All Takedowns, except *Wrap-Around to a Single Person Takedown*, *Wrap-Around to a Team Takedown*, and Stages 4 and 5 of *Supportive Hold to a Takedown*.

(g) Handcuffs and Leg Cuffs.

(h) The *Wrap Around* Control technique will not be used on pregnant youth.

(5) The PAR Training Plan for Program employees shall specify:

- (a) All Stance and Body Movement techniques; and
- (b) All Countermoves;

(6) PAR certified facility and program employees shall only use the techniques and mechanical restraints that are specified on the applicable PAR Training Plan.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History—New 7-1-06.

#### 63HER06-5 Authorized Mechanical Restraints.

(1) The Department authorizes the use of only those mechanical restraints addressed in this rule. All mechanical restraints shall be designed and manufactured for the specific purpose of secure transport or restraint.

(a) Authorized mechanical restraints to be used within a facility are as follows: handcuffs, leg restraints, restraint belt, soft restraints, and waist chains.

1. Handcuffs. The availability and versatility of handcuffs make their use practical in most restraint situations. Handcuffs are light, flexible, and easy to apply. Standard handcuffs, used by most law enforcement agencies, are approved for use.

2. Restraint Belt. A restraint belt may be used with handcuffs when added security is needed. The restraint belt is a leather or nylon belt that is secured behind the back of the youth with an independent lock, buckle, or Velcro fastener. The belt is fashioned so that handcuffs secured to the front of the belt provide an alternative to restraining a youth's hands in the behind-the-back position.

3. Leg restraints. Leg restraints are similar to handcuffs, but usually have a 15-inch chain separating the restraints. Leg restraints are typically used in conjunction with handcuffs to restrict the movement of the feet and legs.

4. Soft restraints. Soft restraints, such as nylon flex cuffs (also known as zip cuffs), or Velcro or leather devices, are authorized for use as an alternative to hard restraints.

5. Waist chains. Waist chains are designed to limit arm movement and keep hands visible at all times by securing them at the youth's waist. Waist chains are typically used only for transportation. There are two basic types: a nickel plated chain, usually 60 inches long with a sturdy cuff clip to permit quick attachment of handcuffs; or a similar chain with handcuffs permanently attached.

(b) The use of mechanical restraints, and the circumstances surrounding their use, shall be carefully reviewed and regularly monitored by the regional office to ensure compliance with this rule.

(c) Mechanical restraints are authorized for use during the movement of youth.

(d) There are two authorized methods to use when handcuffing a youth: hands in front of the youth, and hands behind the youth's back.

(e) All facilities, except low and moderate risk facilities, shall use mechanical restraints to transport youth. Leg restraints and front handcuffing shall be used to transport. Low and moderate risk facilities shall use mechanical restraints to transport youth when a risk assessment as described in their facility operating procedures determines mechanical restraints are required.

(f) Prohibited use of mechanical restraints includes the use of neck restraints and the securing of youth to a fixed object.

(g) No more than two youth may be chained or handcuffed together.

(h) A youth's legs and hands may be secured together in the front with the use of waist chains or a restraint belt, in which case the length of the chain securing the youth's legs and

hands together shall not prohibit the youth from standing in a full upright position. Securing a youth's legs and hands together behind the youth's back is prohibited.

(i) If handcuffs are used on pregnant youth, they shall be cuffed in front. Leg restraints, waist chains, and the restraint belt shall not be used on pregnant youth.

(j) Except as provided herein, during transports all violent and escape risk youth shall be handcuffed with their hands in front with the use of a restraint belt or waist chains; or the hands shall be cuffed behind the back.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New 7-1-06.

#### 63HER06-6 Supervision of Youth in Mechanical Restraints.

(1) Youth secured in mechanical restraints as a result of a Level 3 response shall be supervised in accordance with this section.

