

under the direct supervision of his or her sponsor until they have applied and received their license or up to ninety days whichever comes first. Pursuant to subsection 64B6-3.001(2), F.A.C. Payment of the fee and all other licensing requirements required by this rule shall be met within ninety (90) days of notification of licensure eligibility, or the eligibility certification becomes null and void and the person must reapply for licensure.

(6) A trainee who fails the licensure examination must immediately stop functioning as a trainee upon receipt of the examination results. However, a trainee may continue in Stage III of the training program by submitting to the Board within 10 days of receiving examination results a training program continuation request and taking the next available examination. A trainee who fails the licensure examination and does not submit a training program continuation request to the Board within 10 days of receiving the examination results may repeat the training program one time by meeting the criteria in Rule 64B6-8.002, F.A.C., and taking the next available examination.

(7) through (8) No change.

Specific Authority 484.044, 484.0445(1) FS. Law Implemented 484.0445, 484.045 FS. History--New 2-12-84, Formerly 21JJ-8.03, Amended 8-12-87, 10-1-90, 1-28-91, 4-23-91, 8-19-91, Amended 3-18-93, Formerly 21JJ-8.003, Amended 4-21-94, Formerly 61G9-8.003, Amended 7-11-02, 2-19-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialist

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2006

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.040
RULE TITLE: Voluntary Prekindergarten (VPK) Director Endorsement for Private Providers

NOTICE OF CHANGE

Notice is hereby given that the following amendment was made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 20, of the May 19, 2004, issue of the Florida Administrative Weekly.

Subsection (1) was amended to delete reference to July 1, 2006, and a new subsection (4) was added to establish an effective date of December 31, 2006.

(1) Requirements for the Endorsement. Consistent with the requirements of Section 1002.55(3)(f), Florida Statutes, a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Endorsement, issued by the Department of Children and Families (DCF), that meets the requirements of subsection (2) of this rule. Successful completion of the Director Credential, as required by Section 402.305(2)(f), Florida Statutes, and paragraph 65C-22.003(8)(a), F.A.C., prior to the effective date of this rule July 1, 2006, shall satisfy this requirement.

(4) This rule shall become effective December 31, 2006.

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."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District
RULE CHAPTER NO.: 40D-2
RULE NO.: 40D-2.801
RULE CHAPTER TITLE: Water Use Permitting
RULE TITLE: Water Use Caution Areas

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes are proposed to subparagraph 40D-2.801(3)(b)5., F.A.C. The proposed rule was published in the Vol. 32, No. 19, issue of the Florida Administrative Weekly on May 12, 2006. A new last sentence is being added to the subparagraph. The subparagraph is proposed to read as follows:

5.3. Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than one Water Use Caution Area (WUCA) shall be subject to the conservation and reporting requirements of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including Minimum Flows and Levels requirements, as set forth in Chapter 40D-2, F.A.C., and this Basis of Review for Water Use Permit Applications. Nothing in the rules and Basis of Review for Water Use Permitting specific to the SWUCA shall be interpreted or applied in any manner that would interfere with the Recovery Strategy for the Northern Tampa

Bay Area as outlined in Rule 40D-80.073, F.A.C., or the Northern Tampa Bay New Water Supply and Ground Water Withdrawal Reduction Agreement.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-1.021 Definitions

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following change has been made to the Definition of the District’s ePermitting website since publication in the Florida Administrative Weekly, Vol. 32, No. 18, on May 5, 2006, pursuant to comments received from the Joint Administrative Procedures Committee:

40E-1.021 Definitions.

When used in this chapter, Chapters 40E-4, Chapters 40E-40, 40E-41, 40E-61, and 40E-400, F.A.C.:

(1) “e-Permitting website” means the District’s website address for e-Permitting at <http://my.sfwmd.gov/ePermitting>. After accessing the e-Permitting website, the user clicks the start icon on the e-Permitting homepage.

(2) through (5) No change.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 668.003, 668.004, 668.50 FS. History–New_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-4.021 Definitions

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following change has been made to the Definition of the District’s ePermitting website since publication in the Florida Administrative Weekly, Vol. 32, No. 18, on May 5, 2006, pursuant to comments received from the Joint Administrative Procedures Committee:

40E-4.021 Definitions.

When used in this chapter, Chapters 40E-4, Chapters 40E-40, 40E-41, 40E-61, and 40E-400, F.A.C.:

(1) through (11) No change.

(12) “e-Permitting website” means the District’s website address for e-Permitting at <http://my.sfwmd.gov/ePermitting>. After accessing the e-Permitting website, the user clicks the start icon on the e-Permitting homepage.

(13) through (46) No change.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.019, 373.403-.443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96,_____.

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

Detention Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63G-2	Secure Detention Services
RULE NOS.:	RULE TITLES:
63G-2.002	Definitions
63G-2.003	Facilities and Maintenance
63G-2.004	Staffing and Operations
63G-2.005	Security
63G-2.006	Treatment, Training and Education of Youth
63G-2.007	Sanitation
63G-2.008	Capacity
63G-2.009	Bedding and Linens
63G-2.011	Medical Treatment, Health and Comfort
63G-2.012	Disciplinary Treatment

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule sections in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 8, February 24, 2006, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on the rule conducted on June 9, 2006, in Tallahassee, and to those provided by the Joint Administrative Procedures Committee in a May 11 letter.

63G-2.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) Activity Schedule – The ~~calendar of events~~ ~~schedule of activities~~ regulating the youth’s daily routine in a secure detention facility.

(2) Admission – The procedural process of placing a youth in detention status.

(3) Admission Officer – The ~~Juvenile Detention~~ Officer responsible for admitting a youth to secure detention status.

(4) Behavior Management System – A system designed to promote positive behavior through the giving or taking of rewards or privileges based on youth behavior.

(5) Behavioral Confinement – The placement of youth in a designated room for behavioral reasons.

(6) Census Counts – Process used to physically count each youth in the facility to ensure the number of youth in the facility is consistent with the number of youth the data system indicates are in the facility.

