

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lawrence Steinert, Actuary, Property and Casualty Product  
Review, Office of Insurance Regulation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Tom Streukens, Deputy  
Commissioner, Office of Insurance Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 15, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 26, 2006

### Section III

## Notices of Changes, Corrections and Withdrawals

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-62.004	Manuals
5B-62.017	Tree Registration Certificate
5B-62.027	Exemptions

#### 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. 25, June 23, 2006, issue of the Florida Administrative Weekly.

5B-62.004 Manuals.

The regulations, definitions, and standards in Citrus Nursery Stock Certification Manual, Revised 9/08/06 ~~4/01/06~~, Citrus Budwood Testing Manual, Revised 4/01/06, and C. N. Roistacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis (Food and Agricultural Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, FL. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S.W. 34th Street, Gainesville, FL 32608-1201.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(23), 570.0705, 581.031(1), (14), (17), (23) FS. History–New \_\_\_\_\_.

5B-62.017 Tree Registration Certificate.

(5) Cancellation. Source Tree Registration Certificates (DACS-08072) will be suspended upon ~~will be canceled or suspended upon~~:

(7) Reinstatement. The Certificate of Source Tree Registration (DACS-08072) suspended as provided above may be reinstated when: ~~canceled or suspended as provided above may be reinstated when:~~

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New \_\_\_\_\_.

5B-62.027 Exemptions.

(2) The Department will propagate and maintain pathogen-infected material for the purpose of testing or shoot-tip grafting. The Department must approve the propagation or maintenance of pathogen-infected material for the purpose of testing or shoot tip grafting. Such material will be kept in enclosed structures on department owned sites. Such material must be kept in enclosed structures that have been approved by the Department.

Specific Authority 570.07(23), 581.031(1), (3), (8) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23) FS. History–New \_\_\_\_\_.

### DEPARTMENT OF EDUCATION

#### Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-14.002	Transportation Policies and Procedures

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32 No. 38, September 22, 2006 issue of the Florida Administrative Weekly has been withdrawn.

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

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

### DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-203.101	Canteen Operations

#### 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. 33, (August 18, 2006), issue of the Florida Administrative Weekly:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase \$65.00 of canteen merchandise on a weekly basis; ~~unless an increase up to \$100.00 is approved by the Secretary for special occasions.~~

(3) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002, FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, 12-14-04, 6-16-05,\_\_\_\_\_.

## LAND AND WATER ADJUDICATORY COMMISSION

### Twin Creeks Community Development District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

42DDD-1 Twin Creeks Community  
Development District

RULE NOS.: RULE TITLES:

42DDD-1.001 Establishment

42DDD-1.002 Boundary

42DDD-1.003 Supervisors

### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 32, No. 25, June 23, 2006, Florida Administrative Weekly have been withdrawn.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE NO.: RULE TITLE:  
59G-4.110 Hearing Services

### NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 33, August 18, 2006, issue of the Florida Administrative Weekly. This change is in response to written comments received prior to the public hearing.

The rule incorporates by reference the Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2006. The following change was made to the handbook:

Page 1-2, Provider Qualifications, the following qualification was added, "Audiology assistants and pre-professional graduates who do not meet the requirements to become a Medicaid provider must be supervised by a federally-qualified licensed Medicaid audiologist in order to provide any services to a Medicaid recipient.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:  
62-312.825 General Permit to U.S. Army Corps  
of Engineers for Environmental  
Restoration or Enhancement  
Activities

### 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. 26, June 30, 2006 issue of the Florida Administrative Weekly.

62-312.825 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities.

(1) No change.

(a) Section 204 of the Water Resources Development Act of 1992, as amended through January 24, 2002 (Beneficial Uses of Dredged Material), which is hereby adopted and incorporated by reference;

(b) Section 206 of the Water Resources Development Act of 1996, as amended through January 24, 2002 (Aquatic Ecosystem Restoration), which is hereby adopted and incorporated by reference; or

(c) Section 1135 of the Water Resources Development Act of 1986, as amended through January 24, 2002 (Project Modifications for Improvement of Environment), which is hereby adopted and incorporated by reference.

(2) No change.

(a) through (e) No change.