(2) At no time will a youth be left without constant, full, and direct visual supervision by an employee. The youth shall not be placed in an upper bunk or in any position that does not permit constant, full, and direct visual supervision. Youth shall not be stripped of their clothing.

(3) Employees responsible for providing constant, full, and direct visual supervision shall have physical possession of the key to unlock the mechanical restraints.

(4) While a youth is placed in mechanical restraints, employees shall:

(a) Employ verbal intervention techniques designed to de-escalate the need for mechanical restraints.

(b) Continually monitor the youth's level of resistance, aggressiveness, and willingness to comply with instructions to determine whether removal of restraints is safe and advisable.

(c) Conduct breathing and circulation checks at ten-minute intervals. These ten-minute checks shall be documented on the Mechanical Restraints Supervision Log. The Mechanical Restraints Supervision Log (revised 6/1/06) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>).

(5) If a restrained youth continues to exhibit negative, hostile, and/or aggressive behavior so that removal of mechanical restraints is unsafe, the supervisor or acting supervisor shall interview the youth and decide if it is safe to remove the mechanical restraints. This interview shall occur no more than 30 minutes after the youth is placed in restraints. If it is decided that it is unsafe to remove the restraints, the supervisor or acting supervisor shall document the decision on the Mechanical Restraints Supervision Log. If authorization is obtained from the Superintendent, Residential Program Director, or designee to continue the use of restraints, another interview shall occur no more than one (1) hour after the

previous interview. Each time the decision is made that it is unsafe to remove the restraints, the decision shall be documented as described above.

#### (6) Authorization Requirements.

(a) A youth may remain in mechanical restraints up to 60 minutes with the supervisor's or acting supervisor's authorization.

(b) In order to keep the youth in mechanical restraints for 60 to 120 minutes, the supervisor or acting supervisor shall obtain authorization from the Superintendent, Residential Program Director, or designee who shall first consult with a licensed medical and/or mental health professional before authorizing additional time. This authorization shall be obtained within the initial 60 minute timeframe. This consultation and authorization shall be documented on the Mechanical Restraints Supervision Log by specifying the name of the professional who was consulted, the time contacted, and the amount of time authorized.

(c) In order to keep the youth in mechanical restraints beyond 120 minutes, the same procedures apply as described in paragraph (b) above for each subsequent 60-minute timeframe.

(7) If at any point during the restraint it is determined that transportation to an appropriate treatment center is necessary, the supervisor or acting supervisor shall request verbal authorization from the Superintendent, Residential Program Director, or designee to initiate procedures to transport the youth. This verbal authorization and the time the authorization was received shall be documented on the Mechanical Restraints Supervision Log. The licensed medical or mental health professional may come to the facility or the youth may be transported to an appropriate treatment center.

(8) If a youth is being transported to a mental health facility, the facility shall be telephoned in advance that the youth is being transported.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New 7-1-06.

#### 63HER06-7 Documentation and Retention of Records.

##### (1) Documentation

(a) A PAR Report shall be completed after an incident involving the use of countermoves, control techniques, takedowns, or application of mechanical restraints.

(b) The employees who were engaged with the youth shall complete the PAR Report and shall complete it no later than the end of the employee's workday.

(c) When mechanical restraints are used, the Mechanical Restraints Supervision Log shall be completed.

##### (2) Review and Retention of Records.

(a) An administrative review of the PAR Incident Report shall occur within 72-hours of the incident, excluding weekends and holidays.

(b) Post PAR Interview: The designated health authority or designee shall interview the youth. The purpose of the interview is to determine whether obvious injuries occurred, if the youth complains of pain, or if the youth exhibits signs or systems, that to a lay person indicate a PAR Medical Review is necessary. The findings of the interview shall be placed in the youth's individual health care record. The document shall be labeled "Post PAR Interview" and shall be dated, timed, and signed by the individual conducting the interview. This individual shall also sign and date the PAR Report.

(c) PAR Medical Review:

1. If the Post PAR Interview indicates the need for a PAR Medical Review the youth shall be referred to an authorized medical health professional.