(7) Classification – The identification and placement of youth in facility housing and programming based upon a classification matrix.

(8) Constant Sight and Sound Supervision – Continuous and uninterrupted observation of a youth by a staff member who has a clear and unobstructed view of the youth and unobstructed sound monitoring of the youth at all times.

(9) Corporal Punishment – Physical punishment applied to the body of a youth ~~the offender~~, i.e. whipping, spanking.

(10) Cost of Care Recovery – Fees ordered by the court for the care, support and maintenance of the youth while detained.

(11) Designated Health Authority – A Florida licensed physician (Medical Doctor or Doctor of Osteopathy), who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of health care within a detention center. ~~Those individuals authorized to supply oversight of medical services in secure detention facilities.~~

(12) Designated Mental Health Authority – A single licensed mental health professional who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of mental health care within a detention center. ~~Those individuals authorized to provide oversight of mental health and substance abuse services in secure detention facilities.~~

(13) Detention Screener – The individual who completes the detention screening and ensures proper paperwork is present to correctly screen a youth for detention status.

(14) Documentation – The act or an instance of the supplying of electronically or manually prepared documents, supporting references or records.

(15) Facility Operating Procedures – Individual facility procedures which implement statewide policies and procedures.

(16) Grievance – An actual or supposed circumstance regarded as just cause for complaint by a youth in a secure juvenile detention center.

(17) Grievance Procedure – A procedure for addressing youth grievances in secure detention centers.

(18) Group Punishment – The punishment of a group of youth for the behavior of a few.

(19) Inactive Files – File material resulting from previous contacts with the youth.

(20) Incident Reporting – An incident requiring mandatory reporting based on department requirements.

(21) Juvenile Detention Officer – The officer responsible for the direct supervision of the youth in secure detention.

(22) Juvenile Detention Officer Supervisor – The officer responsible for the direct supervision of other officers in the performance of their duties.

(23) Juvenile Justice Information System – The department’s electronic information system used to gather and store information on youth having contact with the department.

(24) Juvenile Probation Officer – The officer responsible for the supervision of a youth in the community or on post commitment probation or conditional release.

(25) Legal Guardian – An individual or agency with the legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian the right to have physical custody of the youth ~~child~~ and the right and duty to protect, train, and discipline the youth ~~child~~ and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(26) Logbook – A written format for communication and record keeping in a secure detention facility.

(27) Master Control – The central security focal point in the facility for communication and tracking youth movement.

(28) Mechanical Restraints – Handcuffs, shackles, and belt chain.

(29) Quality Assurance System – A statutorily mandated process for the objective assessment of a program’s operation, management, governance, and service delivery based on established standards.

(30) Radio Ten Codes – Standardized communication codes to ensure fast, accurate, and universal communication in detention facilities.

(31) Regional Director – The person responsible for the supervision of the superintendents of regional juvenile detention centers in a specified region.

(32) Release – The removal of a youth from detention status.

(33) Secure Detention – A physically restricting facility for the temporary care of youth ~~children~~, pending adjudication, disposition, or placement.

(34) Security Devices – Devices both mechanical and electrical that enhance security in the facility.

(35) Superintendent – The person responsible for the operation of a designated regional juvenile detention center.

(36) Supervision – The direct care, custody, and control of youth while in detention status.

(37) Verbal and Physical Intervention – Verbal and physical response used to maintain control of youth.

(38) Youth – Any youth ordered into secure detention status.

(39) Youth Rights – Rights conferred upon a youth by state and federal law, department policy, and current best practices.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10) FS. History–New_____.

63G-2.003 Facilities Construction and Maintenance.

(1) The Department shall ensure that detention facilities ~~any newly constructed facility is designed to~~ comply with the following:

(a) ~~No more than 1 youth per every 150 square feet of floor space may be housed in a detention facility. Sleeping rooms shall provide a minimum of 25 square feet of unencumbered space per fixed bed. Provide adequate space for the activities of the facility, to include sleeping rooms, dayrooms, classrooms and multipurpose areas.~~

(b) ~~Each youth shall have access to a toilet, sink, and shower. Provide adequate toilets, wash basins, and showers, consistent with the number of youth in the facility.~~

(c) ~~Facilities used by the handicapped shall be designed for their use and shall provide for integration with the general population. Provide appropriate facilities to safely and securely meet the needs of handicapped youth.~~

(d) ~~Provide adequate outdoor activity space for large muscle exercise including, but not limited to, calisthenics and unimpeded walking or running, to allow at least one hour of outside activity daily.~~

(e) All ~~renovations construction~~ shall comply with established building codes and requirements.

(2) The ~~department detention superintendent or designee~~ shall ensure that systems and/or programs, contracted or otherwise, are in place to address facility needs related to the maintenance, repair, replacement and continual evaluation to include the following: ~~of the:~~

- (a) Integrity of the facility structure(s).
- (b) Mechanical systems.
- (c) Electrical systems.
- (d) Communication and surveillance systems.
- (e) Commercial food service equipment.
- (f) Systems related to pest control, garbage removal and upkeep of the facility grounds.
- (g) Systems related to fulfilling local and state health and sanitation requirements.
- (h) Systems related to fire safety, disaster preparedness and the operation of the emergency generator.
- (j) Documentation of issues as outlined above shall be maintained as required by state, department, facility and/or local guidelines, policies and procedures.
- (k) The superintendent or designee shall ensure all tools and equipment related to maintenance are properly cared for, stored and inventoried.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History--New_____.

63G-2.004 Staffing and Operations.

(1) Organization:

(a) The Assistant Secretary for Detention Services as appointed by the Secretary of the Department of Juvenile Justice, is responsible for all aspects of detention services including but not limited to the operation of all detention centers statewide.

(b) The regional director who, in turn, reports directly to the Assistant Secretary directs all operations related to detention services in their region.

(c) Detention superintendents report to a designated regional director.