(f) Activities that would adversely affect historic properties listed in or eligible for listing in the National Register of Historic Places under the provisions of Section 267.061, F.S.;

~~(g) Activities requiring a permit under Section 373.1502, F.S., or authorized under Sections 206 or 528 of the Water Resources Development Act of 1996, Public Law 104-303 (Critical Restoration Projects).~~

(3) Prior to submittal of the notice to the agency to use this general permit as required and described in paragraph (5)(a), the environmental restoration or enhancement activity must be included in a Feasibility Report, Reevaluation Report, Letter Report or other equivalent Federal environmental decision document that has been reviewed by the state of Florida. Documentation that the state has found the environmental restoration or enhancement activity to be consistent with the Florida Coastal Management Program must be submitted with the notice to use this general permit.

(4) through (6) No change.

Specific Authority 373.026, 373.043, 373.044, 373.118, 373.406, ~~373.4145~~ ~~403.814~~ FS. Law Implemented 373.026, 373.043, 373.046, 373.118, 373.403, 373.413, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, ~~403.814~~ FS. History—New [effective date].

CONTACT: Beth Saska, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400; telephone (850)245-8486; facsimile (850)245-8499; or e-mail Beth.Saska@dep.state.fl.us.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-341.486  
 RULE TITLE: General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities

**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. 26, June 30, 2006 issue of the Florida Administrative Weekly.

62-341.486 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities.

(1) No change.

(a) Section 204 of the Water Resources Development Act of 1992, as amended through January 24, 2002 (Beneficial Uses of Dredged Material), which is hereby adopted and incorporated by reference;

(b) Section 206 of the Water Resources Development Act of 1996, as amended through January 24, 2002 (Aquatic Ecosystem Restoration), which is hereby adopted and incorporated by reference; or

(c) Section 1135 of the Water Resources Development Act of 1986, as amended through January 24, 2002 (Project Modifications for Improvement of Environment), which is hereby adopted and incorporated by reference.

(2) No change.

(3) Prior to submittal of the notice to the agency to use this general permit as required and described in paragraph (5)(a), the environmental restoration or enhancement activity must be included in a Feasibility Report, Reevaluation Report, Letter Report or other equivalent Federal environmental decision document that has been reviewed by the state of Florida. Documentation that the state has found the environmental restoration or enhancement activity to be consistent with the Florida Coastal Management Program must be submitted with the notice to use this general permit.

(4) through (6) No change.

Specific Authority 373.026, 373.043, 373.044, 373.118, 373.406, ~~373.414(9)~~ ~~403.814~~ FS. Law Implemented 373.026, 373.043, 373.046, 373.118, 373.403, 373.413, ~~373.414(9)~~, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, ~~403.814~~ FS. History—New

CONTACT: Beth Saska, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road-MS 2500, Tallahassee, FL 32399-2400; telephone (850)245-8486; facsimile (850)245-8499; or e-mail Beth.Saska@dep.state.fl.us.

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE CHAPTER NO.: 63E-6  
 RULE CHAPTER TITLE: Sheriff's Training and Respect Programs

RULE NOS.: 63E-6.003, 63E-6.006, 63E-6.009, 63E-6.011  
 RULE TITLES: Admission Criteria, Program Components, Program Administration, Youth Release or Transfer

**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. 30, July 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on August 21, 2006, and to those provided by the Joint Administrative Procedures Committee in an August 25 letter.

63E-6.003 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.) or physician assistant (PA) licensed under Chapter 458 or 459, F.S., or an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S. 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 completed within 60 days prior to commencement of 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 should be completed no more than

six months prior to commencement of the STAR program. A mental health clinical staff person is a person providing mental health services in a DJJ facility or program who has received training in mental health assessment processes and procedures and mental health treatment strategies and techniques. A Master's level mental health clinical staff person is a person who holds a Master's degree from an accredited university or college with a major in psychology, social work, counseling or related human services field. Related human services field is one in which major course work includes the study of human behavior and development, counseling and interviewing techniques, and individual, group or family therapy. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, F.S., 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 75 or classification as "Educable Mentally Handicapped" or "Trainable Mentally Handicapped," a need for intensive mental health treatment, reveals suicidal risk histories, a DSM-IV-TR diagnosis of substance abuse, substance dependence, poly substance dependence, substance intoxication or substance withdrawal, 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.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7)(a) FS. History--New \_\_\_\_\_.