2. The purpose of the Medical Review is to determine, from a medical perspective, if injuries or complications occurred as a result of the physical intervention or application of mechanical restraints and the youth requires medical treatment.

3. Descriptions of injuries or complications and medical treatment provided shall be filed in the youth's individual health care record.

4. If an onsite review is conducted, the documentation shall be labeled, "PAR Medical Review", and it shall conform to professional standards. If an offsite review is conducted, the youth's individual health care record and medication administration record shall accompany the youth to the review. Prior to placing the documentation in the individual health care record, the top of each page returned by the reviewer shall be dated and labeled, with "PAR Medical Review".

(d) The Post PAR Interview and the PAR Medical Review shall occur after the supervisor or acting supervisor has reviewed the PAR Report and prior to the report being submitted to the Administrator or designee.

(e) The Administrator shall establish and maintain a centralized file, which shall include:

1. PAR Incident Reports, attachments to the PAR Incident Report, and

2. Any other incident reports or investigative reports related to the application of physical intervention techniques and/or mechanical restraints.

3. A copy of the PAR Incident Report shall be placed in the centralized file within 48 hours of being signed by the Administrator.

(f) Facilities/Programs shall retain a copy of the PAR Incident Report for three (3) years following the youth's release.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New 7-1-06.

63HER06-8 Medical Requirements for Training.

(1) The following provisions apply to the Medical Status form.

(a) If an employee believes a medical condition exists that will prohibit performance of one or more physical intervention techniques, the employee shall submit the Medical Status form attached to this rule to his or her licensed physician for completion. The Medical Status form (revised 8/15/03) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>). The physician shall specify the date by which he or she anticipates that the employee will be able to perform the techniques or shall specify that the employee is permanently unable to perform the techniques.

(b) The employee's physician shall be provided with a description or a video of the techniques by the employee's facility, program or circuit office.

(c) Upon completion by the physician, the employee shall submit the Medical Status form to the facility Administrator. The Administrator shall review the form on a case-by-case basis. The Administrator shall have the authority to take necessary and appropriate personnel action based upon his or her review of the form or if the Medical Status form is not submitted within a reasonable amount of time.

(d) It shall be the Administrator's discretion as to whether the employee is eligible to attend a PAR training course or sit for the PAR written examination. However, the employee shall not practice or be evaluated on the physical intervention techniques until a Medical Release form is obtained. The Medical Release form (revised 8/15/03) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>). If the employee is registered for a PAR training course, the sending facility/program shall notify the PAR Instructor that the employee is on Medical Status.

(2) Upon expiration of the date specified on the Medical Status form or when an employee is able to perform the specified physical intervention techniques, whichever is earlier, the employee shall submit the Medical Release form attached to this rule to his or her licensed physician for completion. Upon completion by the physician, the employee shall submit the Medical Release form within 10 working days. If a sending facility/program has an employee who previously attended a PAR training course and who was on Medical Status, the facility/program shall notify the PAR Instructor that the employee has been issued a Medical Release and is eligible to practice and be evaluated on the physical intervention techniques.

(3) Medical Status and Medical Release forms, or copies thereof, are confidential records and shall be maintained in accordance with state Personnel rules, or if a contracted facility or program, in accordance with the organization's applicable policy. The Medical Status and Medical Release forms shall not be submitted to the PAR Instructor.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New 7-1-06.

63HER06-9 Certification.

(1) Any employee not PAR Certified prior to 7/01/2006 shall be required to become PAR certified by 9/30/2006.

(2) Any employee hired on or after 7/01/2006, has 90 calendar days to become PAR certified.

(3) Any employee who exercises direct care prior to receiving PAR certification must be directly supervised by an employee who is PAR certified.