1. The superintendent or designee shall maintain an organizational chart of the center's personnel structure. The organizational chart shall at a minimum include:

- a. An outline of the structure of authority and accountability within the center.
- b. Names, positions, position numbers and a clear chain of command for all facility positions.
- c. Updating as needed and reviews at least quarterly for accuracy.

2. Position descriptions shall be maintained for facility personnel and shall include all information as required by the Florida Administrative Code.

3. ~~Each detention facility shall be staffed to ensure the total number of FTE (Full Time Equivalency) positions allocated to a detention center shall be such that there is a minimum of 1 FTE position per every 1.5 fixed beds. Shift schedules for detention officers shall ensure staffing that will provide for a safe and secure environment during all hours of each day of the week. The superintendent shall review staff schedules prior to implementation.~~

4. ~~Shift schedules for detention officers shall ensure staffing that will provide for a safe and secure environment during all hours of each day of the week. The superintendent shall review staff schedules prior to implementation. Schedules for administrative and support staff shall be developed at the discretion of the superintendent to best meet the needs of the facility.~~

5. Schedules for administrative and support staff shall be developed at the discretion of the superintendent to best meet the needs of the facility.

(2) Monitoring and Assessment:

(a) Detention superintendents shall designate to their facility Assistant Superintendents the responsibility of preparing quarterly reports analyzing facility operations, which shall include:

- 1. Review, investigation and follow-up actions of incidents impacting the safety and security of daily operations.
- 2. Review of population trends.
- 3. Review of safe, secure and humane conditions of confinement for youth.
- 4. Review of other issues as identified by the superintendent.
- 5. Recommendations to best address any issues identified above.

(b) These reports shall be reviewed in a timely manner by the superintendent who will forward these reports with comments and or corrective actions to the regional director for review and action.

(c) The detention center shall be subject to ~~annual periodic~~ reviews by the ~~d~~Department's Quality Assurance unit. Should a facility fail to maintain at least a minimum satisfactory rating in quality assurance, a corrective action plan shall be implemented. ~~Continued failure to maintain at least a satisfactory rating shall be addressed consistent with Florida Statute. If the center fails to achieve compliance with the established minimum thresholds within six (6) months, and if there are no documented extenuating circumstances beyond the center's control that make it difficult or impossible to meet minimum QA standards, then the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to the following:~~

1. Contracting out for the services provided in the program;

2. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;

3. Redesigning the program.

(d) The Department will grant special consideration to any detention center achieving an overall performance rating of 80% or higher (Commendable and Exceptional Performance) rating in each key programming area and an overall compliance rating of at least 90% during its annual quality assurance (QA) review. To be eligible, the center must also meet all standards in at least the acceptable performance range and pass the education standard in programs that provide educational services. This special consideration will be in effect for a period of two years following the qualifying review. The first year following the qualifying review, there will be no quality assurance review conducted of any type. ~~The second year following the qualifying review will include a short form review.~~

(3) Training:

(a) ~~All juvenile justice officers shall be trained and certified in Protective Action Response within 90 days of their hire date. All juvenile justice officers shall be trained and successfully complete the Basic Officer Certification Program within 180 days of their hire date. All juvenile justice officers must should be trained and receive PAR certification within 90 180 days of the hire date. There will be two phases to the staff training.~~

1. Phase One of the staff training includes essential skills as identified by the Department of Juvenile Justice Bureau of Staff Development and Training. No officer will be permitted to assume the care and custody of detained youth until he or she has completed verbal and physical intervention and has

been certified to administer CPR/First Aid. When Phase One is completed, the officer will be permitted to interact with detained youth under the supervision of a certified officer.

2. Phase Two of the staff training includes policy and procedures as identified by the Department of Juvenile Justice Bureau of Staff Development and Training. Upon successful completion of Phase Two training, the staff member will be a certified officer and be permitted to assume the care and custody of detained youth.

(b) Training curricula shall address specifically the sequence, steps, methods, required paperwork and other applicable details officers would follow as part of their duties and responsibilities.

(c) Detention superintendents or designees shall ensure compliance with all training requirements.

(4) Interns and Volunteers:

(a) May be utilized to work directly with youth to promote a variety of educational, life and/or job related skills.

(b) All prospective interns or volunteers working more than 40 hours in a month shall be initially screened per departmental screening procedures, ~~and must possess appropriate qualifications per guidelines established by the superintendent.~~ Interns and volunteers working less than 40 hours in a month and who are under the direct and constant supervision of persons who have met the department's screening requirements are not required to undergo background screening.

(c) Interns and volunteers shall receive security appropriate training to allow them to safely and securely interact with youth prior to having contact with ~~any~~ youth. This training will enable the intern/volunteer to interact with youth without compromising the safety and security of the youth, staff, and the facility.

(d) The superintendent or designee shall maintain a file on all interns and volunteers. ~~The file shall include including~~ at a minimum, the approved background screening paperwork, the superintendent's review of the paperwork, and approval to be an intern or volunteer and documentation of training.

(e) Interns and volunteers shall comply with all departmental rules policies and procedures and Florida statutes.

(f) All activities, topics of discussion, lessons, etc. shall enhance services to youth conducted by interns or volunteers shall be approved by the superintendent or designee. The activities may include but are not limited to the following topics:

1. Religious: Groups facilitating religious activities such as, Bible studies, choirs, provision of special ceremonies, and religious services.

2. Drugs/Alcohol: Groups providing services in the area of drug and/or alcohol abuse prevention, which may include education, counseling, and support groups.

3. Community Reintegration: Groups whose services are aimed at assisting the juvenile to develop community survival skills.

4. Recreation: Groups providing leisure time activities such as arts and crafts, athletics, and entertainment.

5. Academic/Vocational: Groups providing educational assistance such as tutoring, educational counseling, classes, job training and preparation.

(g) An officer shall maintain supervision of youth during all intern or volunteer sponsored activities.

(5) Admission:

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

(b) The admission process shall address the following:

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

2. Completion of the Juvenile Justice Information System (JJIS) Admission Wizard. The Admission Wizard is a database containing all elements required for an admission.