#### 63E-6.006 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 pro-social 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; and

(f) Health care services, sick call and acute and chronic medical treatment provided by the Designated Health Authority, a Physician Assistant (PA) licensed under Chapter 458 or 459, F.S., an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S., or a Registered Nurse licensed under Chapter 464, F.S., at the level appropriate to their training.

(2) While the youth is in the program, assessment shall be made for conditional release, providing for the youth's transition back to his or her home community.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (4) FS. History--New \_\_\_\_\_.

#### 63E-6.009 Program Administration.

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

(a) Rule and contract compliance:

1. The inspection 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 by regional program monitors at least quarterly regarding their safety and security at the program. The interviews shall address 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, who comes on site weekly to perform administrative duties and healthcare services that are beyond the scope of the nurse's training.

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. Staff shall intervene anytime a youth indicates that he or she is in pain and unable to perform as instructed. Anytime a staff member determines that the health or physical safety of a youth has been compromised or is potentially compromised, the staff member shall remove the youth immediately from all physical activities without prior approval from supervisory or health care staff. 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. Around-the-clock, on-call access to the Designated Health Authority, Physician Assistant (PA), or Advanced Registered Nurse Practitioner (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. Requirements for the prominent display of the telephone number of the statewide abuse registry and for immediate access by children 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 Rule 63H-1.007, F.A.C.

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

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

## 63E-6.011 Youth Release or Transfer.

(1) The program shall notify the department regarding 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 physical or mental health status 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, physician assistant, 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.

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

**DEPARTMENT OF JUVENILE JUSTICE****Staff Development and Training**

63H-1	Protective Action Response
RULE NOS.:	RULE TITLES:
63H-1.002	Definitions
63H-1.007	Documentation and Retention of Records
63H-1.009	Certification
63H-1.014	Training Instructor Qualifications

**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. 30, July 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on August 21, 2006, and to those provided by the Joint Administrative Procedures Committee in an August 23 letter.

**63H-1.002 Definitions.**

(1) Active Resistance – Youth makes physically evasive movements to defeat an employee's attempts to control; for example, bracing, or 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.

(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 – A physician who holds an active license under Chapters 458 or 459, F.S.

(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 – Having direct contact with youth for the purpose of providing care, supervision, custody, or control in a detention facility, delinquency program, or commitment program within any restrictiveness level, operated by the department or by a provider under contract with the department.

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

(13) Facility Employee – Any employee who exercises direct care in a 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 and monitors PAR instructors 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 a facility employee's use of mechanical restraints as a result of a Level 3 response, as defined in subsection 63H-1.003(3), F.A.C. The Mechanical Restraints Supervision Log (ADSD-001, revised 6/01/06) is incorporated by reference, and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/mechanical\\_restraints\\_supervision\\_log.pdf](http://www.djj.state.fl.us/forms/sd/mechanical_restraints_supervision_log.pdf)).

(19) PAR Medical Release – The 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. The PAR Medical Release (ADSD-002, revised 8/15/03) is incorporated by reference, and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/par\\_medical\\_release.pdf](http://www.djj.state.fl.us/forms/sd/par_medical_release.pdf)).

(20) PAR Medical Status – The 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. The PAR Medical Status (ADSD-003, revised 6/01/06) is incorporated by reference, and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/par\\_medical\\_status.pdf](http://www.djj.state.fl.us/forms/sd/par_medical_status.pdf)).

(21) PAR Medical Review – The evaluation 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 refuses to obey all verbal directives.

(23) Post PAR Interview – The interview conducted by the Administrator 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 limited to, probation, 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. This does not include prevention programs.

(25) Program Employee – Any employee who exercises direct care for a program.

(26) 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) PAR Certification – This applies to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR trained are authorized to use PAR.

(28) PAR Escalation Matrix – The document that provides guidance as to the authorized level of response based upon the youth's level of resistance. This document articulates the five levels of resistance that may be displayed by a youth and the levels of response employees are authorized to use. The PAR Escalation Matrix (ADSD-004, revised 6/01/06) is incorporated by reference, and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/par\\_escalation\\_matrix.pdf](http://www.djj.state.fl.us/forms/sd/par_escalation_matrix.pdf)).

(29) PAR Incident Report – The form used to document the occurrence of an event where an employee has used one of the enumerated physical intervention techniques. The PAR Incident Report (ADSD-005, revised 6/01/06) is incorporated by reference, and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/par\\_incident\\_report.pdf](http://www.djj.state.fl.us/forms/sd/par_incident_report.pdf)).