(4) Employees shall be PAR certified by successfully completing the PAR training designed for facility or program employee, whichever is applicable. Successful completion requires:

(a) Attendance and participation in the training hours specified in the employee's PAR curriculum. Employees shall participate in the performance of all physical intervention techniques and mechanical restraints being taught during the training session.

(b) A passing score on the PAR written examination.

(c) One-hundred percent (100%) satisfactory performance of the techniques specified on the applicable PAR Performance Evaluation form.

(5) To ensure that all employees are properly observed, are able to receive constructive feedback, and are properly evaluated, the instructor to employee ratio, for employees who are actively engaged, shall be no more than 1:8 during the performance-based segment of a PAR training session. There is no required ratio during the non performance-based segment of a PAR training session.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b), (e) FS. History--New 7-1-06.

63HER06-10 Cross-Over Training.

(1) A PAR certified facility employee who is crossing over to a program position, or vice versa, shall successfully complete, as defined at the beginning of this section, all non-duplicative objectives in the curriculum for facility or program employees, whichever is applicable. Staff Development and Training shall determine the training and testing required for each situation.

(2) When a state-operated or contracted facility hires a PAR certified facility employee who was trained under a different PAR Training Plan, a PAR Instructor shall train and evaluate, at a minimum, the employee's performance on those techniques that the employee has not been trained to perform. The employee is not required to re-take the written PAR examination. The PAR Instructor shall use the PAR Performance Evaluation for facility employees. If the

employee is unable to perform the new techniques, even after reasonable remediation, the employee is no longer PAR certified.

(3) When a PAR Performance Evaluation is completed for PAR certification or PAR Instructor certification, a copy shall be provided to the exam administrator at the written examination site. For PAR Train-the-Trainer courses, a copy of the PAR Instructor Skills Evaluation form shall also be provided to the exam administrator.

(a) If the PAR Performance Evaluation or PAR Instructor Skills Evaluation form cannot be completed prior to the written examination, it shall be submitted to Staff Development and Training as soon as possible after completion.

(b) The PAR Performance Evaluation shall be submitted for everyone regardless of whether they passed or failed the evaluation or have a Medical Status form.

(4) CJSTC certified employees refer to Emergency Rule 63HER06-16.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New 7-1-06.

63HER06-11 Rehired Employee Training.

(1) Employees who terminate their employment with the department or contracted facility or program and are subsequently re-hired shall reinstate their PAR certification by successfully completing PAR training for facility or program employees, whichever is applicable. This paragraph is applicable only if the employee has failed to timely and successfully complete the annual in-service training requirement addressed in this section prior to terminating employment.

(a) If an employee is rehired within 12 calendar months of termination and has successfully completed the required annual in-service requirements, the employee's PAR Certification is current.

(b) If an employee is rehired after 12 calendar months of termination, the employee must satisfy the following requirements:

1. Attend a minimum of 8 hours of remedial training, and

2. Obtain 100% satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New 7-1-06.

63HER06-12 Annual Training Requirement.

(1) Program employees shall complete a minimum of four (4) hours of annual training. Facility employees shall complete a minimum of eight (8) hours.

(2) The annual in-service training shall include, at a minimum, the items listed below.

(a) A review of this rule, including revisions, and other facility or program PAR administrative procedures.

(b) How and when to properly complete the PAR Report.

(c) Practice of all physical intervention techniques checked on the applicable PAR Training Plan and, at a minimum, practice of all mechanical restraints used by the facility.

(d) Successful completion of the annual in-service training requires 100 percent attendance and participation in the training program. The training hours do not have to be consecutive.

(3) If a facility or program employee fails to successfully complete this annual in-service training within twelve (12) months of their last PAR Training, they will no longer be authorized to use Level 2 or Level 3 Responses, and must attend a minimum of 8 hours of remedial training, to include one hundred percent satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History—New 7-1-06.

#### 63HER06-13 Testing Requirements.

(1) If a candidate fails the written examination, they are only required to attend the remedial classroom training.