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

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

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

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

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

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

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

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

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

(6) Transfers:

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

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

1. Active files shall be reviewed to ensure all required evaluations and documents are present and to determine any special needs or supervision.

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

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

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

(7) Documentation:

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

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

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

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

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

a. Shift reports

b. Incident reports

c. Confinement reports

d. Documentation of ~~verbal~~ and physical interventions to control behavior.

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

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

b. National School Lunch meal reports.

c. Reports to the ~~Florida central~~ Abuse ~~h~~Hotline, pursuant to Chapter 39, Florida Statutes.

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

63G-2.005 Security.

(1) Security Audits: The regional director shall ensure security audits are conducted and documented by department personnel on a quarterly basis. Security Audits are reviews by a team of professional staff inspecting security systems, equipment, policy, procedures and staff actions. The results are documented. Any deficiency is noted and corrective actions must be made.

(2) Security Devices:

(a) Security devices are used to enhance the supervision provided by trained staff. The following security devices are utilized in detention centers:

1. CCTV, radios and other recording and audio devices
2. Doors, vestibules, man-traps / interlocking doors, keys, locks, windows, and electronic controls
3. Mechanical restraints, i.e. handcuffs, restraining belt, leg cuffs, soft restraints
4. Fencing, hardware cloth, razor wire, and sallyports.

(b) The detention superintendent shall ensure:

1. Security devices shall be ~~are~~ checked for proper operation / status on each shift, with the findings documented on the shift report and applicable logs under Rule 63G-2.004, F.A.C.

2. Noted deficiencies shall be ~~are~~ reported to maintenance and administration for corrective action.

(3) Master Control:

(a) Master Control's function, as it relates to security, involves 24-hour, seven days per week observation and monitoring of all activities occurring within the facility. Master Control performs a number of critical tasks related to safety and security. It is the central security focal point in the facility for communication and tracking youth movement.

(b) The detention superintendent shall ensure the master control operator or designee maintains a bound log book and documents admissions, releases, census counts at the beginning and end of each shift and throughout the shift as the count changes, youth movement, emergencies, and any other relevant incidents / information.

(c) Master Control or other security stations as designated by the superintendent shall ensure all visitors, both visiting DJJ staff and others, are documented.

~~(d) Master Control monitors and controls security devices.~~

~~(d)(e)~~ Master Control clears all movement of youth prior to the actual movement.

(4) Communications:

(a) The detention superintendent shall require that upon reporting to duty, officers and supervisors are briefed by the outgoing supervisor or designee on each shift. Briefings at a minimum shall include:

1. Review of census counts including admissions and releases
2. Names of youth placed in confinement and current status
3. Names and status of youth on suicide watch or with special medical alerts
4. Status of security devices
5. Incidents that contribute to jeopardizing safety and security
6. Any other information applicable to maintaining a safe and secure environment.

(b) The lead officers assigned to the direct supervision of a group of youth shall be issued radios to be used to communicate with other lead officers, supervisors and Master Control as needed. Facility administration shall be assigned radios compatible with those issued to staff.

(5) Key Control:

(a) The detention superintendent or designee shall maintain a key inventory accounting for all keys.

(b) Emergency key rings with keys providing egress through the facility exterior shall be maintained separately from other facility keys in areas designated by the superintendent. These keys shall be notched or be otherwise identifiable by touch only.

(c) Employees shall not allow youth to handle facility keys.

(d) Key rings shall not be removed from the facility or the facility grounds without authorization from the superintendent.

(e) Lost key rings shall be reported immediately to the supervisor on duty.

(f) Youth movement shall cease immediately in the event of a lost key ring.

(6) Supervision of Youth:

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

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

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

1. At the beginning and end of each shift
2. Prior to and following routine movement
3. Following any evacuation of the facility due to emergency or fire drill
4. Randomly, at least once, on each shift.

(d) When youth are noncompliant or present a danger to self or others, staff ~~Officers~~ shall intervene using approved following departmental guidelines for verbal and physical intervention techniques and if necessary, the application of mechanical restraints ~~when youth are noncompliant or present a danger to self or others.~~

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

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

(7) Classification of Youth:

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

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

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

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

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

(8) Living Area / Room Assignments:

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

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

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

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

(e) When a youth is confined to a room, whether for sleeping, disciplinary or other reasons, officers shall conduct, at a minimum, 10-minute checks to ensure safety and security. Ten-minute checks shall be documented to include the time of the check and the initials of the officer completing the check. If an officer, in the course of completing checks, is unable to see any part of a youth's body, the officer shall, with the assistance of another officer, open the door to verify the youth's presence.

(9) Searches:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Firearm and Weapon Control:

(a) The detention superintendent shall ensure the following:

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

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

(b) The possession of any firearm or weapon by a youth is a criminal act.

Such items shall be seized if there is no immediate danger posed and law enforcement must be contacted.

(11) Emergencies:

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

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

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

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

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

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

(12) Non-facility Staff in Secure Areas:

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

(b) The superintendent shall ensure the following:

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

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

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

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

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

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

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1 FS. History--New_____.

63G-2.006 Treatment Training and Education of Youth.

(1) Orientation:

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

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

(2) Officer and Youth Interaction:

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

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

(3) Officer Professionalism:

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

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

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

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

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

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

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

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

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

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

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

(4) Daily Activities:

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

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

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

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

(5) Activity Schedule:

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

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

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

(6) Education:

(a) The department's standards and requirements for education in detention facilities will be consistent with those established by the Department of Education and will be outlined within a cooperative agreement with the Department of Education and the local school district. Youth shall attend school per guidelines established by the Florida Statute and the Department of Education. Youth are required to receive 300 minutes per day of educational instruction.

(b) The cooperative agreement shall include the mandated standards and requirements found in Sections 1003.52, 1006.13, 985.3155, Fla. Stat.

~~(c)(b)~~ The superintendent or designee shall work in partnership through a cooperative agreement with local school officials to ensure a quality school program is available for all youth. The superintendent or designee shall ensure compliance with the cooperative agreement.