(30) PAR Performance Evaluation Forms – These forms are used to measure an employee's or PAR Instructor's ability to perform verbal and physical intervention techniques and apply mechanical restraints. The following forms are incorporated by reference and are available at the department's website listed below respectively:

(a) PAR Performance Evaluation – State operated facility/Contracted detention/ and Law Enforcement operated facility staff (ADSD-006, revised 6/01/2006) ([http://www.djj.state.fl.us/forms/sd/par\\_performance\\_evaluation\\_state\\_operated.pdf](http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_state_operated.pdf))

(b) PAR Performance Evaluation – Contracted facility staff (ADSD-007, revised ~~8/15/2003~~ 6/01/2006) ([http://www.djj.state.fl.us/forms/sd/par\\_performance\\_evaluation\\_contracted.pdf](http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_contracted.pdf))

(c) PAR Performance Evaluation – Program staff (ADSD-008, revised 8/15/2003) ([http://www.djj.state.fl.us/forms/sd/par\\_performance\\_evaluation\\_program\\_staff.pdf](http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_program_staff.pdf))

(d) PAR Performance Evaluation – PAR Instructors (ADSD-009, revised 6/01/2006) ([http://www.djj.state.fl.us/forms/sd/par\\_performance\\_evaluation\\_instructor.pdf](http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_instructor.pdf)).

(31) PAR Training Plan forms– These forms identify 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 (except where provided in Rules 63H-1.003 and 63H-1.004, F.A.C.). The PAR Training Plan – Contracted facility staff form (ADSD-010, revised 6/01/2006) is incorporated by reference and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/par\\_training\\_plan.pdf](http://www.djj.state.fl.us/forms/sd/par_training_plan.pdf)).

(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 response level.

(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.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New\_\_\_\_\_.

63H-1.007 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 as a result of a level 3 response, the Mechanical Restraints Supervision Log shall be completed.

(d) All reports of incidents in which employees are trained in the use of CJSTC techniques shall be completed according to the facility's reporting documentation procedures.

(2) Review and Retention of Records:

(a) The PAR Incident Report shall be reviewed by the administrator or designee within 72-hours of the incident, excluding weekends and holidays.

(b) A monthly summary of all PAR Incident Reports shall be submitted to the regional director or designee within two weeks of the end of each month.

(c) Post PAR Interview: The administrator or designee shall interview the youth. The purpose of the interview is to determine if a youth has any physical complaints, any visible injuries, is unable to answer questions appropriately, is not fully alert, appears short of breath or distressed in any way, or demonstrates anything else of concern to the interviewer, then a PAR Medical Review is mandatory. This interview must be conducted as soon as possible, but no longer than thirty minutes after the incident. The findings of the interview shall be placed in the youth's individual health care record, and 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.

~~(d)~~~~(e)~~ PAR Medical Review:

1. If the Post PAR Interview indicates the need for a PAR Medical Review the youth shall be referred to the licensed medical health professional (Physician, Physician Assistant, Advanced Registered Nurse Practitioner, Registered Nurse, or Licensed Practical Nurse) on site. If a medical health professional is not on site, then the youth must be sent off site for this evaluation.

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 if the youth requires further 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." 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."

~~(e)~~~~(d)~~ The supervisor or designee shall review the PAR Incident Report, including the Post PAR Interview and the PAR Medical Review prior to the report being submitted to the Administrator or designee.

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

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

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 Report shall be placed in the facility's or program's centralized file within 48 hours of being signed by the Administrator.

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

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New\_\_\_\_\_.

63H-1.009 Certification.

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

~~(1)~~~~(2)~~ Any employee hired on or after 7/01/2006, must become PAR certified within 90 calendar days following his or her date of hire.

~~(2)~~~~(3)~~ Any employee who exercises direct care prior to receiving PAR certification must be directly supervised by an employee who is PAR certified.

~~(3)~~~~(4)~~ Employees shall be PAR certified by successfully completing the PAR training designed for facility or program employees, whichever is applicable. Successful completion requires:

(a) Attendance and participation in the training hours specified in the employee's PAR curriculum (40 hours for Facility employees and 32 hours for Program employees). Employees shall participate in the performance of all physical intervention techniques and mechanical restraints being taught during the training session.

(b) A minimum score of seventy-five percent (75%) on the PAR written examination.