(2) PAR Instructors shall conduct a practical examination utilizing the applicable PAR Performance Evaluation to evaluate a facility or program employee's ability to perform verbal intervention techniques and the physical intervention techniques and mechanical restraints that are specified on the PAR Training Plan. The PAR Performance Evaluation form (revised 6/01/06) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>).

(a) If a PAR Instructor candidate or facility or program employee fails the PAR Performance Evaluation, the PAR Instructor candidate or employee is considered to only have failed the performance evaluation. Therefore, when remedial training is provided, the PAR Instructor candidate or employee is only required to attend the performance-based segment of the training.

(b) Test candidates shall have no more than three (3) attempts to pass the written exam.

(c) Test candidates shall adhere to the following schedule for second and third attempts to pass the written exam:

1. The second attempt shall occur no less than 15 calendar days before and no more than 45 calendar days after the first attempt.

2. The third attempt shall occur no less than 15 calendar days before and no more than 45 calendar days after the second attempt.

(3) For annual in-service training, use of the PAR Performance Evaluation is not required.

(4) One PAR Performance Evaluation form shall be used for each attempt that a facility or program employee makes to pass the performance evaluation. The term, attempt, is described below.

(a) ATTEMPT 1: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's first attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 1 shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques.

(b) ATTEMPT 2: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employees on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's second attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 2 shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques.

(c) ATTEMPT 3: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's third attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee is considered to have failed his or her third attempt. An employee who fails four (4) or more techniques on Attempt 3 shall not have an opportunity to receive remediation and is considered to have failed his or her third attempt.

(5) Program employees shall be evaluated, using the PAR Performance Evaluation for Program employees, on all physical intervention techniques that are specified in the PAR Training Plan for Program employees.

(6) State-Operated facility employees and contracted detention facility employees shall be evaluated, using the PAR Performance Evaluation for State-Operated/Contracted Detention Facility employees, on various physical intervention techniques specified on the PAR Training Plan for State-Operated/Contracted Detention Facility employees, using the following guidelines:

(a) All Stance and Body Movement techniques;

(b) All Countermoves;

(c) The Straight Arm Escort – Extended and Close Positions;

(d) Three (3) Control techniques, as selected by the employee;

(e) Three (3) Takedown techniques, as selected by the employee;

(f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include front handcuffing and uncuffing, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and

(g) Searches.

(7) Contracted facility employees, except contracted detention facility employees, shall be evaluated using the PAR Performance Evaluation for Contracted Facility employees, on various physical intervention techniques specified on the employee's PAR Training Plan for Contracted Facility employees, using the following guidelines:

(a) All Stance and Body Movement techniques;

(b) All Countermoves;

(c) One (1) Touch technique, as selected by the employee;

(d) Three (3) Control techniques, as selected by the employee;

(e) Three (3) Takedown techniques, as selected by the employee;

(f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include one (1) front handcuffing and uncuffing technique, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and

(g) Searches.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 F.S. Law Implemented 985.4055(2)(b) FS. History–New 7-1-06.

63HER06-14 Training Instructor Qualifications.

(1) PAR Instructor Candidate requirements:

(a) One year of experience, working full time, in the juvenile justice or related field;

(b) PAR certification;

(c) Criminal Justice Standards & Training Commission Instructor Techniques Workshop (ITW) certified; and

(d) Successful completion of the PAR Train-the-Trainer course. An instructor candidate shall be allowed to attend a PAR Train-the-Trainer course only if he or she has achieved the requirements in paragraphs (a), (b), and (c).

(e) PAR Instructor candidates shall demonstrate proficiency for all physical intervention techniques and mechanical restraints listed on the PAR Performance Evaluation form. In addition, the Instructor candidate must

demonstrate the ability to verbally communicate how the techniques are to be performed. The demonstration shall be evaluated by one Master PAR Instructor and one PAR Instructor.

(f) Satisfactory demonstration of presentation skills using the PAR Instructor Skills Evaluation form. The PAR Instructor Skills Evaluation form (revised 6/01/06) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>).

(3) A score of 85 percent or higher on the PAR written examination. The instructor candidate shall have two attempts to pass the examination.

(4) One PAR Performance Evaluation for PAR Instructors form shall be used for each attempt that the instructor candidate makes to pass the performance evaluation. The instructor candidate shall have two attempts to pass the evaluation. An attempt is the completion of one PAR Performance Evaluation form.

(a) If remediation is required, the Master PAR Instructor shall have the discretion to determine whether remediation will be conducted on-site or at a future date. If remediation occurs at a future date, the instructor candidate shall be evaluated, at the second attempt, on all techniques initially evaluated.

(b) If the instructor candidate fails the second attempt, he or she shall not be certified as a PAR Instructor. However, this candidate is eligible to attend the PAR Train-the-Trainer course again, provided all other criteria for becoming a PAR Instructor remain current.

(5) Demonstrations of the physical intervention techniques and presentation skills shall be videotaped. The videotapes shall be given to Staff Development and Training within thirty (30) working days after completion of the evaluations.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History–New 7-1-06.

63HER06-15 Training Instructor Certification Renewal.

(1) PAR instructors must conduct 20 hours of PAR training annually to maintain certification. Failure to meet this requirement will necessitate remedial training conducted by a Master PAR instructor.

(2) Instructors must attend and participate in a 16-hour in-service training program once every four years as conducted by a Master PAR Instructor.

(3) Instructors must participate in the review of the PAR policy and demonstration of the physical intervention techniques.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History–New 7-1-06.

63HER06-16 Law Enforcement Operations and Partnerships.

(1) All Law Enforcement/Correction/Detention employees must complete, at a minimum, the following training requirements within 90 calendar days of that employee's hire date:

(a) Direct care employees who are certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to successfully complete PAR Crossover Training for Law Enforcement Personnel. Successful completion requires:

1. Attendance and participation in a minimum of twenty (20) hours of PAR Training.

2. A passing score on the written examination.

3. One-hundred percent (100%) satisfactory performance on the techniques specified on the applicable PAR Performance Evaluation form.

(b) Direct care employees who are not certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to be certified in PAR.

(2) CJSTC certified employees and non-CJSTC certified employees shall adhere to the annual training requirements set forth in 63HER06-12 for facility employees.

(3) With regard to the use of mechanical restraints, reporting requirements and record retention, all Law Enforcement Operations and Partnerships other than those governed by Chapter 63E F.A.C. shall comply with Rules 63HER06-5, -6, and -7.

(4) All Law Enforcement operated facilities or programs shall submit a PAR Training Plan in accordance with Rules 63HER06-4.

(5) Facilities or programs that are required to have PAR certified employees must certify employees within the timeframes set forth herein.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(d) FS. History—New 7-1-06.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 1, 2006

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Washington-Holmes Technical Center on June 2, 2006, a petition for Waiver of paragraph 11B-21.005(8)(c),

F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department permit it to operate with less staff than specified in the rule.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

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Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Florida Keys Community College on June 8, 2006, a petition for Waiver of Rule 11B-18.0053, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department permit it to retain Trust Funds expended on a lease purchase item.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

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### DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on June 21, 2006, the Florida Department of Transportation issued an order denying the Petition of Hillsborough Area Regional Transit, seeking a variance from the provisions of paragraph 14-90.007(3)(a), F.A.C. The Petition was received by the Department on April 13, 2006. The Department published its notice of receipt of the Petition in the April 22, 2006 edition of the Florida Administrative Weekly. Paragraph 14-90.007(3)(a), F.A.C., regulates the minimum curbside mirror height requirements for Type I buses. The Department's order, issued in DOT Case No. 06-032, denied the petition because it did not relate to Type I buses.

A copy of the Department's order may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458. For additional information, contact: James C. Myers, (850)414-5393.

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### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of