~~(e) The superintendent or designee shall ensure compliance with the cooperative agreement.~~

(7) Recreation and Leisure Activities:

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

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

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

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

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

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

(8) Indoor Activities:

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

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

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

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

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

(9) Visitation:

~~(a) Visitation of youth in detention is strongly encouraged and supported.~~ The superintendent shall develop a visitation plan consistent with the following:

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

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

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

4. All visitors must present a picture ID prior to being authorized to enter the facility every time they visit and be cleared through the metal detector before being authorized to enter the visiting area. Any individual that fails to present proper identification, refuses to be searched or cleared through the metal detector shall be denied access to the facility. Acceptable forms of picture identification are a valid State Driver's License, State Identification Card and a national Passport.

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

unauthorized items into a detention center. Visitors will be electronically screened by passing through a walk-through metal detector.

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

7. Visitors shall be denied entrance if they:

a. Are disruptive or uncooperative.

b. Refuse to be electronically searched.

c. Refuse to comply with officer instructions.

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

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

f. Attempt to introduce contraband into the secure area.

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

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

(b) Visitation may be terminated if the behavior of the visitor or youth is disruptive to the point of jeopardizing the safety of any youth or staff. Officers will follow subsequent reporting procedures if a visit is terminated or not in compliance with facility policies or procedures, and officers will follow subsequent reporting procedures if a visit is terminated. The termination of a visit may lead to the suspension of future visitation privileges at the discretion of the superintendent.

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

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

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

(10) Telephone Usage:

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

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

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

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

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

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

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

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

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

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

(11) Mail:

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

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

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

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

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

4. Youth shall not write to other youth in any juvenile detention center or residential commitment program. Youth shall not write to anyone relative incarcerated in an adult correctional facility without the permission of the superintendent or designee.

5. Due to the possibility of biological or chemical contamination, and in the interest of youth and staff safety, incoming packages and letters are not to be opened in the

presence of the youth. They are to be opened at a location that offers the highest level of safety for staff and youth, using appropriate safety precautions. The only exception to the above is mail clearly marked from the youth's attorney. This mail is to be opened in the presence of the youth. Acceptable enclosures may include appropriate photos (not Polaroid) or paper drawings. Unacceptable enclosures may include money or potentially dangerous items such as weapons or illegal drugs, which will be seized and inventoried ~~per facility operating procedures~~.

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

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

(12) Grievances:

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

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

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

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

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

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

(c) The grievance process is as follows:

1. The supervising officer(s) will issue both a Grievance Form and a pencil to any youth who wishes to file a grievance. The Grievance Form (June 2006) is incorporated by reference, and is available from the Assistant Secretary for Detention, 2737 Centerview Drive, Ste. 309, Tallahassee, Florida 32399-3100.

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

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

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

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

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

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

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

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

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

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)2. FS. History--New_____.

63G-2.007 Sanitation.

(1) Each detention facility is responsible for ensuring the physical plant and that its grounds are maintained in a safe and sanitary manner in compliance with Florida Administrative Code (F.A.C.) provisions in the following areas:

(a) Water Supply: F.A.C. 64E-12.003.

(b) Food Service: F.A.C. 64E-11.

(c) Housing: F.A.C. 64E-12.005.

(d) Insect and Rodent Control: F.A.C. 64E-12.006.

(e) Laundry: F.A.C. 64E-12.008.

(f) Poisonous or Toxic Substances: F.A.C. 64E-12.009.

(g) Garbage and Rubbish: F.A.C. 64E-12.010.
(h) Recreational Areas: F.A.C. 64E-12.011 all applicable codes and standards, such as fire safety, health, and sanitation.

(2) The superintendent or designee shall conduct a weekly sanitation inspection and shall document findings.

~~(2) The detention center's potable water sources and supply shall be in compliance with jurisdictional laws and regulations.~~

(3) Biohazardous waste shall be disposed of in accordance with OSHA Standard 29 CFR 1910.1030. Youth shall not be allowed to clean, handle, or dispose of any other person's biohazardous material, bodily fluids, or human waste.

(4) All facilities shall be inspected by the appropriate persons in reference to state health, sanitation and food service standards.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)3. FS. History--New_____.

63G-2.008 Capacity.

(1) Each Facility shall develop an overcrowding contingency plan. The plan shall address:

(a) ~~The maximum number of youth the facility is capable of housing safely and securely. If the number of youth in a facility is such that the amount of floor space per child is less than 150 square feet (as identified in Rule 63G-2.003, F.A.C.), the facility shall be considered overcrowded. Identification of the maximum number of youth the facility is capable of housing safely and securely.~~

(b) Actions to be taken when the facility reaches the identified maximum capacity, shall include requesting release of youth through the court and transferring youth to other facilities if deemed to be in the best interest of safety and security.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)4. FS. History--New _____.

63G-2.009 Bedding and Linens.

(1) All mattresses shall be individually certified as meeting national fire safety performance requirements. Polyurethane mattresses shall be prohibited.

(2) Clean bed linens shall be issued as follows:

(a) All newly admitted youth shall be provided with clean bedding.

(b) ~~Each youth shall be provided two clean sheets and one clean pillowcase weekly that are of a healthcare grade quality. The linens shall have, at a minimum a 130 thread count. One clean blanket shall be provided weekly as requested by a youth that is of a healthcare grade quality. Blankets shall be a woven blend of a minimum of 25% wool. Clean bed linen shall be provided to all youth at least once per week and more often when health reasons dictate.~~

(c) ~~Each youth shall be issued one clean towel and one clean hand cloth daily that are of a healthcare grade quality. Towels shall have a minimum rating of 6.0 pounds per dozen and hand cloths shall have a minimum rating of 3.0 pounds per dozen. Clean blankets shall be provided as seasonally necessary.~~

~~(3) Youth shall receive clean bath towels daily.~~

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)5. FS. History--New _____.

63G-2.011 Medical Treatment, Health and Comfort.

(1) Medical:

(a) Each juvenile detention center shall enter into a contract or written agreement with a medical provider(s) selected to provide medical services and to provide a designated health authority for the center.

(b) The department shall ensure that personnel responsible for the care, supervision, and individualized treatment of youth are trained in the specialized areas required to comply with standards established by rule thus giving the department the authority to authorize a designated health authority. Due to the specialized nature of healthcare services and the recognized need for an established relationship with a primary healthcare

provider, each secure detention center must select a licensed physician licensed to serve as the designated health authority for that facility. Written health care policy and procedures shall be approved by the Designated Health Authority.

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

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

2. The on-duty supervisor shall document the incident and forward the report to the superintendent or designee.

~~(d) Entry screening is a mandatory component of healthcare at a DJJ facility. This shall consist of a routine screening and evaluation for physical and dental health upon a youth's entry into the facility by a Licensed Practical Nurse (LPN) or a Registered Nurse (RN). Facility entry screening shall be performed by trained facility staff or qualified health care personnel on all youth upon arrival at the facility. All youth entering a detention center shall receive the appropriate routine screenings and evaluations. Routine screening and evaluations are those procedures, tests, examinations and assessments that are required by the Department to be provided for each youth. Any urgent medical issue shall be brought to the attention of appropriate medical personnel.~~

~~(e) As part of the entry screening, information regarding the youth's health history will be collected. All youth will receive a Health Related History. Any acute or chronic problem identified will receive ongoing services and monitoring by the medical staff.~~

(f) Youth with known or suspected communicable diseases shall be isolated from the general population until evaluated by the designated health authority or the facility medical staff.

~~(g) Sick call requests shall be reviewed during the shift by the shift supervisor and then submitted to the medical clinic for triaging by the nurse. If there is not a nurse on duty at the time, the shift supervisor shall discuss with the nurse on call or send all emergencies to the nearest hospital. Each juvenile detention center shall have scheduled sick call days to address youth's medical complaints. Sick call request forms shall be reviewed by the shift supervisor during the same shift that they are submitted.~~

(h) Physician or dental orders shall be carried out by qualified health care personnel. All youth shall be furnished such food, medication and other items as prescribed by the responsible physician or dentist.

~~(j) The direct care staff shall be trained by the facility's nurses to administer all classes of medications during the times when the health care personnel are not on duty. Department supervising officers are provided a formalized medication training program, utilizing mandatory competency written and technical performance standards, by a Registered Nurse prior to providing youth assistance with medication administration. Security of all drugs and medical supplies shall be maintained at all times. Medicine prescribed for a youth by a physician or dentist shall be administered in accordance with the physician's or dentist's directions by qualified health care personnel and so noted in the youth's record. For those times when there is no qualified health care personnel to administer medication, staff trained and authorized may administer medication to the youth.~~

~~(k) 24-hour emergency medical care shall be provided. 24-hour emergency medical care means that in the case of a medical emergency, the superintendent has a plan in place such that all youth get immediate attention and are transported to the nearest emergency department per prior agreement between the detention center and the local emergency department. The superintendent shall provide for 24 hour emergency medical care and shall specify these arrangements in a written plan. The superintendent shall obtain a satisfactory arrangement with the nearest available hospital for the admission and services of youth on an emergency basis.~~

~~(l) The superintendent shall have policies and procedures in place in the case of a medical emergency within the facility. All direct care staff or any other personnel, including volunteers, who have direct contact with youth are to be trained and understand that they are to immediately call 911 in a medical emergency. Such training of emergencies might include but not be limited to: recognition of signs, symptoms and action required in potential emergency situations as provided through basic first aid training and cardiopulmonary resuscitation training; signs and symptoms of life threatening mental illnesses, and procedures for patient transfer to appropriate medical facilities or health care providers.~~

~~1. In a situation requiring immediate medical attention, the youth shall be taken to the nearest hospital for emergency care. The Designated Health Authority, the superintendent or assistant superintendent and parents or legal guardian shall be contacted immediately.~~

~~2. First aid kits shall be available in appropriate places. The responsible physician or designee shall approve the contents, number, location and procedure for periodic inspection of the kits.~~

~~3. All staff shall be trained in first aid and cardiopulmonary resuscitation procedures.~~

~~(1)(m) Security regulations applicable to facility support personnel shall also apply to health personnel.~~

~~(m)(n) Appropriate continuous state and federal licensure, certification or registration requirements and restrictions shall apply to personnel who provide health care services to youth. The duties and responsibilities of such personnel shall be governed by the Department manuals and policies. Written verification of current credentials and job descriptions shall be on file in the detention center.~~

~~(n)(o) Medical, pharmaceutical or cosmetic experiments shall not be performed on youth in detention centers.~~

~~(2) Mental Health and Substance Abuse:~~

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

~~(b) Mental Health and Substance Abuse Screening: The screenings performed on admission to the detention center are standardized instruments. All youth who are delivered to the department are screened for substance abuse and mental health needs during the initial intake process. When the instrument indicates further assessment is needed, or other information obtained at intake/admission suggests potential suicide risk, the youth must be referred for an assessment of suicide risk. Any youth with current suicide ideation must be immediately referred to a mental health clinical staff person who will confer with a licensed mental health professional to determine whether the assessment of suicide risk is to be conducted immediately or within 24 hours. The superintendent shall ensure that youth in the program have access to necessary and appropriate mental health and substance abuse services (on site and off site) performed by qualified mental health and substance abuse professionals or service provider(s) licensed in accordance with Florida Statutes.~~

~~(c) There shall be mental health and substance abuse screening upon admission to determine if the youth has any immediate mental health needs. Suicide risk screening shall be conducted upon a youth's admission to the program and/or when a youth that had been on inactive status re-enters the program.~~

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

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

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

(3) Hygiene:

(a) Youth shall engage in hygiene practices that promote health and well-being.

(b) Youth shall shower daily, participate in routine dental care and otherwise maintain a daily hygiene routine as promoted and endorsed by the designated health authority.

(c) Youth shall be provided the items necessary to allow them to perform proper hygiene.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)7. FS. History--New_____.

63G-2.012 Disciplinary Treatment.

(1) Principles:

(a) The behavior of youth and their interaction with supervising officers must contribute to the maintenance of a safe, secure and professional environment.

(b) Youth must understand there are consequences for all behaviors, and it is the responsibility of the supervising officers to consistently communicate this concept.

(c) The behavioral norms and expectations for youth shall be explained to all youth during the admission process, during orientation, and will be posted in all living areas and shall clearly specify what are appropriate and inappropriate behaviors.

(d) Consequences for non-compliant behavior of youth must have a direct association with those behaviors and must be fair, reasonable and equitable.

(e) Consequences for the behavior of youth are outlined in the behavior management system of each facility.

(2) Behavior Management:

(a) A behavior management system will provide clear guidelines and consequences, both positive and negative, for the behavior of youth. It shall be used as a tool to provide rewards for positive socially acceptable behavior and consequences for rule and law violations. The fair and consistent implementation of a behavior management system enhances safety and security as it relates to youth behavior. The behavior management system shall be shared and consistent with related support services, including but not limited to, on site educational, mental health and medical services.

1. Each facility shall implement a behavior management system to meet the needs of the youth and the facility. The system shall be approved by the regional director and shall include rewards for positive behavior.

2. It is the responsibility of the supervising officer(s) to carry out the facility's behavior management system.

(b) Corrective action shall be appropriate for the behavior and shall be fair and equitable.

(c) Group punishment shall not be used as a part of the facility's behavior management plan. However, corrective action taken with a group of youth is appropriate when the behavior of a group jeopardizes safety or security, and this should not be confused with group punishment.

(d) Corporal punishment shall not be used in detention facilities. All allegations of corporal punishment of any youth by facility staff shall be reported to the ~~Florida~~ Florida Central Abuse Hotline, pursuant to Chapter 39, Fla. Stat., and the Central Communications Center.

(e) The use of drugs to control the behavior of youth is prohibited. This does not preclude the proper administration of medication as prescribed by a licensed physician.

(3) Mechanical Restraints:

(a) Mechanical restraints shall be used as a method of controlling youth who present a threat to safety and security within the facility.

(b) Mechanical restraints shall be used when transporting youth outside the secure area of the facility.

(c) Mechanical restraints shall not be used as a means of discipline.

(d) Whenever mechanical restraints are used, a report shall be completed and submitted for review. The only exception is when used to transport youth outside the secure area of the facility.

(4) Confinement:

(a) Confinement is the most restrictive method of behavior management and is designed to ensure security, protect youth, officers and facility staff, and create youth accountability. Confinement may be used to gain immediate control of a situation, to ensure safety and security or to punish a youth for violation of facility rules. Confinement may not be used to harass, embarrass, demean or otherwise abuse a youth. It is the intent of the ~~Department~~ Department that confinement be used only after all reasonable efforts to work with a youth, through verbal de-escalation, have failed to bring the youth's behavior within the control of officers, or the youth's behavior is so egregious as to give rise to an imminent and significant danger to persons and/or property if the youth is allowed to remain in the general population. The use of confinement shall be monitored closely by the superintendent or designee to ensure appropriateness.

(b) There are conditions that must be maintained that relate to both rooms used for confinement and the supervision of youth in confinement.

1. Confinement room windows and cameras shall be free of obstructions.

2. Any room that possesses potential safety hazards shall not be used for confinement.

3. Rooms used for confinement will be free of any non-fixed items, including, but not limited to, sheets, blankets, mattresses, hygiene items, etc., and shall have been searched prior to the placement of any youth.

4. Youth in confinement shall be afforded living conditions approximating those available to the general population. This includes, but is not limited to: education, showers, meals, clothing, large muscle exercise, bedding (during sleeping hours only) and hygiene items as needed.

5. Youth shall not have contact with the general population while participating in these activities.

(c) Superintendents shall develop procedures for the placement of a youth in confinement. The following outlines the minimal procedural guidelines:

1. Verification of the level of supervision required including the documentation of visual observation. Youth who are at risk of suicide shall be placed on constant sight and sound supervision. Youth on close supervision shall be observed every 5 minutes. Youth on standard supervision shall be observed every 10 minutes. Youth who are determined to be at risk of suicide shall be supervised. The level of supervision will be either close supervision (5-minute checks) or constant sight and sound. Youth on standard supervision must be observed every ten minutes while in confinement.

2. A confinement report shall be submitted within one hour to the on-duty supervisor by the officer making the placement. The confinement report shall include a description of the incident and efforts made by staff to control the youth's behavior.

3. The confinement report shall be reviewed by the on-duty supervisor within two hours of submission to ensure the fair and appropriate use of confinement. The supervisor shall determine the appropriateness of the confinement placement, and if the supervisor determines the placement to be inappropriate, the youth shall immediately be released to the general population. The supervisor shall also review the youth's file to assess any special needs the youth may have that would merit alternatives to room confinement.

4. The on-duty supervisor, following the review of the confinement report, shall evaluate the youth's status, at a minimum, every three hours to determine if the continued confinement of the youth is required. This review shall include supporting documentation.

5. The confinement report shall be submitted by the end of the shift to the superintendent or designee following the removal of a youth from confinement. The superintendent or designee shall review the report within 48 hours excluding weekends and holidays.

(d) The length of time a youth may be placed in confinement is dictated by a number of factors including:

1. Severity of the rule violation;
2. Past disciplinary history;
3. Behavior while in confinement.

(e) On-Duty Supervisor(s) may continue a youth's time in confinement for up to 24 hours. The on-duty supervisor shall document the continued need for confinement every three hours. The superintendent or designee shall approve confinements extended beyond 24 hours, and every 24 hours afterwards, with reasons documented on the confinement report.

(f) The designated mental health professional shall evaluate and document the mental health status of all youth extended in confinement beyond 24 hours and every 24 hours afterwards excluding weekends and holidays.

(g) There are specific rule violations that, due to their severity and impact on safety and security, require mandatory confinement. The following violations require mandatory confinement:

1. A physical attack and/or battery by a youth on anyone in the facility;
2. Possession of any contraband that could reasonably be considered a weapon;
3. An escape or an attempt to escape;
4. Any gang related activities that could jeopardize safety or security;
5. Any attempt to resist staff that elevates to "active resistance" as defined in the department's verbal and physical intervention policy;
6. Felony property damage.

(h) The length of time for mandatory confinements shall be as follows:

1. 1st occurrence = 3 days;
2. 2nd occurrence = 4 days;
3. 3rd occurrence = 5 days.

In the event of an actual escape, a youth shall be placed in 5-day confinement upon the youth's his/her return to the facility. Occurrences are cumulative only for a youth's current stay in detention. The superintendent or designee shall review and document the status of youth placed in mandatory confinement every 24 hours. The superintendent may terminate a mandatory confinement at any time at his/_her discretion. Supervisors shall not be required to document the continued need for confinement but shall check and document the status of youth in mandatory confinement a minimum of two times on each shift.

(j) Confinements shall be communicated to school personnel for appropriate record keeping and tracking of school assignments.

(k) The length of confinement shall not exceed 5 days unless the release of the youth into the general population would jeopardize the safety and security of the facility as documented by the superintendent. No youth shall be held in confinement beyond five days without a confinement hearing that is conducted by a management or supervisory level staff person who is not employed in the detention center where the confinement is occurring. Such hearings shall be conducted under the following procedure:

1. The Superintendent shall complete a confinement hearing report that includes:

- a. A copy of the confinement report and all documented reviews and interviews with the youth;
- b. A statement of the specific rules violated;
- c. A formal statement of the charge;
- d. A description of the facts and circumstances giving rise to the confinement;
- e. The rationale for requesting a youth remain in room confinement;
- f. Staff witnesses;
- g. Disposition of any physical evidence;
- h. Any immediate action taken including the use of force; and
- j. Date and time the report is made.

2. A written copy of the confinement hearing report shall be furnished to the youth to read prior to the hearing. If the youth cannot read, an officer shall read the information to the youth. The youth shall be informed regarding the steps of the confinement hearing process, to include the youth's right to make a statement and to appeal the hearing officer's decision.

3. The superintendent or designee shall notify the youth's parents or guardians who are allowed to be present at the hearing. The attempt and outcome of the contact shall be documented. This shall include any calls or attempted calls made to the telephone numbers listed in JJIS, the youth file or as provided by the youth. A documented reasonable effort will be made to notify the youth's parents or guardians, who are allowed to be present at the hearing.

4. The youth shall be given an opportunity to make a statement and present documentary evidence and to have in attendance any person who has relevant information.

5. The hearing officer shall make one or more of the following findings:

- a. A determination whether the allegation is founded.
- b. A determination that the original decision to place the youth in confinement was warranted or unwarranted.
- c. A determination that the circumstances of the incident(s) warrant a request for charges to be filed.

d. A finding as to whether the youth continues to present a clear and present danger to others. In such a case, the hearing officer is authorized to continue the youth in confinement for an additional period of time as the officer may determine appropriate.

e. If the hearing officer finds that the youth does not continue to present a clear and present danger to others, the youth shall be returned to the general population.

6. Following any hearing in which a finding is reached that a youth will be continued in confinement, the hearing officer shall request that a mental health assessment be completed by a qualified mental health professional within 12 hours of the hearing. The mental health professional shall complete a report making recommendations to the hearing officer for the disposition of the youth that may include, but are not limited to, the following.

- a. Continuation in room confinement for a specified period of time.
- b. The filing of a Baker Act petition.
- c. Returning the youth to the general population under conditions prescribed by the licensed mental health professional.
- d. Referral for psychiatric evaluation and treatment.

7. If the hearing officer disagrees with any of the recommendations made by the mental health professional, the reasons for such disagreement shall be documented and forwarded to the regional mental health liaison. All evidence and circumstances considered in arriving at a dispositional decision shall be fully explained in the hearing record.

8. A copy of the hearing record shall be distributed to the regional director ~~for detention~~ and the Assistant Secretary for Detention.

9. The superintendent shall ensure the youth is notified of his/her right to appeal. A youth may appeal the hearing officer's decision to the regional director or to his or her designee. The regional director shall rule on all such appeals within 48 hours.

10. A copy of the hearing record of all cases in which it is found that the original decision to place a youth in room confinement was unwarranted will be sent to the regional director and kept in a separate facility file.

(l) The superintendent or designee shall develop a system for tracking confinement and documenting the appropriateness of its use. The superintendent or designee, to ensure the fair and proper use of confinement, shall review all confinement reports. The superintendent or designee shall review the overall use of confinement monthly to determine any patterns of misuse. A corrective action plan shall be implemented and forwarded to the regional director for review should misuse be determined.

(m) The regional director ~~Designated management~~ shall review the use of confinement quarterly.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)8. FS. History--New_____.

DEPARTMENT OF JUVENILE JUSTICE

Medical Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 63M-1 Human Immunodeficiency Virus (HIV)
 RULE NOS.: RULE TITLES:
 63M-1.001 Testing
 63M-1.002 Confidentiality

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed rule provisions, as noticed in Vol. 32, No. 12, of the Florida Administrative Weekly on March 24, 2006, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
 64B1-3.001 Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 18, of the May 5, 2006, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on June 23, 2006, voted to make changes to the rule to address the JAPC concerns.

Rule 64B1-3.001(6) – Subsection (6) should be deleted as follows:

~~(6) Acupuncture physician means any person certified as provided in this chapter to practice acupuncture as a primary health care provider.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
 64B1-9.005 Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 18, May 5, 2006, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn.

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn.

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

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
 12AER06-5 Sales of Books, Clothing and School Supplies during the Period July 22 through July 30, 2006

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: Section 1, Chapter 2006-63, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain books, clothing, and school supplies are exempt from sales and use tax. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means regarding the exemption during the period from 12:01 a.m., July 22, 2006, through midnight, July 30, 2006, for sales of books, clothing, wallets, or bags having a selling price of \$50