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

~~(4)~~~~(5)~~ All PAR training must be conducted by a certified PAR Instructor (Rule 63H-1.014, F.A.C.).

~~(5)~~~~(6)~~ 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.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b), (e) FS. History--New\_\_\_\_\_

63H-1.014 Training Instructor Qualifications.

(1) PAR Instructor Candidate requirements:

(a) One year of experience, working full time, in juvenile justice, criminal justice, or juvenile social services;

(b) PAR certification;



(c) Successful completion of the Instructor Techniques Workshop 80-hour course; and

(d) Successful completion of the PAR Train-the-Trainer 80-hour course conducted by a Master PAR Instructor. 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 Instructor 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 Report form. The PAR Instructor Skills Evaluation Report form (ADSD-011, revised 6/01/2006) is incorporated by reference, and is available at the department's website ([http://www.djj.state.fl.us/forms/sd/par\\_performance\\_evaluation.pdf](http://www.djj.state.fl.us/forms/sd/par_performance_evaluation.pdf)).

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

(3) 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.

(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.

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

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History—New\_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE NO.:

RULE TITLE:

64B15-19.009

Submission of Malpractice Record

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 35, September 1, 2006 issue of the Florida Administrative Weekly.

The rule development notice on the above-proposed rule was confirmed as being scheduled for publication on the September 1, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 35 and was inadvertently left out from publishing as scheduled. As a correction of this, the rule development on the above-proposed rule is being resubmitted here as follows:

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to establish rules for compliance with new legislation.

**SUBJECT AREA TO BE ADDRESSED:** Submission of Malpractice Record.

**SPECIFIC AUTHORITY:** 456.50(2) FS.

**LAW IMPLEMENTED:** 456.50(2) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

#### 64B15-19.009 Submission of Malpractice Record.

(1) All physicians licensed pursuant to Chapter 459, F.S., shall provide the Board of Osteopathic Medicine a copy of the record of any finding of medical malpractice resulting from a civil or administrative proceeding, entered against the licensee in any jurisdiction on or after November 2, 2004 within 60 days of entry of the final judgment or order. The record shall be sent to the Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN-CO6, Tallahassee, Florida 32399.

(2) The record shall include the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, all evidence admitted, those matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.

(3) The record shall be provided to the Board on a read only CD ROM disc in portable document format (.pdf) or tagged image file format (.tif).

Specific Authority 456.50(2) FS. Law Implemented 456.50(2) FS.  
History—New

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: RULE TITLE:  
64B18-12.011 Assessment Fees

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 30, of the July 28, 2006, issue of the Florida Administrative Weekly. The correction is in response to comments submitted by the Joint Administrative Procedures Committee. The correction is as follows:

The text of the rule shall read as:

In order to maintain integrity, the Board is assessing a one time assessment fee on all podiatric physicians of \$375.00, payable by March 31, 2007, in compliance with Section 456.025, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: RULE TITLES:  
64E-6.001 General  
64E-6.020 Master Septic Tank Contractors  
64E-6.021 Issuance of Registration Certificates and Renewal

**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. 35, September 1, 2006 issue of the Florida Administrative Weekly.

64E-6.001 General.

(1) through (2) No change.

(3) Combination of commercial and domestic sewage into a single system shall require that all the sewage be treated ~~treatment~~ as commercial sewage.

(4) Except as provided for in Section 381.0065, F.S. ~~other provisions of law~~, any existing and prior approved system which has been placed into use and which remains in satisfactory operating condition shall remain valid for use under the terms of the rule and permit under which it was approved. Alterations that change the conditions under which the system was permitted and approved, sewage characteristics or increase sewage flow will require that the owner, or their authorized representative, apply for and receive reapproval of the system by the DOH county health department, prior to any alteration of the structure, or system. If an applicant requests that the department consider the previous structure's or

establishment's most recent approved occupancy, the applicant must provide written documentation that the onsite sewage treatment and disposal system was approved by the department for that previous occupancy. An applicant will be required to complete Form DH 4015, 10/97, Application for Onsite Sewage Treatment and Disposal System Construction Permit, herein incorporated by reference, and provide a site plan in accordance with paragraph 64E-6.004(3)(a), F.A.C., to provide information of the site conditions under which the system is currently in use and conditions under which it will be used. The applicant shall have all system tanks, pumped by a permitted septage disposal service to determine tank volume based on the actual measurements of the tank. The service pumping the tank shall perform a visual inspection of the tank when the tank is empty to detect any observable defects or leaks in the tank, and shall submit the results to the DOH county health department as part of the application. If a prior approved existing system has been approved by the DOH county health department within the preceding three years, and the system was determined to be in satisfactory operating condition at that time, a new inspection is not required unless there is a record of failure of the system. If it is determined that a new inspection is not required, only the application fee shall be charged for this application and approval. A commercial system out of service for more than one year shall be brought into full compliance with current requirements of this Chapter prior to the system being placed into service. If the use of a building is changed or if additions or alterations to a building are made which will increase domestic sewage flow, change sewage characteristics, or compromise the integrity or function of the system, the onsite sewage treatment and disposal system serving such building shall be brought into full compliance with the provisions and requirements of these rules. Proper well setbacks shall be maintained. Prior to any modification of the system, the owner shall apply for and obtain a permit for modification of the system from the county health department in accordance with Rule 64E-6.004, F.A.C. The permit shall be valid for 18 months from the date of issue. Where building construction has commenced, it shall be valid for an additional 90 days. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer with soils training who is licensed in the state of Florida pursuant to Chapter 471, F.S., registered septic tank contractors, master septic tank contractors, or persons certified under Section 381.0101, F.S., or department personnel for the appropriate fee specified in Section 381.0066, F.S.

(a) through (g) No change.

(5) through (7) No change.

Specific Authority 381.0011(4), (13), 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.041, Amended 11-19-97, 2-3-98, 3-22-00, 9-5-00, 5-24-04,

64E-6.020 Master Septic Tank Contractors.

(1) through (6) No change.

Specific Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553, 489.554 FS. History--New 2-13-97, Formerly 10D-6.0725, Amended 2-3-98, 4-21-02, 6-18-03.

64E-6.021 Issuance of Registration Certificates and Renewal.

(1) through (2) No change.

(3) A registered contractor may request inactive status. ~~Inactive registrations not renewed in five renewal cycles from the date of inactivation shall be considered null and void.~~ Persons wishing to renew an inactive registration must make application on Form DH 4076 and substantiate 12 classroom hours of approved instruction for each year the registration was considered inactive. Application must be accompanied by necessary exhibits and renewal fees. Persons holding inactive registrations for more than five renewal cycles from the date of inactivation who wish to become active may not renew the inactive registration but shall seek new registration under Rule 64E-6.019, F.A.C.

(4) No change.

(5) Approval of continuing education courses and course providers will be in accordance with the department Policy on Requirements for Continuing Education Courses and Course Providers, September 2006 ~~July 2003~~, herein incorporated by reference.

(6) through (7) No change.

Specific Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553, 489.554 FS. History--New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.073, Amended 3-22-00, 4-21-02, 5-24-04,\_\_\_\_\_.

## Section IV Emergency Rules

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

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

### DEPARTMENT OF JUVENILE JUSTICE

RULE NOS:

63EER06-44

63EER06-45

63EER06-46

63EER06-47

63EER06-48

63EER06-49

63EER06-50

63EER06-51

63EER06-52

63EER06-53

63EER06-54

RULE TITLES:

Purpose and Scope

Definitions

Admission Criteria

Admission Procedures

Program Orientation

Program Components

Behavior Management

Operational Inspections.

Program Administration.

Staff Training Requirements

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 required the programs be in compliance with Department rules upon their July 1, 2006 opening, and authorized the Department to utilize emergency rulemaking procedures. Emergency Rules 63EER06-17 through 63EER06-27 timely implemented the STAR program on July 1. Those rules will expire on September 28, 2006. Because permanent rules are not yet finalized, amended Emergency Rules 63EER06-44 through 63EER06-54 are necessary to ensure the safety and welfare of youths in STAR programs.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** Emergency Rules 63EER06-17 through 63EER06-27 will expire on September 28, 2006. The permanent rules that will take their place have required extensive amendment, necessitating unexpected delay. Emergency Rules 63EER06-44 through 63EER06-54 incorporate the amendments that will be included in the permanent rules, and are thus the product of the workshops and hearings that have been conducted on their permanent rule counterparts. A separate hearing on these emergency rules was noticed in the September 15, 2006, Florida Administrative Weekly, and was held on September 22. The draft emergency rules were posted on the Department's website.

**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 RULES 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: